



Committee on the Elimination of Discrimination Against Women (CEDAW)

Contribution to the 2030 Sustainable Development Goals in response to a call for inputs by the High-Level Political Forum on Sustainable Development (HLPF)

27 April 2018

1. An assessment of the situation regarding the principle of “ensuring that no one is left behind” at the global level:

The Committee on the Elimination of Discrimination against Women (the Committee) is the international body charged with overseeing the implementation of the legal obligations of the 189 States parties under the Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW Convention). The Committee is keenly aware of the nexus between development and the realization of women’s rights. The near universal ratification of the CEDAW Convention, together with the vast experience of the Committee since its establishment in 1982 in relation to women and development garnered through its supervisory mandate, underlines the importance of the Committee’s expertise in the implementation of the principle of “ensuring that no one is left behind”.

Article 1 of the CEDAW Convention prohibits any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the enjoyment and exercise of rights by women on an equal basis with men. The Committee has thus repeatedly articulated, through its General Recommendations, a vision of substantive equality which takes into account the reality of women and girls’ lives that is impacted both by historic discrimination as well as actual differences between females and males.

It is clear that CEDAW does not only refer to the absence of a discriminatory legal framework, but also notes that policies must not be discriminatory in effect. CEDAW requires that states achieve both substantive and formal equality and recognizes that formal equality alone is insufficient for a state to meet its obligation to achieve substantive equality between men and women and requires measures to address both direct and indirect discrimination.

CEDAW provides robust standards on equality and non-discrimination for all women. It also provides critical normative standards that are intrinsically linked to the Agenda 2030 for sustainable development such as those related to food, education health, housing, non-discrimination, political participation and freedoms of expression and assembly. From this perspective, anchoring the Agenda 2030 to the principle of “ensuring that no one it is left behind” requires the adoption of a development framework based on the standards for the full enjoyment of human rights by women proposed by CEDAW.

Along these lines, the assessment of the global situation illustrated hereinafter is mainly based on the Committee’s work under Article 18 of the CEDAW Convention. It consists of the analysis of progress made by each State Party that is duty bound to present a report to the CEDAW Committee. The report is reviewed during a CEDAW session, wherein the CEDAW Committee engages in a “constructive dialogue” with the States party.



The constructive dialogue is an important mechanism for assessing the legislative and administrative national framework but also in considering the factors that shape women's daily lives and their ability to realize rights. These factors include many of the indicators considered in SDG 5 and other targets outlined in Agenda 2030 related to gender equality, such as: the impact of sexual stereotypes and gender based violence on women; the conditions and type of work in paid employment; the burden of unpaid care work; the limited control women have over their own body and finances; and the impact of armed conflict on the situation of women and girls.

From the CEDAW Committee perspective, an assessment at the global level cannot fail to mention that while many countries recognize the legislative principle of non-discrimination based on gender and sex, the CEDAW principle of substantive equality between women and men is still not fully accepted and implemented in many regions of the world and in many State Parties.

One important implication of this is that States tend to neglect the implementation of policies aimed at preventing "discrimination" against women, while insufficient emphasis is placed on adopting 'temporary special measures' to address a history of disadvantage of women and girls. Temporary Special Measures could be crucial in achieving gender equality and should be used in the implementation of the 2030 Agenda for Sustainable Development.

The CEDAW is considered as the principal legal framework for assessing discrimination against women and girls and it is expected to play a role in reviewing progress towards the implementation of SDG target 5.1 (end all forms of discrimination against all women and girls everywhere) and its indicator 5.1.1 (whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex). In this regard, the CEDAW Committee will approve new Guidelines for States parties to examine whether they respect, protect, and fulfil human rights of women in line with the Convention, and to identify whether progress is on-track vis-à-vis the SDGs target 5.1 and indicator 5.1.1 .

In the 2030 Agenda, ending discrimination against women and girls is interpreted as a means of transforming the deeply embedded civil, political, social, economic and cultural structures that impede the participation of women and girls in development on a basis of equality with men and boys. Therefore, this interpretation must be applied in the assessment of indicator 5.1.1 jointly with the CEDAW definition of discrimination and substantive equality and with the approach to multiple forms of discrimination.

All these dimensions are important for the CEDAW Committee to monitor whether and how States Parties respect, protect, promote and fulfil the right to non-discrimination of women and girls, to ensure progress, as well as improving "their position to one of de jure as well as de facto equality with men" as requested by the overarching philosophy of the 2030 Agenda that "no one should be left behind".

During its most recent sessions the CEDAW Committee made substantive efforts to link the implementation of the 2030 Agenda with the CEDAW provisions by approving General Recommendations to guide States Parties to the Convention in ensuring that no one is left behind. On 14 July 2017, the CEDAW Committee adopted General Recommendation No. 35 on gender-based violence against women, updating General Recommendation 19. The new General Recommendation amplifies State party obligations against such violence as a form of



discrimination within article 1 of CEDAW. It clearly defines different levels of liability of the State, for acts and omissions committed by its agents or those acting under its authority - within the territory of the State party or abroad- and for failing to act with due diligence, to prevent violence at the hands of private individuals and companies, to protect women and girls from violence, and to ensure access to remedies for survivors.

States parties are encouraged to examine gender-neutral laws and policies to ensure they do not create or perpetuate existing discrimination, for instance with respect to immigration or the creation of statelessness, in connection with SDG targets 5.1, 5.2 and 5.3 of the 2030 Agenda. The responsibility of States can result from acts or omissions of State or non-State actors, acting territorially or extraterritorially, or extraterritorial actions by private corporations. In particular, States should be aware that certain factors, such as: a reduction in public spending, austerity measures, extraterritorial corporate behaviour, as well as, environmental degradation, militarisation, displacement, globalisation of economic activities, foreign occupation, armed conflict, violent extremism and terrorism, can be causes of gender-based violence against women. The CEDAW Committee clearly encourages the use of incentives and corporate responsibility models, for the private sector, including businesses and transnational corporations, (in connection with the AAAA commitment 112).

In this regard, the new General Recommendation No. 36 on “Girls’ and women’s right to education” expands the interpretation of article 10 of the CEDAW Convention and explicitly mentions two critical education targets to be met under SDG 4 of the 2030 Agenda. General Recommendation 36 underscores that it is imperative to champion the transformative nature of the right to education, because educational systems can perpetuate and deepen patterns of gender inequality. The links with the 2030 Agenda include addressing the connection between girls and women’s education and their economic and social empowerment; redressing inequalities in education in the context of economic crises, for disadvantaged groups of girls and women and in conflict situations; addressing the impact of cultural and religious practices on education, gender based violence against women and girls and harmful practices. Furthermore, General recommendation 36 places specific focus on efforts made by States parties to ensure access of women and girls to financial education, ICT technologies and STEM curricula, and mentions the relationship between levels of national wealth and investment in education which should reflect the degree to which national governments are dedicated to the quality of their educational system.

Of Particular relevance to the theme of the HLPF 2018 has been the approval of CEDAW General Recommendation 37 on Gender-related dimensions of disaster risk reduction in the context of climate change, which is the first soft law document by a human rights treaty-body focused on the issue of disaster risk reduction and climate change. The Recommendation authoritatively interprets the need to ensure that the human rights of women and girls are respected, protected and fulfilled in accordance with international law by focusing on the obligations of States parties and non-State actors to take effective measures to prevent, mitigate and respond to disasters and climate change. As such, it offers a clear vision of the connections between CEDAW and the 2030 Agenda for sustainable development. It stresses three general principles of the CEDAW Convention as particularly relevant in the context of climate change: substantive equality and non-discrimination; participation and empowerment; accountability and access to justice. It also elaborates on the protection of the rights guaranteed under the Convention in relation to six areas of particular concern that are connected to the 2030 Agenda: gender-based violence; migration and forced displacement; the right to health; the right to an adequate standard of living; the right



to education and information; and the right to work and social protection. Furthermore, the Recommendation is particularly strong in highlighting how achieving gender equality becomes a factor that will reinforce the resilience of individuals and communities globally. Therefore it contributes to coherence, accountability and mutual reinforcement of different international agendas on environmental sustainability and women's human rights, and indicates that the gender related targets outlined in SDGs 6, 10, 11 and 13 are crucial for gender equality and sustainability in the areas of disaster risk reduction and climate change mitigation and adaptation. States obligations apply both within and outside their territories, and to this end, the General Recommendation highlights inter alia, the impact of extractive industries and identifies specific measures such as limiting fossil fuel use, reducing trans-boundary pollution and greenhouse gas emissions and promoting the transition to renewable energies which are regarded as crucial steps in mitigating the negative impact of climate change and disasters globally which exacerbate existing inequalities. All these new instruments may be used by State parties to effectively address discrimination against women and girls.

Currently, evidence suggests a greater relative growth in government institutions and plans to prevent gender-based violence against women, however, while there is a global trend of raising awareness on the impact of gender-based violence against women including domestic violence, harmful practices and violence in conflict situations, the implementation of legal obligations and effective policies is still limited.

Access to justice by women remains a problem. In practice, the Committee has observed a number of obstacles and restrictions that impede women from realizing their right to access to justice on the basis of equality. These obstacles occur in a structural context of discrimination and inequality, due to factors such as gender stereotyping, discriminatory laws, intersecting or compounded discrimination, procedural and evidentiary requirements and practices, and a failure to systematically ensure that judicial mechanisms are physically, economically, socially and culturally accessible to all women.

Moreover, the intersection of gender with other forms of disadvantage, such as race, class, ethnicity and sexuality, it is scarcely considered by nearly all countries and this causes an increase in inequalities among women, especially in countries where economic development has been more pronounced but insufficiently accompanied by democratic and social reforms. There are different trends between different regional contexts.

In least developed countries, a woman living in a rural area is significantly less likely to give birth with the assistance of a skilled health professional than her counterpart living in the city. In Latin America, for example, indigenous women are more than twice as likely to be illiterate than non-indigenous women. These glaring disparities have narrowed in some countries, but in others they have actually widened.

Advancements have been achieved in increasing female representation in government, however in many cases, the focus is on numbers rather than actual political power. Women throughout many regions of the world have made considerable gains, particularly in the areas of health and education. However, women generally remain less economically empowered than men and the recent economic crisis is hindering their economic empowerment.

Realizing women's economic rights necessitates going beyond the promotion of women's



empowerment in the labour market because it questions the enforcement of labour rights, the quality of employment, while volatility of earnings must also be considered. Work must be viewed as a continuum that encompasses both paid and unpaid labour in order to understand the constraints women face in realizing their rights to decent work. One reason why women face different economic circumstances to men is often due to their responsibility for unpaid care work. Unpaid care work now features at the forefront of the 2030 Agenda, and must therefore be given due recognition in statistics and policy, as well as through reduced by public investment and programs against poverty.

Sexual and reproductive health and rights of women and girls, particularly during conflict, are often ignored. Women's sexual and reproductive health rights are also at risk when they are subjected to female genital mutilation (FGM) and early, child and forced marriages (ECFM). Violations of women's sexual and reproductive health rights are often deeply engrained in societal values pertaining to women's sexuality. Patriarchal concepts of women's roles within the family mean that women are often value based on their ability to reproduce. Early marriage and pregnancy, or repeated pregnancies spaced too closely together, often as the result of efforts to produce male offspring because of the preference for sons, has a devastating impact on women's health, with sometimes fatal consequences. Women are also often blamed for infertility, suffering ostracism and subjected to various human rights violations as a result. These forms of discrimination are very often related to family laws which pose a problem for gender equality in many areas of the world. Family structures, gendered labour division within the family and family laws affect women's economic well-being no less than labour market structures and labour laws.

Inequality in the family underlies all other aspects of discrimination against women and is often justified in the name of ideology, tradition and culture. An examination of the reports of States parties reveals that in many States, the rights and responsibilities of married partners are governed by the principles of civil or common law, religious or customary laws and practices, or some combination of such laws and practices that discriminate against women and do not comply with the principles set out in the Convention. Many of the States parties that maintain such legal arrangements have entered reservations to all or parts of articles 2 and 16. The Committee has repeatedly noted the extent of these reservations that are incompatible with the object and purpose of the Convention.

Significant gaps in gender equality remain in decision-making processes, in particular in relation to economic empowerment, women's access to credit and collaterals, as well as unequal opportunity in the fields of education, training and property rights. Globally, and with few exceptions, rural women disproportionately experience poverty and exclusion, often facing systemic discrimination in accessing land and natural resources.

Women human right defenders are subject to the same types of risks as any human rights defender, but as women, they are also targeted or exposed to gender-specific threats and violence.

The equitable application of these rights for all persons, as well as the development of accountability systems represent a significant challenge for the coming decades which imply a robust participation of different stakeholders at the national and international level from institutions, parliaments and civil society.



2. The identification of gaps, areas requiring urgent attention, risks and challenges:

Conflicts and situations of instability exacerbate pre-existing patterns of discrimination against women and girls, exposing them to heightened risks of violations of their human rights. Conflict can result in acceptance of higher levels of violence against women and girls, including arbitrary killings, torture and mutilation, sexual violence, and forced marriage. Women and girls are primarily and increasingly targeted by the use of sexual violence, including as a tactic of war. Violence against women and girls also spikes in post-conflict societies, due to the general break down of the rule of law, the availability of small arms, the breakdown of social and family structures and the “normalization” of gender-based violence as an additional element of pre-existing discrimination. Trafficking in women and girls is also exacerbated during and after conflict owing to the breakdown of political, economic and social structures, high levels of violence and increased militarism. Also, conflict can create particular war-related demand for women’s sexual, economic and military exploitation.

The lack of delivery of essential services to the population experienced during conflict and situations of strife and instability can have a disproportionate impact on women and girls.

Other major human rights concerns include inequitable access to assistance, education and training. Women’s exclusion from conflict prevention efforts, post-conflict transition and reconstruction processes have been matters of concern for the international community.

The continuing refugee crisis in the Middle East requires urgent measures. Refugee camps are cramped, and thousands of people are living in extreme poverty, without access to basic needs like electricity and clean water. Violence against women is escalating and becoming the new normal in camps across Lebanon, Jordan, Turkey, and Iraq.

The global financial crisis has wreaked havoc on livelihoods and the promotion of austerity policies in many regions of the world to deal with the increases in government budget deficits, has led to the erosion of economic and social rights all over the world but especially in highly developed countries.

Another risk is represented by financial globalization, trade liberalization, the on-going privatization of public services and the ever-expanding role of corporate interests in the development process. All these processes have shifted power relations in ways that undermine the enjoyment of human rights and the building of sustainable livelihoods. After the global financial crisis, the world continues to struggle with low growth and high unemployment.

As gender discrimination compounds other forms of disadvantage—on the basis of socioeconomic status, geographic location, race, caste and ethnicity, sexuality or disability— the current trends can severely limit women’s and girls’ opportunities and life chances.

In this sense, it is important to highlight that Member States implement specific policies towards full and productive employment and decent work for all women and men (target 8.5); and to promote inclusive and sustainable industrialization and foster innovation (SDG 9).

Moreover, in order to advance these goals, regulation of the private sector, especially transnational corporations, and a radical change in trade and investment rules are urgently needed as well as Initiatives for ensuring that private sector accountability and its human rights



impact are central in national strategies.

3. Valuable lessons learned on eradicating poverty and promoting prosperity:

From our experience, traditional models of development based predominantly on economic growth, do not automatically lead to gender equality and the realization of women's rights and empowerment because they require the expansion of the democratic space as well as peace.

Focusing only on the symptoms and manifestations of women's exclusion (e.g. lack of income, education or health), rather than their structural causes (e.g. discrimination, lack of access to justice and to resources, lack of representation), has often led to narrow, discretionary measures aimed at addressing short-term needs, which do not allow for the understanding of the real contribution of women to sustainable development.

Globally, only about half of all women are in the labour force, compared with about four fifths of all men. Women are most at risk of obtaining low-quality employment, as demonstrated by the fact that they are responsible for carrying out the majority of unpaid care work and are more likely to work in informal and precarious jobs. Women perform the bulk of unpaid care work across all economies and cultures, with variations by age, household structure, social class, location, and so forth. However, to say that care is provided on an unpaid basis does not mean that it carries no cost.

To redress the inequalities around the issue of care there is a need for policy measures that can reduce unpaid domestic and care work, through investments in infrastructure and to redistribute it, not only between women and men, but also between families and society by using public revenues to fund accessible and quality care services, universal family benefits, and so on. To facilitate policy responsiveness, it is also important to recognise unpaid care by making it more visible through statistics as well as in public debates.

Domestic resource mobilization policies need to be reviewed for their impact on women's income, work, including unpaid labour and unpaid care, and property and assets ownership because of women's socially constructed roles as primary caregivers and their responsibility for providing goods and services for their families.

4. Emerging issues likely to affect the realization of poverty eradication and achieving prosperity:

There are many factors that can affect the realization of poverty eradication among women and girls, among them: the rise of extremism, escalating violent conflict, recurrent and deepening economic crises, volatile food and energy prices, food insecurity, natural disasters and the effects of climate change. All these have intensified vulnerability and increased gender inequalities.

To remove these global obstacles to sustainable development, in order to address systemic issues and create the conditions to respect, protect and fulfil human rights, in particular women's rights, it is important to acknowledge the macro-economic dimension of the unpaid domestic and care work and the need to reduce and redistribute it among the State, private sector, communities, families, men and women avoiding women's empowerment as a means of achieving economic growth, to increase productivity and to improve economic performance and not as a right to



equality between women and men.

In particular, women's unpaid care work cannot be seen as a stabilizer and shock absorber of the economic and financial crises. This reference to Gender Equality as Smart Economics" rather than to women and girls' entitlement to human rights is limiting, rather than realizing women's and girls' human rights as per the foundation of the UN. Respecting, protecting and fulfilling women's human rights and establishing the structural conditions to realize these rights requires countercyclical and social policies that avoid transferring the costs that derive from austerity measures, privatization, cuts in cash transfers and social services.

Another risk in the implementation of the Agenda is represented by the possibility to monitor the role of the private sector which often contradicts and undermines human rights, especially women's rights. Despite the evidence that the benefits of trade liberalization have been distributed extremely unevenly between and within countries, in many countries the exploitation of women's cheap labour and precarious employment as a source of competitive advantage and the displacement and appropriation of indigenous people's knowledge, are used to attract foreign investment that are necessary for the development of domestic industry.

There is not enough evidence on the efficiency and quality of infrastructure and public services provided by the private public partnerships (PPPs) much less of their impact on poverty, inequality or promotion to gender equality. However, PPPs are promoted with no sufficient safeguards to ensure accessibility, affordability and quality of the services and infrastructure that they are expected to deliver, or to ensure that they do not create unacceptable contingent liabilities for governments.

States have duties and responsibilities to protect people from harms caused by the private sector, and to ensure that businesses respect human rights in their activities and clear mandatory rules and accountability mechanisms are needed to ensure private sector compliance with human rights, including women's and indigenous people's rights.

New social compacts that can be implemented according the Agenda 2030 should not blur the current state obligations to fulfil the human right to social security established in Art. 9 in the Universal Declaration on Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and CEDAW (art. 11, 13, 14).

5. Areas where political guidance by the High-level Political Forum on Sustainable Development is required:

Given the concern about current patterns of development, the political guidance by the High-level Political Forum on Sustainable Development could be strategic in addressing the strategy for structural reforms to overcome poverty and inequality, which are the main causes of gender inequality.

Encouraging a multi-stakeholder accountability mechanism could be helpful in this regard, for example by taking the Universal, Periodic Review mechanism of the Human Rights Council as an inspiration to encourage and incentivise regular and universal reporting and robust peer review by Member States, or by inviting independent 'shadow reports' from civil society organisations alongside the official government reports, as is the practice of CEDAW and some of the other treaty bodies.



For the specific SDGs which are at stake at the HLPF ECOSOC 2018 it is important that member States of the UN recognize that climate change is exacerbating the risks and impact of disasters globally with specific consequences on women and girls.

In many contexts, gender inequalities limit the control that women and girls have over decisions governing their lives as well as their access to resources such as food, water, agricultural inputs, land, credit, energy, technologies, education, health, adequate housing, social protection and employment. As a result of these inequalities, women and girls are more likely to be exposed to disaster induced risks and losses related to their livelihoods and they are less able to adapt to changes in climatic conditions. The categorization of women and girls as passive 'vulnerable groups' in need of protection from the impact of disasters is a negative gender stereotype that fails to recognize the important contributions that women are already making. Well-designed disaster risk reduction and climate change initiatives that provide for women's full and effective participation can advance substantive gender equality and women's empowerment, and ensuring that sustainable development, disaster risk reduction and climate change objectives are achieved. Therefore, States should increase dedicated budget allocations at the international, regional, national and local levels to respond to gender specific disaster and climate change prevention, preparedness, mitigation, recovery and adaptation needs in the infrastructure and service sectors. They should also invest in women's adaptability by identifying and supporting livelihoods that are resilient to disasters and climate change, sustainable and empowering, along with gender-responsive services that enable women to access and benefit from these livelihoods. States should adopt regulatory measures to protect women from human rights violations caused by private business actors and ensure that their own activities, including those conducted in partnership with the private sector and civil society, respect and protect human rights and that effective remedies are available in the event of human rights violations related to the activities of non-State actors. These measures should be applied to activities occurring both within and outside of the territory of the State party.

6. Policy recommendations on ways to accelerate progress in poverty eradication:

The framework of CEDAW is constructed on three main principles: equality; non-discrimination—direct and indirect; and state obligations to uphold equality and eliminate gender discrimination in the entire sphere of social and economic life. On these three principles rests the 'prism' of women's human rights that provide the lens through which all sites of gender discrimination must be interrogated and corrected.

From this perspective, the achievement of substantive equality requires action in three interrelated areas: addressing stereotyping, stigma and violence; redressing women's socioeconomic disadvantage; and strengthening women's agency, voice and participation. Coordinated public action across all three of these dimensions has the potential to trigger lasting transformations in structures and institutions that constrain women's enjoyment of their rights.

Substantive equality requires fundamental transformation of economic and social institutions, including the beliefs, norms and attitudes that shape them, at every level of society, from households to labour markets and from communities to local, national and global governance institutions.

Progress towards substantive gender equality should be measured against how inclusive it is of the rights of poor and marginalized women and girls. States should ensure that macroeconomic



policies, including trade, fiscal and investment policies, as well bilateral and multilateral agreements, are responsive to the needs of women and girls and strengthen the productive and investing capacities of small-scale women producers. They should also address the negative and differential impacts of economic policies, Public Private Partnerships, and including agricultural and general trade liberalization, privatization and the commodification of land, water and natural resources, on the lives of women and girls for the fulfilment of their rights. Similarly, development partners should ensure that their development assistance policies focus on the specific needs of women.

To support substantive equality, legal, economic and social policies need to work in tandem. Well-designed social policies can enhance macroeconomic growth and post-crisis recovery through redistributive measures that increase employment, productivity and aggregate demand and implement the principle of “ensuring that no one is left behind”.
