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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Report of the Special Rapporteur on violence against women,
its causes and consequences, Yakin Ertürk***

Political economy of women's human rights**

* The report was submitted late in order to reflect the most recent information.

** As the present report greatly exceeds word limitations currently allowed under relevant General Assembly resolutions, the footnotes are reproduced in the language of submission only.

Summary

This is my third thematic report to the Human Rights Council in my capacity as the Special Rapporteur on violence against women, its causes and consequences, submitted pursuant to Human Rights Council decision 1/102, and resolution 7/24. Chapter I highlights my activities in 2008 and the first quarter of 2009, and Chapter II addresses the political economy of women's human rights.

The current political economic order, too often neglected in the analyses of women's human rights, profoundly affects both the prevalence of violence against women and efforts to eliminate it. Women's physical security and freedom from violence are inextricably linked to the material basis of relationships that govern the distribution and use of resources and entitlements, as well as authority within the home, the community and the transnational realm. Cultural rationales for limiting or negating women's rights are thus, grounded in particular economic interests and power dynamics.

Preventing violence against women and ensuring gender equality in a neoliberal global environment requires a holistic approach to women's human rights beyond the current dichotomized treatment of rights into civil and political on the one hand, and economic and social on the other. Unless women's agency is recognized and their capabilities supported through social, economic and political empowerment the human rights they are promised will remain abstract concepts. This report identifies how the economic and social rights inherent in the Universal Declaration of Human Rights are directly linked to women's socioeconomic security and their capacity to assert their will and resist violence.

Nowhere in the world do women share equal social and economic rights or equal access to productive resources. The neoliberal policy environment and the proliferation of armed conflicts, often caused by struggles to control power and productive resources, have setback women's access to such resources and increased their exposure to violence. Conflicts, as well as post-conflict and post humanitarian crisis situations, often build on prevailing gender, class, and ethnic inequalities--deepening some and/or creating new ones in the process; thus reconfiguring entitlement structures, which rarely benefit women.

Yet, although globalization, conflicts and the current economic recession hold new risks for women and challenges for human rights protection, they also offer new opportunities for taming globalization and patriarchy. Particularly the unprecedented entry of women into paid employment with global restructuring has created new contradictions with the potential to rupture the long standing structures of inequalities that perpetuate women's subordination.

The report concludes with recommendations to Governments and non-State actors on ways to enhance women's enjoyment of the full range of their rights; as a key strategy for the prevention, the protection and prosecution of violence against women. To this end, the report calls for gender-aware/competent governance and joint international responsibility for the integration of initiatives to end violence against women in the context of the larger struggle for social and economic equality within the human rights movement.

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INTRODUCTION

1. In my capacity as Special Rapporteur on violence against women, its causes and consequences, I hereby submit my third report to the Human Rights Council pursuant to Human Rights Council decision 1/102 and resolution 7/24. In Chapter I, I summarize my activities in 2008 and until March 31 2009; and in Chapter II, I discuss the political economy of women's human rights.

2. I draw the attention of the Council to the addenda to the present report. Addendum 1 contains summaries of alleged human rights violations related to violence against women, its causes and consequences, which were brought to the attention of Governments concerned, and Government responses. Addendum 2 is a report on my mission to Tajikistan; Addendum 3, on my mission to Saudi Arabia, and Addendum 4, on that to the Republic of Moldova; Addendum 5 contains a review of the last 15 years of the mandate of the Special Rapporteur on violence against women; and Addendum 6, contains the research on the political economy of women's rights, which provides a basis for the present report.¹

I. ACTIVITIES

A. Fact-finding missions

3. In 2008, I visited Saudi Arabia (4-13 February), Tajikistan (15-23 May), and the Republic of Moldova (4-11 July) at the invitation of the Governments concerned. From the 31 October to 1 November 2008, together with the European Parliament Rapporteur on Women's Rights in Turkey, I undertook a two day visit to Turkey at the invitation of the Government in order to assess the provision of shelters for women victims of violence, including those trafficked. Although, there have been significant efforts in recent years to respond more effectively to violence against women in Turkey, the number of safe houses remain insufficient. Furthermore, there are discrepancies in the conceptual approach to shelters and the standard of services provided as well as in monitoring.

¹ I would like to thank Professor Jacqui True, at the University of Auckland, New Zealand, for her research on the political economy of women's rights, as contained in Addendum 6.

4. An invitation and dates for a mission were also set with the Government of Kyrgyzstan, which I unfortunately had to postpone, but which I hope can be rescheduled. I have also made requests to the Governments of Jordan, Turkmenistan and Uzbekistan to visit those countries.

B. General Assembly

5. On 24 October 2008, I addressed the Third Committee of the General Assembly. I informed the Assembly of the findings contained in my 2007 mission reports and my preliminary observations from the country visits carried out in 2008. I also drew attention to my annual report which addressed the importance of indicators on violence against women and State response and reiterated my interest in continuing my collaboration with all relevant stakeholders on this issue, and in providing support to the United Nations Statistical Commission, which the General Assembly mandated to develop indicators on violence against women.

C. Regional consultations

6. As in previous years, I attended regional consultations with non-governmental organizations (NGO). I am pleased to report that three such consultations were held in 2008.

7. From 17 to 19 September 2008, I attended the “Non-Governmental East European and Central Asian Regional Consultation”, which was held in St. Petersburg. From 15-16 October 2008, I attended a regional consultation with NGOs from the Asia-Pacific region, in New Delhi, India, which was held jointly with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and focused on violence against indigenous women in Asia and the Pacific region.

8. From 5 to 6 December 2008, I attended the “Regional Consultations on Violence against Women in the Context of Conflict in the Great Lakes and Horn of Africa Region”, which were held jointly with the Special Rapporteur on the situation of human rights defenders and took place, in Nairobi.

D. Other meetings

9. Throughout 2008, and during the first quarter of 2009, I participated in numerous events in my capacity as Special Rapporteur, some of which are listed below.

10. From 21 to 26 January 2008, I attended meetings and consultations on the fight against impunity and justice for women in the Democratic Republic of the Congo, held in Montreal and in New York; from 27 February to 1 March 2008, the fifty-second session of the Commission on the Status of Women in New York and a number of events organized by Governments, United Nations entities and NGOs. On 27 and 28 March 2008, I participated in the annual board meeting of the United Nations Research Institute for Social Development in Geneva. From 6 to 8 May 2008, I convened an expert consultation in Istanbul, in conjunction with my thematic report on political economy of women's human rights (referred hereafter as "expert consultation"), which was made possible with support from the United Nations Population Fund (UNFPA), the United Nations Development Fund for Women (UNIFEM), and Bilgi University. I also attended from 4 to 6 August the Economic and Social Commission for Asia and the Pacific (ESCAP) forum on women's empowerment and the meeting of Women's Empowerment in the Muslim Context Consortium advisory group (WEMC-CAG), in Bangkok; from 7 to 11 September 2008, a panel on sexual violence in conflict zones, in Cologne; and on 12 September 2008, a conference organized in Stockholm by the Swedish International Development Cooperation Agency (SIDA) on gender based violence.

11. On 5 and 6 November 2008, I held a series of meetings with key Catalan authorities and organizations in Barcelona, and made a presentation at the Human Rights Forum on Gender and International Relations, on advances in international legislation on violence against women (VAW) since the Beijing Conference; on 19 November 2008, a keynote speech at a conference on the impact of VAW on the family, in Doha, Qatar; and a presentation on recent trends and emerging forms of VAW to the Inter-Parliamentary Union (IPU) Conference on Parliamentary Responses to VAW, held from 2 to 4 December 2008 in Geneva.

12. In the first three months of 2009, I participated in the following: 21 January, a Genocide Expert Seminar in Geneva, where I highlighted the gender impact and dimensions of this grave crime; after which I engaged in a dialogue with the Committee on the Elimination of Discrimination against Women. I made a keynote speech at a global meeting of Musawah on equality and justice in the Muslim family, held from 13 to 15 February in Kuala Lumpur. On 17 February, I attended a workshop on medical and legal responses to VAW, in Alexandria; from 2 to 6 March, the fifty-third session of the Commission on the Status of Women, where I reported on my activities, informed the Commission on my thematic report for this year. I also took part in a number of events organised by NGOs and United Nations agencies, including a panel

discussion on the occasion of the United Nations commemoration of International Women's Day, and another on enhancing gender advocacy and the cooperation between NGOs and the United Nations human rights system.

13. The latest engagements which I undertook during the last months of my mandate include participation in: the Second Forum of the Alliance of Civilizations in Istanbul (6-7 April); the Durban Review Conference in Geneva (21-23 April); public hearing on women in Turkey at the European Parliament in Brussels (30 April); conference on democracy and gender equality in the Muslim world, at the University of Chicago Law School (8-9 May); and the Parliamentary Assembly of the Council of Europe meeting of national contact parliamentarians, in Istanbul (15 May 2009).

E. Group of Experts on the Democratic Republic of the Congo and Occupied Palestinian Territory

14. Following Human Rights Council resolutions 7/20 and S-8/1, I contributed to the "Combined report of seven thematic special procedures on technical assistance to the Government of the Democratic Republic of the Congo (DRC) and urgent examination of the situation in the east of the country", which was submitted to the Council at its tenth session (A/HRC/10/59). In my review of the situation of VAW in the country since my official visit in July 2007, I reported with regret that VAW remains rampant throughout the country even where war has ended, as does the lack of care and the conditions of extreme poverty for survivors.

15. Pursuant to Human Rights Council resolution S-9/1 on grave violations of human rights in the Occupied Palestinian Territory (OPT) particularly due to the recent Israeli military attacks against Gaza, I also reviewed the situation of VAW in the OPT since my official visit there in 2005 and in the aftermath of the military attacks.

F. Communications and press releases

16. During the reporting period and as of 02 April 2009, I sent 93 communications bringing alleged human rights violations to the attention of Governments. As of 27 April 2009 I received 38 government replies to communications. An analysis of these communications can be found in Addendum 1.

17. In 2008 and until 31 March 2009, I issued, often jointly with other Special Rapporteurs, press releases on various occasions, including on: International Women's Day on 8 March in 2008 and 2009; United Nations International Day in Support of Victims of Torture (26 June 2008); with regard to the serious human rights violations in Eastern Democratic Republic of the Congo (28 November 2008); in relation to the ongoing crackdown on women's rights defenders in the Islamic Republic of Iran (27 November 2008); with regard to the situation in Zimbabwe in the aftermath of the 29 March parliamentary and presidential elections (29 April 2008).

II. POLITICAL ECONOMY OF WOMEN'S HUMAN RIGHTS

A. Introduction

18. The current report follows from my report on "The due diligence standard as a tool for the elimination of violence against women" (E/CN.4/2006/61), where cultural discourses and global economic re-structuring were identified as major challenges to the achievement of gender equality and to the elimination of VAW. Cultural discourse was the theme of my report in 2007 entitled "Intersections between culture and violence against women" (A/HRC/4/34), which argued that a viable strategy in addressing the issue of culture and VAW must include a political economy perspective in order to understand the link between culture and relations of power and domination. The present report aims in part to respond to that need.² The report is also relevant in the context of the current global economic crisis, which is predicted to have a disproportionate negative impact on women and girls.

19. Using a political economy approach, the report aims to analyze the challenges of the neoliberal policy environment and go beyond mere distributional aspects of the differential access to economic and social rights, and to identify discriminatory policies, practices and entitlement structures that determine the gendered manifestations of these rights. The report also addresses the long standing feminist critique of the dichotomization between the 'first generation' and 'second generation' rights as contained in the twin Covenants.³

² The report draws on: a comprehensive review of literature; relevant reports of the previous Special Rapporteur on violence against women (E/CN.4/2000/68; E/CN.4/2001/73); reports from United Nations and other international institutions, civil society organizations and research institutes; on an expert consultation and online discussion forum; and responses to questionnaires sent to Governments and non-State actors. See Annex for lists of Governments and persons/organizations who participated in the questionnaire or consultations.

³ Romany, Celina, "State responsibility goes private: A feminist critique of the public/private distinction" in Cook, Rebecca J. (ed.), *Human Rights of Women*, University of Pennsylvania Press, 1994, pp. 85- 115.

20. The political economy approach avoids the compartmentalization and selective treatment of VAW that disconnects the problem from its underlying causes and consequences. It provides a framework for States and other actors to realize their obligations to prevent violations and protect and fulfil women's human rights whether in good times or bad.

21. In the first section of the report, I consider the parameters of a political economy approach and the limitations of the current human rights paradigm and practice in recognizing and responding to the socioeconomic conditions that underlie gender-based discrimination and violence. In the second section, I examine the interconnections between specific social and economic rights and women's vulnerability to violence. This is followed by a discussion of the implications of global processes such as neoliberal economic policies, armed conflict, natural disasters and other crises as well as reconstruction efforts on existing gender inequalities and risks of VAW. The report ends with recommendations on ways to ensure women are able to achieve their full human rights.

B. A political economy approach

22. The international human rights framework has been slow to address women's human rights. The bias toward violations of human rights in the public sphere tended to privilege male victims and their authority in the private sphere. As a result, women were excluded from redress under international human rights law and the principle of non-discrimination in the protection, prevention and enjoyment of human rights failed to be upheld. Further compounding the gendered bias of the public-private dichotomy, violations of women's rights have often been subject to both relativist and essentialist cultural discourses that overlook unequal and potentially exploitative hierarchical systems and treat women's rights as expendable.

23. Responses to VAW by governments and international institutions have been fragmented and treated in isolation from the wider concern for women's rights and equality. Despite the fact that article 3 of the International Covenant on Economic, Social and Cultural Rights requires States to ensure women's enjoyment of their economic and social rights, governments rarely integrated socioeconomic factors into their legislative and policy responses to VAW. "When one thinks of women's human rights issues, one usually thinks about VAW and not about poverty, housing, unemployment, education, water, food security, trade and other related economic and

social rights issues”.⁴ Thus the detachment of VAW within the human rights movement from the broader struggle for social and economic equality has led to its perception as women’s only problem.⁵

24. In its “in-depth study on violence against women”, the Secretary General has noted the lack of a comprehensive and integrated approach to VAW (A/61/122/Add.1). This is evident, for example, in the Millennium Development Goals (MDG) which do not explicitly identify elimination of VAW as a distinct goal. Similarly, although the Secretary-General UNITE campaign launched to end gender-based violence by 2015 mentions the structural, underlying causes and consequences of violence, the campaign fact sheet does not explore the linkages between the achievement of women’s rights to political participation, their degree of social and economic equality and the prevalence of the problem.⁶

25. The Committee on the Elimination of Discrimination against Women, on the other hand, has recognized the linkages between VAW, and more specifically trafficking, domestic violence and exploitation, and women’s lack of enjoyment of economic and social rights in many of their comments on State reports. The Committee has also expressed concern about the effects of the current international financial and economic crisis upon the full realization of the rights of women and girls worldwide, including the potential increase in violence against them.⁷

26. According to the International Labour Office (ILO), the impact of the economic crisis is expected to be more detrimental to women’s employment than to men’s in most regions of the world.⁸ Women migrant and domestic workers have already been among the first to be laid off, reflecting their location in part-time, flexible and vulnerable work, as well as gender biases that consider women’s labour as dispensable.⁹ Women’s concentration in export sectors such as manufacturing and high-value agriculture, the drop in remittances from migrant women’s care work and the tightened conditions for microfinance lending to women farmers and entrepreneurs

⁴ Programme on Women’s Economic, Social and Cultural Rights, Concept paper, p. 2. (at <http://www.pwescr.org/Concept%20Paper.pdf>).

⁵ Ibid.

⁶ Fact sheets are available at <http://endviolence.un.org/factsheets.shtml>.

⁷ “CEDAW: Committee Concerned by Impact of Financial Crisis on Rights of Women and Girls”, Press release, 6 February 2009 (see <http://www.un.org/womenwatch/feature/financialcrisis/>).

⁸ *Global Employment Trends for Women: March 2009*, Geneva: ILO, 2009 (available at http://www.ilo.org/global/What_we_do/Publications/lang--en/docName--WCMS_103456/index.htm).

⁹ Seguino, Stephanie, written statement to the Interactive Expert Panel on Emerging Issues: The Gender Perspectives on the Financial Crisis, held on 5 March 2009 at the fifty-third session of the Commission on the Status of Women (http://www.un.org/womenwatch/daw/csw/csw53/panels/financial_crisis/Seguino_25Feb09.pdf).

are also expected to adversely affect women's incomes and livelihoods.¹⁰ The World Bank predicts that up to 53 million more people will be driven to poverty in developing countries this year, bringing the total number of those living on less than \$2 a day to over 1.5 billion. This will seriously jeopardize the achievement of the MDGs which aim to slash poverty, hunger, infant and maternal mortality, and illiteracy by 2015. These worrisome signs are likely to result in serious setbacks to the realization of gender equality and elimination of VAW.

1. Key elements of a political economy approach to violence against women

27. In contrast to conventional economics, a political economy approach makes explicit the interconnections between the economic, social and political realms, demonstrating that power operates not only through coercion but also through the structured relations of production and reproduction that govern the distribution and use of resources, benefits, privileges and authority within the home and society at large. Political economy interacts with, alters and re-configures the institutional and ideological formations of society where gender identities and statuses are shaped and the boundaries of rights and freedoms demarcated.

28. There are three key structural elements highlighted by the political economy approach that affect the likelihood and prevalence of VAW.

29. First is the sexual-division of labour within the public and private spheres, supported by gender ideologies that hold women primarily responsible for unremunerated, and often invisible unpaid work in the household, thus creating inequalities in bargaining power in the household between men and women. Caring professions in the public sphere and labour market akin to the unpaid care work women traditionally do in the home are also devalued. The internationalization of reproductive work has extended this division of labour to the transnational realm as women from developing countries migrate to provide care services for families in wealthier countries.¹¹ The strict division of roles in the domestic sphere constrains women's public participation and their access to economic opportunities in the market, thus creating hierarchical structures that entrap many women into potentially violent environments.

30. The second element highlighted in the political economy analysis of women's rights is the contemporary global, macroeconomic environment. Capitalist competition has fuelled the

¹⁰ M. Buvinic (World Bank) written statement to the Interactive Expert Panel... (see note 9 above) (http://www.un.org/womenwatch/daw/csw/csw53/panels/financial_crisis/Buvinic.formatted.pdf)

¹¹ See Parrenas, Rhacel Salazar, *Servants of Globalization: Women, Migration, and Domestic Work*, California: Stanford University Press, 2001.

quest for cheap sources of labour and for investment conditions that maximise profits locally and transnationally. In this context, the relocation of industries to the periphery has disrupted local economies and dramatically changed labour markets, increasing a poorly regulated economy of low pay and insecure jobs, and attracting women from developing societies into wage employment on a scale unseen before.

31. While the neoliberal policy environment has led to the expansion of women's employment, it has also led to the intensification of their workload in the market and at home, and to the feminization of poverty especially among unskilled and marginalized poor women, who lack access to productive resources and basic capabilities. Such poverty, marginalization and lack of protective mechanisms, make women easy targets for abuse and undermines the prospects for the progressive realization of their rights.¹²

32. Neoliberal policies have also reduced the State's capacity to regulate and tax capital, resulting in an enforcement problem,¹³ with regard to both property rights and contracts, and the withdrawal of public services and social security provisions. Under such circumstances, a return to community-based enforcement and survival strategies – based largely on women's initiatives – have become essential. One outcome of the communal / “tribalizing” tendencies was the strengthened role of culture / religion based non-State actors in determining identity politics, often based on conservative / fundamentalist ideals, and in providing services to impoverished groups. These trends have posed new challenges for the universal application of human rights norms, in particular, women's claims for rights and equality.¹⁴

33. Ironically, the current financial crisis presents a crucial opportunity for governments and international institutions to invest in public services and infrastructure to create jobs, improve productivity and revive economic demand. Such investment, if planned well, has the potential to expand women's economic opportunities and employment and their access to a wide range of

¹² Elson, Diane, “Gender justice, human rights, and neo-liberal economic policies,” in M. Molyneux and S. Razavi (eds.). *Gender, Justice, Development and Rights*, New York: Oxford University Press, 2002, pp. 78-114.

¹³ Ertürk, Korkut, “Globalization and social fragmentation: Towards a post-Walrasian Insight.” Paper prepared for Expert Consultation, Economics MA Program Friday Seminars, December 14, 2007 Istanbul Technical University, Istanbul, Turkey 2008.

¹⁴ This is a complex phenomenon, certain aspects of which were addressed in my 2007 report on “intersections between culture and violence against women” (A/HRC/4/34). See also the Association for Women's Rights in Development (AWID) study based on the responses of more than 1,600 women's rights activists globally (*Religious Fundamentalisms Exposed: Ten myths revealed about religious fundamentalisms*, AWID, Toronto, 2008, available at <http://www.awid.org/eng/About-AWID/AWID-News/Ten-myths-about-religious-fundamentalisms>).

other entitlements. Studies show that women's economic participation and incomes contribute significantly to overall economic development and societal wellbeing; their presence in financial and administrative institutions is associated with decreases in corruption;¹⁵ they tend towards less risky investments and receive better returns on their investments than men.¹⁶

34. The third element of the political economy approach to women's rights is related to the gendered dimensions of war and peace, which are intimately connected to patriarchy and the differential gender impacts of globalization. Violent conflict, often related to control over power and productive resources, normalizes violence and spreads it throughout society. Both State and group-sanctioned violence frequently celebrates masculine aggression and perpetuates impunity with regard to men's violence against women. My mission reports with respect to countries in conflict and post-conflict zones have documented the link between VAW, conflict and militarism.¹⁷

35. Conflict, war and the security agenda have impoverished societies as they have made trade-offs between military spending and spending for development and human rights protection, particularly that of women.¹⁸ Post-conflict reconstruction may thus involve privatization of public services and infrastructure that regresses women's rights by placing greater burden on their labour in the household¹⁹, as well as the establishment of political and legal systems with limited or no significant participation by women.²⁰

36. A political economy approach stresses that stability without justice is not possible. The prioritization of national security and electoral machinery by governments over human security in many post-conflict situations has proven to be destabilizing in the long run. Insofar as women are

¹⁵ See Coleman, Isobel, "The payoff from women's rights," *Foreign Affairs*, Vol. 83 No. 3 May/June 2004, pp. 80–95.

¹⁶ Barber, Brad M. and Odean, Terence, "Boys will be boys: Gender, overconfidence, and common stock investment," *The Quarterly Journal of Economics* Vol. 116 No. 1 (2001), pp. 261-292.

¹⁷ See reports on my missions to El Salvador (E/CN.4/2005/72/Add.2), Guatemala (E/CN.4/2005/72/Add.3), Occupied Palestinian Territories (E/CN.4/2005/72/Add.4), Afghanistan (E/CN.4/2006/61/Add.5), and Democratic Republic of the Congo (A/HRC/7/ 6/Add.4); and the report of the previous Special Rapporteur entitled "Violence against women perpetrated and/or condoned by the State during times of armed conflict (1997-2000)" (E/CN.4/2001/73).

¹⁸ Balakrishnan, Radhika, *Why MES with human rights? Integrating macroeconomic strategies with human rights*, Manhattan: Marymount Manhattan College, 2004, p. 34 (available at http://www.mmm.edu/news/images/MES-HR_9.71.pdf).

¹⁹ Seguino, Stephanie, "The road to gender equality: Global trends and the way forward," in G. Berik, Y. Rodgers and A. Zammit (eds). *Social Justice and Gender Equality: Rethinking Development Strategies and Macroeconomic Policies*, New York: Routledge, 2008, pp. 44-69.

²⁰ Klein calls this "disaster capitalism." See Klein, Naomi, *The Shock Doctrine: The Rise of Disaster Capitalism*, New York: Metropolitan Books, June 2008.

unable to access justice, physical security and socioeconomic rights, their vulnerability to violence continues in peace time.²¹

2. Integrating economic and social rights with civil and political rights

37. The tensions emanating from the dichotomization of the twin Covenants on civil and political rights and economic, social and cultural rights, which have privileged the former over the latter, have constrained efforts to transform the conditions that underlie gender inequality and violence against women. In this respect, the Committee on economic, social and cultural rights in its statement at the World Conference on Human Rights in 1993 noted that, "...States and international community as a whole continue to tolerate all too often breaches of economic, social, and cultural rights, which, if they occurred in relation to civil and political rights, would provoke expression of horror and outrage and would lead to concerted calls for immediate remedial action" (E/1993/22, Annex III, par. 5).

38. The conception of economic, social and cultural (ES)²² rights largely as "aspirational" rights that can be progressively realised depending on the resources available to a State by contrast with civil and political (CP) rights conceived as "obligatory" rights to be guaranteed immediately has also been criticized by feminist scholars, who have argued that the fulfilment of the latter can also be seen as a process of progressive realisation.²³ Both Covenants impose positive duties on governments to comply with their obligations without discrimination. While the implementation of all human rights have an economic and material aspect²⁴, budgetary limitations do not excuse a State of non-discriminatory compliance with its obligation to improve the socioeconomic conditions of people within its jurisdiction. States cannot for example, introduce macro-economic reforms in conjunction with multilateral economic institutions or trade liberalisation policies that might undermine its obligations under the International Covenant on Economic, Social and Cultural Rights.²⁵

39. Despite these human rights obligations, States in responding to VAW have tended to focus more on reforming juridical and legal structures and less on alterations in economic and social structures. Advancing women's ES rights imposes "an affirmative obligation on States to

²¹ See reports on the missions referred to in footnote 17 above.

²² In light of the theme of this paper, the focus is on economic and social (ES), rather than cultural rights.

²³ Elson, *loc. cit.* (note 12 above), p. 80.

²⁴ Nussbaum, Martha C., "Women's bodies: Violence, security, capabilities," in *Journal of Human Development* Vol. 6, No. 2 (July 2005), pp. 167-183.

²⁵ Chinkin, Christine, "The protection of economic, social and cultural rights post conflict", prepared for the Women's Rights and Gender Unit, OHCHR, Geneva, p.19 (available at http://www2.ohchr.org/english/issues/women/docs/Paper_Protection_ESCR.pdf).

meet basic needs” and the implementation of practical strategies to ensure that this outcome is achieved.²⁶ In the context of global change and crises this is particularly crucial not only to women’s enjoyment of ES rights but also for preventing the deepening of gender disparities.

40. It is important to note here that global restructuring has increased the role of corporate power and that of international institutions relative to state power over macro-economic processes. This calls for expanding the concept of affirmative obligation to include these non-State actors.²⁷

C. Women’s economic and social rights

41. The impact of globalization and women’s ability to benefit from its opportunities while avoiding its risks is undermined by gender inequality, unequal entitlement structures, economic insecurities of global capitalism, as well as weakening State capacity for regulation and distributional justice. Poor women who are systematically denied access to ES rights are particularly at risk of greater hardship and abuse.

42. This section aims to establish the linkages between VAW and women’s ES rights, including the right to adequate housing, property, inheritance, food, water, education, health, and the right to decent work and social security. These rights are recognized in the Universal Declaration of Human Rights and guaranteed by the International Covenant on Economic, Social and Cultural Rights.

1. Right to adequate housing

43. The right to adequate housing includes not only security of tenure but also access to public services, and participation in the physical, social, legal and economic environments. Lack of adequate housing can trigger VAW and vice versa.²⁸ Those especially at risk of violence due to

²⁶ Rubenstein, Leonard, S., “How international human rights organizations can advance economic, social and cultural rights: A response to Kenneth Roth.” *Human Rights Quarterly*, Vol. 26, No. 4 (2004), p. 851.

²⁷ See Clapham, Andrew, *Human Rights Obligations of Non-State Actors* (Collected Courses of the Academy of European Law), New York: Oxford University Press, March 2006 (<http://fds.oup.com/www.oup.co.uk/pdf/0-19-829815-3.pdf>).

²⁸ Proceedings, Asia-Pacific Regional Consultation on ‘The Inter-linkages between Violence against Women and Women’s Right to Adequate Housing’, held in cooperation with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, New Delhi, India, October, 2003: p. 37 and 54 (available at http://www.hic-sarp.org/interlinkages_VAW&RAH.pdf).

a lack of access to alternative housing include internally displaced (IDP) and refugee women, domestic workers, poor single mothers, and women victims of violence living in countries without safe shelters or affordable long term housing for abused women.

44. Deprivation of housing is closely linked to violent and forced displacement, as in civil strife situations. The risk of violence is particularly acute for IDP and refugee women and girls who live in camps that lack privacy and may be forced to live in the same quarters or in close proximity to male strangers, which increases their vulnerability. Sexual violence has been documented as a serious problem in such environments. Once the conflict has ended women who are repatriated may no longer have houses or land to return to due to destruction, forced relocation to a different locality, discriminatory inheritance laws, lack of property titles, and secondary occupants, etc.

45. Large development projects or major international events may involve large scale evictions of poor people from their homes and land in order to free up desired locations or build infrastructure for the event. The impact of these forced evictions, often by militia or armed forces, is profoundly devastating for women and is correlated with heightened rates of physical, psychological and economic violence before, during and after the evictions.²⁹ This is true both in terms of VAW at the hands of State authorities, non-State actors, community members, as well as domestic violence.

46. The violation of women's right to adequate housing has also led to gender-based violence both during and in the aftermath of natural and humanitarian disasters. A study of housing reconstruction in the context of the international response to the tsunami in Sri Lanka and Tamil Nadu revealed gross disregard for women's and girls rights.³⁰ Compensation was generally handed out to male-heads of the family who, in many cases, did not share it with the women or surviving women-only households.³¹

47. Forced evictions and displacement also have implications for all other rights discussed in this section.

²⁹ Centre for Housing Rights and Eviction (COHRE), 2002, *Violence: the impact of forced evictions on women in Palestine, Nigeria and India* (available at http://www.cohre.org/view_page.php?page_id=328#article1131).

³⁰ Habitat International Coalition (HIC), Report of a Fact-Finding Mission to Tamil Nadu, India and Sri Lanka South Asia Regional Programme, *South Asia Regional Programme, Housing and Land Rights Network, New Delhi Mission report*, 2005 (see <http://www.hic-net.org/document.asp?PID=277>).

³¹ Ibid.

2. Property, land and inheritance rights

48. The right to adequate housing is integrally related to property, land ownership and inheritance rights. The gender gap in land ownership and its effective control is the single most critical contributor to the gender gap in economic wellbeing, social status and empowerment in the agrarian economies of most developing countries.³² Property is a livelihood sustaining asset that can generate income as well as security. Owning land gives women economic rights and opportunities to avoid situations where they are vulnerable to violence. It also increases their bargaining power within the family and society at large.

49. Research in Kerala found that women's independent ownership of property strengthens their fall-back position, thus playing a crucial preventive role in deterring domestic violence.³³ In Kenya, as in many other parts of sub-Saharan Africa, a woman's access to property hinges on her relationship to a man. When she separates from her husband or when he dies, she risks losing her home, land, household goods and other property. Failure to ensure equal property rights upon separation or divorce discourages women from leaving violent marriages, as women may be forced to choose between violence at home and destitution in the street.³⁴ Women who lack independent resources for survival may also yield to demands for unprotected sex, despite the danger of contracting HIV/AIDS and other diseases.³⁵ Rural women in South Africa frequently live in female-headed households, in chronic poverty and are subject to spiralling levels of violence, as well as a disproportionately high prevalence of HIV. Many of these women were forcibly evicted from their ancestral land by the apartheid system.³⁶

50. Women's difficulty in claiming their rights to property and land is linked with other sex-discriminatory laws including male-biased marriage and divorce laws, and biases within land

³² Agarwal, Bina, *A Field of One's Own: Gender and Land Rights in South Asia*, Cambridge University Press: Cambridge South Asian Studies, 1994.

³³ Agarwal, B. and Panda, P., "Towards freedom from domestic violence: The neglected obvious." *Journal of Human Development and Capabilities: A Multi-Disciplinary Journal for People-Centered Development*, Vol. 8, No.3 (2007), pp. 359-388.

³⁴ Human Rights Watch, *Double Standards: Women's Property Rights Violations in Kenya*, 3 March 2003, p. 25 (available at <http://www.hrw.org/en/reports/2003/03/03/double-standards>).

³⁵ Dennis, Suzanna and Zuckerman, Elena, *Gender Guide to World Bank and IMF Policy-Based Lending*. Washington: Gender Action, 2006, p. 43 (available at <http://www.genderaction.org/images/GA%20Gender%20Guide%20to%20World%20Bank%20and%20IMF%20FINAL.pdf>).

³⁶ The South African Civil Society Information Service, "South Africa: Rural Women and Land Reform: When Will We move beyond the rhetoric?" 3 September 2008 (available at <http://www.sacsis.org.za/site/news/detail.asp?iData=161&iCat=253&iChannel=1&nChannel=News>).

dispute bodies which are made up of men and exclude women from the decision making process. Situations of violent conflict reveal in a more blatantly direct way how violations of the right to property and land are inseparable from acts of physical VAW. In the Ugandan armed conflict militarized rape was used strategically in order to acquire women's assets, including land and homes, some of which were needed for the war effort, or indeed, were among the reasons for the conflict. Forced into poverty and often, displacement, women are far more vulnerable to ongoing violence.³⁷

3. Right to food and food security

51. Women's right to food is impaired by their limited access to and control over other productive resources as a result of discrimination in education, lower incomes, inequality in intra-household food distribution, inadequate public health care and exclusion from decision-making processes. Women disproportionately bear the impact of food supply crises, food price rises and the privatization of the food supply. Women's role as food providers and carers for their families, together with their general lack of property and labour rights, makes them particularly vulnerable when entitlement failure with respect to food occurs. For instance, in order to put food on the table for their families, women may go into prostitution putting themselves at risk of violence and of HIV/AIDS. In IDP camps, many girls and women have reportedly also been forced to engage in "survival sex" to obtain food.

52. Women agricultural producers suffer the most negative effects of trade liberalization and changes in agricultural markets. Although they make up the majority of agricultural workers in many of the developing countries, due to lack of access to resources, secure tenure, credit, equipment, training and market know-how, poor rural women are further marginalized by trade liberalization that favours large-scale export cash crop production. Food security reflects one of the most distorted outcomes of the uneven distribution of international trade.

53. Trade liberalization locks in tariff reductions which have reduced the availability of funds for agricultural investment and the provision of agriculture-related services that could help women to produce food more efficiently including for export markets.³⁸ Although the World Trade Organization (WTO) Agreement on Agriculture allows for some exemptions from

³⁷ Turshen, Meredith, "The political economy of violence against women during armed conflict in Uganda", *Social Research*, Fall 2000, p.804.

³⁸ Spielfoch, Alexandra, *A Row to Hoe: The Gender Impact of Trade Liberalization on our Food System, Agricultural Markets and Women's Human Rights*, Geneva: Institute for Agriculture and Trade Policy, 2007 (available at <http://www.tradeobservatory.org/library.cfm?refID=96833>).

liberalization obligations for food security purposes, it is not clear whether these exceptions will enhance food security for the poorest people in poor countries.

4. Right to water

54. The task of collecting and providing clean water for their families and communities exposes women to similar risks and challenges as that of providing food. Women often have to walk long distances to fetch water in communities where access to clean water is lacking. Narratives of pregnant Nepalese women describe how women labour to fetch water for their families and suffer miscarriages on the journey.³⁹ Likewise, there are reports of Nigerian women who are raped by men or mauled by wild animals on their way to collect water.⁴⁰

55. Contamination of the water supply also has a particularly detrimental impact on women. Because women collect the water with which they prepare the food they may be blamed for the health consequences, or they may have to travel ever greater distances to gather clean water if local sources are no longer available. Poor Bangladeshi women suffering from arsenic poisoning are socially ostracized, and get less medical attention and nutrition therein increasing their chances of experiencing violence.⁴¹ Chemical saturation of the water supply on the United States/Mexican border poisons babies in their mother's wombs while more women are diagnosed with breast cancer.⁴² Women face spousal abuse and social censure when fighting for access to clean water, as has been documented in Coporaque, Peru.⁴³ The struggle for clean water also affects intergenerational violence, as within the Native American culture resulting from the flooding of the Cree lands in Canada by the James Bay hydroelectric dam.⁴⁴

56. The privatization of water, often encouraged by World Bank and the International Monetary Fund (IMF) policies in developing countries, has created natural monopolies leading to price rises, particularly burdening the urban poor in accessing water.

³⁹ Regmi Sabrina, "Nepali women and their struggles over water during Pregnancy." *International Feminist Journal of Politics* Vol. 9, No. 4 (2007), pp. 522-523.

⁴⁰ Rotimi, Olayinka, "Ogijo, Nigeria: Testimony", *ibid.*, p. 521.

⁴¹ Hassan, M. Manzurul, Aitkins, P. J., Dunn, C. E., "Social implications of arsenic poisoning in Bangladesh", *Social Science and Medicine*, Vol. 61(2005), pp. 2201-2211 (see <http://www.physics.harvard.edu/~wilson/arsenic/references/Hassan,%20Atkins,%20and%20Dunn.pdf>).

⁴² Sze, Julie, "Boundaries of violence: Water, gender and globalization at US borders", *International Feminist Journal of Politics*, Vol. 9, No. 4 (2007), pp. 475-84.

⁴³ Delgado J. V. and Zwartveen, M., "The public and private domain of the everyday politics of water: The constructions of gender and water power in the Andes of Peru", *ibid.*, pp. 503-511.

⁴⁴ Ghosh, Nandita, "Women and the politics of water: An introduction," *ibid.*, pp. 443-454.

57. Easy access to clean water on the other hand has been associated with girls and women's empowerment and their protection from violence. Equitable access to water for productive use can address some of the root causes of poverty and gender inequality that fuel VAW. It frees up girls so they can improve their school attendance, and improves income-generating opportunities and access to economic resources that are known to lessen women's vulnerability to violence.⁴⁵

5. Right to health

58. The World Health Organization (WHO) has identified VAW as an underlying determinant of health.⁴⁶ In a multi-national study, WHO found that "women who at some time experienced physical or sexual violence, or both, reported health problems with greater probability than those women who never experienced violence by their partner." Women who experienced abuse declared having problems walking and in carrying out their daily work, feeling pains, loss of memory, dizziness [and miscarriage] in the four weeks preceding the survey".⁴⁷

59. VAW affects women's sexual and reproductive health, which is a key aspect of women's right to health.⁴⁸ The experience of violence adversely affects reproductive health regardless of wealth.⁴⁹ Survivors of VAW have the right to adequate reparation and rehabilitation that covers their physical and mental health.⁵⁰ But this support is often not provided. The privatization of health services may affect women survivors' access to healthcare since the introduction of user-fees for patients has been shown to greatly reduce women's attendance at health clinics.⁵¹

60. VAW is also considered to be a leading cause of HIV/AIDS, affecting women's right to health.⁵² Given the increasing feminization of HIV/AIDS,⁵³ eliminating VAW is a critical intervention to reduce the pandemic. VAW or fear of it also prevents many women from asking their partners to practice safe sex leading to higher HIV rates. Many women also experience severe violence at the hands of their partners as soon as their diagnosis becomes known. In order

⁴⁵ Interagency Taskforce on Gender and Water, *Gender, Water and Sanitation: A Policy Brief*, 2006 (available at <http://www.unwater.org/downloads/unwpolbrief230606.pdf>).

⁴⁶ *Human Rights, Health and Poverty Reduction Strategies*, Health and Human Right Publication Series, Issue No.5 (April 2005), p. 23 (available at <http://www.who.int/hhr/news/HRHPRS.pdf>).

⁴⁷ *Multi-Country Study on Women's Health and Domestic Violence against Women*, Geneva, 2005, p. 14 (available at http://www.who.int/gender/violence/who_multicountry_study/en/).

⁴⁸ *Human Rights, Health and Poverty...* (note 46 above), p. 9.

⁴⁹ Kishor, S. and Johnson, K. "Reproductive health and domestic violence: Are the poorest women uniquely disadvantaged?" *Demography*, Vol. 43, No. 2 (May 2006), p. 303.

⁵⁰ OCHR and WHO. *The Right to Health, Fact Sheet, No.31*, p.13 (<http://www.ohchr.org/Documents/Publications/Factsheet31.pdf>).

⁵¹ *Ibid*, p. 27.

⁵² See my report on "intersections of violence against women and HIV/AIDS" (E/CN.4/2005/72).

⁵³ Today 50 per cent of the 30.8 million adults with HIV are women.

to care for family members with HIV/AIDS, they may feel forced into high-risk work such as the sex industry or keep children, especially girls, out of school to help with tasks– thereby entrenching the intergenerational transmission of poverty and violence.⁵⁴

6. Right to education

61. Women's access to education is a prerequisite for improving their capabilities and attaining greater self-confidence. Educational levels have also been found to be positively correlated with increased access to knowledge and better health. Lack of it on the other hand, can be a major source of marginalization and isolation within and outside the home, leading to lower status and increased vulnerability to abuse.

62. Although girls' education is on the rise in many parts of the world, their right to education is frequently violated by economic circumstances. For instance, when the cost of living and food are driven up by financial crisis, privatization or import liberalization, girls are far more likely to drop out of school than boys. Of the estimated 150 million children currently enrolled in primary school that will drop out before completion, at least 100 million will be girls.⁵⁵ Child marriage – a form of violence against girls – is associated with lower educational attainment for girls, limiting their employment opportunities and economic security as well as their access to social and economic resources and decision-making in the family.⁵⁶

63. Although higher levels of education are generally associated with a lesser risk to women of experiencing violence, some studies reveal contradictory patterns. "Educated women know their rights and are therefore not prepared to follow orders unquestioningly. Asking questions leads to conflicts which then lead to violence".⁵⁷ These findings can be interpreted as a patriarchal backlash against women's newfound empowerment through education and the challenge that this represents to male domination in the family and society at large.

7. Rights to work, livelihood and social security

⁵⁴ UNFPA, *The State of World Population 2008*, p. 61.

⁵⁵ Dennis and Zuckerman, *op. cit.* (note 35 above), p.10.

⁵⁶ International Center for Research on Women (ICRW), *Knot Ready: Lessons from India on Delaying Marriage for Girls*, Washington and New Delhi, 2008 (available at http://www.iiav.nl/epublications//2008/Knot_ready.pdf).

⁵⁷ Hombrecher, Una et al. *Overcoming Domestic Violence: A Global Challenge*. Social Service Agency of the Protestant Church in Germany, Stuttgart, 2007, p. 47 (available at [http://www2.wcc-coe.org/dov/nsf/51bb65526e8149bac1256c1c003547c6/6714af73bd48efe9c12574aa003d0616/\\$FILE/BfdW-BUCHHuslGewENGL_final2.pdf](http://www2.wcc-coe.org/dov/nsf/51bb65526e8149bac1256c1c003547c6/6714af73bd48efe9c12574aa003d0616/$FILE/BfdW-BUCHHuslGewENGL_final2.pdf)).

64. Paid work, particularly under market conditions, secures a livelihood for women and their family and provides them with a degree of independence. In so doing, it enhances women's ability to escape poverty and potentially abusive environments such as "crowded living conditions, limited scope of action, as well as psychological strain".⁵⁸ While evidence shows that women's earnings can trigger spousal resentment that end in violence,⁵⁹ access to paid work provides women with better bargaining power or the option to leave an abusive relationship in both the Global North and the South.⁶⁰ Gender equality in income and employment has been shown to have a stronger impact on women's status and gender equality than education alone.⁶¹ Employment can empower women to more effectively resist patriarchal control and practices such as early marriage, polygamy, and discriminatory inheritance and land rights that increase the risks of VAW.⁶²

65. Women's employment opportunities often manifest at the intersections of patriarchy and capitalism where the male breadwinner model and uneven market entitlement structures disadvantage particularly poor women who have little or no resources at their disposal. The majority of working women lack access to public provisions, such as, childcare services, social security benefits and old age pensions.⁶³ Competitive globalization, while expanding women's employment opportunities, has done so under precarious employment conditions, including sub-contracting, outsourcing and off-shore production, among others, which by nature are temporary, insecure and unregulated.

66. Many of the poor women from the global South, who have entered the labour market in home country or abroad as migrants, often work in jobs that lack minimum labour and human rights standards. In some Northern countries women have been encouraged to take on part-time employment that does not guarantee economic independence and job security or opportunities for

⁵⁸ Ibid., p. 33.

⁵⁹ S. R. Schuler, S. M. Hashemi, and S. H. Badal, "Men's violence against women in Bangladesh: Undermined or exacerbated by microcredit programmes?" *Development in Practice*, Vol. 8, No. 2 (1998), pp. 148-157.

⁶⁰ Farmer Amy and Tiefenthaler, Jill, "An economic analysis of domestic violence", *Review of Social Economy*, Vol. 55, No. 3 (1997), pp. 337-358.

⁶¹ Seguino, *loc. cit.* (note 19 above), p. 52 and 67.

⁶² Blumberg, Rae Lesser, "Income under female versus male control: Hypotheses from a theory of gender stratification and data from the Third World," *Journal of Family Issues*, Vol. 9, No. 1 (March 1988), pp. 51-84.

⁶³ Orloff, Ann Shola, "'Women's empowerment and welfare regimes: Globalization, export orientation and social policy in Europe and North America", in *Social Policy and Development Programmes*, United Nations Research Institute for Social Development, p. 29-30 (available at <http://www.unrisd.org/unrisd/website/document.nsf/0/58EC1361F09195F7C1256C080044FC77?OpenDocument>).

career development.⁶⁴ These contexts, by and large, contribute to sustaining women's subordinate position and in some situations expose women to increased risk of violence and exploitation. At the same time, however, the feminization of the workforce, including migrant labour are creating new contradictions that can potentially rupture patriarchal formations and expand women's autonomy. Public policy in this regard can play a critical role in either empowering patriarchy or advancing women's human rights.

D. The impact of global change and crises

67. This section focuses on the linkages between VAW and patterns of global transformations by identifying strategic sites where political-economic processes can be seen to be accentuating existing gender inequalities or creating new patterns of inclusion and marginalization.⁶⁵

1. Competitive globalization

68. Neoliberal policies open up economies to global competition and seek to lower the costs of production. This has given rise to unprecedented opportunities for women's access to paid work that can potentially empower them. However, due to economic volatility, job insecurity, subcontracting and loss of livelihoods poor women, particularly those in developing countries, have encountered new vulnerabilities and risks.

69. Furthermore, under such conditions marked by insecurity and unemployment, men may become dispossessed and dislocated; conditions under which masculinities and power relations get altered. This may heighten aggression against women and children in the home and in public spaces, compensating for the loss of control.⁶⁶ A recent study in post-apartheid South Africa showed that men facing chronic unemployment justified their violent behaviour towards their female partners by referring to their feelings of powerlessness.⁶⁷

2. Transitions to market economies

⁶⁴ For example, see the report on my mission to the Netherlands (A/HRC/4/34/Add.4).

⁶⁵ The report does not claim to make causal links between neoliberal policy and the violation of women's rights but rather, on the basis of available empirical evidence, it aims to identify trends and tendencies.

⁶⁶ Seguino, *loc. cit.* (note 19 above), p. 48; Chant, Sylvia, "Men in crisis? Reflections on masculinities, work and family in Northwest Costa Rica," in Jackson, C. (ed). *Men at Work: Labour, Masculinities, Development*. London: Frank Cass, pp. 199-218.

⁶⁷ F. Boonzaier. "Woman abuse in South Africa: A brief contextual analysis." *Feminism and Psychology*, Vol. 15, No. 1 (2005), pp. 99-103.

70. Patterns of economic destabilization associated with macro-economic policies, including structural adjustment policies that facilitate the integration of global markets, have varied from country to country. However, similar cross-country trends in inequalities and vulnerabilities for women have been observed. For instance, the market transitions in Central and Eastern Europe and the former Soviet Union led to widespread increases in poverty, unemployment, hardship, income disparities, discontent, breakdown of social support networks and a general loss of status for women. These factors increased women's dependency and raised their vulnerability to abuse within and outside the home.⁶⁸ Some have viewed Eastern Europe and Central Asia as "test regions" for judging the impact of neoliberal policies.⁶⁹ Notwithstanding exceptions, many of the transition countries experienced regressions in women's economic and social status,⁷⁰ compelling hundreds of thousands of young women to migrate in order to escape domestic violence and provide for their children, many of which became trafficked for sexual and labour exploitation.

71. Similarly, the impact of the Asian financial crisis (1997-1998) on women and girls was also disproportionate. Girls were removed from school to help at home or forced to work in the sex sector to support family sustenance as a result of cutbacks in public service jobs and salaries.⁷¹ In some East Asian countries, women's paid labour intensified while in others, notably South Korea, their labour participation shrunk. The resulting economic and political insecurity strained intra-household relationships, boosted suicides, domestic violence and abandonment,⁷² and provoked private and public backlash against women's rights that was often defended on the basis of culture and tradition.⁷³ The lessons learned from these experiences are particularly important for monitoring and responding to the current financial and economic crisis.

3. Free trade zones and migrant women

72. Trade liberalization has facilitated the shift from import substitution to export-led strategies which entailed the establishment of labour-intensive "free trade" or export processing

⁶⁸ True, Jaqui, *Gender, Globalization and Postsocialism: The Czech Republic After Communism*, New York: Columbia University Press, 2003.

⁶⁹ Elson, *loc. cit.* (note 12 above).

⁷⁰ See the reports on my missions to the Russian Federation (E/CN.4/2006/61/Add.2), Moldova (A/HRC/11/6/Add.4) and Tajikistan (A/HRC/11/6/Add.2).

⁷¹ Truong, Thanh-Dam, "A feminist perspective on the Asian miracle and crisis: Enlarging the conceptual map of human development," *Journal of Human Development*, Vol. 1, No. 1 (2001), pp.159-164.

⁷² Floro, Maria and Dymski, Gary, "Financial crisis, gender, and power: An analytical framework." *World Development*, Vol. 28, No. 7 (July 2000), pp. 1369-1383.

⁷³ "Montréal Principles on Women's Economic, Social and Cultural Rights", *Human Rights Quarterly*, Vol. 26, No. 3 (August 2004), pp. 760-780, in particular Principle No. 3, p.763.

zones (EPZs) exempt from many government regulations. EPZs have attracted young, migrant women from rural areas who are hired on temporary and insecure contracts. VAW, including incidents of involuntary pregnancy tests, sexual harassment, rape, and femicide⁷⁴ have been documented in some of these free trade zones in developing countries.⁷⁵ The liberalization of industries may also involve importing foreign male workers.⁷⁶ If the local economic context is impoverished, their presence may encourage the development of prostitution and sex trafficking as well as gender-based violence.

73. The demand for women's cheap labour, low-wages and flexible labour under globalization is not limited to the EPZs but spans over a wide range of forms and space, including trafficking of women and children for sexual and labour exploitation, emigration for employment in unregulated, informal and domestic sectors, as well as regulated service sector occupations such as nursing. The former has become a lucrative business with high profits for both legal and illegal contractors, while the latter is an important source of hard currency for migrant sending countries. "The overall outcome is a significant feminizing of global survival- not just of the women themselves but of their households, of governments and of economic actors."⁷⁷

74. It has been argued that, "(t)he same set of processes that have promoted the location of plants and offices abroad also have contributed to a large supply of low wage jobs" in global cities that facilitated women's migration.⁷⁸ The growing presence of women, immigrants, and people of colour in large cities along with a declining middle class has facilitated the operation of devalorization processes. The fact of gendering, e.g. the devaluing of female-typed jobs,

⁷⁴ While the femicides are said to have different motives, including domestic violence, many of the murdered women worked in precarious jobs, including the export industries. Organized crime, such as trafficking in drugs and persons that also grew in Ciudad Juarez following trade liberalization is said to contribute to the conditions that account for the femicides. See "Report on Mexico produced by the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention, and reply from the Government of Mexico" (CEDAW/C/2005/OP.8/MEXICO) (<http://www.un.org/womenwatch/daw/cedaw/cedaw32/CEDAW-C-2005-OP.8-MEXICO-E.pdf>); also the report on my mission to Mexico, (E/CN.4/2006/61/Add.4).

⁷⁵ See the reports my missions to El Salvador (E/CN.4/2005/72/Add.2), Guatemala (E/CN.4/2005/72/Add.3), Mexico (E/CN.4/2006/61/Add.4).

⁷⁶ For example, the presence of multinational companies in the fisheries and forestry industries in the Pacific Islands which import foreign male workers has been linked to the sex-trade, child prostitution and HIV/AIDS. See Sullivan, Nancy and Ram-Bidesi, Vina, "Gender issues in tuna fisheries: Case studies in Papua New Guinea, Fiji, and Kiribati", Honiara, Solomon Islands: Forum Fisheries Agency & Pacific Islands Forum Secretariat, 2008.

⁷⁷ Sassen, Saskia, "Strategic instantiations of gendering in the global economy: the feminizing of survival," Unpublished paper prepared for the Expert Consultation (see paragraph 10 of the present report), p. 1.

⁷⁸ Sassen, Saskia, *Globalization and its Discontents*, NY: The New Press, 1998, p. 112.

facilitates the devalorization of a broad range of jobs executed by the growing and mostly female “serving classes” in global cities.⁷⁹

75. With respect to the impact of migration on migrant women themselves, existing evidence reveals both empowering and disempowering tendencies. By and large, due to the highly unequal power relations of the work situation and the fact that women concentrate in sectors which escape regulatory mechanisms, migrant women find themselves in abusive environments based on multiple oppressions of gender, class, nationality and ethnicity.⁸⁰ Their vulnerability to violence is particularly aggravated by working in poor conditions with low social status, living in degrading housing situations, and lacking basic legal protections and opportunities for redress.

76. International institutions, employers, business, and governments are complicit in the human rights abuse and violence against migrant domestic workers since these do not enjoy the basic labour protections guaranteed to other workers.⁸¹ Employers may evade domestic labour laws, and governments rarely monitor the observance of these in relation to domestic workers.⁸² Labour-sending countries often have an economic incentive to ignore their breach as they benefit from high levels of remittances and do not wish to jeopardize their relations with relevant host countries. Bilateral and multilateral agreements are insufficient in providing protection to migrants, particularly women.⁸³

77. Migrant women working in the sex sector and those trafficked for sexual exploitation face particular vulnerabilities. Trafficking is the dark underside of migration and inseparable from processes of globalization and trade liberalization.⁸⁴ State policies that treat trafficked women as criminals or mere victims in need of rescue and rehabilitation fail to take account of their economic agency and their human rights in the prevention, protection and prosecution of trafficking.

⁷⁹ Sassen, Saskia, “Strategic instantiations of gendering: Global cities and survival circuits” (<http://portal.unesco.org/shs/en/files/7374/11090837201SaskiaSassen.pdf>), see also *The Global City: New York, London, Tokyo*, Princeton University Press, 2001, chapter 9.

⁸⁰ Piper, Nicola. “Feminization of labor migration as violence against women: International, regional, and local nongovernmental organization responses in Asia”, *Violence against Women*, Vol. 9, No. 6 (2003), p 724.

⁸¹ See the report of my mission to Saudi Arabia (A/HRC/11/6/Add.3)

⁸² Varia, Nisha, “Globalization comes home: Protecting migrant domestic workers' rights,” in *Human Rights Watch World Report 2007*, p. 1 (available at <http://www.hrw.org/legacy/wr2k7/essays/globalization/index.htm>).

⁸³ To date only 41 countries, mainly labour exporters, have ratified the International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families.

⁸⁴ Truong, Thanh-Dam, “Organized crime and human trafficking,” in Viano, E.C., Magallanes, J., and Bridel, L. (eds), *Transnational Organized Crime: Myth, Power and Profit*. Durham: Carolina Academic Press, 2003, pp.53-69.

4. Post-crisis reconstruction and State-building

78. Increases in sexual and physical VAW as a result of armed conflict and humanitarian crises caused by natural disasters are well documented. The large scale rape of women has been a military strategy in countless historical and recent conflicts.⁸⁵ The causes of armed conflict are often linked with attempts to control economic resources such as oil, metal, diamonds, drugs or contested territorial boundaries.⁸⁶ VAW is often one way to achieve this control, demonstrated in many of the recent armed conflicts.

79. Women and girls displaced by natural disasters have also been subject to rape, sexual abuse, early and forced marriage, and trafficking,⁸⁷ with long term impact on women's rights and welfare in the post-crisis or post-conflict situation.⁸⁸ The stigmatization, and sometimes even forced displacement, of women who have been raped for instance, often results in their impoverishment and in continued violence against them.

80. The failure to address women's ES rights in post-conflict situations, contributes to women's poverty and material insecurity and thus, their vulnerability to abuse, including trafficking.⁸⁹ The invisibility of VAW during and after the conflict/disaster is over exacerbates gender inequalities and marginalizes women in reconstruction and State-building processes despite Security Council Resolution 1325 (2000) on women, peace and security in which the Council recognizes the right of women to participate in these processes.⁹⁰ Research suggests that women can be empowered in post-crisis situations⁹¹ if endemic problems in society are addressed

⁸⁵ See Kelly, Liz, 'Wars against women: Sexual violence, sexual politics and the militarized State', in Jacobs, S, Jacobson, R., and Marchbank, J. (eds), *States of Conflict: Gender, Violence and Resistance*, London: Zed Books (2000), pp. 47-52.

⁸⁶ El Jack, Amani, *Gender and Armed Conflict: Overview Report*, Bridge Development – Gender, Institute of Development Studies (2003), p.8.

⁸⁷ Felten-Biermann, Claudia, "Gender and natural disaster: Sexualized violence and the tsunami", *Development* Vol. 49, No. 3 (2006), pp. 82-86.

⁸⁸ On the economic and social consequences of armed conflict for women see report of the previous Special Rapporteur (E/CN.4/1998/54)

⁸⁹ Chinkin, *loc .cit.* (note 25 above), p. 11. See also, Enarson, Elaine, *Gender and Natural Disasters*, ILO: Recovery and Reconstruction Department, September 2000, (<http://www.unisdr.org/eng/library/Literature/7566.pdf>).

⁹⁰ Wilson, Jennifer, Phillips, Brenda D., and Neal David M.. "Domestic violence after disaster" in Enarson, E. and Morrow, B. H. (eds.), *The Gendered Terrain of Disaster: Through Women's Eyes*, Westport, CT: Greenwood, 1998, pp. 115-123.

⁹¹ Holt, Maria, "Palestinian women, violence, and the peace process", in *Development, Women, and War: Feminist Perspectives, Development in Practice*, Oxfam, 2003, pp. 223-38. See the increases in women's empowerment in post-genocide Rwanda on the website of PRO-FEMMES/TWESE HAMWE (www.profemme.org.rw).

and the ES rights of citizens during the rebuilding of societies after crises are ensured in a non-discriminatory manner⁹²

III. CONCLUSIONS AND RECOMMENDATIONS

81. **Violence against women is a violation of the right to life and to personal security but also of a whole range of basic economic and social rights. Yet the differential treatment and implementation of the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights remains a major barrier greatly limiting government and non-State actor efforts to achieve the full and equal realization of women's human rights in order to prevent VAW from occurring in the first place.**

82. **Against this backdrop the present report has examined the interconnections between the current global political economic order and women's enjoyment of their human rights, in particular the implications for VAW; arguing that economic and social rights are essential in enhancing women's capabilities and creating enabling conditions, such that women do not bear the brunt of globalization and economic crisis disproportionately, and can effectively avoid /resist the risk of violence.**

83. **While competitive globalization has created new opportunities for some groups of women, it has disadvantaged others, who have entered the workforce under insecure and unregulated conditions, thus creating new risks and vulnerabilities to abuse and exploitation. At the same time, globalization has undermined State capacity for enforcement and the provision of public goods and services. This has resulted in a return to community based enforcement and survival systems, which have not only intensified women's workload in order to compensate for the erosion of crucial public services and entitlements but also subordinated women to increasingly conservative cultural discourses that challenge the universality of rights and equality of women.**

84. **The feminization of migration, along with feminization of the labour force, two important outcomes of globalization, hold new risks and vulnerabilities as well as opportunities for women's empowerment. But neoliberal policies that fail to attend to the basic social and economic entitlements of individuals and families make violence a more**

⁹² Bernard, Cheryl, Jones, Seth G., Oliker, Olga, Quantic Thurston, Cathryn., Stearns Lawson, Brooke, Cordell, Kristen, *Women and Nation-Building*, Stanford: RAND, 2008.

likely outcome for women than their empowerment. Restrictive immigration policies focused on national security and a narrow construal of economic interests often limit the options of migrant women workers for safe and independent survival in an alien environment. The challenge lies in creating the guarantees for women to migrate safely and with dignity.⁹³

85. The current financial crisis, which clearly reflects the inherent instabilities of unregulated markets, offers a crucial opportunity for Governments and international institutions to invest in public services and infrastructure to create jobs, improve productivity and revive economic demand. Such investment, if well designed, has the potential to expand women's economic opportunities and enhance livelihood security. The State, no doubt, is not the only authority to be held accountable for violations of women's human rights. Sovereignty in the new global order must be understood as the responsibility of nation States, as well as the shared responsibility of the international community at large. Therefore, promotion and protection of women's economic and social entitlements to prevent and protect them from violence must be pursued transnationally. The future of human rights and distributive justice will require democratizing cultural, political and economic hegemony.

86. In view of the above discussion, a viable strategy to address the underlying socioeconomic causes of VAW must include, but not be limited, to the following broad guidelines, which apply to Governments as well as local and international non-State actors:

87. Creation of a gender-sensitive knowledge base as follows:

(a) Develop indicators and generate sex-disaggregated data on risk and preventive factors on VAW that include economic and political factors;

(b) Generate sex-disaggregated data on VAW, its causes and consequences in conflict, post-conflict and other reconstruction processes;

(c) Document shortfalls in economic and social rights of women parallel to violations in political and civil rights;

⁹³ Varia, *loc. cit.* (note 82 above).

(d) Include indicators and targets for eliminating VAW with measures of women's economic and political participation MDG 3 on empowering women, and the UNDP Gender and Development and Gender Empowerment Indexes.

88. Establishing gender-competent policy and programming as follows:

(a) Design public works programmes in the social and service sectors to promote women's employment and support their role as economic agents by contributing to greater social provisioning needs in the household and community;

(b) Provide non-discriminative economic opportunities and reconstruction programmes that address the economic and social dimensions of women's empowerment in post-conflict and crisis societies;

(c) Codify economic and social rights in enforceable national law, including guarantees for minimum level of income, food, healthcare, etc.;

(d) Evaluate all policies of governments and international financial institutions from a gender-perspective guided by the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women, with the view to preventing negative consequences for women of economic liberalization, financial and structural adjustment policies and programmes, and trade agreements--at a minimum, these policies should "do no harm";

(e) Factor in VAW, its causes and consequences in financing for development initiatives, including the Gender Equality Fund and other partnerships devoted to new institutional mechanisms, research, data and action plans;

(f) Adopt gender-responsive budgeting strategies at local, national and international levels

89. Monitoring progress as follows:

(a) Ensure that economic stimulus and reconstruction/recovery packages do not privilege physical over social infrastructure investment and/or support for men's over women's jobs, and full-time over part-time economic opportunities in different economic sectors;

(b) Establish intermediary institutions to manage and monitor the rights of foreign domestic workers;

(c) Use cross-national data on trends or patterns that reveal linkages between VAW and women's socioeconomic status (i.e. control over income and productive resources) and monitor over time throughout an individual or family's life-cycle.

90. In the field of transnational cooperation:

(a) Invest in public services and infrastructure to create jobs, improve productivity and revive economic demand;

(b) Develop mechanisms to hold non-State actors, including corporations and international organizations accountable for human rights violations and for instituting gender-sensitive approaches to their activities and policies;

(c) Channel international assistance for the realization of economic and social rights;

(d) Establish transnational mechanisms to promote and protect the full range of women's rights and eliminate VAW.

Annex

**LIST OF RESPONDENTS TO THE QUESTIONNAIRE ON VIOLENCE AGAINST
WOMEN AND POLITICAL ECONOMY AND EXPERTS CONSULTED**

A States

Albania

Argentina

Bahrain

Belarus

Bolivia

Bosnia and Herzegovina

Canada

Chile

Colombia

Croatia

Cyprus

Czech Republic

El Salvador

Estonia

France

Finland

Germany

Greece

Guatemala

Hungary

Iraq

Jamaica

Japan

Latvia

Lebanon

Mexico

Moldova

Monaco

New Zealand

Norway

Peru

Philippines (the)

Romania

Russia

Serbia

Singapore

Slovenia

Spain

Sri Lanka

Sudan (the)

Switzerland

Syria

Tajikistan

Thailand

Trinidad

Tunisia

Turkey

Ukraine

United Kingdom of Great Britain and Northern Ireland

United States of America

B. Civil society respondents and experts consulted

Alys Willman, USA

Bina Agarwal, India

Dianne Elson, UK

Don Clark, New Zealand

Federica Donati, OHCHR

Floretta Boonzaier, South Africa

Haris Gazdar, Pakistan

Indira Hirway, India

Jane Huckerby, USA

Kathryn Dovey, BLIHR

Korkut Ertürk, USA/Turkey

Luz Angela Melo, UNFPA

Mara Bustelo OHCHR

Mayra Gomez, (COHRE)

Neetha Narayana Pillai, India

Radhika Balakarishnan, India / USA

Saskia Sassen, USA

Samantha Hung, New Zealand

Shawna Sweeney, USA

Susan Deller Ross, USA

Sylvia Walby, UK

Zina Mounla, UNIFEM
