



Contributions to the 2030 Agenda for Sustainable Development

ECOSOC functional commissions and other intergovernmental bodies and forums, are invited to share relevant input and deliberations as to how they address goals and targets from the perspective of "*Ensuring that no one is left behind*".

Inputs could follow the following template, inspired by the report of the Secretary-General on Critical milestones towards coherent, efficient and inclusive follow-up and review at the global level (A/70/684).

Submissions will be publicly posted online at the United Nations Sustainable Development Knowledge Platform, at sustainabledevelopment.un.org, as input to the 2016 meeting of the High-level Political Forum on Sustainable Development.

Please send the completed form no later than **16 May 2016** to the Secretariat's e-mail pietracci@un.org

Submission Form

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 monitoring 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 almost 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 acquired through its mandate, underlines the importance of the Committee's expertise in the implementation of the principle of "ensuring that no one is left behind". The CEDAW Committee as a human rights instrument with a substantive economic and social development dimension is keenly aware of the nexus between development and the realization of women's rights. For this reason the Committee has participated in the international debate for integrating women's rights within the broader architecture of the Agenda 2030. The Chair of the Committee emphasized the oversight function of the Committee in monitoring the implementation of the Agenda 2030 in her statement in the Commission on Status of Women in March 2016.

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 account of 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 the CEDAW Convention does not only require the absence of a discriminatory legal framework, but also laws and policies must not be discriminatory in effect. In other words, the CEDAW Convention requires both substantive and formal equality, non-discrimination and empowerment of women, therefore recognizes that formal equality alone is insufficient for a state to meet its obligation and requires measures to address both direct and indirect discrimination to achieve substantive equality between men and women. The CEDAW Convention provides strong 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, legal capacity, political participation and equal family relations. The adoption of a development framework based on these standards for the full enjoyment of human rights of women enshrined in the CEDAW Convention must underpin the principle of "ensuring that no one is left behind".

The assessment of the global situation illustrated below is mainly based on the work of the Committee under the Article 18 of the CEDAW Convention. It consists on the analysis of progress realized by each State Party which is obligated to present a periodic report to the CEDAW Committee. This report is considered during a CEDAW session, wherein the CEDAW Committee engages in a "constructive dialogue" with the States party. Throughout the reporting process for the constructive dialogue the Committee considers the "shadow/ independent reports" which are presented by NGOs as well as reports from international organizations such as IPU ILO and UNHCR. Shadow / Independent reports are very often a civil society critique of the government reports, highlighting issues that may have been neglected or misrepresented in the government reports. In case the constructive dialogues is an important mechanism which helps in assessing the legislative, administrative and judicial national frameworks 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 the SDGs 5 and in the other targets of the Agenda 2030 related to gender equality, for instance, the impact of sexual stereotypes and gender based violence against women; the conditions and type of work in paid employment; the burden of unpaid caring labor, women's control over their own body and incomes and last but is not least the impact of armed conflicts on the situation of women and girls.

A main assessment criteria can be mentioned as the following points.

- ✓ While many countries recognize the legislative principle of non- discrimination based on sex, the CEDAW principle of substantive equality between women and men or non-discrimination based on gender is still not fully accepted and implemented in many regions of the world and in many State Parties. The prohibition of sex discrimination is still formalistic in many jurisdictions, and they do not consider gender based discrimination which reflects the impact of social, cultural and historic discrimination.
- ✓ One important implication of the above is that States tend to neglect to practise the positive obligation to implement policies to rectify "discrimination" against women. Likewise they do not draw sufficient attention to 'temporary special measures' including quota, to address a history of disadvantage of women.
- ✓ In the last decades the elimination of violence against women received attention in regional commitment, where the African, inter-American, and European human rights systems all have developed legally binding instruments that address violence against women. As the most recent example, there is the Istanbul Convention, to which a number of the members of CEDAW have contributed. The evidence implicates a relative growth in government institutions and plans against gender based violence against women, however, while there is a global trend of raising awareness on the impact of violence against women including domestic violence, harmful practices and violence in conflict



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situations, the implementation of legal obligations and effective preventive policies are still insufficient

- ✓ Access to justice by women remains a problem. The Committee examines with specific attention the obligations of States parties to ensure that women have access to justice as rights holders. In practice, the Committee has observed a number of obstacles and restrictions that impede women from realizing their right of access to justice on a basis of equality. They include a lack of effective jurisdictional protection offered by the States Parties in relation to all dimensions of access to justice. These obstacles occur in a structural context of discrimination and inequality, due to factors such as gender stereotyping, discriminatory laws, intersecting or compounded discrimination and a failure to systematically ensure that judicial mechanisms are physically, economically, socially and culturally accessible to all women.
- ✓ Moreover the Committee has observed that the intersection of gender with other forms of disadvantage, such as race, class, age, disability, ethnicity and sexuality, 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. These glaring disparities have narrowed in some countries, but in others they have actually widened. There are different trends between different regional contexts and countries. Few examples of this trend can be the following. In the least developed countries, a woman living in a rural area is 60 per cent less likely to give birth with a skilled health professional than her counterpart in the city. In Latin America, indigenous women are more than twice as likely to be illiterate than non-indigenous women. Globally, and with few exceptions, rural women disproportionately experience poverty and exclusion. They face systemic discrimination in accessing land and natural resources. Even when formally employed, they are more often engaged in work that is insecure, hazardous, poorly paid and not covered by social protection. They are less likely to be educated and are at higher risk of being trafficked and forced into labour, as well as into child and/or forced marriage and other harmful practices.
- ✓ Certain advancements have been achieved in increasing female representation in government and decision making during the MDGs phase (2000-2015), but in many cases they focused 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 has had more negative impact on women than men in their economic empowerment. Realizing women's economic rights necessitates going beyond the women's participation in the labor market because the enforcement of labor rights, the quality of employment, and capacity of earnings must also be considered. Work must be viewed as a continuum that encompasses both paid and unpaid labor in order to understand the constraints women face in realizing both their rights to decent work. One reason women face different economic circumstances to men is because of their responsibility for unpaid labor, which is to the forefront of the Agenda 2030. It must be recognized in statistics and policy, and reduced by public investment, programs against poverty as well as awareness campaign to change gender stereotyping, so that more men can be care givers.
- ✓ Sexual and reproductive health and rights of women and girls, particularly during conflict, are not fully implemented. The Committee has clearly indicated that women's right to health includes their sexual and reproductive health. This means that States have obligations to respect, protect and fulfil rights related to women's sexual and reproductive health. Despite these obligations, violations of women's sexual and



reproductive health rights are frequent. These take many forms including denial of access to services that only women require, or poor quality services, subjecting women's access to services to third party authorization, and performance of procedures related to women's reproductive and sexual health without the woman's consent, including forced sterilization, forced virginity examinations, and forced abortion.

- ✓ Women's sexual and reproductive health rights are also at risk when they are subjected to female genital mutilation (FGM) and early marriage. 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 valued 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 being subjected various human rights violations as a result.
- ✓ These forms of discrimination are very often related to family laws which stand as barriers 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. Indeed, women often do not equally enjoy their family's economic wealth and gains, they usually bear the greater cost of the breakdown of the family than men and may be left destitute upon widowhood, especially if they have children and particularly where the State provides little or no economic safety net. 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, women cannot enjoy the equal rights with men in family relations or family laws because 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 (the core obligations of state parties) and 16 (equality in family relations and family law). Despite the Committee's view that these reservations are incompatible with the object and purpose of the Convention thus are not permissible under the Convention (article 28), the reservations to these two articles are still maintained by many states.
- ✓ The Committee hopes the above comments could help ECOSOC in monitoring the gender equality Goal and targets in the Agenda 2030 for sustainable development. Realizing the full enjoyment of human rights by women is at the core of the "transformative" impact of the Agenda 2030 and it is considered the real challenge for the next decades. This challenge needs bold and ambitious solutions at the global and country level in all regions of the world. Therefore the Committee respectfully urges the HLPF as the main follow-up mechanism, to build momentum and generate strong political leadership in order to open up new avenues to the human rights of women.

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

The SDG targets are closely aligned with the human rights standards, although they are not framed explicitly in the language of human rights, nevertheless some gaps remain. The main gap between the Agenda 2030 and the CEDAW standards concerns sexual and reproductive health and rights (SDG



Target 5.6) and the lack of explicit reference to minorities LBTI. Therefore it will be critical to ensure that implementation of the target is consistent with the position expressed by the Committee on these issues.

Regarding the areas requiring urgent attention at global level, a set of priority targets to implement should include particular attention to:

- ✓ *Eliminate all forms of violence against all women and girls in everywhere, in the public and private spheres, including trafficking and sexual and other types of exploitation.*
- ✓ *Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation*

From the Committee's perspective the priority for the realization of women's rights and for achieving gender equality vary in every country and for different groups of women, as underlined in the CEDAW Concluding Observations adopted after the review of state parties' report which are country specific. Therefore the Committee recommends the use of its Concluding Observations in relation to the SDG 5 and the gender equality targets mainstreamed in the other SDG. This approach could provide a foundation for realizing rights and evaluating public policies with regard to gender equality. When the global community endeavors to reach the full implementation of the principle of "ensuring that no one is left behind" in the next decade, the Committee's Concluding Observations will still be of use to assess the real situation of the human rights of women.

3. Valuable lessons learned on ensuring that no one is left behind:

From our experience, the fight to discrimination and violence against women requires a strong partnership between international and national institutions and civil society organizations, including the women's human rights defenders. The work of women's and human rights associations plays a critical role on combatting human rights violations and it could be strategic in advancing not only SDG 5 on gender equality, but also across all other goals of the new development framework, such as ending poverty, protecting the environment, reducing inequalities, and promoting peaceful and inclusive societies for sustainable development. Enable the work of CSOs and WHRDs, including by ensuring their meaningful participation in the development and monitoring of relevant policies and programs should be a priority for implementing the Agenda 2030 in order to ensure no one is left behind. National and international institutions should ensure that CSOs and WHRDs are protected from gender-specific threats, intimidation, and violence they may face due to their work on challenging the deep-rooted patriarchal structures and societal gender norms.

4. Emerging issues likely to affect the realization of this principle:

In the last decade the rise of extremism, escalating violent conflict, recurrent and deepening economic crises, food insecurity, natural disasters and the effects of climate change have intensified vulnerability and increased inequalities, including gender inequalities. Furthermore, as the current refugee crisis in the Middle East demonstrates, the situation of refugee and internally displaced women is particularly difficult.

These emerging issues could heavily affect the realization of principle of no leaving behind women and girls. Therefore they should be duly considered of the global follow up review of the Agenda 2030. A specific attention should be devoted to emerging patterns of discrimination and violence against women in countries in conflicts situations and situations of instability as well in countries of destination of refugee flows.



The Committee has dedicated to these specific issues two substantive General Recommendations, namely the GR 30 on women in conflict prevention, conflict and post-conflict situations and the GR 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. The Committee is confident these GRs could provide helpful guidance for the ECOSOC.

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

Laws that establish that women and men have equal rights provide an important basis for demanding and achieving equality in practice. They can be a central reference point for political and cultural struggles, driving changes in social norms and popular attitudes as well as policy shifts.

In addition, a substantive understanding of gender equality that can serve as both a vision and an agenda for action for those seeking to advance women's rights in today's challenging context is required. While formal equality refers to the adoption of laws and policies that treat women and men equally, substantive equality is concerned with the results and outcomes of these. Notions of direct/indirect discrimination should be adequately addressed in the monitoring process.

6. Policy recommendations on ways to accelerate progress for those at risk of being left behind:

The framework of the obligations under the CEDAW Convention is constructed on three main principles: the obligation to respect (equality in laws and policies); the obligation to protect (non-discrimination—direct and indirect) and the obligation fulfil (to uphold equality and eliminate gender discrimination in the entire sphere of the 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 investigated 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;
- ✓ 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. To support substantive equality, legal, economic and social policies need to work in close cooperation. 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**".