



## Women, Poverty, Equality: The Role of CEDAW

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## Women in Poverty

- Men and women in poverty live in, economic want, indignity and powerlessness
- Growing evidence that poverty is a gendered experience.
- The economic want and powerlessness of women's poverty is rooted in gender power imbalances between men and women



## Definition of Gender-Based Poverty

**Redistribution harms** of having no or limited access to economic resources couple with the **recognition and participation harms** that exclude women from public life and decision making processes, that segregate and under value the work of women and cultural norms that see women as inferior



## How Can International Human Rights Law Respond?

- Why Not ICESCR?
  - Article 2(1) progressive realization of rights
  - Article 3 equal enjoyment of rights
  - All immediate steps taken to progressively realise rights need to further equality between men and women.



## The Promise of CEDAW

- **Immediate** obligation to eliminate discrimination and achieve gender equality
- Addresses women's **civil, political**, economic, social and cultural rights and cross-cutting problems such as gender-based violence
- Specific provision to address **gendered cultural norms and stereotypes**



## The Gap in CEDAW

- There are no provisions in CEDAW that directly require states to take all appropriate measures to eliminate gender-based poverty.



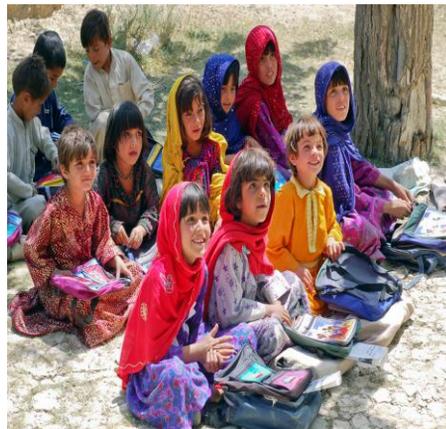
## How to Address the Gender-Based Poverty Gap?

- Optional Protocol
- A New Interpretation of CEDAW
  - Are there words or phrases in CEDAW be interpreted to account for gender-based poverty?



## The Drafting History of CEDAW

What explains CEDAW's silence to gender-based poverty?



## Building Blocks of the Interpretative Process

- Vienna Convention on the Law of Treaties
  - Ordinary meaning + Context + Object and Purpose
- Evolutionary Interpretation
  - Did the states intend the treaty to be interpreted to take account changes that occur over time?
- Comparative
  - How have bodies similar to CEDAW addressed the problem of poverty and gender-based poverty?



## Interpreting CEDAW

- Potential Options to Account for Gender-Based Poverty:
  - Locating gender-based poverty in one specific right
    - health care
    - economic, social and cultural life
  - OR
  - Equality and non-discrimination



## Equality and Non-Discrimination in CEDAW

### Article 1

For the purposes of the present Convention, the term "***discrimination against women***" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, ***on a basis of equality*** of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.



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## Equality in CEDAW

- Multiple versions of equality in CEDAW
  - Formal
  - Opportunity
  - Results
  - Transformative



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## Non-Discrimination in CEDAW

- Both direct and indirect discrimination are prohibited in CEDAW
- CEDAW's understanding of grounds, identities and experiences
  - Not a grounds-based approach
  - When women's identities, experiences or cross-cutting problems interact with their sex and/or gender protected under CEDAW



## Nature of the State's Obligations

- How does this interpretation impact the state's obligations?
  - No progressive realisation or minimum core in CEDAW
  - States required to take **appropriate measures** to realize the human rights for women in poverty (Article 2 of CEDAW)
    - Equality and non-discrimination acts as benchmark and analytical matrix



## CEDAW Committee and Gender-Based Poverty

- Working towards fully incorporating gender-based poverty into CEDAW
- Inconsistencies in the Committee's approach
  - Articles of CEDAW
  - State
  - Missing a Full Connection between Poverty and Equality



## Proposed Solutions

- Reforming the State Reporting Guidelines
- General Recommendation on women and poverty



## Conclusion

- Poverty is gender-based
- The human rights violations that are inherent and contribute to gender-based poverty
- Through a VCLT interpretation equality and non-discrimination CEDAW can address how gender-based poverty is an obstacle to women's human rights

