

## **Red Flags at the 61st Commission on the Status of Women**

### Women's Rights Caucus

The 61st session of the UN Commission on the Status of Women is heading toward a weak, even regressive, outcome that fails to address the current state of the world of work, let alone address future challenges. The theme of this year's Commission is **Women's Economic Empowerment in the Changing World of Work**. Women's rights movements expected to see a greater focus and commitment from States to act on the current and future challenges that arise from an imbalanced and dangerous global economic system; the current and future threats of climate change; growing automation of work that will most impact on women already exploited at the bottom of the supply chain, the concentration of wealth and corporate power that prevents governments from investing in public services and social protection necessary for women's economic rights and the growing and multiple forms of authoritarianism, conservatism and hatred that expresses itself in restrictions on women's bodily autonomy, movement and sexuality.

Consequently, as the negotiations reach the final days, we believe the following 'Red Flags' must be addressed.

1. Recognising the interdependent aspects of **the right to work** - to freely to choose or accept work, to just and favourable conditions of work, the right to join or form trade unions and for those unions to be able to operate - is critical to realizing women's rights in the world of work. Work must be decent work. Workers must be guaranteed a **minimum living wage** and **equal pay for work for equal value**: the language in the draft ("equal pay for equal work or work of equal value") undermines international law on this issue and the SDGs (target 8.5) in a way that will particularly harm women's pay levels. The effective right to collectively bargain incorporates implicit rights to freedom of assembly and association and to strike and use other forms of collective power and should be recognized in the text as such.
2. States have repeatedly reintroduced instrumentalist arguments that suggest gender equity can be a vehicle to economic growth. CSW and all UN agencies should only support **rights-based arguments** stemming from the understanding that women's rights are human rights and that equity is a matter of social justice. By centring women's rights, we also avoid victimisation rhetoric that avoids identification of the actor perpetrating human rights abuses instead positioning women as inherently "vulnerable", which can lead to the promotion of protectionist policies that limit women's enjoyment of their rights.
3. References to main body responsible for protecting labour rights, the **International Labour Organization (ILO)**, have been all but deleted from the text. The ILO must play a central role, along with UN Women, in implementing and monitoring these agreed conclusions; yet the ILO has been removed from the implementation paragraph. The text must include the ILO Declaration on the Fundamental Principles and Rights at Work, which commits Member States to respect and promote principles and rights in four categories, whether or not they have ratified the relevant

Conventions. These categories are: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation. Other key ILO instruments should be included, including the Core Conventions and relevant conventions and recommendations such as Convention No. 100 on Equal Remuneration, No. 156 on Workers with Family Responsibilities, No. 182 on the Worst Forms of Child Labour, No.183 on Maternity Protection, No 189 on Domestic Workers, and the Recommendation No. 204 on Transition from the Informal to the Formal Economy. No. 183 on Maternity Protection, particularly around Domestic Work (No.189).

4. The impact of **climate change** on women's right to decent work and the obligation of States to ensure a **just and equitable transition** toward a low carbon economy that is able to advance women's human rights should be a priority for this Commission given the theme and consequently feature in the preambular section, operation section, financing section and in the direction for future work of UN agencies.
5. References to **private sector regulation** have been completely abandoned and replaced with efforts to strengthen the private sector and encourage them to be better employers. There is an absence of recognition or action to address the multiple violations that occur in an effort to attract foreign investment and facilitate the operations of transnational corporations. The current draft reflects the growing tendency of the UN and governments to empower corporations and surrender governance to them.
6. References to **redistributive and progressive taxation** required to fund social protection and public services necessary for the realisation of women's economic and labour rights have been removed. In addition, references to the importance of stronger global tax cooperation, auspiced in the UN, to eliminate tax evasion, havens and illicit financial flows must be included.
7. Instead of limiting recommendations to promote safety and infrastructure for women travelling to and from work, the text should include provisions for **universal quality public services**, infrastructure and social protection policies, which are necessary for the full and equal participation of women in the workforce. This would include water and sanitation as well as health and education.
8. Despite States' desire to include references to **girls** throughout the text, there are no references to the protection of the rights of working children or the eradication of child labour in the current draft. Economic empowerment for women starts with guaranteed access to, and equitable participation in, quality public education from early childhood onward. The text must reinforce the right to quality public education across the lifecycle, as well as access to training, retraining and lifelong learning.
9. Women's and girls' **sexual and reproductive rights and autonomy** are fundamentally linked to their economic rights, independence and empowerment:

without the information, education, resources, services and freedom to make decisions about their sexual and reproductive lives, they are not able to effectively complete education or training or participate in the world of work. Governments must commit to create laws and policies that are supportive rather than prescriptive of women's and girls' lives and bodies, that would fully respect, protect and fulfill their sexual and reproductive rights, and that guarantee their right to access comprehensive sexual and reproductive health services and comprehensive sexuality education.

10. The text currently only addresses sexual harassment, which is only one form of **gender-based violence in the world of work**. The text should acknowledge and support the work currently underway at the ILO to create a binding instrument on violence and harassment against women and men in the world of work.
11. Paid, underpaid and unpaid **care work** continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities. It is vital to create decent work in the care economy and ensure that care workers have all protections and benefits and work under conditions that are not less favourable than those available to workers generally. It is also important to retain strong language on data that recognizes the formal and informal economy, intra household inequality, and includes poverty measurement, particularly in the context of the theme of women's empowerment in the world of work as well as the 2030 Agenda.
12. The language on **health** is grossly inadequate and does not include basic obligations of governments to protect the right to health, particularly in the context of the world of work. At a minimum, this paragraph must address universal access to quality public health services and medicines, and financial risk protection, regardless of migration or residence status, paid sick, disability and parental leave, and occupational health and safety protections, including workers' compensation.
13. We have consistently advocated for meaningful support for the work of, and protection of the rights of **women human rights defenders (WHRDs)**, rather than mere recognition of their work and the importance of engaging with them. With women human rights defenders facing increased threats as a result of **shrinking democratic spaces** worldwide, States must recognize WHRDs are legitimate and vital actors, recognize the particular threats and violations they face, and ensure an environment conducive for WHRDs to carry out their work free from harassment, intimidation and violence from state and non-state actors. States must facilitate the work of WHRDs including by ensuring their meaningful participation in the development and monitoring of relevant policies and programmes, including the 2030 Agenda, and **commit to increased resources** and support for grassroots, local, national, regional and feminist, global women's, labour and civil society organizations and trade unions. Each of these are necessary to advance and promote gender equality and the human rights of women and girls, and for the realisation of gender

equality, including by facilitating access to information and enabling the exercise of their rights to freedom of expression, association, assembly, and public participation.

14. The Conclusions must go further than just acknowledge the emerging theme of **Indigenous women's** economic empowerment and should include a stand alone paragraph on this theme based on international human rights, including the Declaration on the Rights of Indigenous Peoples. **Free, prior and informed consent** is necessary in the recommendations on participation in decision-making.
15. **Women migrant workers** must be guaranteed **minimum living wage** policies and employment contracts that are no less favourable than that of national workers in relation to remuneration and conditions of work, in line with the principles of equality and non-discrimination. It is necessary to ensure that domestic labour laws apply without discrimination to all forms of work, as women migrant workers are often restricted to work in the informal sector in jobs that too often are excluded from that protection. Women migrant workers need access to public services and criminal justice separate from immigration enforcement in order to be able to secure their access to justice and redress. Migration policies need to be **human rights-based** and **gender responsive** in order to protect rather than limit women's rights, in line with relevant obligations under international law.
16. While there are references to transitioning women in the informal sector to formal employment, the various other forms of **precarious work**, including casualisation, contractualisation, seasonal work, work of women in export processing or special economic zones where rights to organise and collectively bargain and other rights to just and favourable conditions of work are denied are missing despite commitments in the SDGs to address 'precarious work' (target 8.8).
17. Language on **women's burden of work, including unpaid domestic and care work, both within and outside the family structure** does not adequately address the role that the state must play in reducing and redistributing it, including parental leave, quality public services such as childcare and early child education, long-term care for the elderly, and social protection floors. These policies must be equitable, quality, accessible and affordable for all. The changes to the text include increased reference to maternity and motherhood, which entrench stereotypical gender roles and conflates unpaid care work with women's roles as mothers exclusively, which is unacceptable. It is important to recognize diverse forms of family, and recommend policies that recognize the rights of individuals within families, including children.
18. Any language on **trafficking in persons** need to centre the human rights of individuals who are trafficked – re-committing to prevent trafficking and provide assistance and redress to trafficked persons. The current draft offers no support to trafficked persons, which is unacceptable. It is important to use language in this area precisely and avoid vague terms that can allow for actions in the name of anti-trafficking that abuse the rights of migrants and other workers and individuals.



