



## **Economic and Social Council**

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### **Commission on the Status of Women**

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**Follow-up to the Fourth World Conference on Women and to  
the twenty-third special session of the General Assembly  
entitled “Women 2000: gender equality, development and  
peace for the twenty-first century”**

### **Statement submitted by Legal Resources Centre, a non-governmental organization in consultative status with the Economic and Social Council\***

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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\* The present statement is issued without formal editing.



## **Statement**

### **Substantive gender equality and ensuring that no woman is left behind**

Gender discrimination can be direct but also indirect. Discrimination occurs when any distinction or attempt at exclusion or restriction takes place that impairs or eliminates the recognition, enjoyment, or exercise of an individual's basic and fundamental human rights because of the person's gender or sex and other analogous grounds. Discrimination has lasting impact on the reality of women in that it hinders their access to opportunities, resources, and societal cultural recognition. As a result of discrimination and patriarchal norms, women are disadvantaged in terms of their home life, societal engagements, and community positioning, as well as in regard to access to services, institutions, education, the economic sector, and decision-making processes, to name but a few.

We recommend that the starting point for any discussion related to women must acknowledge that women are not a homogenous group living within a specific or even a normative context. Women across the world live in vastly different ways based on their geographic location, their socio-political context, and often simply because of where they are situated within their communities or family contexts. As a result, women's rights need to be viewed through a feminist lens of intersectionality. Account has to be taken of her race, ethnicity, religion, belief, tradition and customs, economic status, disability, sexual orientation, and gender identity, among other factors.

As an example, in several African countries only married women can access land. In these circumstances, single women are facing restrictions based on their gender and marital status. A woman without any formal education may find it more difficult to know what her legal rights are and to claim her right to land than a woman who has had formal education. It is imperative to acknowledge, therefore, that discrimination affects women differently because of the intersection of multiple factors.

An intersectional analysis assists us in understanding that diversity plays an important role in the development of remedies to gender inequality. We draw particular attention and focus to the rights of intersex and transgender women who are often excluded and marginalized from discussions affecting and impacting on the lives and lived realities of women. The Beijing Declaration and Platform for Action, as well as the 2030 Agenda for Sustainable Development, requires that we ensure no woman is left behind in the implementation and realization of rights. A failure to apply an intersectional lens to the rights of women restricts and denies women substantive equality, especially for classes of women that are often excluded.

### **Women and poverty**

It is widely accepted that women are the poorest of the poor in South Africa and in most countries. Statistics South Africa has reported that women accounted for 43.8 per cent of total employment in the second quarter of 2018 in South Africa. The informal sector, which accounts for 17.4 per cent of total employment, plays an important role in providing employment to those who cannot find work. Informal sector employment is mainly concentrated in trade. There are more women than men employed in the informal sector trade. Women are more likely than men to be involved in unpaid work.

Consequently, reducing poverty must be a priority because it directly links with substantive gender equality. Accordingly, a gendered and intersectional approach must be taken to address the gender bias in poverty that negatively affects women.

Governments must change their economic policies to provide more opportunities for women, improve laws to uphold economic rights, and boost access to credit. Since understanding any problem is key to solving it, governments should commit to collecting better information to track how poverty affects women.

Critically, any steps taken to end extreme poverty must fully involve women, and respecting their rights, states must include women as active role players in seeking to end poverty.

### **Women and work**

Women's rights at work must be viewed through a gender lens. Historically, women have not been recognized as being part of the formal work force. There are a number of professions, such as extractives and mining industries, that historically discriminated against women and from which women were excluded based on biological differences and where women were situated within society and communities. An overall transformation of the world of work is required to address the violence that women face in the workplace, which often manifests through sexual harassment, bullying, and intimidation.

In 1995, the Beijing Declaration and Platform for Action recognized that women were concentrated in jobs that pay low wages and have poor working conditions and where they lack access to basic social security protection, such as maternity benefits and unemployment insurance. Many of these challenges relate directly to the pervasive nature of neoliberal market-based economic development policies. We must be mindful that such policies are incapable of advancing women's equality in the workplace or in society.

Many strides have been made since 1995, including the progressive recognition that has been afforded to unpaid care work and the principle of equal pay for work of equal value. We need to ensure that these advances are not lost but built upon and strengthened.

### **Women and health**

Women continue to face a number of unique barriers that frustrate their ability to fully attain and enjoy their right to the highest possible standard of physical and mental health. Among these are legal and legislative restrictions on women's bodies that bar them from access to health services to which they should be entitled. Some barriers are based on harmful stigma and stereotypes that compound young women's risk of contracting HIV and AIDS.

Funding and resource allocation in the age of austerity measures continue to affect women disproportionately, and women's rights to health care is no exception. Women are often disproportionately impacted because they require specialist health-care provisions. Where financial and resource allocations are scarce, it is far too often the health needs of women in respect of contraception and family planning services that are hardest impacted, leading to increasing incidents of maternal mortality and morbidity.

It is important to note that because of intersectional discrimination, women with disabilities, indigenous women, refugee women, older women, and transgender women face very specific health-care challenges.

### **Women's land, housing, and property rights**

Our international, regional, and often national legal frameworks all speak to a bundle of rights that relate to the enjoyment of and access to housing, land, and property.

Our organizational experience is that legislative and policy frameworks are often developed without a gendered lens and lead to indirect forms of discrimination of women. Such laws and policies normally seek to mainstream gender and are drafted in a gender-neutral language. The experience of women is that they indirectly discriminate against women.

In rural and traditional communities, customary laws and practices often discriminate against women in allocation and tenure security. Allocation is traditionally provided only to men, and women are often beneficiaries through their marital relationships. These practices and laws often entrench women in both poverty and vulnerability, as their welfare is dependent on their male partner.

Of particular concern is the manner in which the extractive industries and the agricultural sector have dealt with poor and marginalized groups that occupy land, which are sought for the advancement of these economic sectors. Without strong policies and implementation, communal rights to properties – where women's voices are traditionally not heard – are often violated in favour of corporations. Increasingly, as the economies of the world struggle, there is pressure placed on rights realization and protection. Policy and legislative development is often, by design, intended to attract foreign investment at the expense of communities. In Africa, particularly, urban and indigenous communities are displaced to advance economic policies established by the state. Such policies exacerbate the poverty within which many communities function and provide for themselves.

States must foreground policy and legislative developments within the lived experience of those who are rights holders. Women's experiences and voices, therefore, must be considered in these processes, and account should be taken of how patriarchy at the community and engagement level often silences the voices of women. Furthermore, states must be encouraged to avoid mainstreaming of women's issues and barriers, as this approach will mostly likely not address these issues and barriers.

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