



Women's Economic, Social and Cultural Rights

Worldwide, women make up 70% of the 1.2 billion people living in poverty. Women are affected disproportionately by inadequate or non-gendered social programs and policies aimed at ensuring health care, education, child care, housing, food and water. A vast majority of these programs do not take into account the specific needs and interests of women, particularly given their care-giving roles.

When the State fails to fulfill economic, social and cultural rights, the burden is felt disproportionately by women. The lack of adequate housing, health-care, work and education also greatly increases women's vulnerability to violence, exploitation and abuse. Economic, social and cultural rights, therefore, are central to ensuring dignity and equality for women and must be a part of advocacy strategies to realize women's human rights. However, as women are highly diverse, experiences of inequality and discrimination can only be truly remedied through

contextualized policies, practices and remedies (i.e., a substantive equality approach) aimed at realizing women's economic, social and cultural rights.

➤ Right to Work

According to UN-Women, women are more likely than men to have low-paid, low-status and vulnerable jobs, with limited or no social protection or basic rights.¹ Globally, women's wages are 17% lower than those of men.² The right to work entitles women workers to have the opportunity to **earn their living by the work**



of their choice, to equal employment opportunities and to **working conditions** that are safe, dignified and healthy. Workers must be guaranteed a **fair and equal wage** with **no discrimination**, including those based on gender stereotypes. Women should not be discriminated against when pregnant regarding employment opportunities and working conditions.

➤ Right to Social Security

Women should be provided with adequate **goods and services**, as is required for a dignified life **without discrimination**. Workers should be protected from “(a) lack of work-related income caused by **sickness, disability, maternity, employment injury, unemployment, old age, or death** of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents.”³ Special attention should be given to disadvantaged and marginalized groups, such as **older women and women who work in the informal sector** and ensure that women receive **equal benefits** including **adequate parental leave** for both men and women. Social services



should be provided to enable parents to combine family obligations with work responsibilities.⁴

➤ Right to Food

The World Food Programme has noted that gender inequality is a major cause and effect of hunger and poverty. It is estimated that 60% of chronically hungry people are women and girls.⁵ Women should **have physical and economic access** to food or the means of producing it at all times **without discrimination**. Women also must have **access to or control over means of food production**, and the State must actively address customary practices under which women are not allowed to eat until the men are fully fed, or are only allowed less nutritious food.

➤ Right to Housing

The right to housing includes **security from outside or domestic threats, a healthy living environment, security of tenure, affordability, habitability, accessibility, cultural adequacy, proximity to necessary services**, and **freedom to choose one’s place of residence**. States must **develop national policies** and **refrain from forced evictions**. States must also ensure there are no statutory and other forms of **discrimination** in relation to property rights (including home ownership) including the right to enjoy cultural heritage. States must also ensure alternative, safe housing for women victims of **violence and sexual abuse**.

➤ Rights to Water and Sanitation

Every day, more than 152 million hours of women and girls’ time is spent ensuring basic needs, including collecting water for domestic use.⁶ Women have the right to adequate water and sanitation, and their security should not be threatened when having to physically

access these resources, particularly in humanitarian conflict areas where the fetching water represents a serious peril for women and girls. The full enjoyment of these rights means access to water and sanitation is **affordable, adequate, safe, clean and physically accessible**. State should ensure that policies and entitlements related to access to water should account for the **disproportionate burden women bear in the collection of water** and its use within the household.



is fueled by gender inequality.⁹ In addition, every day approximately 800 women die from preventable causes related to pregnancy and childbirth.¹⁰ The right to the highest attainable standard of health, including sexual and reproductive health, entitles women to have **control over their bodies** and make informed and autonomous decisions regarding their health. States must “**eliminate discrimination** against women in their access to health care services, throughout the life cycle, particularly in

➤ Right to Education

According to UNICEF, 53% of all children out of school are girls denied of the right to education. Furthermore, poverty, exploitation and armed conflict exacerbate the risk girls face even if they go to school, forcing many to stay home or drop out in fear for their safety.⁷ Worldwide, women account for nearly two-thirds of the 776 million illiterate adults.⁸ Women and girls must **access all educational opportunities** on the basis of **equality and non-discrimination** and freedom to choose the kind and content of education, which is **available, accessible, acceptable and of good quality**. Access to primary education is a minimum core obligation; **universal primary education** must be compulsory and free of charge for girls and boys. States should implement **temporary special measures** to close the gap and the historic discrimination in girl’s access to school, including by establishing quotas and incentives for girl’s enrolment in schools. Non discriminatory measures should also include the **same admission criteria for boys and girls** at all levels of education, and adopting a curriculum which promotes equality and non-discrimination, and creating favorable conditions to ensure the **safety of children** on their way to and from school.

➤ Right to Health

Gender gaps in health outcomes are prevalent worldwide. Gender discrimination means that women’s health care needs are de-prioritized, making women more vulnerable to morbidity and preventable death. For example, for women in their reproductive years (15–44), HIV/AIDS is the leading cause of death and disease worldwide, in part because HIV/AIDS pandemic

International Human Rights Instruments which recognize women’s ESC rights

- Universal Declaration of Human Rights (UDHR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons with Disabilities (CRPD)
- Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Regional Human Rights Instruments which recognize women’s ESC rights

- African System—Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol);
- Inter-American System—Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights (Protocol of San Salvador); and the Quito Consensus
- European System—European Social Charter and Council of Europe Convention on preventing and combating violence against women and domestic violence.



the areas of family planning, pregnancy, confinement and during the post-natal period.”¹¹ “**Societal factors are determinative of the health status of women**, ... for that reason, special attention should be given to the health needs and rights of **women belonging to vulnerable and disadvantaged groups**.”¹² States must ensure the greatest possible **availability, accessibility, acceptability and highest quality health-care** for all on a basis of non-discrimination.

➤ Cultural Rights / Marriage and Family

Women have the right to **freely determine their identity, chose their religion and decide their own political beliefs**. Cultural or traditional practices cannot be used as a justification for practices that **discriminate against women** or violate human rights. Women must have the same opportunities to **participate in sports and other recreational and cultural**

activities and reasonable accommodation should be made for women with disabilities. Women have the right to **chose their marriage freely and be equally represented**, including in passing their nationality onto their children, dissolution of the marriage, family benefits, court and administrative proceedings, contracts and loans, guardianship of the children, choosing a profession and **ownership and inheritance of property**.

Notes

¹ UN-Women, Facts & Figures on Women Worldwide, 2010.

² Ibid.

³ Committee on Economic, Social and Cultural Rights, General Comment 19: The Right to Social Security, E/C.12/GC/19 (4 February 2008), para 2.

⁴ Article 11, 2(C), Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly in 1979, Res. 34/180.

⁵ World Food Program, Gender Policy and Strategy.

⁶ Estimated with data via Water.org, from: WHO/UNICEF Joint Monitoring Programme (JMP) for Water Supply and Sanitation. (2010). Progress on Sanitation and Drinking-Water, 2010 Update; World Health Organization (WHO). (2004). Evaluation of the Costs and Benefits of Water and Sanitation Improvements at the Global Level.

⁷ UNICEF, 'UNICEF says education for women and girls a lifeline to development,' 4 May 2011.

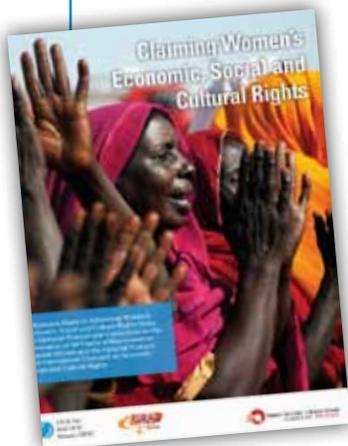
⁸ UN-Women, Facts & Figures on Women Worldwide, 2010.

⁹ World Health Organization, Women's Health, Fact Sheet No. 334, November 2009.

¹⁰ World Health Organization, Maternal Mortality, Fact Sheet No. 348, May 2012.

¹¹ Committee on the Elimination of all forms of Discrimination Against Women (CEDAW), General Recommendation 24, Women and Health, (20th session, 1999) para 2.

¹² Ibid. para 6.



New Manual on Women's ESC rights!

For more information on advocacy and litigation related to women's ESC rights at the international level, we have a guide which can be downloaded free at: <http://www.escr-net.org/node/365157>.

For more information about women's economic, social and cultural rights visit, www.escr-net.org.



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