

**Joint submission to the Working Group on Discrimination against Women and Girls
for its upcoming report on
“Human Security of Women and Girls in the Context of Poverty and Inequality”
October 2022**

I. Introduction

This is a joint submission by the Sexual Rights Initiative (SRI),¹ International Women’s Rights Action Watch Asia Pacific (IWRAP AP)² and the Association for Women’s Rights in Development (AWID).³

1. We value the opportunity to provide input into the Working Group’s upcoming report and welcome the report’s focus on poverty and inequality. This focus is crucial at a time where poverty reduction gains made in previous decades are in reverse, and where many countries, especially in the Global South, are facing “the cumulative impacts of multiple crises, including high debt-related distress, illicit financial flows, the severe socioeconomic effects of the pandemic, increased climate-related emergencies, higher cost of living, famine and food insecurity,”⁴ as recently noted by the Independent Expert on foreign debt. Even the IMF has warned that “the worst is yet to come”⁵ and that the repercussions will be severe and long-term, with “[m]any lower-income nations [...] expected to suffer economic woes “for years to come.”⁶ Inequality is also at an all-time high: Oxfam research has estimated that since the pandemic began, “a new billionaire has been created every 26 hours [and] the world’s 10 richest men have doubled their fortunes, while over 160 million people are projected to have been pushed into poverty.”⁷
2. This submission advocates for an approach to poverty rooted in human rights and economic, racial, gender and climate justice, rather than one premised on human security. It also problematizes poverty as a human rights violation resulting from violent

¹ The Sexual Rights Initiative is a coalition of national and regional organizations based in Canada, Poland, India, Egypt, Argentina and South Africa, that work together to advance human rights related to sexuality at the United Nations. For more information about the Sexual Rights Initiative, please visit <http://www.sexualrightsinitiative.com/>

² International Women’s Rights Action Watch Asia Pacific (IWRAP AP) is an international, Global South-led, feminist organisation committed to the full realisation of women’s human rights through the pursuit of equality. We work closely with the CEDAW Committee and Secretariat to support the facilitation of NGO participation in country reviews by the Committee. For more information about IWRAP AP and our broader areas of work, please visit <https://www.iwraw-ap.org/>.

³ AWID is a global, feminist, membership, movement-support organization working to achieve gender justice and women’s human rights worldwide. For more information about AWID, please visit <https://www.awid.org/>

⁴ Independent Expert on foreign debt report: Towards a global fiscal architecture using a human rights lens. July 2022. A/77/169, available at www.undocs.org/A/77/169, para. 50.

⁵ Shabtai Gold: “The worst is yet to come’ for the global economy, IMF warns.” Devex, 11 October 2022. <https://www.devex.com/news/the-worst-is-yet-to-come-for-the-global-economy-imf-warns-104167>

⁶ Ibid.

⁷ Nabil Ahmed: “Inequality Kills: The unparalleled action needed to combat unprecedented inequality in the wake of COVID-19.” Oxfam International, January 2022. <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621341/bp-inequality-kills-170122-en.pdf;jsessionid=0357E79A4E1055BF74247BF3657969CE?sequence=9>, page 8.

impoverishment through (neo)colonial economic oppression and domination. It calls for a radical transformation of the international economic order - which in its current form is fundamentally incompatible with human rights obligations to achieve substantive equality - and for accountability for international financial institutions and corporations. The submission calls on UN human rights bodies and States to take class, economic oppression and inequality more seriously, and argues that the right to development and its redistributive components are central to fighting poverty and economic inequalities at the international level. Finally, it calls for reparations for colonialism, slavery and climate destruction as an indispensable step towards the fulfillment of racial, economic, gender and climate justice.

II. Overview of recommendations

3. In advocating for this approach, the submission expands upon the following recommendations:
 - a. **Recommendation 1:** Adopt an economic justice approach to poverty and inequality that accounts for the links between women's human rights, substantive equality, resource redistribution through tax, debt and reparatory justice, the right to development, and corporate accountability.
 - b. **Recommendation 2:** Center class analysis and inequality in its understanding of poverty, and engage with class and race as core parts of its intersectional approach to substantive equality;
 - c. **Recommendation 3.** Take a critical stance on capitalism, its central role in entrenching poverty and inequality, and its focus on economic growth as the be-all and end-all of poverty reduction;
 - d. **Recommendation 4.** Use a conception of poverty as the deprivation from the right to an adequate standard of living in a given context, rather than one defined by arbitrary global benchmarks.
 - e. **Recommendation 5.** Reassert the right to social protection as a key component of an adequate standard of living, regardless of employment or participation in the 'traditional' labor market.
 - f. **Recommendation 6.** Recognize the incompatibility of the inequitable global economic order with women's right to substantive equality, including by:
 - 6.1.** Calling for a reversal of austerity, privatization and other neoliberal policies for their classist, sexist, racist and ableist impacts, and calling for accountability from international financial institutions for enforcing these neoliberal approaches as part of their policies and conditionalities;
 - 6.2.** Asserting the right to development as a central challenge to the inequitable distribution of resources at the international level, including by supporting the adoption of a binding instrument on the right to development;
 - 6.3.** Require resource mobilization and redistribution for the realization of substantive equality, including through progressive taxation and a

reform of the global tax rules, through debt cancellation, and through reparations for colonialism, slavery, apartheid, racial discrimination and environmental destruction;

6.4. Calling for corporate accountability, including through the adoption of a strong binding treaty on transnational corporations, businesses and human rights.

Recommendation 1: Call for an economic justice approach to poverty and inequality

Critique of human security - security for and from whom?

4. While the concept of human security sought to address some of the problems with more 'traditional' security approaches that are state-centric, it remains a *security* approach that focuses on domestic factors, does not pose a fundamental challenge to the global economic, power and structural inequalities that are largely to blame for poverty,⁸ and that has been criticized for falling short in addressing matters requiring material transformation.⁹ In addition, the concept of human security has previously been used as part of Global North discourse and policies treating poverty reduction in the Global South as "instrumental" to avoid conflict or migration to - or insecurity in - the Global North: "[after 9/11] human security for people in faraway places became crucial for our security [in the North]."¹⁰

⁸ "Rather than challenging contemporary international power inequalities, the human security framework seems to simply ignore them as irrelevant—a stance that can hardly be seen as posing a challenge to those international power inequalities." Tara McCormack (2008) Power and agency in the human security framework, *Cambridge Review of International Affairs*, 21:1, 113-128, DOI: [10.1080/09557570701828618](https://doi.org/10.1080/09557570701828618)

⁹ See Vanessa Pupavac, 2005. "Human Security and the Rise of Global Therapeutic Governance" in *Conflict, Security and Development* 5(2): 161-181 as cited in Christie, Ryerson. "Critical Voices and Human Security: To Endure, To Engage or To Critique?" *Security Dialogue*, vol. 41, no. 2, 2010, pp. 169–90. *JSTOR*, <http://www.jstor.org/stable/26301151>.

¹⁰ Christie, Ryerson. "Critical Voices and Human Security: To Endure, To Engage or To Critique?" *Security Dialogue*, vol. 41, no. 2, 2010, pp. 169–90. *JSTOR*, <http://www.jstor.org/stable/26301151>.

This approach certainly seems to be in line with EU High Representative for Foreign Affairs and Security Policy Josep Borrell's recent remarks likening Europe to a "garden" which needs to be 'protected' from the "rest of the world," which he portrayed as "a jungle [that] could invade the garden." He went on to say that "The gardeners should take care of it, but they will not protect the garden by building walls. [...] Because the jungle has a strong growth capacity, and the wall will never be high enough in order to protect the garden. The gardeners have to go to the jungle. Europeans have to be much more engaged with the rest of the world. Otherwise, the rest of the world will invade us, by different ways and means." European Diplomatic Academy: Opening remarks by High Representative Josep Borrell at the inauguration of the pilot programme. 13 October 2022. https://www.eeas.europa.eu/eeas/european-diplomatic-academy-opening-remarks-high-representative-josep-borrell-inauguration_en

On this rationale for 'human security' see also the 2004 report "A Human Security Doctrine for Europe: The Barcelona Report of the Study Group on Europe's Security Capabilities" which asserted that "contemporary conflicts are characterised by circumstances of lawlessness, impoverishment, exclusivist ideologies and the daily use of violence, which make them fertile ground for a combination of human rights violations, criminal networks and terrorism, which spill over and cause insecurity beyond the area itself. While these developments may initially have appeared to apply primarily to developing and conflict states, the 11 September and 11 March attacks have made it clear once and for all that no citizens of the world are any longer safely ensconced behind their national borders, and that sources of insecurity are no longer most likely to come in the form of border incursions by foreign armies."

https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/solana/040915capbar.pdf, page 2.

5. If the Working Group uses a human security approach, we would urge it to address some of the main gaps of that approach in its analysis, especially regarding matters of international inequality, unfair trading regimes, and the inequitable global economic order, as outlined below.¹¹

Call for an economic justice approach

1. The Working Group is uniquely positioned to put forward analysis showing the inherent links between women’s human rights, substantive equality, resource distribution and the right to development. Therefore, rather than adopting a human security approach, we encourage the Working Group to adopt an approach rooted in economic justice and human rights. Feminist propositions for economic justice have centered principles such as participation; intersectionality; sustainable, self-determined development from the local to the global; an economy centered around human rights, substantive equality, justice and the well-being of the planet; just (re-)distribution of wealth and resources for all, without monopolization; feminist and cross-movement solidarity; a shift away from the disproportionate emphasis on a “productive economy” into a feminist decolonial green new economy; an equitable and just global trade order; debt justice; and democratic a global economic governance architecture.¹² The Bailout Manifesto for a Global Feminist Economic Recovery in the wake of the COVID-19 pandemic contains core principles and concrete recommendations to that effect.¹³
2. Such an approach recognizes that economic justice is essential for the realization of gender justice - just as it is for racial, disability or climate justice - and treats these issues as inextricably linked. It is rooted in a feminist and human rights analysis of power and resource distribution and an intersectional understanding of substantive equality. It advocates for an expansive conception of poverty, a focus on economic inequality, and directly addresses the harms and logic of capitalism that permeate current conceptions of poverty, development and economics, including regarding care work. It challenges

¹¹ Tara McCormack (2008) Power and agency in the human security framework, Cambridge Review of International Affairs, 21:1, 113-128, DOI: 10.1080/09557570701828618, page 121.

¹² See for instance “A Feminist Agenda for People and Planet: Principles and Recommendations for a Global Feminist Economic Justice Agenda.” Feminist Blueprint for Action, 2021. Feminist Economic Justice for People & Planet Action Nexus. https://wedo.org/wp-content/uploads/2021/06/Blueprint_A-Feminist-Agenda-for-People-and-Planet.pdf; AWID: Our Vision: Economic Justice in a Feminist World. <https://www.awid.org/our-vision-economic-justice-feminist-world>.

¹³ The Manifesto’s principles are: 1. Social infrastructure and systems of care for people and the environment are the foundations of thriving economies. Invest in them; 2. Recognize the plurality of economic models, including community economies, informal economies, and solidarity economies; 3. Redefine wealth as a community asset that is created through our collective unpaid and paid labor; 4. Eliminate structural discrimination; and 5. Work towards the transformation and restructuring of the global economy.

The manifesto’s recommendations are: 1. Restructure the labor market; 2. Reform global tax and trade systems; 3. Set up systems of care; 4. Provide resources to feminist movements and community-led organisations; 5. Design human-centred digital policies; 6. Guarantee and secure the right to health; 7. Address root causes of gender-based violence and create alternatives to policing and criminal justice systems; 8. Place gender justice and human rights at the core of climate emergency response and policy; 9. Protect food and seed sovereignty; 10. Build local, national and peoples’ feminist COVID-19 response and recovery plans.

“From a Feminist Bailout to a Global Feminist Economic Recovery.” AWID, 2020.

https://www.awid.org/sites/default/files/2022-03/Feminist_bailout_manifesto_EN.pdf (also available in [Spanish](#) and [French](#)).

the unequal and unfair distribution of resources within and among countries, and makes the case for their redistribution through the right to development, progressive taxation, debt cancellation,¹⁴ and reparations for colonialism and environmental destruction. Finally, an economic justice approach necessarily challenges privatization of natural resources and basic services, public and private partnerships, and multi stakeholder approaches as ‘solutions’ to end poverty. Rather, it requires dismantling corporate power, impunity and capture and holding states, international institutions and corporations accountable for laws, policies and practices that are extractive and exacerbate inequality

Recommendation 2: Center class analysis and inequality in its understanding of poverty, and engage with class and race as core parts of its intersectional approach to substantive equality

3. Intersectionality offers us of a radical critique of patriarchy, capitalism, white supremacy and other forms of domination, and it complicates any sense of gender, sex, class, race, caste or disability as singular and discrete identities.¹⁵ It rejects any hierarchy of one categorical determination over others and brings us to the conclusion that no form of oppression or subordination ever stands alone.¹⁶
4. A deeper and more systematic engagement with class and class-based discrimination is necessary.¹⁷ While the Working Group has stated its concern about discrimination against women based on their economic status,¹⁸ and analyzed discrimination against women in economic and social life,¹⁹ it has only rarely named class²⁰ or capitalism.²¹ This

¹⁴ Global Action for Debt Cancellation: “Open Letter to All Governments, International Institutions and Lenders.” <https://debtgwa.net/#open-letter>

¹⁵ Intersectionality and intersectional discrimination has been recognised as part of the international human rights framework by several UN bodies and experts, including the Committee on the Elimination of Discrimination against Women. See, for example, General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, para. 18. <https://www.refworld.org/docid/4d467ea72.html>.

¹⁶ SRI Submission to the Working Group on Discrimination Against Women and Girls, focusing on sexual and reproductive rights in situations of crisis. September 2020. <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/ReproductiveHealthRights/CSOs/srisubmission/submission.docx>

¹⁷ See for instance the last report of the Special Rapporteur on extreme poverty, which calls for a systemic approach to discrimination on grounds of socioeconomic disadvantage, encompassing both direct and indirect forms of discrimination. Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter: Banning discrimination on grounds of socioeconomic disadvantage: an essential tool in the fight against poverty. [A/77/157](https://www.ohchr.org/en/hrbodies/special/specialrapporteur/20220707), 2022.

¹⁸ Report of the Working Group on the issue of discrimination against women in law and in practice: Eliminating discrimination against women in the area of health and safety, with a focus on the instrumentalization of women's bodies, 2016, [A/HRC/32/44](https://www.ohchr.org/en/hrbodies/wg/20160601), para. 43.

¹⁹ Report of the Working Group on the issue of discrimination against women in law and in practice: Eliminating discrimination against women in economic and social life with a focus on economic crisis. [A/HRC/35/29](https://www.ohchr.org/en/hrbodies/wg/20140601), 2014.

²⁰ It has done so on at least three occasions: Report of the Working Group on discrimination against women and girls: Women's human rights in the changing world of work (2020), [A/HRC/44/51](https://www.ohchr.org/en/hrbodies/wg/20200601), para. 30; Position paper of the Working Group on discrimination against women and girls: [Gender equality and gender backlash](https://www.ohchr.org/en/hrbodies/wg/20200601) (2020), para. 4; Report of the Working Group on the issue of discrimination against women in law and in practice, 2014, [A/HRC/26/39](https://www.ohchr.org/en/hrbodies/wg/20140601), para. 24.

²¹ It has however recognized the link between the rapid growth of globalized neoliberal capitalist economic regimes and structures with increasing inequality and economic disparity, often at the expense of decent work and the protection of the environment, and the weakening and privatization of State functions such as quality care services. (Report of the Working

is also true of the broader UN human rights system, which has occasionally but insufficiently²² named and engaged with class,²³ despite its severe and wide-ranging impacts and despite the prohibition against discrimination based on social origin, property or birth in article 2 of the UDHR, article 2(2) of the ICESCR, and article 2(1) of the ICCPR²⁴ - prohibitions which have been “virtually ignored by Governments, United Nations human rights bodies and commentators.”²⁵ The inclusion of the word “property” is widely accepted to refer to economic status, which is confirmed by the Spanish and French versions of these provisions.²⁶

5. This disregard for class-based discrimination in the human rights system is likely in part due to the economic barriers to accessing and participating in the work and decisions of

Group on discrimination against women and girls: Women’s human rights in the changing world of work (2020), [A/HRC/44/51](#), para. 33.)

²² See for instance the section “Linguistic lenses that can obscure the plight of the poor” in Report of the Special Rapporteur on extreme poverty and human rights, [A/72/502](#), 2017, including para. 56; Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. [A/HRC/29/31](#), 2015, para. 55; Raymond A. Atuguba: “Equality, non-discrimination and fair distribution of the benefits of development.” Chapter 7 in *Realizing the Right to Development*. OHCHR ebook, 2013.

<https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter7.pdf>, pages 110-111.

²³ Among treaty bodies, see for instance the CEDAW Committee in its General Recommendations 25 on temporary special measures (para. 12), 28 on core obligations (para. 18), and 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness (paras 6 and 16); the CRC General Comment No. 7 (2005): Implementing child rights in early childhood (2006), [CRC/C/GC/7/Rev.1](#), para. 11(b)(iv).

Among Special Procedures, see for instance the Report of the Working Group on discrimination against women and girls: Women’s human rights in the changing world of work (2020), [A/HRC/44/51](#), para. 30; Position paper of the Working Group on discrimination against women and girls: [Gender equality and gender backlash](#) (2020), para. 4; the report of the Special Rapporteur on violence against women focusing on multiple and intersecting forms of discrimination (2011), [A/HRC/17/26](#), paras 28, 40, 58, 59, 67; the Report of the Special Rapporteur on violence against women, focusing on gender-related killings (2012), [A/HRC/20/16](#), paras 15, 26, 62, Report of the Working Group of Experts on People of African Descent on its nineteenth and twentieth sessions, [A/HRC/36/60](#), 2017, para. 58; the Report of the Special Rapporteur on extreme poverty and human rights, focusing on women and unpaid care work, [A/68/293](#), 2013, paras 67, 96; the Report of the Special Rapporteur on racism, focusing on racial discrimination and emerging digital technologies (2020), [A/HRC/44/57](#), paras 9, 31, 41; the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on a gender-sensitive approach to arbitrary killings (2017), [A/HRC/35/23](#), para. 97(c); the Report of the Special Rapporteur on the human rights of migrants, focusing on the impact of migration on migrant women and girls: a gender perspective (2019), [A/HRC/41/38](#), paras 14, 37; the Report of the Special Rapporteur on the right to health: Violence and its impact on the right to health (2022), [A/HRC/50/28](#), paras 4, 69, 70; Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, [A/HRC/47/28](#), 2021, para. 15; Report of the Special Rapporteur on the right to health, focusing on informed consent, [A/64/272](#), 2009, para. 17; Report of the Special Rapporteur on extreme poverty, focusing on the persistence of poverty: how real equality can break the vicious cycles (2021), [A/76/177](#), paras 56-60; Report of the Special Rapporteur on human rights defenders, focusing on the situation of women human rights defenders (2019), [A/HRC/40/60](#), para. 35; Report of the Special Rapporteur on contemporary forms of racism, focusing on citizenship, nationality and immigration, [A/HRC/38/52](#), 2018, para. 30; Report of the Special Rapporteur on the right to health, focusing on sexual and reproductive health rights during COVID-19, [A/76/172](#), 2021, para. 4.

²⁴ MacNaughton Gillian. “Untangling Equality and Non-Discrimination to Promote the Right to Health Care for All.” *Health and Human Rights* 2009 pp. 47–63. <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2013/07/5-MacNaughton.pdf>, pages 49-50.

²⁵ Report of the Special Rapporteur on extreme poverty and human rights. [A/72/502](#), 2017, para. 62.

²⁶ MacNaughton Gillian. “Untangling Equality and Non-Discrimination to Promote the Right to Health Care for All.” *Health and Human Rights* 2009 pp. 47–63. <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2013/07/5-MacNaughton.pdf>, pages 49-50.

In Spanish the provision refers to “posición económica” (economic position) and in French, to “fortune” (wealth).

Geneva-based UN human rights bodies, and to becoming a UN official, expert, diplomat, or civil society representative active in those spaces.

6. We believe it important for the Working Group and the broader human rights system to adopt a class analysis of poverty. Such an analysis articulates poverty not as the result of individual attributes,²⁷ or as an “unfortunate by-product” of a certain system, but rather as an inherent feature of a society economically structured around class and exploitation by powerful actors invested in maintaining poverty,²⁸ which is an essential condition for the realization of their interests.²⁹ This also means that analyses of poverty on the international stage must recognize the central historical and contemporary role of colonial exploitation, extraction and impoverishment of the Global South in the construction of ‘welfare states’ in the north,³⁰ and the vested interest of Northern states in maintaining an unjust and discriminatory economic status quo.³¹
7. Just as it is important that intersectional analysis be deployed to name and engage explicitly with patriarchal, racist and ableist systems of oppression, it must name, challenge and engage with capitalism as the system entrenching and exploiting class-based discrimination and poverty.³² The operation of class-based and racial discrimination is sometimes erased in UN human rights spaces,³³ but as the Special Rapporteur on Racism has noted, in many contexts, “class discrimination is also racial discrimination”³⁴ - including but not only in the context of migration.³⁵

²⁷ The Special Rapporteur on extreme poverty has pointed to “meritocracy” as a common but inadequate response to classism. Report of the Special Rapporteur on extreme poverty, focusing on the persistence of poverty: how real equality can break the vicious cycles (2021), [A/76/177](#), paras 56-60.

²⁸ Wright, Erik Olin. “The class analysis of poverty.” *International Journal of Health Services*, vol. 25, no. 1, 1995, pp. 85-100. JSTOR, <http://www.jstor.org/stable/45130193>, pages 85, 90.

²⁹ *Ibid.*, page 90.

³⁰ As Jessica Whyte’s account of the allied history of neoliberalism, colonialism and human rights puts it, “[i]t was Kwame Nkrumah who grasped most clearly that the colonies were not simply an exception to the extension of social welfare and rights. Colonial exploitation, he argued, constituted the condition of possibility for economic rights in the metropolis. [...] The colonies were not simply latecomers to the welfare world. If there was no ‘rights cascade’ when it came to social and economic rights, this was, not least, because the exploitation of the colonies made these rights possible in the metropolis.” Whyte, Jessica. *The Morals of the Market: Human Rights and the Rise of Neoliberalism*. London: Verso, 2019. Pages 121-122.

³¹ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](#), 2022, para. 88.

³² See the Special Rapporteur on the right to health’s analysis on structural violence in the context of the right to health, including capitalist oppression: Report of the Special Rapporteur on the right to health: Violence and its impact on the right to health (2022), [A/HRC/50/28](#), including in paras 4, 69, 70, 96.

³³ For more information on the dilution and ‘capture’ of intersectionality in the UN system, please see the SRI submission to the Special Rapporteur on the right to health, focusing on racism and the right to health. June 2022, para. 2.

<https://www.sexualrightsinitiative.org/resources/sri-submission-special-rapporteur-right-health-racism-and-right-health>

³⁴ Report of the Special Rapporteur on racism, focusing on racial discrimination and emerging digital technologies (2020), [A/HRC/44/57](#), para. 41.

³⁵ Report of the Special Rapporteur on contemporary forms of racism, focusing on citizenship, nationality and immigration, [A/HRC/38/52](#), 2018, para. 30; Report of the Special Rapporteur on the human rights of migrants, focusing on the impact of migration on migrant women and girls: a gender perspective (2019), [A/HRC/41/38](#), para. 37.

8. In their Manifesto “Feminism for the 99%,” Cinzia Arruzza, Tithi Bhattacharya and Nancy Fraser articulate a powerful rebuke of neoliberal capitalism, and make the case for anticapitalist feminism:

“Having poisoned the atmosphere, mocked every pretense of democratic rule, stretched our social capacities to their breaking point, and worsened living conditions generally for the vast majority, this iteration of capitalism has raised the stakes for every social struggle, transforming sober efforts to win modest reforms into pitched battles for survival. Under such conditions, the time for fence-sitting is past, and feminists must take a stand: Will we continue to pursue “equal opportunity domination” while the planet burns? Or will we reimagine gender justice in an anticapitalist form—one that leads beyond the present crisis to a new society?”³⁶

9. At the heart of the problem with capitalism is that “material inequality is structurally embedded in the capitalist mode of production.”³⁷ Therefore, we welcome the Working Group’s decision to focus not only on poverty, but also inequality. While these two concepts are often addressed in tandem, they are distinct and benefit from being analyzed separately. As pointed out by the Special Rapporteur on extreme poverty, “[p]overty and wealth are often discussed as if they have very little to do with one another [... but] extreme poverty is directly related to extreme inequality. [...] [A] human rights framework that does not address extreme inequality as one of the drivers of extreme poverty and as one of the reasons why over one quarter of humanity cannot properly enjoy human rights is doomed to fail.”³⁸
10. As pointed out by Balakrishnan et al., “poverty is a measure of deprivation, not of distribution,” which means it does not show the full picture of inequalities in resource and income distribution.³⁹ A narrow focus on reducing poverty also does not fundamentally require decreasing inequalities.⁴⁰ However, regardless of income level, economic inequality itself has been linked to worse outcomes across a wide range of economic and social rights.⁴¹ It has also been found to contribute to financial and economic crises (which in turn exacerbate poverty, austerity and reduce standards of living)⁴² and to “encourage political capture and the unequal realization of civil and political rights.”⁴³ Increased income inequalities and concentrations of wealth have also been linked to reductions in tax revenue and in resources available for rights realization,

³⁶ Cinzia Arruzza, Tithi Bhattacharya and Nancy Fraser. *Feminism for the 99 Percent: A Manifesto*. Verso 2019. Pages 3-4.

³⁷ Paul O’Connell: “Capitalism, Inequality, and Human Rights.” *Legal Form*. 4 June 2018. <https://legalform.blog/2018/06/04/capitalism-inequality-and-human-rights-paul-oconnell/>

³⁸ Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. [A/HRC/29/31](https://www.ohchr.org/en/hrcr/doc/201509/A_HRC_29_31_2015.pdf), 2015, paras 2-3.

³⁹ Balakrishnan Radhika et al. *Rethinking Economic Policy for Social Justice : The Radical Potential of Human Rights*. Routledge 2016. Page 37.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*, page 40.

⁴² *Ibid.*, page 42.

⁴³ Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. [A/HRC/29/31](https://www.ohchr.org/en/hrcr/doc/201509/A_HRC_29_31_2015.pdf), 2015, para. 21, as cited in *Ibid.*, page 43.

due to unadapted tax structures, tax loopholes and evasion, and economic elites opposing progressive taxation.⁴⁴

Recommendation 3. Take a critical stance on capitalism, its central role in entrenching poverty and inequality, and its focus on economic growth for poverty reduction

11. A focus on economic justice also recognizes that poverty is not just a “cause and consequence of human rights violations”⁴⁵ but a human rights violation in and of itself, and the known result of specific political choices and willful impoverishment, despite the fact that other choices and options are available. Poverty is not a ‘fact of life’; rather, it is an inherent feature and requisite of capitalism,⁴⁶ and a form of structural violence.⁴⁷
12. Capitalism cannot exist without poverty; yet much of the UN work being done to address poverty does not fundamentally question capitalism - in line with a “collective inability to imagine the end of capitalism.”⁴⁸ The 2030 Agenda for sustainable development also assumes “the need for never-ending economic growth” as part of development and poverty alleviation.⁴⁹ However, as Ntina Tzouvala notes, “[t]he promise of international law that capitalism, or nowadays aggressive neoliberalism, will pave the way for legal status and equality is one that always hangs on a thread. Playing this game involves trying to adapt to a model of producing and consuming that is fundamentally unsustainable.”⁵⁰
13. Many have argued for human rights law to go “beyond growth assumptions,” require stronger material equality,⁵¹ and focus more strongly on redistribution,⁵² including the

⁴⁴ Balakrishnan et al. *Rethinking Economic Policy for Social Justice*, pages 42-44.

⁴⁵ “About extreme poverty and human rights.” Office of the High Commissioner for Human Rights.

<https://www.ohchr.org/en/special-procedures/sr-poverty/about-extreme-poverty-and-human-rights>

⁴⁶ See for instance Harriss-White, Barbara. “Poverty and Capitalism.” *Economic and Political Weekly*, vol. 41, no. 13, 2006, pp. 1241–46. *JSTOR*, <http://www.jstor.org/stable/4418024>.

⁴⁷ See for instance Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem: Violence against women and girls in the context of the climate crisis, including environmental degradation and related disaster risk mitigation and response (2022), [A/77/136](#), para. 37; Report of the Special Rapporteur on the right to health: Violence and its impact on the right to health (2022), [A/HRC/50/28](#), para. 69.

⁴⁸ Ntina Tzouvala. *Capitalism As Civilisation: A History of International Law*. Cambridge University Press: 2020. Page 220.

⁴⁹ Vandenhoe, Wouter. “De-Growth and Sustainable Development: Rethinking Human Rights Law and Poverty Alleviation” *Law and Development Review*, vol. 11, no. 2, 2018, pp. 647-675. <https://doi.org/10.1515/ldr-2018-0033>, pages 648-9.

⁵⁰ Ntina Tzouvala. *Capitalism As Civilisation: A History of International Law*, page 220.

⁵¹ Petel, M., & Putten, N. V. (2021). Economic, social and cultural rights and their dependence on the economic growth paradigm: Evidence from the ICESCR system. *Netherlands Quarterly of Human Rights*, 39(1), 53–72. <https://doi.org/10.1177/0924051921994753> pages 70-71.

⁵² For instance, Vandenhoe, Wouter. “De-Growth and Sustainable Development: Rethinking Human Rights Law and Poverty Alleviation” *Law and Development Review*, vol. 11, no. 2, 2018, pp. 647-675. <https://doi.org/10.1515/ldr-2018-0033>; Petel, M., & Putten, N. V. (2021). Economic, social and cultural rights and their dependence on the economic growth paradigm: Evidence from the ICESCR system. *Netherlands Quarterly of Human Rights*, 39(1), 53–72. <https://doi.org/10.1177/0924051921994753>

Working Group⁵³ and the Special Rapporteur on extreme poverty.⁵⁴ The shortcomings and flaws of poverty and other metrics in modern economics, including regarding care work, the informal sector and the environment, have been pointed out by the High Commissioner for Human Rights, who has also stated that “[e]conomic growth alone isn't a tide that lifts all boats.”⁵⁵

14. De-growth movements have also contested the centrality of economic growth, measured in GDP increase, to argue for “a shift towards a lower and sustainable level of production and consumption” including the reduction of “resource-, energy- and emission-intensive superfluous production, particularly in the North.”⁵⁶ From a feminist perspective this would also entail a redefinition, redistribution and revalidation of labour, including unpaid care work.⁵⁷ Therefore, we welcome the Working Group’s intention “to revisit uncontrolled economic growth”⁵⁸ and encourage it to continue taking a critical stance on capitalism⁵⁹ and expand on its impacts on poverty and inequality, and its focus on economic growth as the be-all and end-all of poverty reduction and development.⁶⁰ Where growth or production is required, we invite the

⁵³ “A narrow focus on economic growth and profitability in dominant economic models, at the expense of human well-being, decent work and environmental sustainability, is at odds with the realization of women’s human rights. Women who experience multiple and intersecting forms of discrimination are particularly marginalized. Current economic models exploit and thrive on women’s unpaid care and domestic work. Such work undergirds the entire economy yet remains undervalued and invisible, while depleting women’s time and economic security. Yet, there are policy alternatives, which require reimagining the economy to focus on redistributing power and resources, generating decent work and placing value on the well-being and care of people and the planet.” Report of the Working Group on discrimination against women and girls: Women’s human rights in the changing world of work (2020), [A/HRC/44/51](#), para. 58.

⁵⁴ Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. [A/HRC/29/31](#), 2015, para. 56.

The Special Rapporteur also stated that “[p]olicies premised on the assumption that effective poverty elimination strategies need not involve resource redistribution are at odds with empirical realities.” (Report of the Special Rapporteur on extreme poverty and human rights, 2014, [A/69/297](#), para. 54.)

⁵⁵ “Transforming Global Governance for Social Justice: Feminist Economics and the Fight for Human Rights” International Association for Feminist Economics Annual Conference (29 June-1 July 2022, Graduate Institute, Geneva) Statement by the UN High Commissioner for Human Rights, Michelle Bachelet.

<https://www.ohchr.org/en/statements/2022/06/feminist-economics-and-fight-human-rights>

The page of the mandate of the Special Rapporteur on extreme poverty and human rights similarly states: “Many international organisations still measure poverty based exclusively on income, such as the World Bank’s \$1.90 a day definition. These approaches fail to capture the complexity of extreme poverty and its wide-ranging impact on human rights.” <https://www.ohchr.org/en/special-procedures/sr-poverty/about-extreme-poverty-and-human-rights>

⁵⁶ AWID: “Challenging the economic growth model.” <https://www.awid.org/challenging-economic-growth-model>

⁵⁷ Ibid.

⁵⁸ Working Group on discrimination against women and girls. Thematic report concept note: “Human security of women and girls in the context of poverty and inequality.” <https://www.ohchr.org/sites/default/files/documents/issues/women/wg/cfi-poverty-inequality/2022-09-07/CFI-poverty-and-inequality-Concept-Note-EN.pdf>, page 6.

⁵⁹ Report of the Working Group on discrimination against women and girls: Women’s human rights in the changing world of work (2020), [A/HRC/44/51](#), para. 33.

⁶⁰ On moving away from this focus on economic growth, see for instance AWID: “Challenging the economic growth model.” <https://www.awid.org/challenging-economic-growth-model>; Wouter Vandenhoele in “De-Growth and Human Rights Law;” Barbara Magalhães Teixeira: “Underdevelopment, extractivism, and conflict in the Global South and the role of systemic alternatives.” *Rev. Conj. Aust.* | v.12, n.59 | jul./set. 2021, DOI: <https://doi.org/10.22456/2178-8839>.

Working Group to ask growth and production of what, for what purpose, by whom, and to whose benefit?⁶¹

Recommendation 4. Use a conception of poverty as the deprivation from the right to an adequate standard of living in a given context, rather than one defined by arbitrary global benchmarks.

15. The Working Group's earlier assessment of poverty as going beyond income to consider a person's access to power, resources, services, time, choices and opportunities over their lifetime, was a valuable step away from narrow, arbitrary daily income benchmarks.⁶² We encourage the Working Group to continue articulating poverty outside of arbitrary international standards divorced from context-specific realities⁶³ (such as the World Bank's recently updated 2.15 USD global benchmark for extreme poverty⁶⁴), as other human rights bodies have done. For instance, the Special Rapporteur on extreme poverty adopted a more expansive conception of poverty as the deprivation from the right to an adequate standard of living - assessed in line with the context.⁶⁵ The CESCR Committee's approach regarding States' obligations to ensure "minimum core levels of the fulfillment of economic and social rights" including health, housing, food, social security, etc, is another possible approach.⁶⁶

⁶¹ A distinction must be made between extractive growth and production organized around maximizing profits for corporations, shareholders, investors, and other elites, and growth and production (or dismantling) of sectors, services, and goods that enable human rights, enhance well-being, and protect non-human beings, land and water. Moreover, the historical and ongoing role of the Global North in extractive and unrestrained growth must be taken into account. As some in the degrowth movement have called for, 'degrowth for the Global North, sustainable development for the Global South.'

⁶² Report of the Working Group on the issue of discrimination against women in law and in practice: Women deprived of liberty, [A/HRC/41/33](#), 2019, Para. 50.

⁶³ Balakrishnan et al. *Rethinking Economic Policy for Social Justice*, pages 37-38; "Transforming Global Governance for Social Justice: Feminist Economics and the Fight for Human Rights" International Association for Feminist Economics Annual Conference (29 June-1 July 2022, Graduate Institute, Geneva) Statement by the UN High Commissioner for Human Rights, Michelle Bachelet.

<https://www.ohchr.org/en/statements/2022/06/feminist-economics-and-fight-human-rights>

⁶⁴ World Bank: "Global Progress in Reducing Extreme Poverty Grinds to a Halt." <https://www.worldbank.org/en/news/press-release/2022/10/05/global-progress-in-reducing-extreme-poverty-grinds-to-a-halt>

⁶⁵ Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona: Mission to Ireland, [A/HRC/17/34/Add.2, 2011](#), as cited in Balakrishnan et al. *Rethinking Economic Policy for Social Justice*, page 38.

See also the webpage of the mandate of the Special Rapporteur, which states that "[e]xtreme poverty is a multidimensional phenomenon. It is not just a lack of sufficient income; it involves many other factors too. Many international organisations still measure poverty based exclusively on income, such as the World Bank's \$1.90 a day definition. These approaches fail to capture the complexity of extreme poverty and its wide-ranging impact on human rights." <https://www.ohchr.org/en/special-procedures/sr-poverty/about-extreme-poverty-and-human-rights>

⁶⁶ Committee on Economic, Social and Cultural Rights: General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1 of the Covenant), 1990, as cited in Balakrishnan et al. *Rethinking Economic Policy for Social Justice*, page 39.

Recommendation 5. Reassert the right to social protection as a key component of an adequate standard of living, regardless of employment or participation in the ‘traditional’ labor market.

16. We support the Working Group’s intention to address social protection as a means to guarantee other rights,⁶⁷ and call for reasserting the right to social protection as a key component of an adequate standard of living, and a key measure to combat poverty.⁶⁸ Access to social protection should address the disproportionate burden of unpaid care work placed on women⁶⁹ and be de-linked from any standard or conception of “productivity,” and from any marital status or family requirement - both of which typically discriminate on grounds of gender and disability, among others.⁷⁰ The right to social protection must be delinked from “the traditional views of labour, productivity and dependency.” We reiterate a call also made to the CRPD to “[open] paths for dignity outside of the right to work; this is the right not to work and still have material conditions to live and enjoy life.”⁷¹

Recommendation 6. Recognize the incompatibility of the inequitable global economic order with women’s right to substantive equality, including through the following recommendations:

17. Our international economic order is fundamentally incompatible with human rights obligations to achieve substantive equality, and in fact sanctions global inequalities, including the racially discriminatory underdevelopment⁷² and gender inequality⁷³ embedded within it. Simply put, the high levels of economic inequality within and

⁶⁷ Such as the rights to health, water, housing or education, as announced in the concept note for the upcoming report: <https://www.ohchr.org/sites/default/files/documents/issues/women/wg/cfi-poverty-inequality/2022-09-07/CFI-poverty-and-inequality-Concept-Note-EN.pdf>

⁶⁸ Overview on the right to social security/social protection. OHCHR, 2022. <https://www.ohchr.org/sites/default/files/documents/issues/socialsecurity/2022-10-07/One-pager-social-protection-Socialsecurity.pdf>

⁶⁹ Ibid.

⁷⁰ For analysis on neoliberal notions of “productivity” and “dependency” in the context of the right to work and social protection, please see SRI’s submission to the CRPD Committee for its General Comment on the right to work.

<https://www.sexualrightsinitiative.org/sites/default/files/resources/files/2021-07/Sexual%20Rights%20Initiative%20-%20Submission%20to%20CRPD%20for%20General%20Comment%20on%20art27.pdf>

⁷¹ Ibid., para. 18. On the right to enjoy life, the submission quoted: “Lohana [Berkins] argued that social justice is not about survival, but is only achieved when people can imagine the possibility of enjoying life. She had not read Deleuze, she did not know about the ethics of self-care or similar philosophical proposals. Nor did she despise them, she knew that the political struggle is a struggle for the symbolic order, and she knew how to make her life experience a political fact.” Translated from: Paula Vitorro, *El tiempo de la revolución (social) es ahora IN: La Revolución de las Mariposas. A diez años de La Gesta del Nombre Propio*. page 167. Available at: https://www.algec.org/wp-content/uploads/2017/09/la_revolucion_de_las_mariposas.pdf

⁷² Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](https://www.ohchr.org/en/hrbodies/special/rapporteur/docs/20220401_2030Agenda), 2022, para. 13.

⁷³ As highlighted by the Independent Expert on Foreign Debt, “the current economic system is, for the most part, sustained by gender inequality and discrimination against women.” Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: Impact of economic reforms and austerity measures on women’s human rights, [A/73/179](https://www.ohchr.org/en/hrbodies/independent-expert/docs/20180401_2018Report), 2018, para. 78.

among countries today are not reconcilable with the notion of “equality of opportunity”⁷⁴ and certainly not with States’ obligations to ensure rights without discrimination on the basis of “property” or economic status. Central to tackling these inequalities is the question of resource redistribution.

Recommendation 6.1. *Call for a reversal of austerity, privatization and other neoliberal policies for their classist, sexist, racist and ableist impacts, and call for accountability from international financial institutions for enforcing these neoliberal approaches as part of their policies and conditionalities;*

18. This inequality includes the governance and priorities of international financial institutions such as the World Bank and IMF, whose human rights-adverse policies are primarily shaped by men from economic elites and wealthy countries, as Jason Hickel outlines, the heads of both the IMF and the World Bank are nominated by Europe and the US respectively; the G7 and the EU control a large majority of the votes in the two multilateral institutions, and the ratio of per capita voting allocations reveals that “the votes of people of color are worth only a fraction of their counterparts.”⁷⁵ Macroeconomic policies and mainstream economics are often androcentric, leading to the imposition of neoliberal policies, such as those mandating austerity, privatization, structural adjustment or fiscal consolidation, without due regard for their negative human rights or gendered impacts – or for the expertise and recommendations of feminist economists and women’s rights advocates.⁷⁶ This has been especially destructive in countries across the Global South, where the concept of structural violence has been used to describe the effects of neoliberalism, austerity and structural adjustment programs, combined and compounded with the enduring impacts of colonial dispossession and domination.⁷⁷

⁷⁴ Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. [A/HRC/29/31](#), 2015, paras 13-15.

⁷⁵ Jason Hickel: “Apartheid in the World Bank and the IMF.” Al Jazeera, 26 November 2020.

<https://www.aljazeera.com/opinions/2020/11/26/it-is-time-to-decolonise-the-world-bank-and-the-imf>

This is a reality long called out by civil society, UN experts and Southern states, and even the object of a specific SDG target (SDG Target 10.6 on ensuring enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions). See e.g. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](#), 2022, paras 8, 88; Balakrishnan et al. *Rethinking Economic Policy for Social Justice*, page 45; “Analysis: World Bank and IMF failure to address the global polycrisis makes systemic reform even more urgent.” European Network on Debt and Development, 19 October 2022.

https://www.eurodad.org/world_bank_and_imf_failure_to_address_the_global_polycrisis_makes_systemic_reform_even_more_urgent; etc.

⁷⁶ Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: Impact of economic reforms and austerity measures on women’s human rights, [A/73/179](#), 2018, paras. 7, 10, 89.

⁷⁷ Macassa G, McGrath C, Rashid M, Soares J. Structural Violence and Health-Related Outcomes in Europe: A Descriptive Systematic Review. *International Journal of Environmental Research and Public Health*. 2021; 18(13):6998. <https://doi.org/10.3390/ijerph18136998>, page 10.

19. The Working Group has rightly asserted that macroeconomic policies “have led to rocketing inequality, austerity measures and the undermining of care services,”⁷⁸ reduced social protection floors, and exacerbated economic disadvantage for women.⁷⁹ We encourage the Working Group to build upon its critique and analysis of austerity,⁸⁰ privatization and other neoliberal policies,⁸¹ and to reject them as invariably classist, sexist, racist and ableist in effect.⁸²
20. We also encourage the Working Group to continue its questioning of international financial institutions, following its communication to the IMF on its gender strategy,⁸³ and to condemn the economic, racial, colonial and gender injustice in their policies, loan conditionalities, and governance structure.⁸⁴

⁷⁸ Report of the Working Group on the issue of discrimination against women in law and in practice: Reasserting equality, countering rollbacks. [A/HRC/38/46](#), 2018, para. 39.

⁷⁹ Report of the Working Group on the issue of discrimination against women in law and in practice: Eliminating discrimination against women in economic and social life, with a focus on economic crisis, [A/HRC/26/39](#), 2014, para. 28.

⁸⁰ The Working Group cited some alternatives to austerity in its report on Eliminating discrimination against women in economic and social life. *Ibid.*, para. 30.

⁸¹ See for instance the reference to “feminist critiques of the masculinist financial culture of unfettered risk and neoliberal policies as major causative factors” (of the banking crisis) in [A/HRC/35/29](#), para. 44; or its critique of the increasing inequality and economic disparity resulting from globalized neoliberal capitalist economic regimes and structures, in the Report of the Working Group on discrimination against women and girls: Women’s human rights in the changing world of work (2020), [A/HRC/44/51](#), para. 33.

⁸² On this topic, see for instance the Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: Responsibility for complicity of international financial institutions in human rights violations in the context of retrogressive economic reforms. [A/74/178](#), 2019.

⁸³ Joint communication to the International Monetary Fund by the Mandates of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; the Special Rapporteur on the right to development; the Special Rapporteur on extreme poverty and human rights and the Working Group on discrimination against women and girls. OL OTH 16/2022. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27128>

See also “Feminists Reject International Monetary Fund’s Strategy Toward Mainstreaming Gender” at <https://www.campaignofcampaigns.com/index.php/en/our-work/actions/354-rejection-of-international-monetary-fund-s-strategy-toward-mainstreaming-gender-2>

⁸⁴ The Working Group has previously criticized the gender gap in leadership of businesses and financial institutions such as the IMF and the WTO. See the Report of the Working Group on the issue of discrimination against women in law and in practice: Eliminating discrimination against women in economic and social life, with a focus on economic crisis, [A/HRC/26/39](#), 2014, para. 58. To this must be added racial discrimination: as Jason Hickel outlines, the heads of both the IMF and the World Bank are nominated by Europe and the US respectively; the G7 and the EU control a large majority of the votes in the two multilateral institutions, and the ratio of per capita voting allocations reveals that “the votes of people of colour are worth only a fraction of their counterparts.” <https://www.aljazeera.com/opinions/2020/11/26/it-is-time-to-decolonise-the-world-bank-and-the-imf> The Special Rapporteur on poverty’s analysis of the World Bank’s policies has also found that “[f]or most purposes, the World Bank is a human rights-free zone. In its operational policies, in particular, it treats human rights more like an infectious disease than universal values and obligations.” Report of the Special Rapporteur on extreme poverty and human rights, [A/70/274](#), 2015.

Recommendation 6.2. Assert the right to development as a central challenge to the inequitable distribution of resources at the international level, including by supporting the adoption of a binding instrument on the right to development

21. As social and feminist movements have long called for, the human rights framework must take class, economic oppression and inequality among and within countries seriously. This requires tackling the unfair and inequitable distribution of resources, including through the right to development.
22. The Working Group has not yet engaged with the right to development in its thematic reports. However, that right is central to issues of poverty, fair distribution,⁸⁵ to challenging economic inequalities between states.⁸⁶ When looking at issues of inequality, we encourage the Working Group to use the frame of the right to development, which recognizes both individual and collective rights, both at national and international levels.⁸⁷
23. The adoption of an instrument on the right to development would be a major step forward to go beyond the largely voluntary commitments and Northern priorities dominating the international development framework.⁸⁸ However, it continues to be opposed by wealthy states, signaling their “commitment to an unjust and discriminatory status quo.”⁸⁹ The right to development grounds “development” in human rights and redistributive justice, has its roots in anti-colonial struggles and reflects the perspectives and demands of Global South countries.⁹⁰ This is in contrast to the current development framework, including the 2030 Agenda, which the Special Rapporteur on Racism has found “incapable of fundamentally disrupting the dynamic of racially discriminatory underdevelopment embedded in the international economic order” and “preserves

⁸⁵ Preamble of the UN Declaration on the Right to Development, A/RES/41/128, available at:

<https://www.refworld.org/docid/3b00f22544.html>

⁸⁶ As Balakrishnan et al. explain, “[t]he United Nations Declaration on the Right to Development, adopted in 1986, is the human rights document that comes closest to directly addressing inequalities between countries. This is partly because the way “development” is conceived in the Declaration is as a collective process rather than a specific individual right. Therefore, the Declaration emphasizes both rights at the national level and rights at the individual level.” B Balakrishnan et al. *Rethinking Economic Policy for Social Justice*, page 45. Of particular note is the reference in the preamble to “equality of opportunity” for development for both nations and individuals.

⁸⁷ UN General Assembly, *Declaration on the Right to Development: resolution / adopted by the General Assembly*, 4 December 1986, A/RES/41/128, available at: <https://www.refworld.org/docid/3b00f22544.html>

⁸⁸ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter7.pdf), 2022, para. 88.

⁸⁹ *Ibid.*, para. 88.

⁹⁰ *Ibid.*, para. 88. See also Raymond A. Atuguba: “Equality, non-discrimination and fair distribution of the benefits of development.” Chapter 7 in *Realizing the Right to Development*. OHCHR ebook, 2013.

<https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIChapter7.pdf>, page 109:

“Throughout history, the global South has consistently raised its artificially hushed voice, now in plea, now in anger, to the North and either begged or demanded the recognition of a global commons. They have insisted that both the North and the South are more intimately connected than some would care to acknowledge, and that they must rise or fall together. The Universal Declaration of Human Rights, the Declaration on the Establishment of a New International Economic Order and the Declaration on the Right to Development are examples of the few instances in which the global South (the “Rest”), supported by some allies in the North, was able to script the story.”

colonial injustice, perpetuates the domination of powerful nations over peoples and territories that were subject to historical colonial extraction and preserves structural racial discrimination within nations.”⁹¹

24. The Working Group is uniquely positioned to put forward analysis showing the inherent links between women’s human rights, substantive equality, resource distribution and the right to development. This is essential, especially in a multilateral context where powerful wealthy northern states continue to sideline, dismiss and marginalize the right to development and its challenge to inequalities between countries,⁹² and treat it as a separate issue from gender and women’s human rights, when most women in the world who live in poverty do so as a result of a systematic and deliberate disregard by northern states and corporations for Global South countries, communities and people’s right to development.⁹³ Recent negotiations on a draft convention on the right to development⁹⁴ were no different, with Global North countries continuing to resist the codification of the right to development, and the Expert Drafting Group’s removal of gender from the protected discrimination grounds in a new revised draft.⁹⁵

25. The marginalization and dismissal of issues of redistribution of resources⁹⁶ is not gender-neutral; just as the marginalization of economic, social and cultural rights is not

⁹¹ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](#), 2022, para. 13.

⁹² *Ibid.*, para. 88.

⁹³ Sexual Rights Initiative: “A review of key trends in relation to SRHR in Geneva-based human rights spaces in 2020.”

<https://www.sexualrightsinitiative.org/resources/review-key-trends-relation-srhr-geneva-based-human-rights-spaces-2020>, pages 2-3.

This is despite the ICESCR’s assertion of the obligation for wealthier countries to assist poorer countries in the realization of economic, social and cultural rights (See ICESCR article 2(1); and CESCR General Comment 3, para. 13.) and SDG Goal 10 on reducing inequalities within and among countries.

⁹⁴ The latest discussions took place during the 23rd session of the Working Group on the Right to Development, in May 2022:

<https://www.ohchr.org/en/events/events/2022/23rd-session-working-group-right-development>

⁹⁵ See Articles 8.1 and 16 and its commentaries in the Revised draft convention on the right to development, with

commentaries, A/HRC/WG.2/23/2/Add.1, May 2022. https://www.ohchr.org/sites/default/files/2022-05/A_HRC_WG2_23_2_Add.1.pdf, in which the Expert Drafting Group “noted the deeply contested status of these grounds of discrimination [gender”, “gender identity” and “sexual orientation”] in international human rights law, and their current omission from international human rights treaties due to the extensive differences among states on these alleged bases of discrimination. Due to the contested nature of these terms and their legal status, they will not be introduced in this Revised Draft Convention to expand the prohibited grounds of discrimination under this provision.”

The first draft of the convention included gender in the discrimination grounds in article 8.1, and its article 16 was dedicated to gender equality (as opposed to “Equality between men and women” in the revised draft):

https://www.ohchr.org/sites/default/files/Documents/Issues/Development/Session21/3_A_HRC_WG.2_21_2_AdvanceEditedVersion.pdf

For more information and analysis, please see “Feminists should put the Right to Development back on their radar.” IWRAW Asia Pacific, forthcoming.

⁹⁶ The following statement made by the Special Rapporteur on extreme poverty in 2015 remains true today: “The artificial marginalization of questions of resources and distribution from the main human rights debates has also been reinforced by the determination of many States to keep the areas of international economics, finance and trade quarantined from human rights. The World Bank can simply refuse to engage with human rights in the context of its policies and programmes, IMF does the same, and the World Trade Organization is little different. When such issues are raised in the Human Rights Council the argument is invariably heard that it is not the appropriate forum and these matters should be dealt with elsewhere. But when efforts are made to raise human rights in such forums, the refrain is that they should rather be dealt with by the Human Rights

gender-neutral. It is part and parcel of a patriarchal system positioning civil and political rights as the “real” human rights - and their violations, expressed in narrow (overwhelmingly male) terms, as the “real” human rights violations deserving of scrutiny.⁹⁷ It is also indicative of a broader Northern commitment to a racially discriminatory status quo.⁹⁸

26. We encourage the Working Group to build upon its earlier statements regarding the impacts of colonization, slavery and systemic racism on current socioeconomic inequalities, exclusion and poverty,⁹⁹ and to fully engage with the colonial exploitation and plunder that brought about and continues to fuel poverty, and to echo the demands for a new international economic order made in the CEDAW Convention,¹⁰⁰ the UDHR,¹⁰¹ the Declaration on the Establishment of a New International Economic Order,¹⁰² and the Declaration on the Right to Development.¹⁰³

Recommendation 6.3. *Require resource mobilization and redistribution for the realization of substantive equality, including through progressive taxation and a reform of the global tax rules, through debt cancellation, and through reparations for colonialism, slavery, apartheid, racial discrimination and environmental destruction;*

27. We call on the Working Group to assert that the right to substantive equality also requires resource mobilization and redistribution through taxation, the cancellation of all illegitimate debts,¹⁰⁴ and reparations for colonialism, slavery, apartheid, racial discrimination and environmental destruction.¹⁰⁵ Indeed, the obligation for States to

Council.” Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. [A/HRC/29/31](#), 2015, para. 56(b).

⁹⁷ See for instance Parisi, L. Feminist Perspectives on Human Rights. *Oxford Research Encyclopedia of International Studies*. <https://oxfordre.com/internationalstudies/view/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-48>

⁹⁸ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination. [A/HRC/50/60](#), 2022, para. 88.

⁹⁹ Report of the Working Group on discrimination against women and girls: Women’s and girl’s sexual and reproductive health rights in crisis, [A/HRC/47/38](#), 2021, para. 66; Report of the Working Group on the issue of discrimination against women in law and in practice: Women deprived of liberty, [A/HRC/41/33](#), 2019, Para. 50.

¹⁰⁰ The CEDAW Convention called for a “new international economic order based on equity and justice” and for the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination. Preamble of the Convention on the Elimination of all forms of Discrimination Against Women. UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <https://www.refworld.org/docid/3ae6b3970.html>

¹⁰¹ Article 28 of the UDHR provides that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.” UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html>, article 28.

¹⁰² Resolution adopted by the General Assembly: 3201 (S-VI). Declaration on the Establishment of a New International Economic Order. A/RES/S-6/3201, 1 May 1974. <http://www.un-documents.net/s6r3201.htm>

¹⁰³ UN General Assembly, *Declaration on the Right to Development : resolution / adopted by the General Assembly*, 4 December 1986, A/RES/41/128, available at: <https://www.refworld.org/docid/3b00f22544.html>, article 2(2).

¹⁰⁴ Global Action for Debt Cancellation: “Open Letter to All Governments, International Institutions and Lenders.” <https://debtgwa.net/#open-letter>

¹⁰⁵ Report of the Special Rapporteur on racism on the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism, [A/74/321](#), 2019; Report of the Special Rapporteur on contemporary

realize economic, social and cultural rights “to the maximum of their available resources” does not just apply to the resources already available, but also to those that could be mobilized through different policy decisions.¹⁰⁶

Tax

28. As recognized in the Lima Declaration in 2015, taxation is a core human rights issue and “a key instrument for addressing discrimination against women and ensuring their substantive equality;”¹⁰⁷ and “[t]ax laws, policies and practices must work to end structural discrimination rather than entrench growing inequalities of all kinds, including gender, ethnic, and economic disparities.”¹⁰⁸ The Special Rapporteur on extreme poverty has also reasserted that “tax policy is, in many respects, human rights policy”¹⁰⁹ and that “a critical tool for realizing human rights and tackling inequality.”¹¹⁰ The UN Secretary-General has also recognized the proven role of progressive income taxes and highly redistributive transfers in addressing inequality and poverty.¹¹¹ Taxation must be progressive; regressive taxation systems, such as consumption taxes, disproportionately impact women and the poor, among other marginalized groups.¹¹²
29. In addition to addressing tax injustice from a national perspective, it is important to engage with the international economic structures enabling tax and economic injustice at the international level and allowing “proceeds of global tax abuse [to] almost always flow in the direction of the old empires, continuing the enriching of the global north by the global south.”¹¹³ We encourage the Working Group to join the Independent Expert on Foreign Debt¹¹⁴ and the UN Secretary-General¹¹⁵ in calling for a reform of the global tax system, including through a new global tax convention and body, in the recognition that the gaps and shortcomings of the international financial architecture allows for

forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice, [A/77/2990](#), 2022.

¹⁰⁶ Balakrishnan et al. *Rethinking Economic Policy for Social Justice*, page 68.

¹⁰⁷ Lima Declaration on Tax Justice and Human Rights (2015), available at https://www.cesr.org/sites/default/files/Lima_Declaration_Tax_Justice_Human_Rights.pdf

¹⁰⁸ *Ibid.*, page 1.

¹⁰⁹ Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. [A/HRC/29/31](#), 2015, para. 53.

¹¹⁰ Report of the Special Rapporteur on extreme poverty and human rights, Ms. Maria Magdalena Sepúlveda Carmona, on taxation and human rights. [A/HRC/26/28](#), Section III.

¹¹¹ [A/67/394](#), paras 16 and 56, as cited in Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. [A/HRC/29/31](#), 2015, para. 53.

¹¹² Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona (2014), [A/HRC/26/28](#), para. 46.

¹¹³ Tax Justice Network: “Empire and decolonisation.” <https://taxjustice.net/topics/empire-and-decolonisation/>

¹¹⁴ Report of the Independent Expert on foreign debt “Towards a global fiscal architecture using a human rights lens,” July 2022, [A/77/169](#), para. 52.

¹¹⁵ “UN Secretary General signals support for UN tax convention.” Tax Justice Network, 27 September 2022. <https://taxjustice.net/press/un-secretary-general-signals-support-for-un-tax-convention/>

“unequal revenue collection within and between countries, [...] uneven wealth distribution and the pervasive increase in poverty and exclusion around the world.”¹¹⁶

Debt

30. 60% of low-income countries are currently in, or at high risk, of debt distress.¹¹⁷ A recent UNAIDS report warns against the “pandemic triad” of HIV, COVID-19 and debt in developing countries,¹¹⁸ while a new UNDP report warns that 54 countries, which are “home to more than half of the world’s poorest people,” are facing a quickly escalating debt crisis and are in need of debt relief.¹¹⁹ Among those countries is Sri Lanka, whose current economic crisis is a clear example of the devastating consequences of international financial institutions’ neocolonial and neoliberal loan conditionalities: following 16 IMF loans, and with debt repayments reaching new heights, Sri Lankans are bearing the brunt of shortages in medicines, food and essential products.¹²⁰
31. Creditor countries and institutions rarely admit to their own role in the debt crisis of Global South countries, or to the largely external factors that contributed to it and that are all part of the inequitable global economic order.¹²¹ Debt itself, along with “the ‘indebtedness’ of countries of the South is both a consequence and a tool for domination.”¹²² Observers and civil society have long argued that the Bretton Woods institutions “helped create the very situation of indebtedness that they themselves had responsibility for fixing.”¹²³

¹¹⁶ Report of the Independent Expert on foreign debt “Towards a global fiscal architecture using a human rights lens,” July 2022, A/77/169, available at www.undocs.org/A/77/169, para. 2.

¹¹⁷ *Financing for Sustainable Development Report 2022* (United Nations publication, 2022, Sales No. E.22.I.6), as cited in the Report of the Independent Expert on foreign debt “Towards a global fiscal architecture using a human rights lens,” July 2022, A/77/169, available at www.undocs.org/A/77/169, para. 50.

¹¹⁸ UNAIDS: “A pandemic triad: HIV, COVID-19 and debt in developing countries.” UNAIDS, 2022.

https://www.unaids.org/sites/default/files/media_asset/pandemic-triad-HIV-COVID19-debt-in-developing-countries_en.pdf

¹¹⁹ UNDP: “Avoiding Too Little Too Late on International Debt Relief.” 11 October 2022.

<https://www.undp.org/publications/avoiding-too-little-too-late-international-debt-relief>

¹²⁰ Thamil Venthan Ananthavinayagan: “Sri Lanka and the Neocolonialism of the IMF.” *The Diplomat*, 31 March 2022:

<https://thediplomat.com/2022/03/sri-lanka-and-the-neocolonialism-of-the-imf/>

¹²¹ As Cephas Lumina, former Independent Expert on Foreign Debt and Human rights, explained: “it is above all external factors such as profligate lending (due to excess liquidity in the global financial system), uncertainty in domestic production, volatility in global prices, deteriorating terms of trade and increases in interest rates that played a critical role in the development of the debt crisis. These factors adversely impacted on the fragile economies of many developing countries. In particular, the high interest rates made the repayment of debt extremely difficult. Thus, many countries were left with huge debts, even after repaying far more than the amounts originally borrowed. [...] Some loans were extended by private companies in return for contracts which were often overvalued and of little or no value to the borrowers. Thus, many of the debts are questionable.” Cephas Lumina: “Chapter 21: Sovereign debt and human rights” in Office of the United Nations High Commissioner for Human Rights (OHCHR) “Realizing the Right to Development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development.”

<https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIIChapter21.pdf>, Page 290.

¹²² Global Action for Debt Cancellation: “Open Letter to All Governments, International Institutions and Lenders.”

<https://debtgwa.net/#open-letter>

¹²³ As cited by former Independent Expert on Foreign Debt, Cephas Lumina in “Sovereign debt and human rights”

<https://www.ohchr.org/sites/default/files/Documents/Issues/Development/RTDBook/PartIIIChapter21.pdf>, page 292.

32. Evidence shows that “in many of the poorest countries debt repayment is often carried out at the expense of basic human rights, including the rights to food, health, education, adequate housing and work.”¹²⁴ In addition, the conditionalities set by international financial institutions for eligibility for loans or debt relief (including privatization, reduction of public spending, trade liberalization and deregulation, and fiscal, monetary and taxation reforms) have severe human rights impacts and contribute to increasing poverty.¹²⁵ Debt cancellation has been shown to allow countries to invest in public services such as health, education and water and sanitation and end user fees for these services.¹²⁶
33. We call on the Working Group to recommend the unconditional cancellation of all illegitimate debts as essential to economic justice, to the realization of economic and social rights, and to fighting poverty.

Reparations for colonialism, slavery, apartheid, racial discrimination and environmental destruction

34. The Working Group has recognized the direct link between colonization, systemic racism and marginalization, and high levels of socioeconomic exclusion and poverty.¹²⁷ As asserted by several Special Procedures mandates¹²⁸ and the High Commissioner,¹²⁹ the obligation for States having inflicted and benefited from colonialism and slavery to provide reparations is well-established under international law,¹³⁰ and the failure to do so is at the core of the issue of poverty and its impact on all human rights. The Special Rapporteur on the right to health reminded that “[i]n view of States’ obligation to guarantee the right to health “to the maximum of their available resources,” consideration should be given to the racist reasons why some States have ample

¹²⁴ Ibid., page 289.

¹²⁵ Ibid., page 295.

¹²⁶ Ibid., page 294.

¹²⁷ Report of the Working Group on the issue of discrimination against women in law and in practice: Women deprived of liberty, [A/HRC/41/33](#), 2019, Para. 50.

¹²⁸ See for instance the Report of the Special Rapporteur on racism on the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism, [A/74/321](#), 2019; Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli: Transitional justice measures and addressing the legacy of gross violations of human rights and international humanitarian law committed in colonial contexts (2021). [A/76/180](#); Report by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Racism and the right to health. [A/77/197](#), 2022, para. 63.

¹²⁹ Report of the United Nations High Commissioner for Human Rights: Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers. [A/HRC/47/53](#), para. 64.

¹³⁰ See for instance Report of the Special Rapporteur on racism, <https://undocs.org/A/74/321>; Report of the Expert Mechanism on the Rights of Indigenous Peoples: Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: recognition, reparation and reconciliation, [A/HRC/EMRIP/2019/3](#), 2019; Report by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Racism and the right to health. [A/77/197](#), 2022, para. 63.

resources while others are hamstrung by a history of colonial dispossession and exploitation, followed by neo-colonial capitalist domination.”¹³¹

35. Reparations for slavery and colonialism include the eradication of persisting structures of racial inequality, subordination and discrimination built under colonialism,¹³² which encompasses the transformation of the global economic order currently set up to benefit wealthy, northern countries.¹³³
36. In addition, as also recommended by the Special Rapporteur on Racism, reparations must be provided for the racially discriminatory causes and consequences of environmental degradation and climate change, which directly result from capitalism, colonialism and racism, and are most acutely felt by countries and communities subjected to racial and economic discrimination and exploitation,¹³⁴ with demonstrated gendered impacts.¹³⁵ The recent floods in Pakistan have painfully illustrated this point; as noted by the UN Secretary-General, as Pakistan is responsible for less than one percent of global greenhouse emissions but paying a “supersized price for man-made climate change.”¹³⁶
37. We call on the Working Group to echo the call made by other UN human rights bodies, and to urge States having inflicted and benefited from colonialism to provide full reparations for colonialism, slavery, apartheid and racial discrimination. We also encourage the Working Group to elaborate on states’ obligations to address climate injustice and environmental racism as a core part of their obligations to realize the right to substantive equality, and to challenge the failure by international climate frameworks

¹³¹ Report by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Racism and the right to health. [A/77/197](#), 2022, para. 63.

¹³² Report of the Special Rapporteur on racism, <https://undocs.org/A/74/321>, paras 7-8.

¹³³ Ibid., para. 26; Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice (2022), [A/77/2990](#), para. 78.

In addition, the Special Rapporteur noted that “[development aid] initiatives cannot do the necessary work of repairing structures of racial inequality and discrimination rooted in historic injustice [and] fail to fulfil specific international human rights obligations relating to the contemporary manifestations of historic racial discrimination and injustice.” (Report of the Special Rapporteur on racism on the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism, [A/74/321](#), 2019, para. 54)

¹³⁴ See for instance the Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice (2022), [A/77/2990](#), including paras 12, 78; Report of the Working Group of Experts on People of African Descent: Environmental justice, the climate crisis and people of African descent. A/HRC/48/78, <https://undocs.org/A/HRC/48/78>, 2021.

¹³⁵ See for instance Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem: Violence against women and girls in the context of the climate crisis, including environmental degradation and related disaster risk mitigation and response (2022), [A/77/136](#).

¹³⁶ “Pakistan’s ‘climate carnage beyond imagination’, UN chief tells General Assembly.” UN News, 7 October 2022. <https://news.un.org/en/story/2022/10/1129337>, also referred in the Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice (2022), [A/77/2990](#), para. 5.

to meaningfully address colonialism, racial capitalism and extractivism¹³⁷ and the responsibility of wealthy states.¹³⁸

Recommendation 6.4. *Call for corporate accountability, including through the adoption of a strong binding treaty on transnational corporations, businesses and human rights.*

38. The rising power and extended reach of corporations is an urgent challenge confronting women and oppressed peoples. Concentration of wealth and power within the hands of multinational and transnational corporations distorts economic, political and social structures in favor of the interests of corporations; and entrenches the extraction and exploitation of labor and natural resources. At the national level, large corporations are exerting their economic power by demanding massive bailouts from governments to weather the global recession.
39. To this end, ESCR-net has defined corporate capture as “the means by which an economic elite undermine the realization of human rights and the environment by exerting undue influence over domestic and international decision-makers and public institutions,”¹³⁹ a phenomenon which the Special Rapporteur on poverty has found to be encouraged by economic inequalities.¹⁴⁰ In this sense, corporate capture acts as a root cause of many corporate human rights abuses. From tax incentives, to direct loans, to demands for flexibility in labor and environmental standards, particularly in the Global South, the results are millions in precarious or underpaid jobs, weak public revenues that are unable to sustain essential public services like health care, and climate disasters.
40. Privatization of basic and essential services, such as healthcare, education, and water is a central feature of corporate capture that has propelled and exacerbated economic and social inequality and poverty. Historically imposed on Global South countries borrowing money from international financial institutions (IFIs), privatization schemes have been implemented throughout the world in parallel with the narrative of ‘shrinking the role of government and its regulatory power’, and with the pretext of removing ‘public service burdens’ from the governments.
41. Health systems focused on profit skew services toward elective services to the wealthy with diminished focus on health issues facing impoverished communities, including

¹³⁷ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice (2022), [A/77/2990](#).

¹³⁸ This demand was previously made to the CERD Committee for the elaboration of its General Recommendation 37 on the right to health, in a joint submission by the Sexual Rights Initiative, the National Council of Women Leaders (NCWL), the Dalit Human Rights Defenders Network (DHRDNet), the International Dalit Solidarity Network (IDSN), AWID, Her Rights Initiative (HRI) and Alisa Lombard (July 2022), available at <https://www.sexualrightsinitiative.org/resources/submission-committee-elimination-racial-discrimination-and-right>, para. 39.

¹³⁹ ESCR-Net: “About corporate capture.” <https://www.escr-net.org/corporateaccountability/corporatecapture/about>

¹⁴⁰ Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston: Extreme inequality and human rights. [A/HRC/29/31](#), 2015, para. 21, as cited in Balakrishnan et al. *Rethinking Economic Policy for Social Justice*, page 43.

women's sexual and reproductive health. The Beijing Declaration and Platform for Action acknowledged that "a decrease in public health spending and, in some cases, structural adjustment, contribute to the deterioration of public health systems. In addition, privatization of health-care systems without appropriate guarantees of universal access to affordable health care further reduces health-care availability."¹⁴¹

42. Lower tiers of public sector workers, such as teachers, nurses and healthcare workers are divided along gendered, class and racial lines, and are the worst affected by privatization. For example, two thirds of the 20 million public sector workers who are part of the trade union federation Public Services International (PSI) are women.¹⁴² Outsourcing to private providers leads to more precarious working arrangements including lower wages, longer working hours and fewer social security benefits, if any. It also makes it more difficult for trade unions to organize workers in similar jobs due to different contract arrangements in the private and public sectors.
43. Corporations and the state structures that facilitate them have and continue to build an architecture of impunity around human rights violations. With giant revenues and political influence,¹⁴³ corporations and transnational companies are able to protect themselves behind the laws that they helped to create, while undermining agreed international human rights treaties. Through Investor State Dispute Settlement (ISDS) mechanisms embedded in investment and trade agreements, companies are even able to sue governments when they deem that measures to protect the people endanger their profits.¹⁴⁴
44. As corporate power is increasingly challenged by civil society, transnational corporations engage in practices such as 'blue-washing',¹⁴⁵ 'green-washing' and 'pink-washing' to obscure and mask the negative practices corporations use to gain power such as union-busting, aggressive tax avoidance and corporate lobbying.¹⁴⁶ Through these 'corporate best practices,' corporations portray themselves as a force for good and make it easier for governments and multilateral agencies to give them a seat at the table when discussing social, environmental and governance issues.¹⁴⁷

¹⁴¹ Beijing Platform for Action. Chapter IV. C: Women and health, para. 91. <http://www.un-documents.net/bpa-4-c.htm>

¹⁴² "About Public Services International." <http://www.world-psi.org/en/about>

¹⁴³ AWID, [Challenging Corporate Power: Struggles for women's rights, economic and gender justice](#) (2016) pg. 10 - 13.

¹⁴⁴ Report of the Independent Expert on the promotion of a democratic and equitable international order. UN General Assembly, A/70/285, 2015.

¹⁴⁵ Blue-washing is a term referring to companies' tendency to use the United Nations' positive image to improve their brand. For more information, please see Chapter 2 of Rights at Risk: Observatory on the Universality of Rights Trends Report 2021, page 41. https://www.awid.org/sites/default/files/2022-01/Ch2_RightsAtRisk_TimeForAction_2021.pdf

¹⁴⁶ For instance, in 2014 Walmart ran a public relations campaign in the United States to show that it supports LGBTQI leadership within the corporation. Yet from 2001-2011 1.5 million Walmart women employees in the United States filed a class action lawsuit against Walmart for gender discrimination on salaries and bonuses, training and union-busting. Business and Human Rights Resource Center. Walmart lawsuit (re gender discrimination in USA) (accessed 27 February 2016), available at <https://www.business-humanrights.org/en/latest-news/walmart-lawsuit-re-gender-discrimination-in-usa/>

¹⁴⁷ Friends of the Earth International, *Reclaim the UN from corporate capture*, 2012, p.4. Available at: <https://www.foei.org/wp-content/uploads/2013/12/Reclaim-the-UN.pdf>

45. Corporate “shadow power” often takes the shape of promoting one-size-fits-all discourses on women’s (economic) empowerment. In these narratives, there is no alternative to the market economy. Women’s economic rights are reduced to microcredit schemes and entrepreneurship, rather than labor market restructuring and decent employment opportunities. The definition of work is reduced to waged labor and denies the value of the reproductive labor and care that sustains human life.
46. Civil society has observed the increasing corporate takeover of the UN, as big business exerts its influence. This includes the increased corporate representation domination in certain UN discussion spaces and some UN bodies, with privileged advisory roles and financial dependency of UN agencies on corporations and the private sector.¹⁴⁸ After pressures from feminist groups, UN Women was recently forced to rescind a partnership with BlackRock, given the latter’s vast holdings in fossil fuel companies and in military and civilian arms manufacturing, large contributors to the precarity of women’s livelihoods and physical safety.¹⁴⁹
47. In this context, we call on the Working Group to urge States to support the adoption of a strong binding treaty on transnational corporations, other business enterprises and human rights, a process which has seen corporate and northern States’ attempts to block the treaty and dilute its obligations.¹⁵⁰

¹⁴⁸ Karolin Seitz, *Extractive Industries and Violation of Women’s Rights*, AWID, September 2019.

https://www.globalpolicy.org/images/pdfs/Briefing_0919_Extractive_Industries_Womens_Rights.pdf

¹⁴⁹ <https://www.awid.org/news-and-analysis/press-release-over-700-womens-rights-organizations-and-feminists-demand-end-un>

¹⁵⁰ “Feminist realities must be reflected in corporate accountability mechanisms.” Feminist for a Binding Treaty, 25 October 2022. <https://www.cambridge.org/core/blog/2022/10/25/feminist-realities-must-be-reflected-in-corporate-accountability-mechanisms/>

See also the video dispatch from the last round of negotiations in Geneva by Sanyu Awori for AWID: <https://twitter.com/AWID/status/1585547279158497280?s=20&t=UGym4M0Pd39PrgyZbrVVXQ>