

Minority Women and Effective Participation in Economic, Social and Cultural Life:
Perspectives from the Committee on Economic, Social and Cultural Rights

Heisoo SHIN, Member
Committee on Economic, Social and Cultural Rights (CESCR)

Madame Chairperson, distinguished members of the Forum on Minority Issues, ladies and gentlemen, good morning,

Thank you very much for inviting me to this panel. It is my great honor and pleasure to participate in the discussions on the rights of minority women and their effective participation in economic, social and cultural life. My views on this issue would be primarily as a member of the Committee on Economic, Social and Cultural Rights.

The Committee on Economic, Social and Cultural Rights (CESCR) is a treaty body composed of 18 experts, monitoring the State party's implementation of International Covenant on Economic, Social and Cultural Rights (ICESCR). The Covenant, adopted by the UN back in 1966, is a core human rights treaty. Currently, there are 160 States parties to the Covenant.

All States parties to the Covenant have obligations to submit regular reports to the Committee on how they progressively realize the rights of the people within their territory using the maximum available resources. The States parties must report initially within two years of accepting the Covenant and thereafter every five years. The Committee examines the government report and addresses its concerns and adopts recommendations to the State party in its "concluding observations". In this process, any NGOs representing minority women—whether local, national, regional or international NGOs--can attend and present their opinions. Likewise, the national human rights institutions, established in accordance with the Paris Principles, are also welcome.

The ICESCR contains many provisions which are critical to the protection of the rights of minority women in the areas of economic, social and cultural rights. Under the Covenant, two principles are very important to minority women: the principle of equal treatment and non-discrimination (Article 2); and the principle of equality between men and women (Article 3), which should be applied to all areas of economic, social and cultural rights enshrined in the Covenant. The areas covered by the Covenant are: right to work, including 'just and favorable conditions of work', (which means equal pay for work of equal value, decent living for the workers and their families, minimum wages above poverty level, safe working conditions without sexual harassment). The Covenant also covers right to social security, right to family, right to decent standard of living, right to housing, food, water and sanitation, the highest attainable physical and mental health, right to education, and right to enjoy cultural life.

When there are minorities in a given country under consideration, the Committee on Economic, Social and Cultural Rights always raises the issues minority people face, issues such as higher rate of unemployment, poverty, land ownership and titling, forced eviction and shortage of housing, water or toilets, or cultural heritage at risk due to development projects, etc. Minority women often face double or triple discriminations. For example, in a State party the Committee dealt with just last week, the minority women of that country were earning only 37.5% of the majority men, because of the double discrimination as women and as minority.

Under this morning's agenda item, our task is to identify existing challenges faced by minority women and good practices to ensure minority women's enjoyment of the economic, social and cultural rights.

Challenge No. 1, in my opinion, is to educate the minority women and to let them know their rights prescribed in the international human rights treaties, such as CEDAW and the International Covenant on Economic, Social and Cultural Rights. What would the ICESCR mean to a Roma woman living in rural area of Sweden, or

a Somali woman living in a refugee camp in Ethiopia? What changes the Covenant can bring to the life of a North Korean woman trafficked in China, or an Aboriginal woman living in a reservation camp in Canada? Not much really, unless she knows what her rights are and demand her government and the international community to make sure her rights are protected. Yesterday morning you have discussed minority women's and girls' right to education, but education should not be limited to girl's education in schools or literacy classes for adult women. Education should also be about their basic human rights in economic, social and cultural areas.

Challenge No. 2 would be to make a better and active use of the treaty body monitoring system currently in operation. As I said, the Committee on Economic, Social and Cultural Rights is widely open to NGOs. You can submit NGO reports; you can attend the Committee meetings, and can orally deliver your opinions to the Committee. NGOs can also have a lunchtime briefing in an informal setting and explain the issues in more detail. However, this system is not widely used by minority women at the level of the CESCR. The Committee needs to know the realities of minority women, so that it can recommend to the government in its Concluding Observations exactly what needs to be done to improve the lives of minority women at the grassroots level. Minority women then can use these recommendations in demanding their government to implement them at the national and local levels.

Finally, I would like to draw your attention to the new procedure on individual complaints under the International Covenant on Economic, Social and Cultural Rights. An Optional Protocol to the Covenant was adopted in 2008, but it has not become effective yet. The Committee is awaiting for at least 5 more States parties' ratification so that the Optional Protocol can go into effect.

In conclusion, I would very much like to see that minority women take the International Covenant on Economic, Social and Cultural Rights in their hands and use it as a tool to protect and promote their rights. At the same time, the

Committee needs to pay a closer attention to the situations of minority women and to urge the governments and other stakeholders to take measures to eliminate discrimination and to stop violation of their rights.

On my part, I will wide open my eyes to the situations of minority women and girls, and my ears to their voices, so that I can help as much as possible.

Thank you very much for your attention.

Human Rights Council
Forum on Minority Issues
Fourth Session
Geneva, 30 November 2011