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Minority women and effective participation in economic, social and cultural life – a CEDAW perspective

Today the injustices suffered by minority women are well documented: limited employment opportunities, high illiteracy rates, poor access to health care and endemic poverty, trafficking in women, and race-based violence against women are only a few among these.

Minority women encounter distinct forms of discrimination due to the intersection of sex with such factors as: race, language, ethnicity, culture, religion, disability, or socio-economic class. They suffer multiple discrimination with different factors compounded. Being socially and economically marginalized, they are faced with more difficulties in almost every aspect of life than both male members of the same group and women belonging to the majority. For many women such factors relating to their social identity such as race, colour, ethnicity and national origin become "differences" that make a difference. These factors can create problems that are unique to particular groups of women or that disproportionately affect some women relative to others.

Historically, discrimination based on gender, race and other forms have been seen as parallel but distinct forms of discrimination. But in recent years, the international community has come to recognise the fact that factors such as age, disability, ethnicity and socio-economic status can compound discrimination based upon sex, forming further multiple barriers to women's empowerment and social advancement.

A CEDAW perspective

In **General Recommendation No 25** on "temporary special measures" under Article 4 (1) of the Convention adopted in 2004, the Committee spelt out that "certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple discrimination based on additional grounds such as race, ethnic or religious identity,

disability, age, class, caste or other factors. Such multiple discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties may need to take specific temporary special measures to eliminate such multiple discrimination against women and its compounded negative impact on them”.

In **General recommendation No. 27** on older women and protection of their human rights, adopted in 2010, the Committee again addressed multiple discrimination and stated that discrimination experienced by older women is often multidimensional, with the age factor compounding other forms of discrimination based on gender, ethnic origin, disability, poverty levels, sexual orientation and gender identity, migrant status, marital and family status, literacy and other grounds. It stressed that older women who are members of minority, ethnic or indigenous groups, internally displaced or stateless often experience a disproportionate degree of discrimination.

In order to support legal reform and policy formulation, it recommended that States parties collect, analyse and disseminate data disaggregated by age and sex, so as to have information on the situation of older women, including those belonging to minority groups and that such data should especially focus, among other issues, on poverty, illiteracy, violence, unpaid work, including care-giving to those living with or affected by HIV/AIDS, migration, access to health care, housing, social and economic benefits and employment. It also recommended that States parties adopt special programmes tailored to the physical, mental, emotional and health needs of older women, with special focus on women belonging to minorities.

In its most recent **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, adopted in 2010, the Committee again explicitly spelt out that intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2 and that discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. The Committee stressed that States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them.

It was again reiterated that they also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25.

The CEDAW Convention, being about the elimination of all forms of discrimination against women, not just discrimination based on sex, contains a very broad definition of discrimination against women in its Article 1, which addresses any “distinction, exclusion or restriction

.....which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” The Convention covers direct and indirect discrimination as well as intentional and unintentional discrimination.

The Committee can be said to have had a consistent approach to evaluating and monitoring the disadvantages, obstacles and difficulties minority women face. The CEDAW Committee has regularly expressed concern about the lack of information on the situation of particularly disadvantaged groups of women, especially women belonging to ethnic minorities, such as the Kurds, Turkmens and Assyrians living in Iraq, the Crimean Tartars in Ukraine, women of African descent in Peru, black women in Uruguay, Roma and Sami women in Finland, Sinti and Roma women in Germany, some ethnic and religious minority women living in Greece, such as Turks and Albanians who suffer from multiple forms of discrimination based on sex, ethnic or religious background and race .

For the Committee, minority women are more vulnerable to discrimination and the Committee expects information on their situation. Equality by itself does not capture everything and thus those promoting women’s and minority rights must ensure that these groups receive extra and specific attention above and beyond equality.

When the report contains no information or inadequate information, questions are even asked on their situation in the list of issues and questions. On the other hand, the Committee commends State parties which provide adequate information on the situation of minority women. For example, it noted with satisfaction the inclusion in the report of Finland, special information on minority women, and the plans to foster education for equality as a matter of human right and dignity.

As early as 1995, the Committee has even urged some States parties to conduct regular

research and comprehensive studies on discrimination against minority women and to collect statistics on their situation in employment, education and health- (Finland, Denmark). It requested the Government of New Zealand to conduct more research analysis on how the ethnic minority groups might achieve the same levels of equality as the majority of women. More recently, in 2009, it requested the Government of Japan to conduct a comprehensive study on the situation of minority women, including indigenous Ainu, Buraku and Zainichi Korean and Okinawa women.

The Committee not only recommends that State parties provide statistical data and information on the situation of ethnic minority women (Vietnam). The quality of data and information submitted is also important- The Committee suggested that more statistical data and analysis of the articles of the Convention be presented rather than a de jure presentation. That was the case with Belgium where the Committee wanted information on the de facto situation, including information on attitudes towards minority women of the Maghreb and African communities.

The Committee regularly recommends that State parties engage in consultations with groups that represent minority women. The Committee also shares best practices on measures taken with the aim of enhancing integration of minority women.

The Committee expects States to address the needs of all minority groups. For example, it noted with concern that, although Myanmar has 135 ethnic groups, there is little information in its report about how the human rights of women in all ethnic groups are guaranteed, protected and promoted. The Committee requested the Government to include in its next report more information and data on the situation of women in as many ethnic minority groups as possible and the measures taken by the Government of Myanmar to protect and ensure their human rights under the Convention.

When it examined the report of Greece, the Committee noted that while attention is given to the situation of certain groups of minority women, such as gypsies, insufficient information is available concerning the situation of other ethnic and religious minority women, such as Turks

and Albanians. The Committee urged the Government to develop a general policy to address the particular needs of immigrant and migrant women with regard to their protection, health, employment and educational needs. The Government was requested to assess the situation of all minority women with a view to ensuring adequate support for them.

In the case of China, in the light of the diversity of the country and its population, the Committee requested information on ethnic minorities particularly the Uyghur and Tibetan peoples and a breakdown of information by provinces and autonomous regions.

The focus of the Committee has been very much on the economic, social and cultural rights of minority women. Economic, social and cultural rights have a particular significance for minority women because as a group, they are disproportionately affected by poverty, and by social and cultural marginalization. Women's poverty is a central manifestation, and a direct result of women's lesser social, economic and political power. In turn, women's poverty reinforces their subordination, and constrains their enjoyment of every other right.

To ensure that all women enjoy the benefits of their economic, social and cultural rights, specific measures are needed to address the ways in which women are differently affected in their enjoyment of a right as a result of the intersection of discrimination based on sex with discrimination based on other characteristics.

States parties have the obligation of to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and the policy must be comprehensive in that it should apply to all fields of life, including those which are not explicitly mentioned in the text of the Convention. In General Recommendation No 28 on core obligations under Article 2, the Committee spelt out that the policy must identify women within the jurisdiction of the State party as the rights-bearers, with particular emphasis on the groups of women who are most marginalized and who may suffer from various forms of intersectional discrimination.

The Committee also stressed that the words "without delay" make it clear that the obligation of States parties to pursue their policy, by all appropriate means, is of an immediate nature. This language is unqualified, and does not allow for any delayed or purposely chosen incremental implementation of the obligations that States assume upon ratification of or accession to the Convention. The delay therefore cannot be justified on any grounds, including political, social, cultural, religious, economic, resource or other considerations or constraints within the State.

For the Committee, the economic, social and cultural rights of minority women must be interpreted and implemented in a manner that ensures them substantively equal exercise and enjoyment of their rights.

In General recommendation No 25 on “temporary special measures”, the Committee stated that a purely formal legal or programmatic approach is not sufficient to achieve women’s de facto equality with men. The Convention requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. It is not enough to guarantee women treatment that is identical to that of men.

Addressing the economic, social and cultural rights of minority women

The Committee has regularly expressed concern that women from ethnic minority groups face multiple forms of discrimination with respect to access to education, employment and health care and it has also expressed its regret about the lack of information and data in the report about those groups of women. The Committee has often called on those State parties to integrate attention to women from ethnic minority groups into national policies, plans and programmes as well as to implement specific measures to eliminate discrimination against those groups of women.

i) Access to education

With regard to access to education, the Committee has often expressed its concern about minority women’s low rates of participation in education and the access to education of children from ethnic minority groups (**Indonesia, Cambodia**). The Committee has urged several State parties to place high priority on the reduction of the illiteracy rate of women including through the adoption of temporary special measures (Cambodia).

The Committee expressed its concern that the ban of headscarves in schools in Belgium may increase the discrimination faced by girls from ethnic and religious minorities and may impede equality of access to education. It therefore recommended that the State party pay special attention to the needs of girls belonging to ethnic and religious minorities and ensure that they have equal access to education as well as promote a genuine dialogue with and within ethnic and religious communities aimed at the formulation of a common approach to the ban of headscarves in schools.

Access to employment

The Committee has often expressed its concern about minority women being employed in lower-paid and lower-skilled work with very little emphasis on their right to develop a career of their own. (Indonesia)

The Committee expressed concern that ethnic minority women in UK continued to experience higher levels of unemployment, lower levels of education and training, lower wages and salaries and fewer benefits than white women. The Committee recommended that steps be taken to ensure the elimination of direct and indirect discrimination against ethnic minority women, including through positive action in recruitment, awareness campaigns and targeted training, education, employment and health-care strategies.

Whilst noting that the minimum wage rate in Canada had increased in a number of provinces and territories, it remained gravely concerned at the fact that poverty is widespread among women, in particular aboriginal women, minority women and single mothers. Their underrepresentation in all areas of the labour market, in particular in senior or decision-making positions, their higher rates of unemployment and the a greater pay gap in terms of their hourly earnings compared with men, were also invoked.

Access to health

The Committee has often expressed serious concern about the very high maternal and infant mortality rates and the high fertility rate, especially among ethnic minorities and the lack of health-care facilities and medical professionals. (Lao People's Democratic Republic 2005) The Committee made very specific recommendations to the effect that the State party accelerate the implementation of its national population policy, focusing on expanding its network of health-care facilities and personnel throughout the nation and reaching out to rural and remote areas, inter alia to the benefit of ethnic minority women.

The Committee was also concerned by the fact that most women who are HIV-positive in Denmark, are foreign-born minority women. The Committee recommended that foreign women's health needs, in particular as regards information on preventing and addressing HIV infection, be fully addressed.

Housing and living conditions

The Committee has also addressed the impoverished living conditions of minority women, which include high rates of poverty, poor health, inadequate housing, lack of access to clean water, low school-completion rates and high rates of violence. For example, it regretted the absence of a national housing strategy in Canada and expressed concern at the current severe

housing shortage, in particular in aboriginal communities, and at the high costs of rent and the impact thereof on women.

Targeted recommendations

The Committee has been very specific in its recommendations.

The Committee has often urged Governments to take effective and proactive measures, including awareness-raising programmes, to sensitize public opinion at large on the issue of minority women. It also urged the State party to address the forms of discrimination including with regard to access to education, by minority women through its legal, administrative and welfare systems. (Greece)

The Committee regretted the absence of any proactive measures in Japan, including a policy framework for each minority group, to promote the rights of minority women. The Committee urges the State party to establish a policy framework and the adoption of temporary special measures, to eliminate discrimination against minority women. The Committee also urged the State Party to appoint minority women representatives to decision-making bodies.

The Committee was concerned about the multiple discrimination faced by migrant, refugee and minority women in Norway with respect to access to education, employment and health care and exposure to violence and recommended that it ensure that a gender dimension is included in legislation against ethnic discrimination.

The Committee recommended that the Government of Denmark increase minority women's awareness of the availability of social services and legal remedies.

The Committee urged Canada to ensure that aboriginal, ethnic and minority women are empowered, through encouragement, mentoring opportunities and funding, to participate in the necessary governance and legislative processes that address issues impeding their legal and substantive equality.

Conclusion

NGOs working on minority issues and with minority women and who regularly share country specific information with the Committee, still highlight in their shadow reports or in their oral submission, the sense of marginalisation and exclusion these women feel as they attempt to

negotiate their daily lives in a society which, in a multitude of ways fails to understand or meet their needs, and treats them as invisible. This is an indication of the need for more robust and concerted efforts in addressing the plight of these women.....and there is room for better coordination.