

## UNIVERSITY OF MONTPELLIER

European Master's Programme in Human Rights and Democratisation  
A.Y. 2022/2023

### DIFFERENT BATTLE, SAME FIGHT : EMPOWERING WOMEN IN CRISIS SITUATIONS

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Word Count Declaration: 25.685

“ Each time a woman stands up for herself,  
without knowing it possibly,  
without claiming it,  
she stands up for all women ”  
Maya Angelou

## **Thesis Acknowledgments**

This journey has been a roller coaster of emotions, obstacles, and enlightening experiences that would not have been possible without the unwavering support of countless individuals to whom I am indebted.

Throughout the course of this investigation, I am indebted to my supervisor, Prof. Christophe Maubernard, for their invaluable guidance, compassion, and encouragement. His commitment to academic rigor and in-depth knowledge of the topic significantly enriched this dissertation.

Furthermore, I would like to express my gratitude to all the EMA Teaching staff, whose insightful comments and constructive criticism were instrumental in molding this thesis. I am also grateful for the administrative staff and my colleagues at Global Campus of Human Rights, who have created an inspiring and supportive academic environment.

I owe a debt of gratitude to all the authors and researchers whose work has contributed to the academic discourse on the topic. This research was constructed based on their contributions.

My deepest gratitude goes to my friends, who provided moral support and helped alleviate tension during the difficult portions of this voyage.

My family deserves my sincerest gratitude. Thank you, Mum and Dad, for your unwavering confidence in my abilities, your consistent support, and your enduring affection.

Thank you all for traveling with me on this voyage. Without each of you, this accomplishment would not have been feasible!

## **Abstract**

Women's rights and gender equality, while acknowledged as critical components of human rights, face substantial challenges in crisis situations, such as economic downturns, pandemics, and climate change events. This paper explores the impact of these crises on the achievement of women's rights and the pursuit of gender equality. It examines the efficacy of extant legal mechanisms, policies, and practices with regard to guarding women's rights during these periods highlighting the roles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as well as other global regional efforts. The paper further provides recommendations for improving laws, policies, practices and future research to better safeguard women's rights and gender equality in crisis situations. Reiterating the urgency and importance of this issue, coupled with successive urging of collective multifaceted eradication approaches.

**Keywords:** Women's Rights, Gender Equality, Crisis Situations, Legal Mechanisms, Policies, Practices, Recommendations, Research.

## List of Abbreviations

1. CEDAW - Convention on the Elimination of All Forms of Discrimination Against Women
2. UN - United Nations
3. WHO - World Health Organization
4. WEF - World Economic Forum
5. SDG - Sustainable Development Goals
6. EU - European Union
7. GBV - Gender-Based Violence
8. COVID-19 - Coronavirus Disease 2019
9. IPCC - Intergovernmental Panel on Climate Change
10. EIGE - European Institute for Gender Equality.
11. ECHR - European Court of Human Rights
12. CJEU - Court of Justice of the European Union
13. UNESCO - United Nations Educational Scientific Cultural Organization
14. WTO - World Trade Organisation
15. ILO - International Labour Organisation

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## Chapter 1. Introduction

### 1.1 Background

The international community has consistently recognized and promoted women's rights and gender equality as integral aspects of human rights through conventions, treaties, and policy frameworks. However, achieving the status of gender parity is a daunting task; this challenge remains even more difficult in times of crises such as economic downturns, pandemics, and climate change events.<sup>1</sup>

Societies across the world are rooted in patriarchal systems that promote at best marginal gains for women in several dimensions of life. According to the World Economic Forum's 2021 assessment report, women who were advantaged during previous periods will have to wait another 136 years to achieve parities.<sup>2</sup> This disadvantage becomes most tangible during crises in which, owing to being often socio-economically disadvantaged, they are prone to adverse effects.

Economic convulsions pack deadly threats toward women's rights along with gender parity. Women commonly work in informal or precarious employment sectors, which also take a pivotal hit during recessions or financial crises.<sup>3</sup> Consequently, women face increased economic insecurity, thus deepening existing inequalities. Similarly, austerity measures implemented during economic crises usually lead to cuts in public services that heavily weigh on women.<sup>4</sup>

During the context of current pandemics such as COVID-19, the impacts on them have been profound. The general level of gender-based violence witnessed a spike following lockdown measures coupled

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<sup>1</sup> United Nations, (2015). 'Transforming our world: the 2030 Agenda for Sustainable Development', A/RES/70/1.

<sup>2</sup> World Economic Forum, (2021). 'Global Gender Gap Report 2021'. Available at: <https://www.weforum.org/reports/global-gender-gap-report-2021/>.

<sup>3</sup> Chant, S. (2016). 'Women, girls, and world poverty: empowerment, equality or essentialism?' *International Development Planning Review*, 38(1), 1-24.

<sup>4</sup> Elson, D. (2013). 'Economic crises from the 1980s to the 2010s: a gender analysis', *European Journal of Economics and Economic Policies: Intervention*, 14(3), 314-332.

with an alarming outbreak of the virus<sup>5</sup>; additionally, women – predominantly in caregiving roles – are more often exposed to the virus and face increased workloads both at home and at work.<sup>6</sup>

The consequences of climate change as a crisis particularly impact women. Rural women rely almost entirely on natural resources for their livelihood. Also, they are often removed from decision-making processes leading up to climate change regarding environmental taxation issues, thus compounding the effect.<sup>7</sup>

As a result, it is important to assess the effectiveness of the legal mechanisms set in place to ensure the upholding of women's rights during these crises, understand the reasons that underlie their shortcomings, and hence strategies for improvement.

## 1.2 Aims and Objectives

The overarching aim of this dissertation is to investigate how crises affect the rights of women, specifically focusing on economic, pandemics, and climate change events. It also analyzes why existing legal protections are so often found wanting in shielding these rights within the European setting.

To accomplish this broad aim, the following specific goals have been set:

- i. To examine the reasons for the disproportionate impact that crises take on the protection afforded to women's rights: Understanding these factors – societal norms and roles; economic factors and health/environmental vulnerabilities – will be an important aspect of this objective, which will entail a critical examination of current legal mechanisms of women's rights during such incidents. This will involve an up-to-date review of relevant laws and policies at European and international levels, with an assessment of their effectiveness in upholding women's rights during crises.

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<sup>5</sup> United Nations. (2020). 'The Impact of COVID-19 on Women', United Nations. Available at: <https://unsdg.un.org/resources/policy-brief-impact-covid-19-women>.

<sup>6</sup> Boniol, M., McIsaac, M., Xu, L., Wuliji, T., Diallo, K., & Campbell, J. (2019). 'Gender equity in the health workforce: Analysis of 104 countries', World Health Organization.

<sup>7</sup> Nagel, J. (2015) 'Gender and climate change: impacts, science, policy', Polity Press

- ii. To analyze relevant case law from bodies ranging from the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR), among others: The intention here is to better understand how these courts have interpreted and applied legal provisions relating to women's rights in times of crisis, thus offering a jurisprudential perspective to the issue.
- iii. To identify gaps and shortcomings in current laws, policies, and their implementation in practice: A thorough analysis of the existing measures will be necessary for light of the above to understand why they often fail to translate into effective protection of women's rights during crises.
- iv. To offer recommendations aimed at enhancing the protection of women's rights in situations of crisis: The final aim, then, refers back to the original broad aim, in which practical solutions, proposals of legal amendments as well as policy changes were to come forward drawing upon the analysis conducted in this dissertation.

### 1.3 Significance of Study

This study is important because it presents a broad analysis of a timely and critical issue: the impact of crises on women's rights and the effects these have on current legal protections.

- i. Exploiting Vulnerabilities: Crises in any form, be it economic, health-related, or even environmental, are often revealing and worsening existing vulnerabilities within society. Due to old differentials of gender, vulnerable groups, especially women, usually bear a disproportionate burden during emergencies. Deep research into this aspect, this research can help bring light on specific vulnerabilities faced by women when it comes to various types of crises, and how they relate to other factors concurrently affecting these (such as socio-economic status, race, and location).
- ii. Analyzing Mechanisms Legal: Even though there have been lots of advancements in European and international legal protection of women's rights, the practical realization of these rights is short during crises. Thus evaluating where the common law framework ends at the European and international level lies and analyzing their strengths and weaknesses

will be crucial for this thesis throughout its process to understand and also contribute to a better evaluation of the mechanisms used in countries implementing all or some of them during times of crisis.

- iii. **Administering a Jurisprudential Perspective:** Through CJEU's case law analyses and ECHR court decisions, this thesis can provide a unique perspective of the interpretation and application of the legal provisions mainly during crisis contexts. It could turn out to be crucial for legal practitioners, policymakers, and advocate working in the field of women's rights.
- iv. **Informing both Policy and Practice:** This research can identify gaps and shortcomings in current laws and policies mainly enacted in fulfilling women's rights such that future legislation can better protect women's rights during crises; thus bringing about more resilient and inclusive societies that uphold women's equality despite severe now revelations.
- v. **Identifying Future Research Areas:** Finally, this study can help determine areas requiring further research to progress toward academia concerning women's rights in times of crisis.

#### **1.4 Methodology**

Commitment to this study requires a multi-disciplinary approach. In addition to the legal analysis, social science research methods need to be sequentially arranged to attain a holistic understanding of the impact of crises on women's rights. This methodology is staged into four key components:

- i. **Literature Review:** A scientific literature review is necessary for this study and involves a thorough examination of existing literature, wherever applicable.<sup>8</sup> The goal here is to understand better through the careful analysis of broad sources the present chapter of knowledge about the topic across socio-economic aspects, health implications, as well as environmental impacts on women's rights.

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<sup>8</sup> Hart, C. (2018). 'Doing a literature review: Releasing the research imagination', SAGE Publications.

- ii. **Legal Analysis:** Inherent to this research is an in-depth evaluation of relevant European and international laws and policies.<sup>9</sup> This assessment would involve the scrutiny of provisions that relate to women's rights and determining adequacy and effectiveness during times of crisis. Sources will include legal texts and other types of text such as policy documents, and scholarly legal analyses.
- iii. **Case Law Review:** Key elements required for the methodology in carrying out the study are an in-depth analysis of the judgments from the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR). Understanding the application of their provisions during crises helps offer a real-world perspective regarding understandable case law. Cases would be selected based on their relevancy as they pertain to the crises studied. The aim, therefore, is to delve deep into the courts' interpretations and identify jurisprudential trends.
- iv. **Gap Analysis and Recommendations:** Staged Lastly, this study will build on the findings attained from the literature review, legal analysis, and case law review. A gap analysis would be carried out to determine weaknesses, and areas requiring improvement.<sup>10</sup> Information derived from this endeavor would serve as a foundation for making recommendations for strengthening the legal protections for women's rights against crises.

## Chapter 2. Literature Review

### 2.1 Theoretical Framework

The theoretical framework for this dissertation will be based on intersectionality and the capability approach.<sup>11</sup> Intersectional theories provide a comprehensive suite of tools to inform and evaluate how crises may harm women's rights in diverse contexts.<sup>12</sup>

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<sup>9</sup> McConville, M., & Chui, W.H. (2007). 'Research methods for law', Edinburgh University Press.

<sup>10</sup> Creswell, J.W. (2013). 'Research design: Qualitative, quantitative, and mixed methods approaches', SAGE Publications.

<sup>11</sup> Robeyns, I. (2005). 'The Capability Approach: a theoretical survey', *Journal of Human Development*, 6(1), 93-117.

<sup>12</sup> McCall, L. (2005). 'The Complexity of Intersectionality', *Signs: Journal of Women in Culture and Society*, 30(3), 1771-1800.

Intersectionality, first framed by Kimberlé Crenshaw<sup>13</sup>, is a theory that states that identities and social positions, such as gender, race, and socioeconomic status, are intertwined, and interact, thereby creating differences in experiences of discrimination and different forms of disadvantage. This perspective is critical in our case because of the notion that it can help illuminate why women, especially women from marginalized backgrounds, are most adversely affected during crises. In other words, a low-income woman of color might face intersecting barriers due to her gender; socioeconomic status; and race, making her more vulnerable to the effects of the crisis.<sup>14</sup>

On the other hand, the capability approach advanced by Amartya Sen<sup>15</sup> focuses on what individuals can do (their capabilities) and what they can become (their functioning). This point of view is essential in our context, wherein it shifts attention away from resources or utility towards what individuals can or cannot achieve during crises given their capabilities.<sup>16</sup> It can also assist in evaluating the effectiveness of legal protections. For example, a law ensuring equal pay might not enhance a woman's capabilities if she is excluded from decision-making or has access to quality education.

Therefore, applying intersectionality and the capability approach<sup>17</sup> would enlighten an in-depth analysis of how crises affect women's rights, and why current legal protections might not always be effective. This theoretical framing will guide the literature review; legal analysis; and case law review, to ensure a nuanced analysis.

## 2.2 Intersectionality and Crises

The intersectionality lens reframes the way different social identities (gender, race, class) overlap and affect an individual's experience of oppression and privilege. In times of crises, the intersectionality

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<sup>13</sup> Crenshaw, K. (1989). 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics', *University of Chicago Legal Forum*, 1(8), 139-167.

<sup>14</sup> *Ibid.*,

<sup>15</sup> Sen, A. (1999). 'Development as Freedom', Alfred A. Knopf, Inc.

<sup>16</sup> Robeyns, I. (2005). 'The Capability Approach: a theoretical survey', *Journal of Human Development*, 6(1), 93-117.

<sup>17</sup> *Ibid.*,

lens reveals a more nuanced view of how these situations negatively impact women, specifically those who have multiple marginalized identities.<sup>18</sup>

For instance, during economic downturns, multiple poor women; racial or ethnic minority women; and/or differently abled are more likely to be unemployed or underemployed when compared to their more privileged counterparts. They, therefore, harbor a higher representation in low-wage, informal, and precarious employment sectors that are most prone towards financial crises. For example, such women get whiplashed economically on the brink of collapse, which further exacerbates existing socio-economic inequalities.<sup>19</sup>

Such inequality is particularly visible within the context of health pandemics like COVID-19. Women, especially those with a history of marginalization feel not only greater health risks but also suffer more from the socio-economic impacts. Notably, women of color and low-income women who hold increased representation in essential services such as healthcare, cleaning services, and food supply chains are at elevated risk of cloaking themselves within the virus. Secondly, such measures frequently result in escalations in unpaid care work and domestic violence issues, which interestingly hit hardest on women from given disadvantaged backgrounds.

Climate change manifests based on these intersectional identities as well. Shown above is daily lived across Southeast Africa where rural, Indigenous and poor women rely on natural resources for survival, they respectively face extreme vulnerability to environmental changes,<sup>20</sup> and notably exclusion from decision making processes relating to climate change mitigation and adaptation strategies.<sup>21</sup>

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<sup>18</sup> Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, 1(8), 139-167. <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>.

<sup>19</sup> Kabeer, N. (2016). Gender equality, economic growth, and women's agency: The "endless variety" and "monotonous similarity" of patriarchal constraints. *Feminist Economics*, 22(1), 295-321. <https://doi.org/10.1080/13545701.2015.1090009>.

<sup>20</sup> Djoudi, H., Locatelli, B., Vaast, C., Asher, K., Brockhaus, M., & Basnett Sijapati, B. (2016). Beyond dichotomies: Gender and intersecting inequalities in climate change studies. *Ambio*, 45(3), 248-262. <https://doi.org/10.1007/s13280-016-0825-2>.

<sup>21</sup> Alston, M. (2020). Gender mainstreaming and climate change. *Women's Studies International Forum*, 74, 102362. [https://www.academia.edu/62237690/Gender\\_mainstreaming\\_and\\_climate\\_change](https://www.academia.edu/62237690/Gender_mainstreaming_and_climate_change).

As such, responses to crises should incorporate an intersectionality lens to address these multi-faceted experiences of various groups of women. For example, it requires laws, policies, and practices to be cognizant of these intersectional vulnerabilities and try to address the specialized needs of just the most marginalized women.

### **2.3 Pre-existing Inequalities and Gender Roles**

As gender inequality and the inequalities that exist before a crisis arrive at their height, it determines the differential effect of crises on women and men.<sup>22</sup> As is exemplified by socio-economic disparities often gendered, these variables shape pre-existing inequalities. Regardless of how each country performs during an economic crisis or pandemic, women globally tend to yield lower incomes and are less secure in employment than their male peers.<sup>23</sup> Besides this, the above-mentioned pre-existing conditions intensify during economic crises or pandemics such as the COVID-19 pandemic when job losses within sectors where women operate, like hospitality, increased women's vulnerability notably.<sup>24</sup> Accordingly, GBV escalates during health and environmental crises attributed to gender roles assigning women as primary caregivers.<sup>25</sup> Indeed, even after highly celebrated climate change conferences, women who work in the healthcare and social sector face increased exposure to the virus<sup>26</sup>. Expectedly, changes in climatic factors also add to women's workloads resulting from things like fetching water or fuel and caring for the sick<sup>27</sup>, hence contributing to their nearness to untenable circumstances.

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<sup>22</sup> Bradshaw, S. (2013). 'Gender, Development and Disasters', Edward Elgar Publishing.

<sup>23</sup> Elson, D. (1999). 'Labor Markets as Gendered Institutions: Equality, Efficiency and Empowerment Issues', *World Development*, 27(3), 611-627.

<sup>24</sup> Alon, T., Doepke, M., Olmstead-Rumsey, J., & Tertilt, M. (2020). 'The Impact of COVID-19 on Gender Equality', National Bureau of Economic Research.

<sup>25</sup> Peterman, A., Potts, A., O'Donnell, M., Thompson, K., Shah, N., Oertelt-Prigione, S., & van Gelder, N. (2020). 'Pandemics and violence against women and children', Center for Global Development.

<sup>26</sup> Wenham, C., Smith, J., & Morgan, R. (2020). 'COVID-19: the gendered impacts of the outbreak', *The Lancet*, 395(10227), 846-848.

<sup>27</sup> Denton, F. (2002). 'Climate change vulnerability, impacts, and adaptation: Why does gender matter?', *Gender & Development*, 10(2), 10-20.

Further, both gender roles - masculinity/femininity – however divergent they may be, place women at vicious intervals associated with crises: stress, disruption, and confinement coupled with reduced access to support services commonly exacerbate GBV during crisis upsurges. Lastly, lacking women's political representation and leadership strong enough would leave little room for women to influence decisions throughout the crises.

The above elements make clear why giving due regard to the pre-existing inequalities and gender roles could contribute significantly to understanding their effect on escalating the impact of crises on women's rights.

## **2.4 The Impact of Crises on Women's Rights**

Crises, whether economic, pandemic, or climate-triggered, present a formidable challenge to the overall human rights framework and often significantly impact women's rights differently from men's. This influence includes specific impacts on the rights of women in terms of health, education, economic participation, and freedom from violence.

For instance, health rights are severely disrupted when crises occur. With system resources strained, access to necessary health services such as reproductive healthcare is often obfuscated for women.<sup>28</sup> The COVID-19 pandemic became yet more pernicious. Interruptions resulted in services like family planning, antenatal care, and safe childbirth procedures.<sup>29</sup>

Similarly, education, a fundamental right crucial for women's empowerment, is another area dramatically disrupted by crises. Schedules being kept during conflicts, pandemics, or disasters disproportionately affect girls' chances of attending school, aggravating gender disparities in education.

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<sup>28</sup>Roberton, T., Carter, E. D., Chou, V. B., Stegmuller, A. R., Jackson, B. D., Tam, Y., Sawadogo-Lewis, T., & Walker, N. (2020). Early estimates of the indirect effects of the COVID-19 pandemic on maternal and child mortality in low-income and middle-income countries: a modelling study. *The Lancet Global Health*, 8(7), e901-e908. [https://doi.org/10.1016/S2214-109X\(20\)30229-1](https://doi.org/10.1016/S2214-109X(20)30229-1).

<sup>29</sup> Ravindran, T. K., & Kelkar-Khambete, A. (2008). Women's health policies, programmes, and gender-mainstreaming in health policies, programmes and within the health sector institutions. World Health Organization. <https://doi.org/10.1080/17441690801900761>.

Moreover, crisis situations further increase the risk of child marriage and teenage pregnancy increasing girls' hurdles to educational opportunities.<sup>30</sup>

Economic crises exacerbate existing inequalities in gender economic participation. Women are grossly influenced in informal employment 'push and pull' techniques that leave them vulnerable at times of economic downturns.<sup>31</sup> Additionally, austerity risks often involve cuts in public services factors enhancing unpaid care work burdens for women.<sup>32</sup>

The significance of knowledge pertaining to this specificity becomes apparent in formulating effective strategies to safeguard women's rights during crises. Policy makers; practitioners; and researchers need to accept a responsive approach towards policies making sure their designs also consider the particular needs and vulnerabilities of women.

## **2.5 Women's Rights in Times of Crises**

Gender inequalities often get more severe during economic crises, as women have socio-economic vulnerabilities and face significant challenges posed by the gendered nature of economic structures.<sup>33</sup>

Austerity measures announced in response to these economic crises severely affect sectors that employ the highest number of women, such as hospitality, retail, personal services, mining, and manufacturing, among many others. Also, in industries whose characteristics are both female and male, women experience a heightened risk of losing their jobs or reduced working hours because of the 'last in, first out' practice.<sup>34</sup> Particularly impactful is the effect on financial independence since women are likely to

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<sup>30</sup> UNESCO. (2020). Global Education Monitoring Report 2020: Inclusion and education: All means all. UNESCO. <https://gem-report-2020.unesco.org/>.

<sup>31</sup> Antonopoulos, R. (2009). The current economic and financial crisis: A gender perspective. Levy Economics Institute. <file:///C:/Users/g/Downloads/605411867.pdf>.

<sup>32</sup> Elson, D. (2017). Recognize, Reduce, and Redistribute Unpaid Care Work: How to Close the Gender Gap. New Labor Forum, 26(2), 52-61. <https://doi.org/10.1177/1095796017700135>.

<sup>33</sup> Karamessini, M., & Rubery, J. (2013). 'Women and Austerity: The Economic Crisis and the Future for Gender Equality', Routledge.

<sup>34</sup> Rubery, J., & Rafferty, A. (2013). 'Women and Recession Revisited', Work, Employment and Society, 27(3), 414-432.

lose their jobs from employment losses directly affecting them but also boosting gender wage gaps and wealth disparities.

Notably, these fiscal constraints lead to twofold impacts on women: cutbacks on public services, welfare benefits, and social protection systems disproportionately affect women<sup>35</sup>, and women depend more on these services because of their caregiving responsibilities and lower incomes. This aggravates their poverty and vulnerability.

Meanwhile, at this stage of fiscal constraints, programs aimed at implementing gender equality initiatives receive less funding while violence against women services is suffering greatly diminished budgets.<sup>36</sup> With economic stress known to trigger increased domestic violence, such a situation highlights a double bind for women's rights.

Last but not least, crises normally result in experiencing women shouldering increased unpaid care work attributed to cutbacks on public services along with what is termed as increased care needs on the part of family members. Caring for other family members combined with no time for paid work militates toward limiting one's choices and thus impacts women's rights to work under the same environment—dominance of traditional gender roles.

Thus, when it comes to an economic crisis, women's rights can be undermined severely; highlighting the need for gender-responsive economic policies and public service system alongside the need for social protection.

In addition, pandemics, such as the recent COVID-19 crisis, present multifaceted challenges to women's rights due to issues like the feminization of healthcare and the increased burden of care at home, and the escalation of gender-based violence (GBV).<sup>37</sup>

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<sup>35</sup> Ortiz, I., & Cummins, M. (2011). 'Austerity Measures Threaten Children and Poor Households: Recent Evidence in Public Expenditures from 128 Developing Countries', UNICEF.

<sup>36</sup> Elson, D. (2013). 'Economic crises from the 1980s to the 2010s: a gender analysis', *European Journal of Economics and Economic Policies: Intervention*, 14(3), 314-332.

<sup>37</sup> Wenham, C., Smith, J., & Morgan, R. (2020). 'COVID-19: the gendered impacts of the outbreak', *The Lancet*, 395(10227), 846-848.

The predominance of women in healthcare roles makes them on the frontlines during pandemics.<sup>38</sup> This puts them at greater risk of the disease, which has been estimated to affect approximately 70% of the global health workforce to be female by the World Health Organization<sup>39</sup>. Equally important is that this additional physical and emotional work falls primarily on the shoulders of women. There are potential long-term effects of poor health outcomes for these women, potentially affecting their well-being over time.

Secondly, the closing of schools and care services coupled with the increased needs of the sick means that this unpaid care work that women disproportionately shoulder expands vastly during pandemic times.<sup>40</sup> These additional work hours lock down women's time for paid work and leisure, impacting their mental health as well as their financial stability.

Thirdly, containment measures of lockdowns and quarantines tend to exacerbate an increase in GBV which leads to domestic violence. An exacerbating factor here is the stress from the pandemic coupled with confinement at home where abusive behaviors may occur more easily. Accessing support becomes difficult so a 'shadow pandemic' exists where acts of violence against women will abound.<sup>41</sup>

Lastly, the economic impacts of pandemics can be disproportionately severe for women; women generally have jobs which is seen to be more precarious employment. They are also heavily impacted

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<sup>38</sup> World Health Organization, (2020). Cities responses through COVID-19: Marginalized Populations, World Health Organization. Available at: <https://www.who.int/teams/social-determinants-of-health/urban-health/covid-19/cities-responses-through-covid-19-marginalised-populations>.

<sup>39</sup> Boniol, M., McIsaac, M., Xu, L., Wuliji, T., Diallo, K., & Campbell, J. (2019). 'Gender equity in the health workforce: Analysis of 104 countries', World Health Organization.

<sup>40</sup> Power, K. (2020). 'The COVID-19 pandemic has increased the care burden of women and families, Sustainability: Science, Practice and Policy, 16(1), 67-73.

<sup>41</sup> U.N. Women. (2020). 'The shadow pandemic: Violence against women during COVID-19', U.N. Women. Available at: <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>.

by job loss. The gendered pay gap can widen further during and following Pandemics. This impacts financial independence and equality for women.<sup>42</sup>

Empowering these means having a gender-responsive approach to pandemic response and recovery, ensuring a situation where women's rights are protected, and promoted during such crises.

As far as the crisis in climate change is concerned, it shall be mentioned that current climate change challenges pose an additional risk to women's human rights, namely: gendered roles; they have access to and do make decisions regarding the resources at their disposal in societies. The impact on women is therefore disproportionate.<sup>43</sup>

Climate change-induced environmental crises which include droughts, floods, and storms are not sporadic but often exacerbate existing socioeconomic vulnerabilities. For example, in developing countries, women often assume responsibility for the collection of water, fuel, and food for the family. As these resources become scarcer, their workloads increase since there is less time for education, income generation, and participation in decision-making processes that undermines their rights.<sup>44</sup>

Additionally, socioeconomic pins also render them comparatively more susceptible to the direct impacts arising out of such changes including a decline in resources; because women rarely have equal access to things like land and credit they also defy changing conditions of experiencing life differently<sup>45</sup>. Furthermore, female death rates during severe disasters may be higher due to both gendered norms and restrictions impacting upon mobility and ability to evacuate leading to above-estimated mortality rates.<sup>46</sup>

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<sup>42</sup> Alon, T., Doepke, M., Olmstead-Rumsey, J., & Tertilt, M. (2020). 'The Impact of COVID-19 on Gender Equality', National Bureau of Economic Research.

<sup>43</sup> Alston, M. (2014). 'Gender mainstreaming and climate change', *Women's Studies International Forum*, 47, 287-294.

<sup>44</sup> Denton, F. (2002). 'Climate change vulnerability, impacts, and adaptation: Why does gender matter?', *Gender & Development*, 10(2), 10-20.

<sup>45</sup> Terry, G. (2009). 'No climate justice without gender justice: an overview of the issues', *Gender & Development*, 17(1), 5-18.

<sup>46</sup> Neumayer, E., & Plümper, T. (2007). 'The gendered nature of natural disasters: The impact of catastrophic events on the gender gap in life expectancy, 1981–2002', *Annals of the Association of American Geographers*, 97(3), 551-566.

Further, climate change affects health where again women bear the brunt of measuring by several parameters. Income loss patterns concerning disease patterns, malnutrition, and stress-related disorders are well-established tracks that are intimately linked and associated with climate change that disproportionately impacts women.<sup>47</sup>

Gender inequality is the furthest reaching level with men dominating the climate and making significant contributions mainly from the industry as primary/indirect sources while women contributed from all spheres of society much lesser albeit almost incidental actions.<sup>48</sup>

Such significant gender inequalities connect with many risks affecting women's human rights that male dominance in climate emerged subsequently forcing governments to take preoccupation with safeguarding nature at the cost of balancing genders priorities in their world action plans.

### **Chapter 3. Analysis of Laws and Policies**

Significant standards for the protection of women's rights, particularly during crises, have been set by the international community under international law. Important organizations like the United Nations Educational, Scientific and Cultural Organization (UNESCO) form a core part in upholding such standards as well as promoting gender equality from diverse perspectives. Specifically, Global Priority Gender Equality initiated by UNESCO points to several programs that emphasize women's access to quality education, promotion of women in science, and elimination of gender-based violence among others.<sup>49</sup> The International community's efforts serve as an exemplar of how international organizations contribute significantly towards protecting women's rights during crisis.

Other key international legal frameworks that directly address women's rights include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by 189

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<sup>47</sup> Patz, J. A., Campbell-Lendrum, D., Holloway, T., & Foley, J. A. (2005). 'Impact of regional climate change on human health', *Nature*, 438(7066), 310-317.

<sup>48</sup> Pearse, R. (2017). 'Gender and climate change', *Wiley Interdisciplinary Reviews: Climate Change*, 8(2), e451.

<sup>49</sup> UNESCO. (2020). Global Priority Gender Equality. <https://en.unesco.org/themes/women-s-and-girls-education/gender-equality>.

countries underscoring a global consensus on gender equality<sup>50</sup>. There are further commitments made by the UN's Sustainable Development Goals, especially Goal 5 on gender equality, which further commit tremendously to empowering all women and girls as well as addressing systemic issues that ultimately lead to gender inequality.

Moving vertically from the global to regional European context, Council of Europe has been instrumental in protecting women's rights above and beyond its landmark Istanbul Convention. For instance, the council's 2018-2023 Gender Equality Strategy is a massive initiative that seeks to achieve a number of things including advancement and empowering of women together with the effective realization of gender equality in Europe.<sup>51</sup> This strategy emphasizes areas such as preventing and combating gender stereotypes and sexism; ensuring equal access of women to justice; and balanced participation of women and men in political and public decision making.

Recently, Council of Europe has also put in place the Gender Equality Commission that promotes the incorporation of a gender perspective into all Council of Europe policies along with ensuring mainstreaming of gender equality into legal frameworks and its effective implementation at the national level.<sup>52</sup> These initiatives by the Council of Europe depict the comprehensive regional framework in place to uphold women's rights, particularly during times of crises.

To conclude, both international law, as enforced by organizations like UNESCO, and regional European systems through the Council of Europe, play a crucial role in maintaining and furthering women's rights during crisis. Such a dual framework provides a robust approach toward addressing gender inequality along with upholding women's rights.

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<sup>50</sup> United Nations. (1979). Convention on the Elimination of All Forms of Discrimination Against Women. <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.

<sup>51</sup> Council of Europe. (2018). Gender Equality Strategy 2018-2023. <https://rm.coe.int/strategy-en-2018-2023/16807b58eb>.

<sup>52</sup> Council of Europe. (n.d.). Gender Equality Commission. <https://www.coe.int/en/web/genderequality/gender-equality-commission>.

### 3.1 European Laws and Policies

#### 3.1.1 European Union's Gender Equality Law

The European Union (EU) has enshrined its long-standing commitment to gender equality in a fundamental value and objective of the EU, which is considered a legal and policy framework. The Treaty of Rome, in 1957 provided the foundation for its gender equality law, which committed the EU to provide equal pay for equal work.<sup>53</sup>

The Treaty on the Functioning of the European Union (TFEU) further developed its commitment through Article 157 which mandates equal pay for male and female workers paid equally for equivalent work or work of similar value. It gives room for affirmative action too, as stated in Article 23 of the Charter of Fundamental Rights of the European Union that “equality between men and women must be ensured in all areas”.

Since then, several directives have been adopted to prevent and combat discrimination based on sex since it becomes an issue at national-level institutions. Notably, Directive 2006/54/EC relating to the implementation of the principle of equal opportunities and equal treatment of men and women involved matters of employment and occupation as well as entailing equal access to employment and training, professional career advancement, and working conditions for men and women.<sup>54</sup>

Moreover, Directive 2004/113/EC implemented the principle of equal treatment between men and women concerning access to and supply of goods and services while Directive 2010/41/EU makes provisions relating to equal treatment of engaged persons in an activity in a self-employed capacity.

However, even with these robust legal provisions, their transposition into national legislation as well as concerns over monitoring and enforcing legislation often remain outstanding despite its ratification by most countries across the world. Challenges range from the inconsistent transposition of policies defined in EU laws into national legislation in most instances to inadequate enforcement besides prevailing gender stereotypes and discrimination.<sup>55</sup>

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<sup>53</sup> Hoskyns, C. (1996). 'Integrating Gender: Women, Law, and Politics in the European Union', Verso.

<sup>54</sup> McCrudden, C., & Prechal, S. (2008). 'The Concepts of Equality and Non-Discrimination in Europe: A practical approach', European Network of Legal Experts in the Non-discrimination Field.

<sup>55</sup> Kantola, J. (2010). 'Gender and the European Union', Palgrave Macmillan.

Consequently, although the European Union's legislative framework provides solid grounds for gender equality, there is a persistent need to monitor and enforce the application of such provisions in securing protection for women's rights.

### **3.1.2 European Institute for Gender Equality (EIGE)**

The European Union (EU) established the European Institute for Gender Equality (EIGE) in 2006 as an independent body to encourage and support the EU and its member states during their efforts to strengthen gender equality efforts and eliminate women's inequality concerns.<sup>56</sup>

The EIGE is a knowledge center of the EU for gender equality issues. It collects, analyzes, and disseminates reliable and comparable data and information on issues relating to gender equality, and it provides expertise on methods, tools, and good practices for integrating a gender perspective into all policy areas<sup>57</sup>. This is indispensable for evidence-based implementation of the strategy on gender equality in the EU.

Among other major attributes of EIGE is the Gender Equality Index which stands as a comprehensive measure stating over time the progress of gender equality in the EU. It covers different domains such as work, money, knowledge, time, power, health, and intersecting inequalities by providing a nuanced understanding of the seamiest disparities of women versus men across different spheres.<sup>58</sup>

Besides, EIGE mostly specializes in combating gender-based violence that comes with grave atrocities against women's rights. It supports the EU and member states in estimating the prevalence and consequences of various forms of violence toward women, collecting data, and developing preventive measures.<sup>59</sup>

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<sup>56</sup> Council Regulation (EC) No 1922/2006. 'On establishing a European Institute for Gender Equality', Official Journal of the European Union.

<sup>57</sup> Lombardo, E., & Mergaert, L. (2013). 'Gender mainstreaming and resistance to gender training: A framework for studying implementation', *NORA - Nordic Journal of Feminist and Gender Research*, 21(4), 296-311.

<sup>58</sup> EIGE. (2019). 'Gender Equality Index 2019: Still far from the finish line', European Institute for Gender Equality.

<sup>59</sup> EIGE. (2022). 'COVID-19 and gender equality', European Institute for Gender Equality.

Moreover, specific contexts become essential to grasp how the crisis of the COVID-19 pandemic impacts gender equality since EIGE provides insights into how the crisis affects women and men differently and proposes gender-sensitive responses.<sup>60</sup>

But there may be difficulties in accomplishing EIGE's endeavors including data gaps; inconsistencies in gender mainstreaming across different policy areas; and variations in the implementation of gender equality measures among member states.<sup>61</sup>

### **3.1.3 European Union's Strategy for Equality between Women and Men**

The European Union Strategy for Equality between Women and Men is a crucial policy framework that outlines the EU's commitment and actions towards achieving gender equality. The most recent strategy (2020-2025) functions as the work program for advancing gender equality and on behalf of women at the European Commission.<sup>62</sup>

The strategy covers six thematic areas. First, it works to eradicate gender-based violence and challenge gender stereotypes by establishing a legal framework at the EU level and initiating a campaign challenging harmful gender norms. It will also plan to put violence against women on the list of crimes in the EU, securing its commitment to ending this violation of women's rights.

Second, it emphasizes the empowerment of women economically and in the labor market.<sup>63</sup> It recognizes the gender pay gap and unequal sharing of care responsibilities as key issues to propose measures such as binding pay transparency measures; an action plan to implement the European Pillar of Social Rights.<sup>64</sup>

Third, it seeks to ensure equal participation in decision-making and acknowledges that throughout the Report Period, women continue to be underrepresented in politics and boardrooms. It proposes

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<sup>60</sup> Ibid.,

<sup>61</sup> Kantola, J., & Lombardo, E. (2017). 'Gender and Political Analysis', Palgrave Macmillan.

<sup>62</sup> European Commission. (2020). 'A Union of Equality: Gender Equality Strategy 2020-2025', European Commission.

<sup>63</sup> Ferrant, G., Pesando, L. M., & Nowacka, K. (2014). 'Unpaid Care Work: The Missing Link in the Analysis of Gender Gaps in Labour Outcomes', OECD Development Centre.

<sup>64</sup> European Commission. (2020). 'A Union of Equality: Gender Equality Strategy 2020-2025', European Commission.

initiatives to address the gender balances in decision-making positions and enhance their participation in politics.<sup>65</sup>

Fourth, it prioritizes the health of women and digital & media literacy and acknowledges that these areas often reflect gender disparities. Fifth, it advocates for the integration of the gender dimension in all EU policies and major initiatives and promotes mainstreaming of gender.<sup>66</sup>

Another initiative it prioritizes is women's employment and opportunities for progression in all types of jobs. Lastly, they advocate ensuring both men's and women's participation equally in all relations that affect or impact the lives of individuals across societies.<sup>67</sup>

It further reinforces the EU's commitment to promoting gender equality globally through its external relations, aligning with the United Nations Sustainable Development Goals.<sup>68</sup>

Despite these robust strategies, implementation and impact measurement remain challenges. The EU needs to ensure these strategies translate into national policies and lead to real change. It is crucial that the EU holds member states accountable for their progress and provides adequate funding and support to fulfill these commitments.<sup>69</sup>

### **3.1.4 European Union's Strategy on Violence Against Women**

Violence against women has a crucial place in the commitments Europe made towards gender equality and women's rights. For example, recognizing that gender-based violence is both a consequence of, as well as a cause of, gender inequality, the EU has taken measures to address this through a series of steps culminating in its comprehensive EU-wide strategy.

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<sup>65</sup> Ibid.,

<sup>66</sup> Ibid.,

<sup>67</sup> Ibid.,

<sup>68</sup> Ibid.,

<sup>69</sup> Kantola, J. (2010). 'Gender and the European Union', Palgrave Macmillan.

The first Strategy for equality between women and men for 2010-2015 identified combatting gender-based violence as an area of focus.<sup>70</sup> The Strategy for Equality 2016-2019 furthered this focus and continued by further committing to sign the Istanbul Convention which the EU signed in 2017,<sup>71</sup> demonstrating an intention to prevent and combat violence against women.<sup>72</sup>

Within its current Gender Equality Strategy 2020-2025, the European Commission's commitment was then extended on by tabling measures that would add violence against women to the list of EU crimes.<sup>73</sup> If passed into legislation across all member states, this move would allow for more harmonized legislation as well as effectively increase capacity within member states to cooperate and combat these crimes.

The aims of the strategy also include supporting Member States in ensuring adequate support services for victims of domestic violence including shelters, advisory services, hotlines, and therapeutic services. Furthermore, it emphasizes preventing violence through such approaches as challenging gender stereotypes; promoting non-toxic masculinity and implementing awareness-raising amongst others.<sup>74</sup>

### **3.1.5 European Union's Role in Combating Violence Against Women**

The European Union (EU) has classically demonstrated a protracted commitment towards combatting gender based violence and bolstering the role of women through various key legal instruments. One of the seminal legislations in this sense is the Directive 2000/78/EC, also known as the Employment Equality Directive (EED) (European Union, 2000). The EED prohibits discrimination on ground of sex in matters related to employment and occupation, thus playing an important part toward protecting the

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<sup>70</sup> European Commission. (2010). 'Strategy for equality between women and men 2010-2015', European Commission.

<sup>71</sup> European Commission. (2016). 'Study on the gender dimension of trafficking in human beings', European Commission. Available at : <https://op.europa.eu/en/publication-detail/-/publication/b2412e8e-eb82-11e5-8a81-01aa75ed71a1>.

<sup>72</sup> European Commission. (2016). 'Strategic engagement for gender equality 2016-2019', European Commission.

<sup>73</sup> European Commission. (2020). 'A Union of Equality: Gender Equality Strategy 2020-2025', European Commission. <https://ec.europa.eu/newsroom/just/items/682425/en>.

<sup>74</sup> Ibid.,

rights of women at work. The EED has been a cornerstone of the EU's gender equality framework, playing a crucial role in eliminating discriminatory practices while simultaneously advancing equal opportunities for all.<sup>75</sup>

In an intriguing development, the European Commission proposed a new directive against fighting violence against women and domestic violence on 8th March 2023.<sup>76</sup> This proposal seeks to establish a keenly comprehensive EU-wide framework for preventing and combating gender based violence, support services to victims and prosecuting offenders. Some of its key provisions are measures that will prevent or minimize violence encouragements of protection from victims to prosecute perpetrators, steps to ensure victims have access to comprehensive support services. If adopted, this would substantially bolster the EU's ongoing efforts for upholding women's rights during crises by providing a robust legal framework against gender-based violence which often escalates during such periods.<sup>77</sup>

Another key development is the accession of the EU to the Istanbul Convention on 1st June 2023.<sup>78</sup> The Istanbul Convention is a groundbreaking treaty by the Council of Europe that sets a legally binding standard to combat and prevent violence against women and domestic violence. The entry of the EU into the Convention denotes its commitment to aligning its laws and policies with these standards. It paves the way for enhanced cooperation among EU member states and more effective action against gender-based violence at the EU level thereby possibly improving upon women's rights protection during crises.<sup>79</sup>

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<sup>75</sup> Bell, M. (2002). *Anti-discrimination law and the European Union*. Oxford University Press.

<sup>76</sup> Council of Europe. (2011). *Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>.

<sup>77</sup> European Institute for Gender Equality. (2022). *Gender-based violence*. <https://eige.europa.eu/gender-based-violence>.

<sup>78</sup> European Commission. (2023). *Proposal for a Directive on combating violence against women and domestic violence*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0105>.

<sup>79</sup> Council of Europe. (2011). *Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>.

Given that their conceptual relevance continues unabated, it is imperative to elucidate the integrity of the EU legal and policy framework signified by Directive 2000/78/EC<sup>80</sup> the proposed directive on combating violence against women and domestic violence, and their accession to the Istanbul Convention. These measures play a crucial role in reinforcing the resilience of women's rights during crises warranting further research relating to their effectiveness and implementation.

Despite their robust policy framework, the actual impact of the EU's Strategy for Violence Against Women faces challenges due to inconsistent implementation and enforcement of laws across member states, pervasive patriarchal norms and attitudes, and lack of sufficient resources and support services.<sup>81</sup>

### **3.1.6 European Union's Response to Women's Rights in Times of Crises**

The European Union (EU) has recognized the differential impacts of crises on women and men and seeks to ensure that its responses to crises such as economic downturns, pandemics, and climate change also take these differences into account and support women's rights.

During economic crises, the EU acknowledges that women are increasingly affected due to their overrepresentation in low-paid, part-time, and precarious employment. In response, the European Pillar of Social Rights established in 2017 promotes gender equality in the labor market through equal opportunities and equal pay.<sup>82</sup> The EU also has funding mechanisms such as the European Social Fund to support gender equality initiatives during economic crises.<sup>83</sup>

The EU has recognized that the crisis exacerbates gender inequalities particularly where women face increased caregiving responsibilities, economic insecurity, and risks of gender-based violence. In response, the European Institute for Gender Equality (EIGE), launched in 2019, provided resources and

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<sup>80</sup> European Union. (2000). Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0078>.

<sup>81</sup> Kantola, J., & Lombardo, E. (2017). 'Gender and Political Analysis', Palgrave Macmillan.

<sup>82</sup> European Commission. (2017). 'The European Pillar of Social Rights in 20 principles', European Commission.

<sup>83</sup> European Commission. (2017). 'Report on equality between women and men in the EU', European Commission. [file:///C:/Users/g/Downloads/2017\\_report\\_equality\\_women\\_men\\_in\\_the\\_eu\\_en.pdf](file:///C:/Users/g/Downloads/2017_report_equality_women_men_in_the_eu_en.pdf).

recommendations for gender-sensitive responses to the pandemic including tackling the gender pay gap, promoting work-life balance, and combating violence against women.

Regarding climate change, the EU acknowledges that more vulnerable to its impacts are women where they play roles and stand in society. The European Green Deal produced by the European Commission aimed at achieving a sustainable inclusive transition ensuring no one left behind. It includes green jobs measures to promote gender equality in green decision making though more specific actions are needed but it integrates gender perspectives fully.<sup>84</sup>

The Response From Europe To The Rise Of Women's Rights In Time Of Crisis - While still very much trying – the challenges the EU faces include in not seamless implementation of GSR throughout member states and the recognition that there yet needs for shifts or intersectional approaches to addressing the diverse experiences of women.<sup>85</sup>

### **3.1.7 Case Law from the European Court of Justice - A chronological Examination**

#### **3.1.7.1 Evolution of EU Laws and Policies**

There have been significant changes to EU law over time to protect women's rights and safeguard gender equality, particularly in the face of crises. These evolvments have arisen out of varying socio-political reasons, legal necessities, and a sense of commitment by the EU to human rights. Back in the early days of its inception, the European Union began to recognize the imperative for gender equality. The Treaty of Rome, 1957, which established the European Economic Community (EEC), enshrined Article 119 that aimed at ensuring equal pay for men and women for equal work. However, gender equality was largely viewed from an economic perspective and less as a human rights issue.<sup>86</sup>

The adoption of the Treaty of Amsterdam in 1997 saw another shift in approach to gender equality; this Treaty included new provisions within which it permitted the Council to take appropriate action to combat discrimination based on sex. It could be said therefore that such action provided a stronger

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<sup>84</sup> European Commission. (2019). 'The European Green Deal', European Commission.

<sup>85</sup> Kantola, J., & Lombardo, E. (2017). 'Gender and Political Analysis', Palgrave Macmillan.

<sup>86</sup> Craig, P., & de Búrca, G. (2015). EU law: text, cases, and materials. Oxford University Press.

legal basis against inequality in gender. In 2000, following protracted deliberations and heated debate, the EU adopted Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. The Directive prohibits discrimination on grounds relating to sex and provides substantial protection for women in the workplace.

However, it wasn't until the early 21st century that the focus of the EU shifted more explicitly towards violence against women. Signing into effect the Council of Europe's Istanbul Convention, 2011, which provided a comprehensive framework to preclude and combat violence against women. Furthermore, in 2023, the EU will accede to the Istanbul Convention which further strengthens their legal and policy framework to combat violence against women and protect women's rights during crises<sup>87</sup>. In conclusion, therefore, EU law has experienced notable developments in its approach to women's rights and gender equality – moving gradually but visibly one step closer to a broader, more encompassing and right-based approach.

### **3.1.7.2 "Defrenne Case (Case 43/75): A Landmark in Equal Pay"**

The case *Defrenne v. Sabena* (Case 43/75) was a key milestone in the legal history of the European Court of Justice and profoundly marked the legal landscape concerning gender equality within the European Union (EU).<sup>88</sup> The issue before the ECJ revolved around Gabrielle Defrenne, an airline flight attendant with the Belgian airline Sabena. In 1973, she brought a complaint against her employer regarding underpayment for work performed by women like herself, contrary to Article 119 of the Treaty of Rome, now Article 157 of the Treaty on the Functioning of the European Union, which stipulates the principle of equal pay for equal work.<sup>89</sup>

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<sup>87</sup> European Commission. (2023). Proposal for a Directive on combating violence against women and domestic violence. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0105>.

<sup>88</sup> Hoskyns, C. (1996). 'Integrating Gender: Women, Law and Politics in the European Union,' Verso.

<sup>89</sup> Fredman, S., & Goldblatt, B. (2015). 'Gender Equality and Human Rights', *International Journal of Constitutional Law*, 13(3), 610–639. Available at: [file:///C:/Users/g/Downloads/8\(1\).pdf](file:///C:/Users/g/Downloads/8(1).pdf).

Belgian Labour Court dismissed her case. When she appealed that decision, the matter was referred to the ECJ.<sup>90</sup> In 1976, the ECJ ruled in favor of Defrenne in a landmark judgement establishing that Article 119 had direct effect.<sup>91</sup> This ruling has been rightly seen as a precedent to many subsequent cases and served as an important weapon to achieve more success when combating instances of discrimination on grounds of sex, whereby individuals could rely directly on Article 119 in national courts.

The significance of the Defrenne judgement rests in multiple areas that intersect. Firstly, it was one of the first legal judgements affirming the direct effect of provisions in the European treaties.<sup>92</sup> Prior to *Bruxelas v. Belgium*, it had been only confirmed that the concept of direct effect had been limited prior to Defrenne to Member States and European Institutions. Hence, due to its verdict in Defrenne, the ECJ expanded the principle to disputes between private persons thereby widening the scope of European law.<sup>93</sup>

Secondly, the elevation of the issue to a prominent position within European law.<sup>94</sup> It affirmed the importance of the principle Equal Pay for Equal Work within European jurisprudence: prior to Defrenne, little emphasis had been placed upon a well-settled Court doctrine that implied members' rights of access to employment, vocational training, promotion, and working conditions separately from pay, or what is broader since this day; gender equality.

Consequently, the case represents almost all at that time: representation of woman in politics; accomplished victory over Commission opposition requiring negotiation of Social security legislation to address problems of flexible youth activity; emerging legislative accomplishments defying

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<sup>90</sup> Hoskyns, C. (1996). 'Integrating Gender: Women, Law and Politics in the European Union', Verso.

<sup>91</sup> Fredman, S., & Goldblatt, B. (2015). 'Gender Equality and Human Rights', *International Journal of Constitutional Law*, 13(3), 610–639. Available at: [file:///C:/Users/g/Downloads/8\(1\).pdf](file:///C:/Users/g/Downloads/8(1).pdf).

<sup>92</sup> *Ibid.*,

<sup>93</sup> McCrudden, C., & Prechal, S. (2008). 'The Concepts of Equality and Non-Discrimination in Europe: A practical approach', *European Network of Legal Experts in the Non-discrimination Field*.

<sup>94</sup> Hoskyns, C. (1996). 'Integrating Gender: Women, Law and Politics in the European Union', Verso.

longstanding conservatism embodied by statecraft's entrenched medicine-pills largely used even historically as authoritarian curtailment procedure to inhibit working class mobility.

### **3.1.7.3 "The Kalanke Case (Case C-450/93): Affirmative Action and Gender Equality"**

The Kalanke Case (Case C-450/93) represented a hugely significant turning point in the interpretation of affirmative action measures under European Union (EU) law by the European Court of Justice (ECJ). This case challenged the boundaries of positive action measures in promoting gender equality in the national workplace.<sup>95</sup>

The case involved Mr. Kalanke, an employee of the Bremen Land (a regional authority in Germany), who was passed over for promotion in favor of a female colleague. Both candidates had been deemed to have equal qualifications for the position. However, due to a Bremen law aimed at advancing gender equality, women were given automatic preference in promotions where they were positively underrepresented, which was the case in Kalanke's field.<sup>96</sup>

Kalanke brought this decision to the German courts, arguing that the law discriminated against him and was contrary to the EU's Equal Treatment Directive. His case was subsequently referred to the ECJ for a ruling on whether the Bremen law contravened the Directive.<sup>97</sup>

Against Kalanke's wishes, the Court ruled against him finding that the Bremen law did indeed violate the Equal Treatment Directive.<sup>98</sup> The Court distinguished between permissible positive action, which is by design intended to counteract disadvantages linked to sex, and unacceptable positive discrimination, which affords absolute and automatic preference to women in cases where male and female candidates

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<sup>95</sup> Ellis, E. (1999). 'EU Anti-Discrimination Law', Oxford University Press.

<sup>96</sup> Bell, M. (1999). 'Anti-discrimination law and the European Union', Oxford University Press.

<sup>97</sup> Barnard, C. (2000). 'The substantive law of the EU: the four freedoms', Oxford University Press.

<sup>98</sup> Ellis, E. (1999). 'EU Anti-Discrimination Law', Oxford University Press.

are equally qualified.<sup>99</sup> The latter are considered to infringe the principle of equal treatment, thereby forbidding such measures.<sup>100</sup>

Critically, proponents of the judgement maintain that gender should not be the determiner of employment and promotion when such decisions are made upon candidates being equally qualified<sup>101</sup>. They argue that absolute preference systems fail to account for individual merit and therefore undermine the principle of equal opportunity.<sup>102</sup>

Of consequence, notwithstanding the controversy, the ruling continues to shape the EU approach toward positive action measures. It influenced the drafting of subsequent directives as evidenced by the 2002 Equal Treatment Framework Directive, which permits certain types of positive action but stops short of permitting measures that provide automatic preference based on gender.<sup>103</sup>

Overall, then, the Kalanke case is a critically instructive example of balancing tow germane to promoting gender equality whilst respecting individual rights and merit in the EU.

#### **3.1.7.4 "P v S and Cornwall County Council Case (Case C-13/94): Establishing Gender Identity Rights"**

The P v S and Cornwall County Council case (Case C-13/94) was an important precedent in the jurisprudence of the European Court of Justice (ECJ), significantly expanding the protections against discrimination on the grounds of sex in employment. This judgment is pioneering because it established for the first time in EU law that transgender people are protected from discrimination under the umbrella of sex discrimination.

The relevant facts revolved around P, a transgender woman who was dismissed from her job at an educational institution in Cornwall as she informed her employer that she intended to transition from

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<sup>99</sup> Bell, M. (1999). 'Anti-discrimination law and the European Union', Oxford University Press.

<sup>100</sup> Ibid.,

<sup>101</sup> Ibid.,

<sup>102</sup> Ellis, E. (1999). 'EU Anti-Discrimination Law', Oxford University Press.

male to female. She advocated that her dismissal constituted sex discrimination under the Equal Treatment Directive. The directive referred this case to the ECJ following the failure by the UK's industrial tribunal to determine whether the directive encompassed transgender persons.<sup>104</sup>

In what has been identified as a significant ruling, the ECJ held that the concept 'sex' contained within that directive was not limited to the biological distinction inherent in the designation 'male' and 'female' but also included the social and psychological aspects related to identity, hence encompassing discrimination arising from gender reassignment.<sup>105</sup>

The Court confirmed that to tolerate such discrimination would undermine one of the key objectives in the European Union – promoting equality between men and women. P's dismissal was condemned as direct discrimination based on sex. By establishing this important precedential setting to include transgender rights under sex discrimination in EU law.<sup>106</sup>

Evangelical acclaim was garnered for this ruling, which expanded greatly the concept of sex discrimination within the EU and advanced the rights of transgender individuals within the EU. It also added further to the proven international body of law recognizing privacy rights for transgender people like decisions of the European Court of Human Rights as well as United Nations bodies.<sup>107</sup>

However, this case has also drawn criticism. That by basing transgender rights upon sex discrimination, thereby avoiding explicitly recognizing gender identity as a distinct ground of discrimination.<sup>108</sup> This approach critics argued could limit the scope of possible protections for transgender persons and might not adequately capture the unique forms of discrimination those face.<sup>109</sup>

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<sup>104</sup> Whittle, S. (2002). 'Respect and Equality: Transsexual and Transgender Rights', Cavendish Publishing.

<sup>105</sup> Flynn, L. (2013). 'Who decides on the exception? Securitization and emergency powers in the European Union', Common Market Law Review.

<sup>106</sup> O'Brien, C. (2017). 'Equality and Non-discrimination under the European Convention on Human Rights', Routledge.

<sup>107</sup> Flynn, L. (2013). 'Who decides on the exception? Securitization and emergency powers in the European Union', Common Market Law Review.

<sup>108</sup> Whittle, S. (2002). 'Respect and Equality: Transsexual and Transgender Rights', Cavendish Publishing.

<sup>109</sup> Ibid.,

P v S and Cornwall County Council, nevertheless, continues to be a seminal judgement all about development of EU law on sex and gender identity discrimination. EU's broad interpretation of 'sex' in the directive continues to have great implications with regard to prospect of increasing rights of transgender people inside the EU.

### **3.1.7.5 "Marschall Case (Case C-409/95): Revisiting Affirmative Action"**

The Marschall case (Case C-409/95) is a decisive decision in the case law of the European Court of Justice (ECJ). The case helped to ascertain the legality and limits of affirmative action policies within European Union (EU) law, especially those with a goal of achieving gender equality.<sup>110</sup>

The case concerned Hellmut Marschall, a male teacher working in Germany. He was passed over for promotion in favor of an eligible female candidate even though both had the same qualifications. His claims were based on a Land law aimed at promoting women's underrepresentation through giving preference to them in sectors where they are underrepresented as long as it can be shown that the male and female candidates are equally qualified.<sup>111</sup>

As such, Marschall sought to have his case heard by the ECJ to determine whether such a law could be reconciled with the Equal Treatment Directive.<sup>112</sup>

In its ruling, the ECJ affirmed: That measures aimed at promoting gender equality by countering the under-representation of women 'are compatible with [the EU's] commitment to equality.' However, it added one important caveat to the question of their mere legality and authority rather than necessarily effectiveness or fairness: 'They cannot automatically and unconditionally give preferential treatment to women; affirmative action is permissible only if each candidate is considered individually – considering all relevant characteristics.'<sup>113</sup>

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<sup>110</sup> CHoskyns,, and Newman, M. (2000). 'Democratizing the European Union: Issues for the twenty-first Century', Manchester University Press.

<sup>111</sup> McGlynn, C. (2000). 'Feminist Legal Studies', Cambridge University Press.

<sup>112</sup> Hoskyns, C., and Newman, M. (2000). 'Democratizing the European Union: Issues for the twenty-first Century', Manchester University Press.

<sup>113</sup> Ibid.,



The Grand Chamber then discussed whether or not an EU citizen may be denied social assistance just because they are not a citizen of the country. Paragraph 63 of the judgment reaffirmed that Union citizens who have exercised their right to free movement (under Article 21 TFEU) are likewise protected against discrimination under Article 18 TFEU. The Court restated its long-standing position that Article 18 TFEU guarantees nondiscrimination in general but cannot be invoked where a more narrowly tailored guarantee of the same right is in effect. The Citizenship Directive applies to EU nationals who have relocated to another Member State.

According to Article 24(1) of the Directive, these individuals have the same rights as the citizens of the Member State in which they are temporarily residing. Because of this, the Court has ruled that CG may only rely on the second equal treatment requirement (paragraph 67), and not Article 18 TFEU. The repercussions of this are substantial. Since the *Dano* judgment, it has become clear that only EU citizens who fulfill the residence conditions under Article 7 of the Directive — namely, persons who pursue an economic activity, or who have sufficient resources and comprehensive health insurance — enjoy the right to non-discrimination under Article 24(1). Due to their lack of income and assets, economically inactive persons may be denied access to social services.

In this instance, the claimant is a financially strapped, economically inactive EU citizen. As such, she "cannot depend on the principle of non-discrimination put out in Article 24(1)" (para. 80), as she "is likely to constitute an undue burden on the social assistance system of the United Kingdom." That she has a legal right to stay put under domestic law is equally immaterial there (para 81). The Court concludes that the host state has exclusive jurisdiction "to specify the consequences of a right of residence granted on the basis of national law" (para. 83) because she does not have a lawful right to reside under EU law. Therefore, the claimant has no legal protections under EU law and might be denied welfare.

Nonetheless, the Court argues that a host state, such as the United Kingdom, that grants a right of residence to an EU member under domestic law is in reality implementing Article 21 TFEU and is therefore obligated to comply with the Charter. For Union citizens like CG and her children, this implies that Member State authorities cannot refuse them social assistance unless there is "an actual and existing danger of infringement of their fundamental rights" (para. 92). The three most important human rights, according to the Court, are: The receiving Member State has an obligation to ensure that

the Union citizen may lead a decent life in accordance with Article 1 CFREU. The state must also examine the best interests of the child as guaranteed by Article 24 CFREU and defend the citizen's right to private and family life under Article 7 CFREU (paragraphs 89-91).<sup>115</sup>

The decision made by the Grand Chamber is perplexing. Firstly, this is the first occasion the Court has ruled that a Union citizen who has been given a right to live under domestic law is entitled to protection under the Charter. Equal protection under the law is interpreted in an extremely narrow and unconvincing way by the Court.

It is clear that the claimant does not have a right to dwell under EU law, if the Directive is strictly interpreted (in particular Article 7(1)(b)). Instead, she has a legal right to stay put in her own country. This is consistent with the Citizenship Directive, an instrument of minimal harmonization that permits Member States to create more favorable standards under Article 37 of the Directive. Even though a Union citizen's right to dwell in a host state is based only on domestic law (or a bilateral international agreement), the person may nonetheless rely on the basic EU right to non-discrimination, as previously ruled by the Court.

The Court has reversed course with its decision in *CG*, holding that an EU citizen who obtains a residence permit solely under domestic law cannot use the main right to equality under Article 18 TFEU. Instead, she may rely on the Citizenship Directive's supplementary protection against discrimination (Article 24). However, she is unable to exercise her entitlement to equal treatment under the Citizenship Directive since she does not meet the residency requirements. Therefore, the Court rules in *CG* that an EU citizen with a valid residence permit does not have the right to equal treatment inside the borders of the host Member State. Paragraph 86 of his Opinion, Advocate General de la Tour expressed concern about this very issue, writing, "the fact that no conditions are imposed for the grant of a right of residence must not have the effect of obliging Member States to refrain from carrying out any check as regards entitlement to social benefits." In addition, the Court's narrow reading of the equal protection clause differentiates EU residents having a legal right to live under EU law from those with a legal right to dwell under domestic law. The only people who have the legal right to live in the EU

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<sup>115</sup> *Ibid.*,

and get equal treatment are EU citizens. The Court might have easily prevented this outcome, which threatens the integrity of Union citizenship as a whole. It might go either way:

- i. By using the aforementioned Article 37 of the Directive, AG de la Tour argued in his Opinion that CG is entitled to equal treatment under Article 24 since he is a claimant who has a valid right to live. Since it is already established case law that Article 18 TFEU is a generic right that does not apply if there is a more specific requirement of equal treatment, such as Article 24 of the Citizenship Directive, this is a simple solution that avoids asking the CJEU to reverse its decision.
- ii. The second possibility is not discussed in the Court's ruling. Union citizens should nevertheless be able to rely on their right to non-discrimination under Article 18 TFEU in situations like CG's, where the Directive does not apply because the Member State has provided for more favorable domestic legislation. In the past, this was how the Court interpreted the law. When a Member State grants an EU citizen the right to remain inside its borders, the Court acknowledges that it is enforcing EU primary legislation on Union citizenship (para. 88). If this person is a citizen of the European Union, why can't they also use their main right under Article 18 TFEU? If Article 18 TFEU is not applied, then an EU citizen who is legally present in the country has no primary or secondary right to equality. The Court's fixation on a limited interpretation of secondary legislation denies EU residents their fundamental rights as citizens of the Union. However, CG shows how far this line of reasoning goes. The Citizenship Directive is the primary legal document ensuring equal treatment for EU citizens. Article 18 TFEU seems to have lost much of its value in safeguarding EU citizens.

Despite the Court's decision not to defend CG's right to equal treatment, EU legislation nevertheless affords some kind of protection. The Court maintains that the United Kingdom is nonetheless bound by the Charter. If denying CG access to public benefits would violate her rights under the European Union Charter, then such benefit cannot be denied. Interestingly, although Articles 1, 7, and 24 CFREU must be maintained by national authorities, the Court only considers Article 21(2) CFREU, which also provides for the right to non-discrimination based on nationality. The scope of this defense is obviously small (for confirmation, check Garner's comment). CG is afforded Charter protections solely on the

basis of her legitimate right to remain in the country. The Charter will not help an application if they do not have enough money or a better dwelling status under national law. Union nationals who have been granted a right of residence under domestic law are the only ones for whom the Charter provides any additional protections.

The Court's goal in this case was unmistakably to safeguard CG and her two children so that they might continue to live in Northern Ireland with respect and safety. Nonetheless, the Court's very restrictive approach severely restricted the impact of this judgement on the protection of the larger population of Union citizens and proceeded to hollow out the main right to equal treatment under Article 18 TFEU.

### **3.1.7.7 Case C-621/21: Gender - based Violence and Domestic Violence**

The analysis of EU case law is particularly important as it helps to understand the route and interpretation of gender equality and women's rights in this region. A specific case that reflects well on this discussion has become hugely significant, Case C-621/21. This can be considered a landmark decision about the social dignity of women, most especially those without any form of support. It offers enormous insights regarding the EU's commitment toward safeguarding these rights.

In Case C-621/21, Mrs WS - a woman who was a victim of domestic violence - requested for a restraining order against him since she claimed he was violent and threatened to harm her family members if she ever left him. She argued that Bulgaria (in which she traveled to ask for international protection) had obligations under the Istanbul Convention and European Union Law to protect her from the risk of serious harm while stating that the state was obliged by this legal obligation to offer protection towards her. The Court of Justice of the European Union (CJEU) provided a preliminary ruling where it concluded that EU law required the member states to ensure adequate and effective protection towards women who opted to face domestic violence. It also noted that there is a right to live free from violence being a fundamental human right. The court declared that the EU Charter of Fundamental Rights obliges member states to ensure high levels of human health protection with regard to taking measures to fight against domestic violence.

This can therefore be considered a landmark case that elaborates on the EU's commitment to upholding the social dignity and rights of women, most especially when they are without any form of support. The

case underlines an extensive perspective of Case C-621/21 involving domestic abuse which presents implementation issues relating to women's rights and EU law's role in ensuring compliance among member states.

The Advocate General's opinion in this case further elaborated regarding the necessity of providing comprehensive protection to the victims at these times. It reiterated regarding the fact that domestic violence is indeed a violation of the rights of the victim at that moment and includes acquiring such fundamental rights as life physical integrity and dignity. There is also a role played out by the state government at this point.<sup>116</sup>

Basically, the examination regarding Domestic Violence C-621/21 and Advocate General's Opinion underlines tremendous insights related to the EU understanding in laws involved with cases involving women's rights and their social dignity. It highlights the immense concern over cases and how EU law remains as a custodian whenever it comes to women's rights implementations. Also, provides a critical lens through which to understand the commitment of the European Union (EU) to protecting women's rights and promoting equality among men and women. Advocate Generals are instrumental actors within CJEU proceedings in that they act as advocates who seek independent legal opinions on the cases brought before the court, ensuring an authoritative interpretation of EU law.

The Advocate General here reaffirmed the legal commitments of EU Member States regarding the obligation to ensure adequate protection for women from domestic violence, meaning this interpretation re-emphasized the denial of such protection implied a violation of fundamental human rights including the right to life, physical and mental integrity, and dignity.<sup>117</sup>

This state role focused more so on including issues of social protection alongside domestic violence, highlighting the intersectionality between them, as well as healthcare, among other aspects when it comes to safeguarding women's rights. Specifically, the Advocate General also recognized how women without any support would be particularly vulnerable had further measures been necessary to guarantee their protection.

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<sup>116</sup> Court of Justice of the European Union. (2023). Case C-621/21. Retrieved from <https://curia.europa.eu/juris/document/document.jsf?text=&docid=272702&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1>.

<sup>117</sup> Ibid.,

In conclusion, particularly regarding the Istanbul Convention, where the EU is legally bound under international law specifically relating to combating and preventing violence against women and domestic violence; therefore such interpretation provided expositions concerning the innovative measures taken by the EU. Therefore its focus is less centered around people's appreciation but rather its impact on policymaking and much needed specialized efforts made pertaining to gender matters across several layers.

## **3.2 International Laws and Policies**

### **3.2.1 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

For many women, the 1979 United Nations General Assembly ratified Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), more commonly referred to as the international bill of rights for women.<sup>118</sup> A preamble and 30 articles make up this treaty specifically addressing culture and tradition influencing gender roles and family relations. It confirms reproductive rights for women and deals with gender role and family relations through the lens of influential forces in culture and tradition.<sup>119</sup>

The convention is grounded in substantive equality. Substantive equality affirms that discrimination is not always so overt. This places a duty on states to “take effective measures” to eliminate not only discriminatory laws, regulations, and practices but also “stereotypes, biases, and prejudices resulting from such acts”. It is the human right's only treaty that affirms the women's reproductive rights; it makes particular mention of areas of societal concern that have hitherto been overlooked by other human rights instruments.

As an instrument of international law, CEDAW establishes the Committee on the Elimination of Discrimination against Women (CEDAW Committee) responsible for monitoring state parties'

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<sup>118</sup> United Nations. (1979). Convention on the Elimination of All Forms of Discrimination against Women. Available at: <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.

<sup>119</sup> UN Women. (2021). 'Convention on the Elimination of All Forms of Discrimination against Women', Available at: <https://www.unwomen.org/>.

conformance with the provisions of the Convention.<sup>120</sup> States parties agree to undertake a series of measure aimed at ending discrimination against women in all forms encompassing civil, political, economic, social and cultural rights.

Among its key tools is the examination of states periodic reports on their implementation of the Convention provisions. The process provides a comprehensive picture of the situation of women in each country traceable over time.

CEDAW has helped with highlighting disparities around the world when it comes to gender issues. It has predominantly contributed to formulating strategies towards dealing with these inequities. By incorporating principles into national legislations and policies, it affects policymaking processes across countries and provides a universal benchmark upon which progress can be measured.

Though marginal in its relevancy, CEDAW remains a very potent tool for advocacy for women's inclusion, integration and effectivization of gender equalities offending components in the existing legislations and policies.

### **3.2.2 United Nations Security Council Resolutions on Women, Peace, and Security (UNSCR 1325 and its successors)**

The Security Council Resolution 1325 (UNSCR 1325) is an important milestone in acknowledging the centrality of women's inclusion to peace and security matters. It was adopted by the United Nations in October 2000, which marked members' first recognition of the distinct impact armed conflict has on women and girls. Additionally, the then-Security Council recognized the critical role that women must and indeed do play in conflict resolution and peacebuilding.<sup>121</sup>

Parallel with UNSCR 1325, the adoption of this resolution opened up the Women, Peace, and Security agenda (WPS agenda), leading to a series of further Security Council Resolutions expanding on its principles. Among others are as follows: UNSCR 1820—which comprehensively links sexual violence

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<sup>120</sup> UN Women. (2021). 'Convention on the Elimination of All Forms of Discrimination against Women', Available at: <https://www.unwomen.org/>.

<sup>121</sup> United Nations. (2000). 'United Nations Security Council Resolution 1325', S/RES/1325.

as a tactic of war to the maintenance of peace and security (2008); UNSCR 1889 focusing extensively on strengthening women's participation in peace processes (2009); UNSCR 1960—establishing monitoring and reporting mechanisms on sexual violence in conflict and recognizing the need to protect women and girls from sexual and gender-based violence in conflict and post-conflict situations (2010); and UNSCR 2106 providing operational guidance on combating sexual violence (2013); UNSCR 2242 integrating the WPS agenda into the broader UN response to emerging security threats (2015).

Much like its predecessor resolutions, the adoption of UNSCR 1325 announced the start of what would become the Women, Peace and Security (WPS) agenda, leading to a series of subsequent Security Council resolutions building on and extending its principals. They include amongst others: UNSCR 1820 (2008), expressly linking sexual violence as a tactic of war with the maintenance of peace and security; UNSCR 1889 (2009), focusing heavily on bringing women's perspectives to bear on peace processes; UNSCR 1960 (2010), establishing monitoring and reporting mechanisms on sexual violence in conflict; UNSCR 2106 (2013), providing operational guidance on combating sexual violence; and UNSCR 2242 (2015), integrating the WPS agenda into the greater UN response towards emerging security threats.<sup>122</sup>

The latter part perhaps reflective of the transformative effect of the WPS agenda on garnering the international discourse on peace and security, having influenced national and international policy making, many countries have taken National Action Plans (NAPs) for implementation of principles within UN SCRs 1325 and its successor resolutions.<sup>123</sup>

Yet, such has been perpetuated institutional inertia against policies commensurate with principles of equality in areas such as representation of women in formal peace talks. While their contributions have oftentimes been sidelined, their active involvement remains paramountly necessary though often

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<sup>122</sup> UN Women. (2021). 'Convention on the Elimination of All Forms of Discrimination against Women', Available at: <https://www.unwomen.org/>.

<sup>123</sup> O'Reilly, M. (2015). 'Why Women? Inclusive Security and Peaceful Societies', Inclusive Security. Available at: <https://www.iknowpolitics.org/en/learn/knowledge-resources/academic-paper-article/why-women-inclusive-security-and-peaceful-societies>.

validated through their practical expertise via committees and forums.<sup>124</sup> Implementation too frequently circumscribed by lack of political will, resources these respectively followed by Technical Capability also a problem that limits its full realization particularly among fragile or emerging States. And lastly, it has also been held overly stereotypical by exhibiting haphazardness that harks back to equality preoccupations rather than its given nature.<sup>125</sup>

Although decade-end visions have presented inclusive parallel approaches to resolving conflict perpetrated by Boko Haram underline this paradigm shift in maximization of scarce resources peace and security.

### **3.2.3 UN Women's Progress of the World's Women Report**

The United Nations Entity for Gender Equality and the Empowerment of Women, popularly known as UN Women, regularly publishes a 'Progress of the World's Women' report. These reports provide in-depth analysis on women's rights across the world. The reports track global and regional trends regarding gender equality. They also identify policy interventions that can drive serious change.

Each report focuses on a different theme related to empowerment of women and gender equality. For example, the theme relating to women's empowerment within families covered in the 2019–2020 edition of 'Families in a Changing World'. This theme referred to the way that new family structures are impacting opportunities for women's rights. Thus, the report pointed out that despite much progress with regards to some domains, no country has reached gender equality and that the family is a place of inequality and violence against women. It was also a potential site of equality and respect.<sup>126</sup>

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<sup>124</sup> Bell, C., & O'Rourke, C. (2010). 'Peace Agreements or Pieces of Paper? The Impact of UNSC Resolution 1325 on Peace Processes and Their Agreements', *International and Comparative Law Quarterly*, vol. 59, no. 4, pp. 941-980. <http://www.jstor.org/stable/40983611>.

<sup>125</sup> Shepherd, L. J. (2016). 'Making War Safe for Women? National Action Plans and the Militarization of the Women, Peace and Security Agenda', *International Political Science Review*, vol. 37, no. 3, pp. 324-335. <https://doi.org/10.1177/0192512116629820>.

<sup>126</sup> *Ibid.*,

Above all, the document underscored how discriminatory laws, norms, and practices linked to the family limit women's and girls' rights. Indeed, it highlighted many findings about 131 countries which have not made marital rape illegal; 750 million living women and girl today were married before their 18th birthday; and more than 137 women were killed by a member of their own family every day in 2017.<sup>127</sup>

To start with the plus side, the report stated much progress had been made. It noted that ever since 2000, overall child marriage rates declined while at least 1 in 7 women worldwide work today did so only years ago; and specified BFSAs around the world where there was an almost 20 percentage point gap between boys' skill levels and girls' in 2017.<sup>128</sup>

The 'Progress of World's Women' report provides important information needed by policymakers and advocates working towards gender equality. First, the report provides vital knowledge for informed decision making. By tracking current conditions and trends, this report aids in providing without exaggeration vital knowledge bases required for action planning.

Despite these helpful insights provided, the report equally stressed gaps need to be filled on the basis of data including variables concerning households headed solely or predominantly by women: unpaid care work undertaken by women; Violence against women; lack of women's assets ownership.

### **3.2.4 Global and Regional Human Rights Treaties Protecting Women's Rights**

Women's rights are best secured through the adoption of treaties that set global and regional standards in human rights. They ensure equal opportunities and stop discrimination by enforcing provisions requiring specific national actions to eliminate violence against women and bring about their full equality.

The body of conventions involving women's rights is global and regional in character, having its core anywhere in regions across global societies. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is considered the cornerstone for articulating women's

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<sup>127</sup> Ibid.,

<sup>128</sup> Ibid.,

rights. Ratified in 1979, it is an international bill of women's rights envisaging what constitutes discrimination against women as well as setting up a program agenda for ending this discrimination.<sup>129</sup>

The two major instruments in legitimizing women's rights at the global level include the International Covenant on Civil and Political Rights (ICCPR); its sister treaty, the International Covenant on Economic, Social and Cultural Rights (ICESCR), both recognizing equal citizenship role for men and women.<sup>130</sup> Regional treaties also play a key role binding nations together.<sup>131</sup> Of greatest importance is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa known as the Maputo Protocol. This protocol addresses a host of women's issues from harmful cultural practices to economic rights as well as violent conflict situations involving women.<sup>132</sup>

In the Americas, only one treaty exists in this region: but it is starkly focused on matters affecting victims of violence. The Convention of Belém do Pará or Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.<sup>133</sup>

#### **3.2.4.1 The Role of the Council of Europe in Upholding Women's Rights During Crises**

The Council of Europe (CoE) stands out in the institutional architecture of Europe and is instrumental in protecting women's rights during times of crises. As a pioneer in human rights advocacy, CoE

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<sup>129</sup> United Nations. (1979). Convention on the Elimination of All Forms of Discrimination against Women. Available at: <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.

<sup>130</sup> United Nations. (1966a). International Covenant on Civil and Political Rights. Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

<sup>131</sup> United Nations. (1966b). International Covenant on Economic, Social and Cultural Rights. Available at: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

<sup>132</sup> African Union. (2003). Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Available at: <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>.

<sup>133</sup> Council of Europe. (2011). Council of Europe Convention on preventing and combating violence against women and domestic violence. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>.

initiatives cover the promotion of democracy, protection of human rights upholding discipline within the rule of law.<sup>134</sup>

The Istanbul Convention, or the Council of Europe Convention on preventing and combating violence against women and domestic violence, has been noteworthy. The convention brought together an all-encompassing framework for European countries to address gender-based violence matters that invariably heighten during crises.<sup>135</sup>

The commitment towards substantive gender equality is reflected through the Gender Equality Strategy of the CoE (2018-2023), which consolidates five strategic objectives concerning combatting gender stereotypes, gender mainstreaming, and preventing and combatting violence against women. This will be achieved through an expansive approach to addressing the inequalities significantly escalated by the fight against crises.<sup>136</sup>

In addition to its dominance on women's rights matters, the role played by the Council of Europe Commission for Human Rights stems from monitoring and reporting on issues involving women's rights across member states. During the COVID-19 pandemic, the Commissionerate called for stringent action to minimize the impact exerted by the crisis on women's rights concerning domestic violence and discrimination.

Being vital in protecting women's rights was also emphasized as one of the roles being undertaken by the European Court of Human Rights. Empowered mainly by judgments passed by this court, it shaped norms and practices in the member state whereby some were directly impacting on issues concerning women's rights including reproductive rights, violence against woman, and form discrimination at the workplace.

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<sup>134</sup> Council of Europe. (2011). Council of Europe Convention on preventing and combating violence against women and domestic violence. Council of Europe Treaty Series - No. 210. Retrieved from <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>.

<sup>135</sup> Ibid.,

<sup>136</sup> Council of Europe. (2018). Gender Equality Strategy 2018-2023. Council of Europe. Retrieved from <https://rm.coe.int/strategy-en-2018-2023/16807b58eb>.

### 3.2.4.2 The Istanbul Convention

The Istanbul Convention, otherwise known as the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, is a critical piece of legislation in the context of women's rights. Entirely ratified by numerous member states of the European Union, this treaty forms an ambit legal framework to prevent and combat violence against women and domestic violence.

As adopted in 2011, the Istanbul Convention adopts a victim-centered and human rights-based approach. It acknowledges that violence against women falls under the form of gender-based discrimination and a violation of human rights. The Convention covers different forms of violence including psychological, physical, sexual violence, stalking, and sexual harassment amongst others as well as female genital mutilation and forced marriage.

Its four-pronged approach includes prevention, protection, prosecution, and integrated policies. It obliges states to go through steps like changing attitudes, norms, and behaviors to protect victims through support services and to prosecute perpetrators via effective legal sanctions.<sup>137</sup> It also requires states to establish effective cooperation amongst all relevant agencies, as well as among all stakeholders.

Further, it calls for an integration of a gender perspective in its interpretation and implementation provisions, as well as its assessment of impact. It has set up a Group of Experts (GREVIO) wherein it monitors states' compliance with the Convention.

Despite its comprehensive nature for tackling violence against women, the Istanbul Convention meets opposition in some countries which leads to a lack of ratification or withdrawal due to cultural, religious, as well as political factors. This causes inconsistencies in the protection across EU member states and erodes the effectiveness of the Convention.

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<sup>137</sup> Kelly, L., & Dubois, L. (2008). 'Combating violence against women: minimum standards for support services, Council of Europe.



### **A, B and C v. Ireland (2010)**

"A, B and C v. Ireland (2010)" is an important case in terms of reproductive rights. It exemplified a spotlight on the restrictive abortion laws in Ireland by shedding light on three women called A, B, and C who had to travel outside of Ireland to access abortion services. This case challenged the prohibition of abortion in Ireland, stating that their rights under Article 8 (right to respect for private and family life) was breached because they were prevented from exercising this right within the State.<sup>140</sup>

The Court took note of the plight each woman went through due after hearing the banning of abortion. Applicant A was a mother of four. She feared that another pregnancy would endanger her, together with her children's well-being since she was living poor and had past complications taken while carrying a child. The present pregnancy of Applicant B was high risk while Applicant C was a cancer survivor. Quite appropriately fearing failure during pregnancy, Applicant C worried if the pregnancy was going to reactivate the dormant cancer cells.

The ECHR statute did not demonstrate a violation concerning Applicants A and B. Firstly, there was legal "discretion" by the Irish government (at least in part) to protect unborn; secondly, there existed an available plan—she must go abroad for abortion services. However, for Applicant C, the Court found a violation of Article 8. Even though Irish law allowed lawful abortion where there exist substantial risks to a woman's life, there was no clear and accessible procedure provided for a woman like Applicant C to check out whether she qualified for it. This legal obscurity induced a chilling effect on doctors who possibly could encounter criminal charges involving aiding abortion and so denying women essential medical advice.<sup>141</sup>

The judgment at "A, B and C v. Ireland" steeped deep into the fact that states have to ensure their legislations enacted in their jurisdictions adequately respected as well as protected women's private life inclusive of giving them access to vital health information. It paved way towards later change in Irish abortion statutes.

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<sup>140</sup> ECHR. (2010). A, B and C v. Ireland. HUDOC. Retrieved from <https://hudoc.echr.coe.int/eng?i=001-102332>.,

<sup>141</sup> Ibid.,

### **Rantsev v. Cyprus and Russia (2010)**

"Rantsev v. Cyprus and Russia (2010)" is a landmark case in human rights law, the first time that the European Court of Human Rights (ECHR) considered states' obligations on the issue of human trafficking. This case concerned a Russian woman, Oxana Rantseva, trafficked to Cyprus for a sexual purpose and sadly died under suspicious circumstances shortly after her arrival.<sup>142</sup>

Rantseva's father brought the case before the ECHR after having experienced considerable difficulties in seeking justice on his behalf and his daughter's in Cyprus and again, in Russia. He maintained that both states had not protected his daughter adequately from being trafficked and exploited, violating Article 4 of the European Convention on Human Rights which forbids slavery and forced labour.

The ECHR held both Cyprus and Russia in violation of Article 4. The Court stated that Cyprus had failed to protect Rantseva and properly investigate her death. It held that Russia had not done enough to stop Rantseva from being trafficked and did not have an effective investigation system regarding the recruitment process that led to her trafficking.<sup>143</sup>

Also, the significance of adopting a human rights approach to combatting trafficking noted by the Court in its decision: "Trafficking threatens the dignity and fundamental freedoms of any victim of this practice and cannot be compatible with a democratic society that respects the human rights of its citizens." The judgment marks a turning point in regards to trafficking – recognizing it as a serious infringement of human rights. It emphasizes upon the state's duty of protection against trafficked persons, the protection of victims, and investigation and punishment of those who traffic persons.<sup>144</sup>

### **Eremia v. The Republic of Moldova (2013)**

"Eremia v. The Republic of Moldova (2013)" is an iconic case decided by the European Court of Human Rights (ECHR), where it reminded states that they have a duty to protect individuals from domestic violence. The intra-family conflict concerned a lady, Valentina Eremia, and her two young

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<sup>142</sup> ECHR. (2010). Rantsev v. Cyprus and Russia. HUDOC. Retrieved from <https://www.bing.com/search?q=ECHR.+%282010%29.+Rantsev+v.+Cyprus+and+Russia.+HUDORetrieved+from&form=ANNT11&ref=451686d214884bec8f2e2b1b9d63e2c0.>

<sup>143</sup> Ibid.,

<sup>144</sup> Ibid.,

daughters who were subjected to severe and persistent domestic violence at the hands of the perpetrator husband and father, a police officer in Moldova.<sup>145</sup>

Although denying sheltering any family members during these violent incidents, the wife repeatedly reported them with no success because the authorities she reported them to either failed to carry out their duties under Moldovan law or took weeks to formulate formal legislation when they did act.

In light of the foregoing state stipulations against Ms. Eremia and their three children exhibiting signs of domestic violence, the ECHR held Moldova in part in violation of Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (right to respect for private and family life). Concerning gender discrimination against women, it affirmed that the state authorities didn't hold its obligation towards the above-mentioned family whose lives were endangered by domestic violence.<sup>146</sup>

The court further shone light on the fact that although states' obligations towards the physical and psychological well-being of an individual are inherent by Articles 3 and 8 of the Convention, their responsibilities to other vulnerable people become even more higher in this context wherein the latter can hardly expect protection from external threats but rather needs help from within.

“Eremia v. The Republic of Moldova” has demanded a great deal considering that whilst the European Court of Human Rights reminds states that they have a duty to protect individuals from domestic violence, the latter remains unchanged in most parts; thus quite often prompting more misconducts such clouded awareness and public indifference that culminate in reinforcing impunity, preventing intervention.

#### **3.2.4.4 The Beijing Declaration and Platform for Action**

The Beijing Declaration and Platform for Action (BPfA) is a revolutionary roadmap for gender equality and women's rights. Its adoption at the Fourth World Conference on Women held in Beijing in 1995

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<sup>145</sup> ECHR. (2013). Eremia and Others v. The Republic of Moldova. HUDOC. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-119968%22%5D%7D>.

<sup>146</sup> Ibid.,

was unanimous 189 United Nations member states which also ensure that all participating countries came to adhere to its principles.<sup>147</sup>

This is a holistic agenda as well as an ambitious one regarding the empowerment of women. It begins with twelve critical areas where poverty stands out, education and training stand tall with regards to this area, human health stands tall leading to violence in armed conflict, power and decision making involving governments, institutions, and civil society, institutional mechanisms assuring human rights among other issues relating to the media, environment with the girl-child.<sup>148</sup> For each issue or area, there are strategic objectives where actions are meant religiously followed and recommendations made pertaining to governments, international bodies, and even civil society.

The preamble to the BPfA reaffirms that the fundamental principle whereby the human rights of women and girls are an unbounded integral indivisible part of universal human rights and hence urgent ligaments to eliminate all forms of discrimination against them while inculcate their equal rights and opportunities.<sup>149</sup>

Since then, the strategy behind the BPfA has proved influential globally. There have been laws shaped by it in relation to policies as well as programs up to date time tracks where global movements fueled upon woman's rights appeared anyway.<sup>150</sup> Several countries regardless of having acquired constitutions varying from legislation to promote gender equality, protect women against blood commotions as well as improve women's health, education, economic standing has recently been achieved.

However, inequality remains systemically across all levels categorized under success and action on the BPfA since no country has come close achieving its aims completely. High rates of violence against women still continue with limited political representation where unpaid care to children remain largely unvalued ultimately expending family resources form with respect to tutoring most homes stand

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<sup>147</sup> United Nations. (1995). 'Beijing Declaration and Platform for Action', Available at: <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>.

<sup>148</sup> Ibid.,

<sup>149</sup> Ibid.,

<sup>150</sup> UN Women. (2021). 'Convention on the Elimination of All Forms of Discrimination against Women', Available at: <https://www.unwomen.org/>.

resulting from overwork domestic work independent with respect to gaining quality services including realizing wages though both genders equally participate equally through consultations within institutions whereas affecting workers as badly defined either sexes (ENDS) ensuing circumstances sensitivities associations subscribing budget priorities (Sandler, 2014). These inequalities were already related heretofore in several ways disseminating just merely facts coupled following falsity. The trends however constitute new quests requiring diagnosis dimensions influenced by knowledge more effectively accrued through analysis regrouped applied subsequently concluded investigated patented that they may be doubled thereafter beyond improvements rather ascribed complicated during construction techniques markets operations management responsibilities lastly reduced started solutions frozen or terminated presented elaborated created done counted programmed accordingly organized labeled respectively calculated implemented lead established culture unity guides scripts format rules requirements standardization listings alignment responsibility.

#### **3.2.4.5 Regional Analysis of Women's Rights During Crises**

Examining crises through the lens of women's rights from a regionally diverse perspective, considering how cultural, socio-economic, and political issues vary globally. A regional analysis is therefore more detailed when it comes to shedding light on both challenges and best practices concerning women's rights during crises in Sub-Saharan Africa for example.

From thereon, recurrent themes will highlight why these women's rights are often curtailed or denied across crises. Specifically, the reader should be aware of various patterns characterizing women: their socioeconomic and political status, epidemiology and natural disasters. Additionally, they must look into what impact armed conflicts, epidemics have on women as well as extreme poverty throughout Sub-Sahara. <sup>151</sup>Throughout such crises, women's responsibilities - in terms of health, education, employment - significantly derail their rights under current laws. In some cases where customary law rules over statutory laws, discrimination against women becomes even more intractable.<sup>152</sup>

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<sup>151</sup> Mikell, G. (2013). African feminism: The politics of survival in Sub-Saharan Africa. University of Pennsylvania Press.

<sup>152</sup> Grown, C., & Gupta, G. R. (2005). Acting: Achieving gender equality and empowering women. Earthscan.

Another dichotomous case can be identified within Europe owing to its robust gender equality mechanisms and theoretically strong legal framework limiting gender inequalities in society. In contrast to this, however, repercussions regarding notions of justice continue to challenge the economic recession in 2008 as well COVID-19 pandemic that threatens women's rights regularly in European societies.

Specifically, a number of responses undertaken after the recession of 2008 show how rates of female job losses went up despite traditional but not necessarily accurate roles in society. Women in Europe also urgently found themselves piling increased domestic capabilities at tremendous cost before addressing other forms of inequalities.<sup>153</sup> These instances bring down the resilience of support systems because although many European countries have executed appropriate policies around sensitive domains like protection of civil liberties, respect for diversity, honor killings does not appear to relent.<sup>154</sup>

Similarly in MENA as with numerous other regions dealing with ongoing instability and conflict, difficulties occur when taking articles about violations experienced by women.<sup>155</sup> Patriarchal perceptions and militarization are forever saddling womanhood with exacerbated injustices depending on localities.<sup>156</sup> However, countries such as Bangladesh and Philippines exemplify resiliency while still integrating gendered perspectives towards disaster risk reduction. This shows the worldwide importance of considering context-specific strategies and policies.<sup>157</sup>

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<sup>153</sup> UN Women. (2020). The impact of COVID-19 on women. UN Women. <https://www.unwomen.org/en/digital-library/publications/2020/04/policy-brief-the-impact-of-covid-19-on-women>.

<sup>154</sup> UN Women. (2018). Women's Meaningful Participation in Negotiating Peace and the Implementation of Peace Agreements: Report of the Expert Group Meeting. UN Women. <https://www.unwomen.org/en/digital-library/publications/2018/10/egm-report-womens-meaningful-participation-in-negotiating-peace>.

<sup>155</sup> Bradshaw, S. (2013). Gender, Development and Disasters. Edward Elgar Publishing.

<sup>156</sup> Mikell, G. (2013). African feminism: The politics of survival in Sub-Saharan Africa. University of Pennsylvania Press.

<sup>157</sup> Al-Ali, N. (2020). Gendering the Arab Spring. Middle East Journal of Culture and Communication, 5(1), 26-31. [https://www.researchgate.net/publication/285008573\\_Gendering\\_the\\_Arab\\_Spring](https://www.researchgate.net/publication/285008573_Gendering_the_Arab_Spring).

### 3.2.5 The Role of UNESCO in Promoting Women's Rights During Crises

The United Nations Educational, Scientific and Cultural Organization (UNESCO) has played a significant role in the global effort to advance women's rights, particularly during times of crisis. Its work is guided by its commitment to gender equality and its position on education as quintessential human right.

In crises such as pandemics or natural disasters, the efforts UNESCO puts in ensuring women's rights become all the more critical. For instance, during the COVID-19 pandemic, the organization highlighted the impacts of the pandemic on girls' education, noting that essentially, the crisis could make matters worse for girls in terms of their learning status. It advocated policy reactions which would ensure continuity of learning, apart from addressing the gendered impacts of the situation.<sup>158</sup>

Amid climate impacts, UNESCO works with stakeholders to promote integrating gender perspectives in disaster risk reduction and climate change adaptation strategies. Understanding this pivotal importance of women toward climate situations, notably climate-related disasters, UNESCO advocates for women's active involvement in decision making and capacity building among them in areas related to climate changes.

Moreover, amongst its works relating to cultural realms, scientific domains provide much-ignored platforms for tackling gender inequalities. Specifically, its work behind championing women participation in science, technology, engineering and mathematics realms also forms an important aspect of UNESCO's intensified encroachment into raising gender's roles across different societies and groups.<sup>159</sup>

Thus, one can view that UNESCO's dedication to this multifaceted approach provides an important contribution toward advancing the arena toward women's rights, arguably during crisis time periods.<sup>160</sup>

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<sup>158</sup> UNESCO. (2018). *UNESCO's Priority Gender Equality Action Plan II (2018-2023)*. UNESCO. Retrieved from <https://unesdoc.unesco.org/ark:/48223/pf0000261590>.

<sup>159</sup> UNESCO. (2020). COVID-19 Impact on Education. UNESCO. Retrieved from <https://en.unesco.org/covid19/educationresponse>.

<sup>160</sup> Ibid.,

### 3.2.6 International Labour Organization (ILO) Conventions on Gender Equality

The International Labour Organization (ILO), established in 1919 as a unit of the United Nations, has been a critical force in setting international labour standards. These conventions cover issues related to gender equality, including parity and diversity. The ILO's fundamental principle is that social justice is essential for universal and lasting peace, and only through decent work and respect for workers' rights can social justice be achieved. In this paper, we will focus on three significant ILO conventions concerning gender equality.<sup>161</sup>

Equal Remuneration Convention, 1951 (No. 100): This Convention is one of the earliest steps in recognizing gender inequality in the workplace and calls for equal remuneration for work of equal value for men and women. It has been ratified by 173 out of the 187 ILO Member States.<sup>162</sup>

Discrimination (Employment and Occupation) Convention, 1958 (No. 111): This Convention requires national policy to eradicate discrimination in employment and occupation on multiple grounds ranging from sex to perceived race and religion. It has been ratified by 174 Member States.<sup>163</sup>

Maternity Protection Convention, 2000 (No. 183): The Convention mandates 14 weeks of maternity leave with rights that ensure women have right to come back again or get an equivalent paid at same rates after maternity leave. It has been ratified by 32 Member States.<sup>164</sup>

The ILO conventions have significantly influenced the national labour laws and policies of its member states. Many countries have about principles of equal remuneration, non-discrimination, and maternity protection into their national legislation and policies which assist advancing gender equality in the world of work.<sup>165</sup>

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<sup>161</sup> ILO. (2020). 'Normlex: Information System on International Labour Standards', Available at: <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0::NO>.

<sup>162</sup> Ibid.,

<sup>163</sup> Ibid.,

<sup>164</sup> Ibid.,

<sup>165</sup> ILO. (2019). 'A Quantum leap for gender equality: For a better future of work for all', Available at: [https://www.ilo.org/global/publications/books/WCMS\\_674831/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_674831/lang--en/index.htm).

However, there are still barriers towards gender equality in the workplace. Women continue to face huge wage gaps all over, total occupational segregation restraining them from almost every opportunity, limited access to social protection and conflict with work-family also persist.<sup>166</sup> Underrepresentation of women in decision making positions also remains a big problem.

Effective enforcement of existing law, ratification and implementation of ILO conventions, and targeted measures are required to address persistent barriers and biases in reducing these barriers while enhancing gender equality attainment in work. As ILO celebrates its centenary, its commitment towards promoting gender equality stands more crucial than ever before.

### **3.2.7 Case Law from the World Trade Organization (WTO) and its Impact on Women's Rights**

#### **3.2.7.1 "The Role of WTO in Women's Economic Empowerment"**

The World Trade Organization (WTO) plays an important role in the formulation of global trade rules that impact women's economic empowerment. Emancipation is crucial for creating a conducive environment for gender equality, and WTO policies can significantly affect this domain.<sup>167</sup>

The basic mission of the World Trade Organization is to facilitate smooth predictable free trade among nations. However, with its focus on liberalization and deregulation, the WTO has been criticized for perpetuating gender inequalities due to a lack of gender perspective in its principles and activities.

Empowerment of Women in International Business: The 2017 Buenos Aires Declaration on Trade and Women's Economic Empowerment was a landmark initiative towards mainstreaming gender in the work of the WTO. More than 120 WTO members and observers endorsed this initiative. This lays emphasis on the importance of gender-responsive trade policies for achieving sustainable development.<sup>168</sup>

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<sup>166</sup> ILO. (2018). 'Global Wage Report 2018/19: What lies behind gender pay gaps', Available at: [https://www.ilo.org/global/publications/books/WCMS\\_650553/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_650553/lang--en/index.htm).

<sup>167</sup> World Trade Organization (WTO). (1998). United States - Import Prohibition of Certain Shrimp and Shrimp Products. [online] Available at: [https://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds58\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds58_e.htm). [Accessed 21 Jun. 2023].

<sup>168</sup> World Trade Organization (WTO). (1998). United States - Import Prohibition of Certain Shrimp and Shrimp Products. [online] Available at: [https://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds58\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds58_e.htm). [Accessed 21 Jun. 2023].

The 2017 Buenos Aires Declaration strongly emphasized the need for enhanced gender-disaggregated economic data, gender impact assessments for trade policies; and the inclusion of women in the formulation and implementation of trade policy. It called upon the WTO along with other international bodies to offer a gender perspective in their work to get rid of fractiousness not only in economics but also make trade inclusive<sup>169</sup>. The commitment to facilitating the participation of women entrepreneurs in international trade was a clear indication of the role that the WTO plays in women's economic empowerment.

Apart from these policy initiatives, the WTO together with other international organizations like UNCTAD and ITC<sup>170</sup> have facilitated technical assistance and capacity building programs designed to improve access of women to markets.

The WTO also hosts discussions and provides a platform to members and observers to exchange best practices and challenges related to gender equality in trade. Increased visibility regarding gender issues in WTO dialogues highlighted the need for incorporating gender considerations into international trade policy.

However, there is still a necessity for the WTO further its efforts so that its policies and rulings effectively address gender inequality. This includes not only promotion of women's economic empowerment but also take steps to mitigate any negative impacts that trade liberalization might have on women rights.<sup>171</sup>

### **3.2.7.2 "US – Shrimp Case (WT/DS58): Environmental Sustainability and Women's Livelihoods"**

The US-Shrimp Case (WT/DS58) in the adjudication of the World Trade Organization (WTO) in 1998 serves as a fascinating perspective on how trade, environmental sustainability, and women's livelihoods collide. This case was built around a U.S. ban on shrimp imports from countries that did not use turtle-excluder devices (TEDs) in their shrimp trawl fishing fleets. The device is intended to protect

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<sup>169</sup> Ibid.,

<sup>170</sup> International Trade Centre (ITC). (2020). SheTrades: Promoting SME Competitiveness in the Global Economy. [online] Available at: <https://www.intracen.org/itc/SheTrades/>. [Accessed 21 Jun. 2023].

<sup>171</sup> Ibid.,

endangered sea turtles, which can get caught in shrimp nets, aligning with the U.S. commitment towards environmental sustainability.

Besides direct impacts on employment, the case also underscored broader gendered implications trade and environmental policies. For example, the shift towards more sustainable, but often most capital depleted methods of fishing can disadvantage women who typically have less access to capital and credit.<sup>172</sup> Thus it recognizes the need for gender-sensitive approaches in formulating and implementing trade and environmental policies.

Even though the mandate of the WTO does not specifically mention considering issues relating to gender, cases like the US – Shrimp Case suffice to refer to show that there are interconnections between trade, environmental sustainability, and women's livelihoods. This underlines that incorporating a gender perspective into trade policies and negotiations holds much importance in ensuring that they accentuate rather than undo gender equality and enhancing women' economic empowerment.

### **3.2.7.3 "EU – Bananas III Case (WT/DS27): Implications for Women in the Agriculture Sector"**

The historic ruling of the World Trade Organization (WTO), in the case against the European Union – Bananas III (WT/DS27), led to preferential treatment for banana imports from African, Caribbean and Pacific being ruled as contrary to the General Agreement on Tariffs and Trade (GATT)<sup>173</sup>. The implications of this case extend in multiple directions, including indirect effects on women in the agricultural sector.

Agriculture plays a very significant role in many developing countries, and especially so with respect to women's employment. For instance, in the Windward Islands, which were affected by the EU-Bananas III case, women represented a sizable workforce within the banana sector (Teitelbaum, 2007). The removal of preferential treatment resulting from the WTO ruling saw cost advantages enjoyed by these

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<sup>172</sup> Food and Agriculture Organization of the United Nations (FAO). (2016). The State of World Fisheries and Aquaculture 2016. [online] Available at: <http://www.fao.org/3/a-i5555e.pdf>. [Accessed 21 Jun. 2023].

<sup>173</sup> World Trade Organization (WTO). (1998). United States - Import Prohibition of Certain Shrimp and Shrimp Products. [online] Available at: [https://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds58\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds58_e.htm). [Accessed 21 Jun. 2023].

countries translate into lower prices for their bananas. Unfortunately for these women, this had a direct impact on their livelihoods.

This case points to a need for consideration of trade rules' gendered impacts. It also illustrates that the effects involved in trade liberalization do vary depending on factors such as kinds of crops produced, how integrative they are into global markets, as well as their ability to transition into new lifeways in response to changing market conditions. While trade can create opportunities, its benefits are not necessarily distributed evenly.

Besides, clear here is the wider dimension of gendered impacts originating from agricultural policies and agreements on trade. One example among others is the lack of full access to productive resource among most women farmers such as land, credit, and extension services compared to men. Therefore, thinking along these lines can conclude that even if there arise new opportunity markets, women may be less able to capitalize on them.

In short, the EU – Bananas III Case (WT/DS27) shows how unintended effects attributable to WTO rulings have been regarding women's rights and livelihoods. This case further illustrates otherwise already underlines the fact that achieving gender equality and empowerment of woman primarily involves incorporating a gender aspect into negotiations and policy making processes.

#### **3.2.7.4 "Gender Considerations in WTO Dispute Settlement Mechanisms"**

The WTO objective is to establish an open, just and non-discriminatory trading system. However, the gender dimensions of trade are rarely addressed directly in relation to the mandate of the WTO through its dispute settlement mechanisms. This lack of gender considerations in WTO's dispute resolution processes can potentially perpetuate or exacerbate gender inequalities in trade.

The dispute settlement mechanism adopted by the WTO is amongst the most significant and emerging means for curbing international breaches of trade rules and resolving disputes consistently. Nonetheless, sufficient attention has not been focused on social, rather commercial concerns in designing these mechanisms. The process consciously focuses on market access implications as well as competitiveness impacts as opposed to wider social or economic implications, like related to gender.

This perspective tends to be narrow and may also overlook the full spectrum of impacts that might occur.

Moreover, bargaining parties under the guise of WTO conflict—state representatives and trade experts alike—are never required to consider any differential impacts of trade measures on men and women. Lack of data separated using the concept of ‘gender’ and lack of gender expertise coupled with absence of gender perspective all contribute to the invisibility of gender issues during these processes.

For example, in disputes pertaining to agricultural subsidies or industrial tariffs, impacts on women as producers, workers and consumers seldom come into consideration. Thus, if a country’s export sector relies heavily on female labor, logically, if trade measures hurt this sector, such measures could disproportionately affect women.

Addressing both challenges would require increased ardency within a more systemic approach towards incorporating gender analysis into WTO processes; specifically demonstrating improvements in gender-disaggregated collection and analysis while at the same time impressing upon those involved in dispute settlement to have proper training and expertise on how to understand and consider gender issues.

Overall, incorporating a gender perspective into WTO dispute settlement mechanisms could emerge with far more equitable outcomes and contribute to a broader goal of reaching gender equality across international trade.

### **3.2.8 The Role of International Aid Organizations in Crises**

International aid organizations play a critical role in crisis response, as they do not only provide financial assistance. They provide on-the-ground support, guide and coordinate international efforts, facilitate access to resources and often constitute the main actors upholding human rights of people during crises, predominantly women’s rights.

When crises strike, these organizations act swiftly and move effectively to offset immediate threats on human lives and dignity, and therefore core services like healthcare, food and water provision, shelter, and emergency education are swung through their efforts. However, their role extends beyond

immediate physical needs and they even constitute a critical aspect relating to different works that advocate for and protect the rights of some of the most desperate populations, especially women and girls.

An outstanding proof is the concerted work encompassing organizations like the United Nations Population Fund (UNFPA) and World Food Programme (WFP). UNFPA forcefully works extensively to ensure the sexual and reproductive health rights of women and girls are upheld during crises and that protection remains paramount while WFP swings their efforts towards nutritionally adequate food supplies considering the specific needs of women and girls.<sup>174</sup>

Additionally, international aid organizations oftentimes contribute significantly to the resilience of community long term. On just one case study, UNFPA builds capacity for health care professionals and engages in gender equality promoting endeavors (Sellner et al., 2014), whereas WFP swings the equitable distribution of food across regions prioritizing nutritionally adequate food supplies considering the special needs of women and girls.<sup>175</sup>

Lastly, even though there may be numerous challenges varying from agency to agency that could inhibit the effectiveness of international aid organization implements, they must perpetually up their game by continuing to adapt to the exceptional nature of crises, emphasizing upon deeper understanding of local context and concerns, and paving way to accommodate women's rights and needs in their responses.<sup>176</sup>

### **3.2.9 The Role of Non-State Actors in Upholding Women's Rights During Crises**

The work of non-state actors in protecting women's rights during crises is important and includes a variety of different roles, often coming to the rescue where state services are lacking or absent. Non-state actors such as non-governmental organizations (NGOs), civil society groups, and international

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<sup>174</sup> WFP. (2021). WFP Gender Policy 2022–2036: Gender equality and the empowerment of women and girls for zero hunger. WFP. <file:///C:/Users/g/Downloads/WFP-0000132139.pdf>.

<sup>175</sup> UNFPA. (2020). Sexual and reproductive health and rights: an essential element of universal health coverage. UNFPA. <https://www.unfpa.org/featured-publication/sexual-and-reproductive-health-and-rights-essential-element-universal-health>.

<sup>176</sup> Oxfam. (2017). Oxfam's approach to resilient development. Oxfam.

organizations often constitute key lifelines for women by ensuring an array of services ranging from healthcare and education to legal support and advocacy.

At times of crisis, NGO work is mostly directed toward emergency response and delivers vital services to women and girls who disproportionately suffer from this type of activity. They are usually on the frontline and provide services such as safe spaces, women's psychosocial support, and sexual and reproductive health care, under difficult conditions.<sup>177</sup> For instance, organisations like Médecins Sans Frontières and International Rescue Committee have been some of the greatest NGOs operating in conflict settings and making sure women are able to access their fields of work amidst violence through providing various forms of healthcare services.

Non-state actors likewise offer advocacy for women's voices to be amplified at both the national and international levels. These organisations nearly always try to lobby upon policy change both nationally across governments and internationally across administrations with regard to women's rights setups, especially during crises. Amnesty International, among many other International bodies, has developed its international campaigns tremendously in regard to how they advocate for women's rights during crises, e.g. ending violence against women in conflict situations.<sup>178</sup>

In addition to this, non-state actors, i.e., NGOs and civil society organizations, substantially raise awareness regarding the types of impacts that crises have on women's rights. Through research along with public advocacy campaigns conducted by these associations, they can effectively point out the often-ignored consequences of crises on women and girls. In doing so, organisations Like Human Rights Watch have seen that their efforts have resulted enough global light towards the issue of gender-based areas of violence within refugee encampments. This led to policy changes being put in place and funding getting increased over preventive measures.<sup>179</sup>

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<sup>177</sup> United Nations Population Fund. (2020). Evaluation of UNFPA support to gender equality and women's empowerment (2012-2020). UNFPA. <https://www.unfpa.org/evaluation-unfpa-support-gender-equality-and-womens-empowerment-2012-2020>.

<sup>178</sup> Amnesty International. (2021). It's in our hands. STOP VIOLENCE AGAINST WOMEN. Amnesty International. <file:///C:/Users/g/Downloads/act770012004en.pdf>.

<sup>179</sup> Human Rights Watch. (2021). World report 2021: Rights trends in women's rights. Human Rights Watch. <https://www.hrw.org/world-report/2021/country-chapters/global#>

However, it needs to be realised that while non-state actors can have astounding positive impacts onto the outcomes combatting rights threats, challenges do come with them. Consequently, there is a mixture of ongoing challenges that prevent their association with assisting women rights arrangements throughout any given situation. A roundup of those challenges includes but not limited to justifiable concerns about funding limitation, impossible accessibility in crisis rooms, and furthermore solidify the main political and socio cultural contexts behind scenarios where they play a central role.

### **3.2.10 The Effectiveness of Grassroots Movements in Advocating for Women's Rights During Crises**

Grassroots movements, defined as bottom up efforts initiated and led by local communities, have increasingly been recognized as vital drivers of social change and empowerment. In the context of women's rights during crises, these movements play a critical role in advocating for gender equality; pushing for policy changes; and providing immediate support and resources to women affected by crises.

When a crisis hits, grassroots women's organizations are often the first responders, given their own embeddedness within the communities and their intimacy with the unique challenges and needs of the women within those communities. They provide immediate relief and support, including access to food, shelter, health care, and legal aid.<sup>180</sup> These organizations have the trust and respect of local communities, thus enabling them to effectively mobilize resources and support. ix

Beyond immediate response, grassroots movements have an essential role in advocacy for women's rights during crises both at the global level and at country levels. They generate awareness about the disproportionate impact of crises on women; advocate for gender-responsive policies; and hold authorities accountable. For instance, many grassroots organizations globally have pushed for gender-

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<sup>180</sup> World Bank. (2020). Putting gender at the heart of pandemic response. World Bank. <https://www.worldbank.org/en/news/feature/2020/09/19/woman-entrepreneur-putting-gender-at-the-heart-of-pandemic-response>.

responsive pandemic response plans addressing the surge in domestic violence, the increase in unpaid care work, and the adverse impact on women's employment.<sup>181</sup>

While enduring numerous challenges, grassroots movements represent a vital and collective effort toward women's rights in crises. They respond immediately and provide relief and welfare to marginalized groups who otherwise may not benefit from state or government intervention groups worldwide. Surprisingly enough, some grassroots organizations still persist despite steep climatic shifts. This lingering hope amidst overwhelming adversity has been attributed to grassroots workers' unity and empathy toward women.

## **Chapter 4. Evaluation of Existing Measures**

### **4.1 Evaluation of Laws and Policies**

Evaluation of existing measures to protect women's rights is crucial, especially in the understanding of their effectiveness in times of crisis. There exist different legislations, policies, and strategies across the globe that are meant to protect women's rights. However, consistency in the efficacy, especially during crises, remains a debate amongst experts.

Assessing the effectiveness of these can only be done by an understanding of their nature, scope, and implementation. Importantly, we need to ask whether these measures have been designed to respond to changing circumstances or if they are inflexible and therefore unable to adequately account for crisis situations. For example, a law intended to promote gender equality in the workplace might not adequately protect women during a pandemic when work environments and conditions drastically change.<sup>182</sup>

The variance in the protection of women's rights on such occasions may also collide with relative priority that is given to gender matters. During crises, governments primarily focus on immediate

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<sup>181</sup> UN Women. (2020). The Shadow Pandemic: Violence against women during COVID-19. UN Women. <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>.

<sup>182</sup> EIGE. (2014). 'Estimating the costs of gender-based violence in the European Union', European Institute for Gender Equality. Available at : <https://eige.europa.eu/publications-resources/publications/estimating-costs-gender-based-violence-european-union-report>.

disaster response and this might lead to neglect of gender-specific challenges. Such situation necessitates adaptable and resilient policies that can account for issues from the genders, even under emergency contexts.

Furthermore, the very nature of the crisis is often able to impact women's rights. Various crises pose varied challenge to women who require diverse responses. Conflict situations might increase the risk of sexual violence against women. Pandemics might add risks of morbidity and mortality among women as economic Crises might heighten the wage disparity between men and women. The effectiveness of laws and policies varies according to the nature of the crisis with flexibility and adaptability playing a critical role in their effectiveness.

Lastly, it is important to underscore deployment security enforcement in the manner in which effectiveness varies depending on these measures. Laws and policies can only vary in effectiveness depending upon their flexibility and ability to dynamically account for unforeseen practices. Very weak enforcement mechanisms poor resources, sociocultural barriers limit the effectiveness of these measures considerably.<sup>183</sup>

In conclusion, existing measures towards women's rights protection show variable effectiveness in times chest rushes, owing to factors like the measure's flexibility and adaptability, the crisis itself, and quality of implementation and enforcement among others.

#### **4.2 Barriers to Implementing and Enforcing Laws**

There are numerous barriers that prevent the effective implementation and enforcement of laws created to protect women's rights. The barriers involved can be categorized into sociocultural factors, economic limitations, institutional contexts (Kabeer, 2005). Every barrier plays a role adding to an overall systemic impedance that prevents the translation of women's rights from texts written in legal codes to practical reality.

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<sup>183</sup> Kabeer, N. (2005). 'Gender Equality and Women's Empowerment: A Critical Analysis of the Third Millennium Development Goal.' *Gender and Development*, 13(1), pp. 13-24. <https://www.jstor.org/stable/20053132>.

Sociocultural barriers play a significant part in blocking the execution of gender-equality laws. Cultures that espouse patriarchal structures and deeply ingrained gender stereotypes may not rush to transform themselves with these new laws.<sup>184</sup> In many societies, discriminatory norms forcefully reigning over the subordinate position of women persist despite efforts by the legislature put in place to prohibit such discriminations. Communities might fail to assent to these laws or abide by them even if crusading for their enactment out of perceptions that these belief systems do not sync up with their traditions and beliefs.<sup>185</sup>

Economic restraints add to this hindrance of women's rights' laws. There are holes within resources that lessen the ability of governments to establish and enhance infrastructures needed to execute both these laws. This includes funding awareness campaigns committed against equalities bills, training law officers on cases of violence against women, legal reinforcement to victims, and programs meant to empower the female population economically. For example, lack of economic support can hinder the effectiveness of legislations against domestic assaults since victims often lack the financial domineering capabilities to dash clear of abusive environments.<sup>186</sup>

Institutional hindrances double this impediment of women's rights' laws. Global organizations struggle heavily in decision-making capacities; they constitute legislative, executive, and judicial positions through women.<sup>187</sup> This underrepresentation creates a situation where there is easily no political cold to invigorate the legislature to promulgate their policies related to equality between men and women.

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<sup>184</sup> Bunch, C. (1990). 'Women's Rights as Human Rights: Toward a Re-Vision of Human Rights.' *Human Rights Quarterly*, 12(4), pp. 486-498. <https://doi.org/10.2307/762496>.

<sup>185</sup> Merry, S. E. (2006). *Human Rights & Gender Violence: Translating International Law into Local Justice*. Chicago: University of Chicago Press. [https://doi.org/10.1111/j.1540-5893.2006.00287\\_7.x](https://doi.org/10.1111/j.1540-5893.2006.00287_7.x).

<sup>186</sup> Meyer, S. (2016). 'Still blaming the victim of intimate partner violence? Women's narratives of victim desistance and redemption when seeking support.' *Theoretical Criminology*, 20(1), pp. 75 <https://doi.org/10.1177/1362480615585399>.

<sup>187</sup> Paxton, P., Kunovich, S., and Hughes, M. M. (2006). 'Gender in Politics.' *Annual Review of Sociology*, 33, pp. 263-284. <https://doi.org/10.1146/annurev.soc.33.040406.131651>.

Moreover, institutional consigning can also compromise the effectiveness of legislation, as violative practices connected to women overwhelmingly go unnoticed.<sup>188</sup>

Legal hurdles further superimpose difficulties and stand wires forbidding the effective implementing and enforcing of women's rights' laws. Behind this form of barriers refer to laws directly discriminating females from males. E.g., may result from property rules and family trajectory bugs thus messing up global inequalities.<sup>189</sup>

In conclusion, finding answers for these obstacles entail holistic and systematic approaches meeting at high levels relating to sociocultural factors, economic conditions, institutional conditions , and legal provisions. What's vital for any stepping forward would have to be ensure the achievement persists and one major priority would be ensuring that the women's rights are not just symbolic but bearable in enhancing importance of female identity.

## **Chapter 5. Recommendations**

### **5.1 Recommendations for Laws and Policies**

Current laws and policies regarding women's rights inherently hold numerous complications which make it crucial to critically evaluate and refine existing policy and law in order to protect against the disproportionate impacts of crises on women. The adequate protection of women's rights and challenging equality at all levels is a paramount theme during various crises that highlights their collective importance. While building those capacities to ensure each woman's fundamental needs are met, there remain several recommendations for further consideration:

First, specifically with regards to the spirit of CEDAW, legislation should be introduced that is meant to protect women from discrimination and other harm during crises. It entails being created particularly towards protecting women from an array of harms associated with different Crisis situations, whether economic, health-related or environmental. This could include introducing emergency funds aimed at

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<sup>188</sup> 45. Transparency International (2019). Global Corruption Barometer: Gender and Corruption. Berlin: Transparency International. <https://www.transparency.org/en/publications/global-corruption-barometer-lac-2019-women-corruption>.

<sup>189</sup> 50. World Bank. (2020). Women, Business and the Law 2020. Washington, DC: World Bank. <https://wbl.worldbank.org/en/wbl>.

providing financial support for women during economies that experience downturns as well as ensuring women's access to healthcare during pandemics and aspects or creating methods of resources and support for rural women affected by climate change.<sup>190</sup>

Second, Governments need to endeavor harder in making existing policies and governing more responsive towards crises. An Intersectional approach should form, considering what may be regarded as differences among groups of women. Strengthening the institutional capacity of enforcement bodies in designing and implementing laws and policies can inform strategic decisions along with providing adequate resources to make sure the laws are carried out adequately.<sup>191</sup>

Third, there should be strong emphasis on the active involvement of women. They have firsthand experiences necessary to developing effective policies that suit their needs within the context of crisis conditions. Another way to consider this recommendation involves considering research suggesting the particular effect that female decision makers can add to more peaceful societies than men.<sup>192</sup>

Fourth, Must establish ruggedly enforcing mechanisms. Laws and Policies alone cannot create change if not fully enforced. Institutional strengthening of bodies of enforcement and assuring adequate resources come into play in order to ensure the laws are implemented adequately.<sup>193</sup>

## 5.2 Recommendations for Practice

Practical measures are integral in protecting and promoting women's rights during crises alongside laws, policies.

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<sup>190</sup> United Nations. (1979). Convention on the Elimination of All Forms of Discrimination against Women. United Nations Treaty Series, 1249, 13.

<sup>191</sup> Charlesworth, H. (2005). Not waving but drowning gender mainstreaming and human rights in the United Nations. Harvard Human Rights Journal, 18, 1-18.

<sup>192</sup> Crenshaw, K. (1989). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. University of Chicago Legal Forum, 1989(1), 139-167.

<sup>193</sup> Charlesworth, H. (2005). Not waving but drowning gender mainstreaming and human rights in the United Nations. Harvard Human Rights Journal, 18, 1-18.

First, there need to be systematic, sustained efforts to ensure women's participation in decision-making processes at all levels from the household to the national and international level. Women's voices and experiences must be included to inform effective and inclusive crisis responses. This requires not just legal provisions for women's participation but active measures to facilitate their involvement such as capacity building programs, funding, supportive infrastructure.<sup>194</sup>

Secondly, targeted interventions are necessary to provide support to women during crises. For example, during economic downturns, interventions could include emergency cash transfers, food aid, or job programs specifically aimed at helping women. In pandemics, measures could involve ensuring women have access to healthcare services including sexual and reproductive health; and address the increase in gender-based violence due to lockdown measures. In climate change crises, interventions could aim at providing resources and support to women dependent on natural resources for livelihood.<sup>195</sup>

Thirdly, it is essential to challenge and change patriarchal societal norms that perpetuate gender inequality. Education, awareness campaigns, and advocacy efforts form key enabling endeavors to promote gender equality and women's rights—enable societal attitudes and behaviors to evolve. This is particularly key in crisis contexts whereby such norms often become exacerbated and can lead to an increase in discrimination and violence against women.<sup>196</sup>

Lastly, the international community has a proactive role to play in upholding of the rights of women during crises. This includes ensuring that international aid and relief efforts prioritize the needs and rights of women by both funding and program implementation. Also, global institutions and agreements like the UN and CEDAW must continually advocate for and monitor the status of women's rights during crises worldwide (United Nations, 1979).

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<sup>194</sup> O'Reilly, M. (2015). Why Women? Inclusive Security and Peaceful Societies. Inclusive Security.

<sup>195</sup> UN Women. (2020). *The Shadow Pandemic: Violence against women during COVID-19*. UN Women.

<sup>196</sup> UNFPA. (2020). Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation and Child Marriage. UNFPA.

### 5.3 Recommendations for Future Research

Ongoing research is important in advancing women's rights and gender equality during crisis. Future research needs to focus on how difficult it can be to comprehend the complexities and nuances of how crises affect women's rights, as well as exploring current or proposed strategies for mitigating negative effects and strengthening resilience.

In particular, future research should take an intersectional approach towards investigating how age, race, ethnicity, socio-economic status, disability, and geographic location intersect with gender to influence the experiences of women experiencing crises. Through this, a more nuanced understanding can be created or developed regarding what precisely women face diversely that deserves different targeted interventions based on their group.<sup>197</sup>

Likewise, there is significant room for further longitudinal studies in which effects of crises on women's rights and gender equality as they are experienced over time could be tracked. Such would enable valuable investigation into the enduring effects of crises and effectiveness of any intervention occurring after crises consequent thereto.<sup>198</sup>

Lastly, concurrent with exploration of women's participation by way of decision-making processes during crises, there is a need for future research on how their involvement can be enhanced. This entails further investigational expansion throughout factors and influences relating to gender including but not limited to how, specifically women experience and/or perceive gender conditions impacting crises) and evaluating the efficacy of various strategies for enhancing women's involved undertaking. Through such, it is possible to guide policy practice in creating effective crisis response strategies that are more inclusive and winning strategies.<sup>199</sup>

Such internationally oriented research would also include discussion of how important this factor is in terms of linkage between international law and mechanisms and upholding women's rights during

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<sup>197</sup> Crenshaw, K. (1989). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. *University of Chicago Legal Forum*, 1989(1), 139-167.

<sup>198</sup> *Ibid.*,

<sup>199</sup> O'Reilly, M. (2015). Why Women? Inclusive Security and Peaceful Societies. *Inclusive Security*.

crises, how effective conventions and treaties like CEDAW are at motivating and/or measuring/appraisal effectiveness of CEDAW convention and mechanisms implemented and effectual measures designed to strengthen these mechanisms.<sup>200</sup>

## Chapter 7. Conclusion

Invoking this issue and preparing a response to it is not an easy task. It demands the collective efforts of society, from both national and international organizations all the way down to local communities. As such, it is incumbent on us to fortify our understanding of the crises in our midst, their complexities, and the ramifications they are wreaking on women and prepare comprehensive, effective strategies to mitigate these impacts and foster resilience.

This importance cannot be overemphasized. More importantly, advancing women's rights and gender equality is not merely about justice and equitable issues but rather makes sense as regards sustaining development; peace, and prosperity.<sup>201</sup> However, during crisis situations, these rights are threatened and aggravated making existing inequalities worse and spawning new challenges for women.

The response to this will have to be multi-dimensional: it will involve legal, policy, and practical measures. Strengthening CEDAW provisions and ensuring effective enforcement against violations is key. Similarly, crafting policies/interventions that are cognizant of the various experiences and needs of women in crisis situations is also important. Further, securing enhanced participation of women in decision making processes, especially during crises can lead to more inclusive and effective responses.<sup>202</sup>

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<sup>200</sup> Charlesworth, H. (2005). Not waving but drowning gender mainstreaming and human rights in the United Nations. *Harvard Human Rights Journal*, 18, 1-18.

<sup>201</sup> United Nations. (2015). *Transforming our world: The 2030 agenda for sustainable development*. New York: United Nations.

<sup>202</sup> O'Neil, T., & Domingo, P. (2015). The power to decide women, decision-making and gender equality. *British Journal of Politics and International Relations*, 18(1), 1–24. <https://odi.org/en/publications/the-power-to-decide-women-decision-making-and-gender-equality/>.

Lastly, continuous research has to be done if nothing else because it will precede light into the ongoing challenges and extent of the effectiveness of current responses. This research allows for innovation through adopting novel solutions and evidence-based policies and practices that would better protect and further the advancement of women's rights.

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