

Working Together: Harnessing Human Rights to achieve Substantive Gender Equality and Intersectionality in the SDG Agenda

In proclaiming its ‘supremely ambitious and transformational vision,’¹, the 2015 SDG agenda makes an explicit commitment to protect human rights. The relationship between binding human rights and the SDG agenda, however, remains contentious and underdeveloped.. Yet to achieve its promise of empowering all women and girls and of leaving no-one behind, it is essential that human rights and the SDGs work together to further substantive gender equality.² Intersectionality is at the centre of this project.

Human rights differ fundamentally from development goals in their focus on the individual. Human rights are premised on the intrinsic value of each human being, insisting that humans cannot be regarded as a means to an end. Development goals, by contrast, measure success through the improvement of aggregate welfare. While aggregate improvements can be hailed as a success for development goals, a human rights approach focuses on each individual’s breach of their rights. Human rights can therefore cast a particular light on intersectional factors intensifying disadvantage in a particular individual. Since everyone is entitled to the equal enjoyment of their rights, attention must be paid to the specific way in which those who are most disadvantaged are unable to access their rights.

At the same time, closer attention needs to be paid to the meaning of equality, and specifically gender equality. For the SDGs to be truly transformative for women, it is crucial to ensure that they are infused with a transformative understanding of gender equality. This requires an understanding of gender equality which goes beyond striving for the same treatment for women as men. This misses key elements of women’s inequality. In particular, it misses women’s specific gendered disadvantage and the way in which stigma and stereotyping trap women into particular roles and especially how this sexualisation of women and their lack of power leads to violence. This view also misses the crucial lack of voice for women; both in political decision-making, and in the home. Fourthly, the right to equal treatment focuses on individual perpetrators, missing the structural and institutional forces

¹ *Transforming our World: the 2030 Agenda for Sustainable Development* agreed on 25 – 27 September 2015 para 7 <https://sustainabledevelopment.un.org/post2015/transformingourworld> (accessed 25 Mar 2018)

² See S Fredman ‘Working Together: Human Rights, the Sustainable Development Goals and Gender Equality’ (British Academy, 2018) <https://www.thebritishacademy.ac.uk/publications/justice-equality-working-together-human-rights-sustainable-development-goals-gender-equality>

that create and perpetuate inequality. It is possible instead to use a notion of equality of opportunity or equality of results. But these too are not nuanced enough to capture the complexity of women's inequality.

Instead, I have argued that four dimensions of equality, and their interaction with each other, all need to be taken into account. They are: **redressing disadvantage (the redistributive dimension); addressing prejudice, stigma, humiliation and violence (the recognition dimension); facilitating voice and agency (the participative dimension); and transforming structures (the transformative dimension).**³ The dimensions need to be applied simultaneously. A measure redressing disadvantage would not meet this standard if it aggravated stigma or stereotyping. Nor would such a measure be sustainable unless it also addressed the underlying structures perpetuating disadvantage. Women's voice and participation are crucial in all the dimensions. This framework has been adopted in domestic and international human rights law, most recently by the CRPD in its General Comment on equality and disabled persons.⁴

Monitoring through data collection helps illuminate the first dimension, the extent to which disadvantage is being redressed. However, women's poverty cannot be characterised solely in terms of income poverty.⁵ It is also a result of the fact that women continue to play the primary role in caring, both directly and through domestic work. Unpaid caring roles significantly limit women's access to decent paid work, leaving many women with no choice but to accept precarious and low paid work. In some developing regions, 75% of women's paid work is informal and unprotected.⁶ This means that attention must be paid to the second dimension: the stereotyping of women into particular roles. The second dimension also puts the spotlight on the scourge of violence against women, often related to stereotyping women into sexualised objects. Domestic violence and divorce are some of the biggest precipitants of women into poverty. Racialised women, disabled women and LGBTI people suffer intensified violence.

³ S Fredman, 'Substantive Equality Revisited' (2016) 14 International Journal of Constitutional Law 712

⁴ UK Equality Act 2010, s.149; UN Women Progress of the World's Women *Transforming Equalities: Realizing Rights* (2015-16) chapter 1; Committee on the Rights of Persons with Disabilities General Comment No. 6 (2018) on equality and non-discrimination; para 11.

⁵ S Chant, 'The 'Feminisation of Poverty' and the 'Feminisation' of Anti-Poverty Programmes: Room for Revision?' [2008] 43 Journal of Development Studies 165-197 174

⁶ UN Women 2015, Progress of the World's Women.

Crucially underpinning gendered poverty is the imbalance of power. Household income may bear no relation to women's poverty because women may not be able to access it.⁷ This requires attention to both the third and fourth dimensions of transformative equality, participation and structural change. Where women cannot participate in decision-making, whether in the broad political field, or in the home and local community, their inequality is deepened. Moreover, the imbalance of power is deeply embedded in the structures and institutions of society. Without structural change, it is unlikely that sustainable progress can be made along the other three dimensions.

This is particularly so for intersectionality, which needs to be seen through the lens of power relations. Some characteristics can coincide with both power and powerlessness, depending on the relationship. Thus white women are subject to patriarchy, but benefit from their position in the racial hierarchy. Correlatively, black men are subject to racism, but benefit from their position in the patriarchal structure. Black women, by contrast, are subject to both patriarchy and racism, which together are not merely a sum of the parts, but a specific and synergistic power relationship.

Bringing intersectionality into the monitoring process thus requires attention to be paid simultaneously to all four dimensions and their relationship with each other. Women at the intersection are subject to intensified disadvantage in combining their caring roles with participation in paid work if poor housing conditions make domestic work more arduous and residential segregation makes access to education and paid work more difficult. Similarly, stigma, stereotyping and violence are intensified where gender stereotyping is compounded with race, disability, gender, sexual orientation and poverty. Women at this intersection also face higher barriers to participation (the third dimension), whether in the home, community, or nationally. Particularly importantly, the multi-dimensional approach insists on scrutinizing who has voice: combining the dimensions shows the necessity for facilitating voice of those most disempowered. The final, transformative dimension requires attention to be paid to structural change which accommodates difference between women as well as between men and women.

The importance of bringing together the SDGs and human rights within a framework of transformative gender equality can be seen by considering one of the most pressing issues of intersectional disadvantage: adolescent pregnancy. Pregnancy and childbirth complications

⁷ S Chant, 'Rethinking the Feminisation of Poverty' (2006) 7 *Journal of Development and Capabilities* 201, 208.

are the leading cause of death among 15 – 19-year-olds globally and there are 3.9 million unsafe abortions within this age category each year. In all countries, whether high-, middle- or low-income, adolescent pregnancies are more likely to occur in marginalized communities, characterized by poverty, lack of education and employment opportunities.⁸ Early and unintended pregnancy also has major detrimental effects on adolescent girls' social and economic opportunities, as well as that of their families and future generations. To address these issues requires a holistic approach encompassing all the dimensions of substantive equality. Focusing on redressing disadvantage (the first dimension) highlights the importance not just of proper health care and access to safe abortion, but of facilitating girls to remain in school. It has been shown that for each additional year of education, there is a 10 per cent reduction in fertility. At the same time, pregnant girls at school are frequently subjected to stigma and prejudice and often excluded from school. Redressing disadvantage therefore needs to be accompanied by addressing stigma and violence (the second dimension): providing safe school environments for girls, and protecting them against stigma and expulsion if pregnant at school. A major cause of unintended pregnancy is sexual violence. It is therefore particularly important to focus on the violence both in school and on the way to school. At the same time, the voices of those affected need to be heard (the third dimension). Effective solutions need to be responsive to the ways in which adolescent girls and boys themselves perceive their situation. Behind this is a need for systemic change (the fourth dimension). Particularly important are measures giving girls the opportunity of avoiding early pregnancy in the first place, including the provision of comprehensive sexuality education for both boys and girls, access to contraception and health services; and reducing child marriage.

Both the SDGs and the human rights framework bring important resources to achieve these goals, but they need to be aligned and shaped to work together to achieve substantive equality in all its dimensions. Thus addressing adolescent pregnancy is a facet of SDG 1 on eliminating poverty, SDG 3 on promoting healthier lives, SDG 5 on gender equality and SDG 16 on building peaceful and inclusive societies. These set the aggregate goals to be achieved by 2030. These need to be complemented by the individual rights to life, education, health, personal security and equality, which are binding obligations on the State. The four-dimensional approach to equality facilitates the alignment of all these resources to address the

⁸ WHO Fact Sheet Adolescent Pregnancy 31 January 2020 <https://www.who.int/news-room/fact-sheets/detail/adolescent-pregnancy>

very specific obstacles that face these adolescent girls at the intersection. If the SDGs and human rights can be made to work together to achieve the overriding vision of transformative equality for adolescent girls, then the SDGs will be more than a set of grandiose but ultimately empty promises.



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