

**Third session of the UN Forum on Minority Issues**  
**Theme: Minorities and Effective Participation in Economic Life**  
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**Presentation on “Discrimination of minority women in economic life”**

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I am honored to address this august assembly and share with it my experience as a member of the CEDAW Committee.

I would like to bring a stronger gender dimension to our debates related to the major topic of “Minorities’ participation in economic life” and emphasize the specificity of minority women’s situation in the labour market.

**Gender equality and non-discrimination**

There is a growing general awareness that the economic and political empowerment of women, including of those belonging to national or ethnic, religious and linguistic minorities and to other vulnerable groups are essential for guaranteeing their contribution to the socio-economic management of the society, on an equal footing with men, and according to their capacities. No genuine democracy and sustainable development can be ensured without a real equality of opportunities between women and men, without a more equitable division of resources and power between genders.

***Women’s economic empowerment*** is at the very core of the Convention on the Elimination of All Forms of Discrimination against Women which specifically addresses employment area in its article 11. It must be seen in relation with articles 13 and 14 of the Convention which are key provisions for the promotion of women’s economic independence in urban and rural areas, as well as with other core articles dealing with equality and nondiscrimination (art.2), gender stereotyping (art.5), temporary special measures (art.4) etc.

In Art.11, the Convention prohibits women’s discrimination in employment in both public and private sectors. It provides a clear picture of various forms of work-related discrimination against women which should be eliminated by States Parties through “all appropriated measures”. It emphasizes women’s rights, on an equal footing with men, to work and to choose professions and jobs. Women have an equal right to training and retraining, to enjoy the same treatment as men with respect to recruitment, pay, promotion, as well as to social security, benefits and pensions. Women should also enjoy safety protection in working conditions, including the “safeguard of the function of reproduction”. Sex-segregation in labour market causes indirect pay discrimination against women in female-dominated sectors, because their work is less valued than work in male-dominated sectors. Therefore, it is of particular importance to guarantee women’s right to equal pay for “work of equal value” and of “equality of treatment in the evaluation of the quality of work”.

**Sex and gender, an additional ground of discrimination for minority women**

Concerning the specific situation of minority women, it is true that, like in the case of other groups of women except for rural women, it is not explicitly referred to in the CEDAW Convention. But the Convention is a living document allowing for further interpretation and clarification.

The CEDAW Committee which monitors implementation of the Convention has been entrusted with the authority to develop its jurisprudence and continue to interpret the Convention in light of the knowledge developed in the area of human rights since its adoption.

Over the past years the Committee has addressed ever more systematically the precarious situation of minority women in labour market and the numerous challenges and barriers they encounter in their access to economic life. It has expressed its concerns in the constructive dialogue with states parties during the examination of their reports as well as in its country-tailored concluding observations. Yet, states parties' reports still contain little information about minority women's involvement in the economic life. Most of this information comes from alternative sources, including from NGO's, UN entities and academic analyses and studies.

The concluding observations of the Committee offer useful guidance on the actions to be taken by states in order to improve minority women's status, including in employment area.

In order to accelerate de facto (or substantive) equality of minority women the Committee strongly recommends the use of **temporary special measures (TSM)** in accordance with Article 4, paragraph 1 of the Convention and its General Recommendation No 25, particularly in the areas of education, employment and political representation. TSM - which is the CEDAW's terminology for positive or affirmative action - do not represent a form of discrimination against men and their application is limited in time. To be effective TSM must be understood as a valid opportunity to redress historical gender imbalances. They should be incorporated in a comprehensive equality strategy and be taken in conjunction with the general social policies and gender mainstreaming. TSM may cover a broad spectrum of tools, policies and practices, from benchmarks and quotas to targeted recruitment, hiring and promotion.

Minority women's status has also been tackled by the Committee in its recent General Recommendations on women migrant workers (GR 26), on older women (GR 27) and on the core obligations of states parties under Article 2 of the Convention (GR 28), in connection with the issue of **multiple forms of discrimination**.

The Committee emphasizes (in GR 28, para.18) that "the discrimination of women based on sex and gender is inextricably linked with other characteristics that intersect women such as race, ethnicity, religion or belief" or other factors and that "it may affect women belonging to such groups to a different degree or in different ways than men". Therefore, States Parties are called upon "to recognize and prohibit such intersecting forms of

discrimination and their compounded negative impact on the women concerned” and to eliminate them through appropriate policies and programs.

On the other hand, it is noteworthy the ***Optional Protocol*** to the CEDAW Convention which established two complaints procedures – an individual complaints procedure (art. 2) and an inquiry procedure (art. 8) in order to address violations of women’s rights. This important instrument which has already enriched the international jurisprudence, particularly in the area of domestic violence, must be more widely disseminated and better utilized to the benefit of women belonging to national or ethnic, religious and linguistic minorities, including the Roma women, and to other vulnerable groups of women.

### **Challenges and barriers to women in work place**

As shown by the CEDAW Committee’s consideration of reports from states parties and by various studies, minority women face numerous challenges and barriers in their access to labour market and full participation in the economic life.

There is a wide range of barriers from those pertaining to deep-rooted forms of discrimination experienced by minority women such as gender stereotyping, violence and coercion, limited access to education and public representation, up to institutional obstacles and cultural challenges. Women’s vulnerability is exacerbated by poverty, illiteracy and lack of economic independence. Discriminatory laws and practices, particularly in the customary law, that have persisted in many countries, in areas such as personal status, domestic violence, property rights, inheritance and employment have a direct negative impact on women.

From among the main barriers to entrance to labour market for minority women we note: lack of professional education and of formal qualifications, limited knowledge of the official language, low awareness of job opportunities, geographical location of jobs away from place of residence, lack of public infrastructure for childcare and financial problems.

Likewise, some cultural traditions and settings may discourage women’s involvement in employment, in particular domestic responsibilities and childcare as well as stereotypical mentalities and family or community pressures against women’s working outside the home.

On the other hand, women belonging to minority groups are often subject to unfair treatment and discrimination as well as to sexual harassment in the workplace. Moreover they are more vulnerable to the impact of economic crises and to high rates of unemployment.

Another cause for concern is the concentration of women in the workforce in general, and minority women in particular, in the informal economy because of their difficulties to accede to formal sector. They work in lower paid areas, in small enterprises, self-employed businesses, in domestic work and as unpaid family workers and caretakers. Within the informal economy women have more often than men jobs with low and unstable earnings and face higher risks of poverty. Likewise, they are often excluded from social protection programmes, benefits and pensions.

### **Remarks and recommendations**

I wish to commend the excellent set of “Draft recommendations on minorities and effective participation in economic life” submitted to the Forum’s attention and to express my personal support for these proposals.

At the same time I emphasize the need to mainstream a ***stronger gender dimension*** in our approach and duly take into account the specificity of discrimination against minority women, which is amplified by the intersectionality of multiple grounds of discrimination.

It is important to pursue the implementation of Beijing Platform for Action’s recommendations, in particular of those spelt out in the section on “women and the economy” as well as to devote increased attention to fully attaining Millenium Development Goals, including Goal no.3 that engages member states’ commitment to gender equality and women’s economic and political empowerment.

I also believe that the work and recommendations of CEDAW Committee and of the other human rights treaty bodies, of the Human Rights Council, of OHCHR and UN specialized agencies, are particularly useful and relevant and should be better utilized for pushing further the agenda of protection and promotion of human rights of the persons belonging to minority groups. Monitoring progress in the implementation of these recommendations should be a priority in our joint efforts to support minorities.

Besides, I warmly recommend the development of a strong cooperation with respect to minority women with the newly established UN WOMEN.

Furthermore, we need to address minority women and men’s participation in the economic life in the broader context of their general status in the societies and communities where they live. Their economic empowerment should be accompanied by their political empowerment and by guarantees against any interference with their liberty, dignity and integrity.

All this requires a strong political will and concrete measures to be taken, nationally and locally, first and foremost by the Governments which hold primary responsibility for the promotion and protection of human rights. They should work in partnership with other main stakeholders, local and regional authorities, non-governmental organizations, companies, trade unions and employers’ organizations and international community.

Thank you for your attention.