



## ESC rights: PUSHING THE FRONTIERS

### #1 | Women and public services

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#### From gender-responsive to gender-transformative public services

This briefing paper aims to explore the role of public services in the transformation of asymmetrical power relations between women and men. Released on International Women's Day, the brief argues that public services can play a decisive role in this transformation, by fostering a critical examination of gender roles, redistributing resources and opportunities and strengthening positive social practices that enhance gender equality. It puts forward five key elements for a gender-transformative approach to the management, delivery, funding and ownership of public services.

This publication is part of our **'Pushing the frontiers of economic, social and cultural rights'** series, which aims to foster collective reflection among activists, practitioners, organisations and communities on how we can, together, further develop the human rights framework as an axis and tool for transformative change to tackle imbalances of power, social and economic injustices, and environmental destruction.

#### *Introduction*

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There has been remarkable progress in the advancement of gender equality in the last few decades, from the strengthening of women's rights in legal and constitutional frameworks to a lowering of the gender gap in education.<sup>1</sup> Nevertheless, this progress in women's equal rights has been met with strong political resistance, including from groups claiming to defend family values, religion, and culture. The escalating and intersecting global environmental and inequalities crises, compounded by the effects of the COVID-19 pandemic, add to the factors that put women's rights at risk. These compounded adverse impacts on women's rights are the consequence of deeply ingrained power imbalances between women and men. In the face of these historic and emerging challenges, public services can play a decisive role in the transformation of the asymmetrical and unjust power relations between women and men. Public services enable us to tackle not only the consequences, but also the systemic and underlying factors—the uneven power imbalances — underpinning gender inequality.

#### *The COVID-19 pandemic has exposed and exacerbated gender inequality*

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The COVID-19 pandemic has acted as a prism through which the consequences of structural gender inequality have been revealed.

Women have suffered disproportionately from job losses and reduced income as a result of the economic fallout of COVID-19.<sup>2</sup> This reflects the fact that women are overrepresented in sectors that have been most impacted by the decline in economic activity resulting from COVID-19: approximately 41% of employed women work in one of the four sectors (accommodation and food services; real estate, business and administrative activities; manufacturing; and retail) identified by the International Labour Organization (ILO) as being the most at risk in terms of job losses and reductions in working hours, compared to 35% of employed men.<sup>3</sup> In addition, women make up 80% of domestic care workers, for whom the consequences of COVID-19 have been particularly severe, with 72% having lost their jobs since the pandemic hit.<sup>4</sup>

Women are also more likely than men to work in informal employment in the majority of countries globally, particularly in low-income countries (where 92.1% of employed women work in informal employment compared to 87.5% of men) and in lower-middle-income countries (where 84.5% of women are in informal employment compared to 83.4% of men).<sup>5</sup> Women are thus less likely to have access to social protection and other working benefits and have fewer possibilities to benefit from the safety nets that States are implementing to mitigate the economic and social effects of the pandemic.<sup>6</sup> The hard toll taken on women's main sources of income and employment has consequently exacerbated the global feminised outlook of poverty.

Across more than 20 countries in Asia and Europe, data from July 2020, shows that, despite the fact that in some countries men and boys are stepping up, women are disproportionately shouldering the burden of additional care and domestic work in the context of COVID-19.<sup>7</sup> Data collected in July 2020 shows, for example, that women within the European Union were spending an average of 62 hours per week caring for children and 23 hours per week on housework, compared to 36 hours and 15 hours for men.<sup>8</sup> As the pandemic has put further pressure on public health systems that have already been strained by the effects of privatisation and austerity measures,<sup>9</sup> additional caring responsibilities have been shifted.<sup>10</sup> In these scenarios, women tend to be the ones filling in the gaps for the lack of goods and services to which dependant family members no longer have access.<sup>11</sup> Even before the COVID-19, evidence from recent previous pandemics showed that, for instance, in the Dominican Republic in 79 per cent of the cases women were solely responsible for caring for sick family members during the Zika crisis.<sup>12</sup> Emerging evidence from UN Women's rapid assessment surveys suggest that these trends have persisted during the unfolding COVID-19 crisis.<sup>13</sup> Data demonstrates that during the COVID-19 pandemic the gender gap in care has substantially increased in most countries.<sup>14</sup>

Women are also at the frontlines of the battle against the virus. Globally, 88% of personal care workers and 69% of health professionals are female.<sup>15</sup> Care workers, and thus overwhelmingly women, have been facing increasing working hours in precarious working conditions that expose them to a higher risk of getting infected by the

COVID-19. In Spain, for instance, 71.8% of infected health-care workers are women.<sup>16</sup>

Gender-based violence often increases during emergencies, whether due to natural disasters, economic crises, conflict or disease outbreak, and this pandemic is no exception.<sup>17</sup> Stuck at home, women have to spend much more time with their aggressors without access to normal domestic violence support services. In Peru, for instance, calls made to helplines for domestic and gender-based violence increased by 48% between April and July 2020.<sup>18</sup> The rise of what was already an epidemic of domestic and sexual violence raises greater threats to the security and well-being of women.

### *The interlinkages between human rights law, public services, and women's rights*

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International human rights law requires that States ensure that services essential for the realisation of economic, social and cultural rights (ESCR), such as health care, education, and water and sanitation, be provided in a democratic and non-commercial way, with public control, for the public good.<sup>3</sup> United Nations human rights treaty bodies and special procedures experts have in a number of instances explicitly stated that States have an obligation to provide public services, both generally and in relation to specific ESCR.<sup>4</sup>

In addition, treaty bodies have indicated that public services are essential for the realisation of women's rights. The Committee on Economic, Social and Cultural Rights has noted that "reductions in the levels of public services [...] have a disproportionate impact on women, and thus may amount to a step backwards in terms of gender inequality".<sup>19</sup> The Committee on the Elimination of Discrimination Against Women has also highlighted that cuts to public services have a "detrimental and disproportionate impact in women in all spheres of life"<sup>20</sup> and that the privatisation of services such as healthcare and education has specific negative consequences for women and girls.<sup>21</sup>

### **Can we transform power asymmetries between women and men?**

Feminists and women's rights activists have used the term "gender" to point to the deeply embedded social structures that result in the unequal position of women as a group and the entrenched asymmetries of power that are pervasive between women and men throughout the world. Historically, this hierarchical system disproportionately distributes power (resources, rights and opportunities) to males by establishing widely-held perceptions that overvalue 'masculinity' and that, in turn, organise everyday life processes and institutions to privilege and favour men over women.

However, these power imbalances are not written in stone. Different cultures construct gender in different ways. The status and value that a particular society places on different genders varies with time, and from one community to another. This means that gender traits and roles that subordinate women are far from being immutable —they are the result of social practices and processes and, as such, gender relations— and the power relations underpinning them — and can and should be transformed to build more equal societies.

## Human rights law requires gender-responsive public services

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Human rights bodies and experts have commented extensively on how public services should be funded, owned, managed, and delivered under human rights law. In relation to women's rights and the advancement of substantive gender equality, the international human rights framework has established the following three broad criteria:

- **Non-discrimination and equality.** This fundamental principle requires public services to be accessible to all women in their full diversity. To this end, it is critical to incorporate an intersectional analysis to ensure specific groups of women who tend to be especially stigmatised and marginalised have access to essential public services without discrimination. Temporary special measures, such as positive action and preferential treatment focused on specific groups of women, will in many cases be necessary to ensure women's equal access.<sup>22</sup>
- **Safe, non-violent environment.** Prejudicial attitudes that perceive women as subordinate to men promote widespread violence, harassment or abuse, which is often reproduced in public spaces, including in public services facilities or while women are traveling to or returning from these facilities.<sup>23</sup> States need to improve security conditions by adopting laws and policies specifically tailored to redress cases of gender-based violence and invest in quality public infrastructure and adequate training for public sector workers to avoid any form of violence on the basis of gender.
- **Responsive to women's specific needs.** Public services need to take into consideration sex- and gender-specific needs in order to remove barriers that restrict access to public services and deliver services that are appropriate to women in all their diversity according to their life cycles.<sup>24</sup> For instance, due to a person's reproductive capacities they may require specialized health services, particularly in the areas of family planning, pregnancy, gender-affirming treatments, and during the pre- and post-natal period.<sup>25</sup>

## Towards a gender-transformative approach to public services

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This traditional understanding of *gender-responsive* public services represents a significant advancement from gender-unequal or gender-blind approaches (which perpetuate or ignore gender-based discrimination), which are too often the norm. However, it is still limited to addressing the consequences or "symptoms" of gender inequality and does not tackle the structural

social practices that give rise to the unequal distribution of power between different genders. The level of ambition of public services must be raised if we are to meaningfully advance towards gender equal societies: this is a *gender-transformative* approach to public services.

According to the literature, gender-transformative approaches seek to tackle harmful gender norms and imbalances of power between persons of different genders that are at the root of gender inequality.<sup>26</sup> Applying this lens to public services means considering public services as a central tool to reallocate power equally between genders – and thus, in the current context, to foster a critical examination of gender roles, redistribute resources and opportunities, and strengthen positive social practices that enhance gender equality. Going beyond empowering and improving the living conditions of specific individual rights-holders by increasing access or ensuring the quality of public services, gender-transformative public services promote more cooperative, democratic, and equal forms of distributing information, opportunities, and resources between men and women to benefit the society as a whole.

A gender-transformative approach to public services is underpinned by an understanding of public services as a cumulative, broad-based and diverse set of interventions that over time are able to change unjust social structures, including gender inequalities. This is a departure from the idea of public services as specific interventions in response to single needs - for instance, providing maternal health or delivering primary education. It considers public services as part of a broader reflection on the reallocation of power and resources, and a concerted effort to focus on comprehensive structural and community-based approaches to the reorganization of public services

A gender-transformative approach to the management, delivery, funding and ownership of public services requires:

- **Adopting transformative and multidisciplinary agendas.** This includes the adoption of multiple strategies to challenge persistent negative gender roles or stereotypes by, for instance, encouraging men to be aware of their childcare responsibilities, launching communications campaigns to change perceptions on women's and men's roles in society, and through the provision of resources to allow victims, as well as perpetrators of gender-based violence to receive adequate treatments to end cycles of violence. In 2020, the European Union jointly with UN WOMEN and UNFPA launched a promising initiative that adopts this gender-transformative approach. The aim is to strengthen equal opportunities for women and men and

transform gender-stereotyped behaviour in six countries in Eastern Europe through the adoption of multiple strategies and interventions, including working with “local health-care facilities to increase men's engagement in prenatal care and establish networks where fathers can benefit from peer-to-peer exchange”.<sup>27</sup>

- **Developing coordinated and multisectoral responses.** Different public services (e.g., education, health, water and social security) must have coordinated and integrated agendas to simultaneously tackle different dimensions of gender inequality. In 2015, the government of Uruguay established an integrated set of public services—coordinated and implemented by several state authorities working in the health, social security, labour, social development, finance, and education sectors — to create the National Integrated Care System as a structural measure to socially reorganise uneven care systems that encroach upon human rights with a disproportionate impact on women.<sup>28</sup>
- **Ensuring gender-equality in governance.** It is critical to ensure the active, effective, and meaningful participation of women designing, organising, and managing public services. This requires us to ensure gender equality with regard to the power- and mandate- holders of the public authorities or institutions managing public services, such as, for instance, school boards.

- **Allocating sufficient public resources and gender budgeting.** This requires the channelling of public resources, which should be raised fairly and on a progressive basis through taxes or other means, towards services that actively address gender inequalities. Transformative change in gender relations is a long-term objective, often intergenerational, and it requires specifically targeted and sustainable sources of funding to be attainable.
- **Exploring different modalities of public and social ownership.** The widespread privatisation of public services has raised several human rights concerns.<sup>29</sup> Finding alternatives, such as public-public partnerships, people-centred businesses (cooperatives), municipalisation and other models of collective and democratic ownership could allow us to, on the one hand, pursue ambitious goals in the public interest, such as the transformation of power imbalances between genders, and, on the other, be responsive to the specific cultural traits that shape gender inequality in each community.

Together, these ideas could instigate a shift in current paradigms and allow us to reclaim public services for a gender-equal recovery post- COVID-19 and a just and sustainable future.

## Endnotes

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## About GI-ESCR

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The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) is an international non-governmental human rights advocacy organisation. Together with partners around the world, GI-ESCR works to end social, economic and gender injustice using a human rights approach.

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