Submissions by IWRAW Asia Pacific on the Zero Draft of the Doha Programme of Action for Least Developed Countries (8 August 2021)

1. Introduction

International Women’s Rights Action Watch Asia Pacific (IWRAW Asia Pacific) is an international women’s rights and feminist organization based in the Global South and committed to the full realisation of women’s human rights through the pursuit of equality. We work for the advancement of women’s rights globally, ensuring the implementation of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) using the substantive equality and a non-discrimination framework as the basis of our analysis and advocacy for the progressive interpretations of women’s human rights, including in creating momentum and co-organizing spaces to address the macro-level legal, policy, and social contexts which impacts on the daily realities of women and girls.

This statement is made in relation to the Zero Draft of the Doha Programme of Action for Least Developed Countries (the “Zero Draft”) and in advance of the 5th United Nations Conference on Least Developed Countries, scheduled for January 2022 in Qatar (“LDC5”). IWRAW Asia Pacific endorses the submissions made by the Third World Network and Social Watch, the Women’s Working Group on Financing for Development, and the Civil Society Working Group on Financing for Development and encourages State Delegates to refer to their recommendations for the removal of the structural barriers faced by LDCs - the elimination of which goes hand-in-hand with the elimination of gender discrimination and is central to the success of the LDC5 process.

We invite the Preparatory Committee and State Delegates to consider this statement as a first step in strengthening the integration of a gender perspective throughout the Zero Draft. This integration is essential to achieving the scope and scale of structural transformation identified in the Zero Draft and called for by civil society through the LDC5 preparatory process.

First, we welcome the steps taken by the Preparatory Committee, particularly the Permanent Representatives of the Republic of Bangladesh and Canada, in organising civil society consultations and expressing a commitment to meaningful and continued engagement with civil society. We further welcome confirmation within the Zero Draft of the importance of core international human rights instruments, the recognition of the differentiated and structural challenges faced by women in LDCs, and the centrality of eliminating all forms of discrimination against women to achieving sustainable development.
We are confident that the Preparatory Committee and State Delegates recognise the fulfilment of women’s human rights and gender equality as an essential and cross-cutting issue that must be integrated into all parts of the Programme of Action.

However, we note that the Zero Draft falls far short of achieving the above standard. An express commitment by the Preparatory Committee and State Delegates to fully integrate a gender perspective into the Doha Programme of Action is needed, including a commitment to engage in inclusive and meaningful consultations with diverse women’s rights and feminist activists on the textual amendments required to create a gender responsive and transformative Programme of Action.

This statement provides some examples of both the cross-cutting issues that need to be considered throughout the Zero Draft and the kinds of textual amendments that are required to meet international standards on women’s human rights and gender equality. It is not exhaustive. And silence on a particular section does not mean that we endorse the framing or language used. Rather, as noted above, we invite the Preparatory Committee and State Delegates to view this statement as a first step in a comprehensive review of the Zero Draft and commitment to the full integration of a gender perspective and ensuring that women’s voices, rights, experiences, and visions are visible and prioritized throughout the LDC5 process.¹

Please refer to the attached Annex for a non-exhaustive list of comments and text suggestions to begin shifting the Zero Draft towards alignment with minimum international standards on women’s human rights and gender equality.

2. Cross-cutting themes necessary for integration of gender perspective into Zero Draft

The following cross-cutting themes reflect a gender responsive and human rights-based approach to the eliminating inequality and discrimination within the global economic and financial architecture and are guided by the principles of international cooperation, global solidarity, and democratic global governance. It focuses on the CEDAW Convention as a framework for integrating a gender perspective throughout the Zero Draft. However, the principles and obligations outlined below are confirmed by multiple international and regional human rights bodies and mandate holders.

- **Applying the CEDAW Principles:** The principles described below apply to all areas of economic, social, political, civil, and cultural life. They provide a framework for analysing existing laws, policies and plans of action (such, as the Zero Draft) to determine whether they contribute to the elimination of all forms of discrimination against women and work towards the long-term transformation of the institutions and structures that maintain

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¹ For an example of this approach within other UN high-level negotiations, see the work of the coalition of Feminists for a Binding Treaty, who have been successfully advocating for the full integration of a gender perspective into the Draft Legally Binding Instrument on Business and Human Rights since the start of the negotiation process. For example, https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/GeneralStatements/NGOs/WomankindWorldwide_F4BT_General_Statement.docx.
unequal gender relations. These principles cannot and should not be siloed or confined to the issues identified under the subheading, “Empowerment of women, girls and youth to address inequality and drive economic growth” (Zero Draft, paras. 48-53). They are integral to and interconnected with all matters of development, including macro-level, structural issues, such as trade, investment, financing and resource mobilisation, global governance, and technology, among others.

- **Substantive equality**: The concept of equality is traditionally understood to mean “the right to be equal to men”. This becomes problematic when it is extended to the understanding that women must be treated exactly like men if they are to gain equality with men. Initiatives for the realisation of women’s rights need to compensate for or cater to the difference, disparity, or disadvantage, rather than a “one size fits all” approach. Substantive equality means taking into account the ways in which women are different from men, and ensuring that these differences are acknowledged and responded to by State measures toward achieving equality.\(^2\)

In the context of development and global economic and financial structures, it includes recognising how gender inequality is maintained or exacerbated by dominant approaches macro-level economic policy and assessing the distributive outcomes and results of each section of the Zero Draft, with the aim of designing measures and commitments towards the creation of both equality of opportunity and equality of results, while transforming unequal gender relations in the process. This requires an understanding of the gender stereotyping norms and attitudes that underpin unequal economic and development relationships at the global level,\(^3\) developed through the meaningful participation of diverse groups of women rights advocates at all stages of the LDC5 process.

- **Non-discrimination**: Substantive equality is achieved through the elimination of all forms of discrimination against women. This means ensuring laws, policies, and plans of action are not discriminatory in either how they are designed or in their effect or outcome and requires taking into account the lived experiences of women in regard to intersecting forms of discrimination based on class, race, caste, ethnicity, sexual orientation, age, disability, religion, and migrant status, among other forms of discrimination.\(^4\)

- **State obligation**: The CEDAW Convention is one with one of the most widely ratified international human rights treaties with 189 State Parties and only six States worldwide that have not sign-on.\(^5\) Every country that is a signatory to the CEDAW


\(^3\) See, for example, Aishu Balaji, Diyana Yahaya, and Michelle R. Maziwisa, *Creating a feminist alliance for trade justice*, July 2020, available at: [https://www.openglobalrights.org/a-feminist-alliance-for-trade-justice/](https://www.openglobalrights.org/a-feminist-alliance-for-trade-justice/)


\(^5\) The only countries that have not ratified CEDAW are the United States of America, Somalia, Sudan, Iran, Palau, and Tonga. See: [https://tbinternet.ohchr.org](https://tbinternet.ohchr.org)
Convention has voluntarily agreed to a range of legally binding obligations to eliminate discrimination against women and bring about substantive gender equality in all areas of “political, economic, social, cultural, civil [life] or any other field”, including the extra-territorial obligations of non-LDC countries involved in the design, monitoring, and implementation of the Doha Programme of Action. Through preambulatory statements, they have also confirmed the importance of an “international economic order based on equity and justice” to achieving gender equality and the political participation of women as essential to the “full and complete development of a country, the welfare of the world and the cause of peace.”

- Intersectionality and the rights of marginalised or disadvantaged groups of women:
The CEDAW Committee has confirmed that the gender discrimination and inequality must be understood intersectionally, noting that “the discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity.” States are therefore required to design programmes and policies that eliminate intersectional gender discrimination and, where appropriate, implement “temporary special measures” to address the historical disadvantages faced by women.

This means paying particular attention to the rights of marginalised or disadvantaged groups of women, including where barriers to access to fundamental rights are exacerbated by poverty or economic crises. These principles apply to all areas of State obligation and regulatory function. Policy coherence is critical to removing the structural barriers faced by LDC countries and States must take all necessary measures to eliminate intersectional gender inequality from policies and programmes across different sections, including trade and investment, social protection, agriculture, climate change policy, and urban planning, and among. This requirement extends to the extra-territorial obligations of non-LDC countries involved in the design, monitoring, and implementation of the Doha Programme of Action.

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7 UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, Preamble, available at: https://www.refworld.org/docid/3ae6b3970.html
11 UN Committee on the Elimination of all Forms of Discrimination against Women, General recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.
Removing structural barriers and achieving gender equality: Throughout the Zero Draft and Preparatory Meetings, the Preparatory Committee and State Delegates have begun to show a commitment to the promotion of women’s human rights and advancement of gender equality through the LDC5 process. However, gender equality will not be achieved without the removal of discriminatory structural barriers within the global development and economic architecture, including trade barriers, the curtailment of Official Development Aid (ODA), and reliance on public private partnerships (despite longstanding evidence on their harmful impacts in both developing and developed). We refer to the submissions of the Third World Network and Social Watch, the Women’s Working Group on Financing for Development, and the Civil Society Working Group on Financing for Development for specific recommendations on the Zero Draft for the removal of structural barriers. We also encourage the Preparatory Committee and State Delegates to refer to the following sources for a feminist analysis of the structural economic and development barriers to achieving women’s human rights, including concrete recommendations: (1) A Feminist Agenda for People and Planet: Principles and Recommendations for a Global Feminist Economic Justice Agenda;12 and (2) 25-Year Review of the Beijing Declaration and Platform for Action: APWLD Regional CSO Submission.13

Gender responsive data, gender responsive human rights impact assessments, and full and meaningful participation of women in decision-making: To meet the above standards, all barriers to the full and effective participation of diverse groups of women in the LDC5 and related decision-making processes must be removed. Moreover, a commitment to gender responsive human rights impact assessments and the collection of gender responsive, human rights compliant disaggregated data is required across all thematic areas of the Zero Draft. These are central features of any effort to develop evidence and results-based policy as the foundation to State commitments to impact-based gender responsive policy and mainstreaming.

3. Conclusion: LDC5 must address root causes of global inequality and be a catalyst for a just transformation of global structures

Convening two years after the onset of a global pandemic that has deepened all forms of inequality within and between States, the LDC5 is a vital opportunity to address the root causes of inequality and serve as a catalyst for transformative change. It should be approached as a critical piece of the global cooperative framework, addressing the gendered face of poverty in LDCs and ending a

global system that simultaneously excludes women, while relying on their unpaid and undervalued labour to shoulder the burden of structures designed to benefit a small, powerful few.

We repeat our call for an express commitment by the Preparatory Committee and State Delegates to fully integrate a gender perspective into the Doha Programme of Action, including a commitment to engage in inclusive and meaningful consultations with diverse women’s rights and feminist activists, including accessible and adequate information and time for broad familiarisation with the process and to provide feedback on text.

Finally, we end by quoting our colleagues at Third World Network and Social Watch, adding patriarchy among the list of indicators for severe underdevelopment:

The LDCs face many economic “challenges and constraints” that can be addressed by the Conference (including “narrow production and export bases, stagnant trade and investment flows, diminishing productivity growth”), but those should not be mixed with given conditions that cannot be changed. A country cannot do anything about its size or geographical location. And many of those conditions are shared by countries with very different income levels. “Smallness” is also a circumstance for Luxembourg, “isolation and remoteness from major markets” is the situation of New Zealand, Switzerland is “landlocked” and Singapore is a “small island country” while Finland has very few natural resources. A history of colonialism, slavery, foreign interventions and conflicts is a better predictor of severe underdevelopment than geographical location.

Contacts at IWRAW Asia Pacific:

- Constanza Pauchulo, Programme Officer, Transforming Economics and Development through a Feminist Approach, constanza@iwraw-ap.org

- Audrey Lee, Senior Programme Manager, Countering Human Rights Regression and UN Capture, audrey@iwraw-ap.org
ANNEX to Submissions by IWRAW Asia Pacific

Non-exhaustive list of textual amendments to shift the Zero Draft towards alignment with minimum international standards on women’s human rights and gender equality

<table>
<thead>
<tr>
<th>Section, Paragraph(s)</th>
<th>Zero Draft text with proposed amendments in bold and/or strikethrough</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Introduction, para. 14</td>
<td>The Programme of Action will be guided by the principles of shared responsibility, ownership and leadership of the LDCs; an integrated and comprehensive approach; resilience building; genuine and reinvigorated partnerships <strong>based on international solidarity and the duty to cooperate</strong>; result orientation; peace, security, development and human rights, <strong>including the principles of substantive equality, non-discrimination, participation, accountability, and transparency; equity</strong>; voice and representation and balance role of the state and market considerations as reflected in the IPOA.</td>
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<td>Introduction, para. 16</td>
<td>This partnership also includes the United Nations system, including the Bretton Woods institutions, other multilateral institutions and regional development banks, within their respective mandates and obligations under <strong>applicable international human rights, international humanitarian, and international criminal law.</strong></td>
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<td>Introduction, para. 18</td>
<td>The private sector, civil society and foundations will be encouraged to contribute to the implementation of the Programme of Action in their respective areas of</td>
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<td>Introduction, para. 25</td>
<td>We affirm that the national and local governments play a very important role in articulating and implementing the policies and programmes that will support a sustainable future that leaves no one behind. National parliaments will have a great role to play in enacting legislation and allocating funds that serve all to leave no one behind, as well as holding governments to account for the commitments they have made. <strong>We further affirm that national and local governments cannot fulfil their mandates and role in creating sustainable futures without the elimination of all forms of gender discrimination in political and public participation at all levels.</strong></td>
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<td>Theme I, Investing in People in LDCs, para. 27</td>
<td>We are concerned that poverty remains a key challenge for LDCs and even before the outbreak of the COVID-19 pandemic, it was estimated that nearly 30 percent of the population in LDCs would remain in extreme poverty by 2030. The compounding negative impact of the crisis caused by COVID19 in LDCs suggests an upward trend in extreme poverty. Reference should be made to the gendered impact of COVID-19 on women, the deepening feminisation of poverty brought on by the pandemic, and regression in gains made in women’s human rights. Data and/or statistics may be included, as needed.</td>
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<td>Theme I, Investing in People in LDCs, para. 28</td>
<td>27. We are guided by the Universal Declaration on Human Rights and all core international human rights treaties and instruments, and will ensure everyone’s human rights and fundamental freedoms.</td>
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| **competence in line with LDCs national priorities and in collaboration with relevant national government institutions. Contributions by private sectors and foundations will be in accordance with obligations and responsibilities under applicable international human rights instruments.** |

- **Introduction, para. 25**
- **Theme I, Investing in People in LDCs, para. 27**
- **Theme I, Investing in People in LDCs, para. 28**
We recognize that good governance at all levels, strong institutions, democracy, the rule of law, transparency and accountability along with a healthy and well-educated population, with the knowledge and skills needed for productive capacity building and full participation in the decision making process are crucial to achieving sustainable development. However, LDCs still face challenges in ensuring universal access to quality education and health care and their vulnerabilities and limited capacities exacerbate the impact of external shocks such as COVID-19, natural disasters and the impacts of climate change.

### Theme I, Investing in People in LDCs, Social Protection, paras. 32-33

We will reinforce social protection policies and programmes that are **risk-informed**, **gender responsive sensitive** and contribute to strengthening the ability of communities and people, particularly the most vulnerable ones, to withstand shocks and crises, expand their productivity, invest in their health and education and protect their aging populations.

We commit to ensuring the predictability of resources to maintain social protection through increased and predictable official development assistance and through tax and public transfer reforms and schemes, where appropriate.

These commitments should be amended to include specific reference to access to social protection for **informal and migrant workers**, and reframed to reflect a commitment to **rights-based social protection floor** initiatives.

There should also be a commitment to remove structural barriers that prevent LDCs from raising the revenue necessary to support the above programmes, including a commitment to establishing a UN Tax Convention for redistributive justice, eliminating regressive taxation and illicit financial flows; debt cancellation and Sovereign Debt Workout Mechanism at the UN; and a review of the ODA framework, among other measures. See, the Campaign of Campaigns, led by Civil Society Group on Financing for Development and the Women’s Working Group on Financing for Development, for more information.
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<th>Theme I, Investing in People in LDCs, Universal Access to Quality Education</th>
<th>General recommendation made in next column for whole section.</th>
<th>Recommend reviewing entire section to ensure the specific impact of the right to education on girls, including a commitment to upholding the rights of girls in this area and confirming the need for disaggregated data to support evidence and results-based policy as the foundation to State commitments to impact-based gender responsive policy and mainstreaming.</th>
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<td>Theme I, Investing in People in LDCs, Empowerment of women, girls and youth to address inequality and drive economic growth, paras. 42-53</td>
<td>We recommend a comprehensive review of this entire section in consultation with diverse women’s rights organisations and advocates. Below are some examples of amendments that may be considered:</td>
<td>A focus on women’s economic empowerment and micro-level measures is insufficient. Gender responsive transformations are required at the macro-level, including in the area of economics, trade, investment, and finance to ensure the fulfillment of women’s human rights and advancement of gender equality.</td>
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<td>48. We commit to establishing policies and programmes to create an enabling macro-level economic and financial environment for the fulfilment of women’s human rights, expand women’s entrepreneurship, job opportunities and economic opportunities and ensuring women’s full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic, and public life, including through institutional reforms.</td>
<td>“Gender-based violence” is the accepted human rights standard, as per the CEDAW Convention and General Recommendation 35 of the CEDAW Committee.</td>
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<td>49. We commit to eliminating all forms of gender-based violence against all women and girls in the public and private spheres, including trafficking, sexual and other types of exploitation as well as and all harmful practices, such as child, early and forced marriage and female genital mutilation.</td>
<td>“Sexual and other types of exploitation” is deleted on the basis that these terms are not defined under international human rights law.</td>
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<td>Recommend to move paragraph 51 under the “Population and Health” subsection, and in particular, under paragraph 56 that deals with universal health coverage and essential health services.</td>
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50. We commit to establishing support programmes to prevent and respond to conflict related gender-based and sexual violence in conflict and post-conflict LDCs and to assist survivors of conflict related gender-based violence and sexual violence including through long-term health care, counselling, victim-centered and gender responsive timely police response, access to justice, and safe accommodation and shelter.

51. [Recommend moving entire paragraph under “Population and Health”, para. 56] We commit to providing access to family planning to all women in LDCs and ensuring universal access to sexual and reproductive health and reproductive rights, as agreed in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of other relevant United Nations conferences.

| Theme I, Investing in People in LDCs, Migration, paras. 72-77 | General recommendation made in next column for whole section. | Recommend reviewing the entire section in light of the fact that women migrants face multiple and intersecting forms of discrimination throughout the migration cycle. The Programme of Action and LDC must address the current economic context as a key driver/structural cause of migration and the absence of corporate accountability for migrants’ rights violations in the |
context of development, trade, and global supply chains.

It is also critical to examine and address how xenophobia and racism translate to discriminatory immigration laws and policies that particularly impact marginalized groups of migrants, such as sex workers.

**Theme I, Investing in People in LDCs, Good and Effective Governance at all Levels, para. 81**

**Targets:** Strengthen good governance and the rule of law at all levels
- Substantially enhance the voice and participation of LDCs in global governance architecture, including taking all appropriate measures to eliminate all forms of gender discrimination in political and public participation at all levels and to uphold gender equality and non-discrimination in opportunities to represent Governments at the international level and to participate in the work of international organizations

Refer to Articles 7 and 8 of CEDAW.

**Theme III, Structural Transformation as a Driver of Prosperity, para. 151**

**Target:** Create an enabling environment for private sector development.
- Ensure full and equal access to financial services and products for MSMEs, including insurance, and improve financial literacy, especially for women. (IPoA, 2011, Addis Ababa Action Agenda, 2015)

We repeat our concern about the focus in the Zero Draft on micro-level solutions for the economic empowerment of women. Gender responsive transformations are also required at the macro-level, including in the area of economics, trade, investment, and finance to ensure the fulfillment of women’s human rights and advancement of gender equality.
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<th>Implementation, follow-up, and monitoring</th>
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<td>Recommend in-depth consideration of the role of the UN human rights system and treaty bodies, including CEDAW, in ensuring implementation, follow-up, and monitoring of the Programme of Action, and a consideration of national-level arrangements and greater emphasis on policy coherence as a priority for achieving gender equality. Implementation and monitoring of the Programme of Action will both be strengthened and made more efficient by linking to already-existing obligations and mechanisms under the UN human right system.</td>
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