

## **Building a Coordinated Caribbean position for CSW65**

Monday 8<sup>th</sup> February and Friday 12<sup>th</sup> February, 2021

Distinguished delegates, Colleagues and friends,

I thank the organizers for their invitation to me to participate at this Caribbean CSW preparatory meeting.

We meet in a time of uncertainty and anxiety. All our countries have lost significant percentages of national revenue; people have lost livelihoods; schools are closed and the state is stretched to capacity to meet the social protection needs of the most vulnerable. All of our economies are in severe contraction, and a contraction, the timing of whose end, none of us can predict.

Everywhere, women bear the disproportionate burden of care for children and families. They do so with insecure incomes, engaged in the informal sector without social or labour protection; have higher levels of un- and under-employment; uneven access to health services, water and sanitation. Within this pre-existing context of intersecting inequalities, the effects of the COVID-19 pandemic are at once severely negative and yet still untold.

As the world retreats inside homes due to the lockdown measures, reports showed an increase in the already existing pandemic of violence against women. This includes not just domestic violence but also sexual assaults in the communities. In other parts of the world, we are seeing a rise in early and forced marriage and I wonder here what we know about early and premature parenting.

In short, this is a time of overwhelming challenge, for the state, for communities, for families and individuals.

But it is like Ziya, the talented daughter of Gabrielle Hosein, advises in her school calypso this year; ‘we have to keep on moving’. We, all of us, are called upon to be our better selves, to be leaders of ourselves, our families and communities. It is a time that reminds of our mutuality; our interdependence; and the COVID-19 impacts draw attention to the ways in which we must live if we are to grow out of this experience stronger, more thinking and mindful, resilient, more cooperative and with more love.

This year, like every year, CSW gives us an opportunity to take stock of the progress in eliminating gender and sex-based discrimination. It is an annual moment for reaffirmation of the political will needed to accomplish the common agenda of transformation; from ending intersecting inequalities to inclusive governance and equality in the distribution of the benefits of economic endeavours.

And this year, like no other time in recent history, we must reinforce our commitment to multilateralism, to the implementation of SDGs, and in particular the eradication of inequalities within and between countries. Multilateralism is our best bet for addressing existential challenges, whether it is the pandemic; indebtedness; unequal balance of trade; environmental degradation; the climate crisis or the chronic under-development of so many countries in the global south.

In the context of these multi-dimensional challenges, CSW is an opportunity to say clearly what we know to be true. There are no solutions unless women are part of them, as decision makers and as equal beneficiaries. And that is the theme of the 65<sup>th</sup> session of CSW.

I have been asked to talk about the importance of normative frameworks, and implicitly, the importance of CSW.

What are normative frameworks? Simply they are the social contracts which we make to work together to guarantee gender and sex equality under the law and in practice and culture. We have normative frameworks at national, regional and international levels and these three levels intersect.

In all of our constitutions, the most important of normative frameworks, we have embedded the principles of equal protection and equal treatment. Most, though still not all countries, include sex as a prohibited basis of non-discrimination. (Notable exceptions being Barbados and The Bahamas).

In interpreting these constitutional provisions on equality, Caribbean jurists have frequently referred to CEDAW.

In the CCJ case from Guyana on cross-dressing<sup>i</sup>, Justice Saunders reminded

“The constitutional promise of equality prohibits the State from prescribing legislative distinctions or other measures that treat a group of persons as second-class citizens or in any way that otherwise offends their dignity as human beings.”

He referred to CEDAW and reminded:

At its core, the principle of equality and non-discrimination is premised on the inherent dignity of all human beings and their entitlement to personal autonomy. There is a marked link between gender equality, self-determination and the limits placed on self-determination by gender stereotypes.

At the regional level, normative frameworks are also important shaping national level policy. We can think of the Inter American Convention (Belem do Para) that many countries have used to construct national action plans on GBV.

In this context, by far the most influential normative framework is CEDAW to which all Caribbean countries are signatories and have acceded to or ratified. CEDAW was a major advance in disrupting the ‘normalcy’ of sex and gender-based discrimination. CEDAW clarified the difference between formal and substantive equality and direct and indirect discrimination. It recognized the criticality of cultural change and state accountability to protect, respect and fulfil all rights. CEDAW called for a comprehensive whole of government and society response.

How have we used CEDAW? In too many ways to enumerate.

At a CARICOM level, back in 1985, the Secretariat commissioned a review of laws in a number of areas to advise countries where discrimination persisted. Out of this exercise, model laws across 5 areas were produced. The Domestic Violence model law was one such and triggered law reform in every country in her region. More recently child marriage was abolished in Trinidad and Tobago in at in response to concluding comments by CEDAW. Reference of CEDAW and the CRC also led to model family laws in the Eastern Caribbean and to an updated domestic violence act.

Additionally, the addition of quotas for women in electoral politics in Guyana is an example of temporary special measures, called for in CEDAW.

Apart from treaties, there is any number of soft law or normative frameworks, chief amongst these being the BPFPA which is a stirring call to all to end the historical subordination of women and girls globally.

The BPFPA affirmed that ending discrimination in public and private was the obligation of all- the state, the private sector, trade unions and the community. Apart from gender mainstreaming, the BPFPA, also took on the dominant macroeconomic framework (neo-liberalism) and militarism as threats to equality, development and peace.

So what has happened since then? In most countries, direct discrimination has been eliminated from laws and policies. National gender machineries have been established and gender mainstreaming is a part of the public sector vernacular. Culture is shifting. Women and girls in many countries have more choices and autonomy in their lives and more men are engaged in the care economy.

Still, in 2020, in what was supposed to be a major year of commemoration, the CSW expressed concern that, overall, “progress has not been fast or deep enough, that in some areas progress has been uneven, that major gaps remain and that obstacles, including structural barriers, discriminatory practices and the feminization of poverty, persist”.<sup>ii</sup>

No country has fully achieved gender equality. Significant levels of inequality persist globally, and many women and girls experience multiple and intersecting forms of discrimination, vulnerability and marginalization.

This lack of progress is also connected to the global political economy. The CSW recognized that “poverty, global economic inequality and the lack of equitable distribution of development gains within and among countries as fundamental challenges to the implementation of the Beijing Declaration and Platform for Action”.

So the progress is uneven and insecure. There is a major gap between norms and what is normal; because of implementation gap in laws and policies.

In relation to the themes of this year’s CSW, this is also very true for the Caribbean where there is no country (except Cuba at 53%) that has achieved equality of women in parliament. And this lack of sufficient progress is also evident in the private sector decision making boards.

And this is why CSW is important. It strengthens, if we let it, our political will to equality, justice and human rights. We know that there is resistance to this agenda and that resistance is often offered up in the name of tradition, custom and religion. But it is now well established that culture cannot be invoked to justify discrimination. And that is our obligation as member states that have ratified CEDAW. We are called upon to think through difficult areas; we are called upon to resist populist sentiments and to embrace human rights in our laws and policies.

Many women's rights and gender equality advocates are concerned that we are taking these normative frameworks for granted and are being inattentive to the backlash and the rollback on women's rights. In 2019, Caribbean gender equality advocates expressed concern that Caribbean delegations were not as consolidated as a region as we needed to be.

They recalled that women of CARICOM have been very much in the leadership of this movement - Lucille Mair, Dame Nita Barrow and Angela King. They recalled the important role of CARICOM and the active partnership between women's rights activist, gender equality experts and Caribbean governments in their analyses and negotiations.

As a result of this structured partnership, our well-networked governmental representatives assured that the Beijing Platform for Action (BPfA) would address the interdependency of inclusive economic development, peace and security and human rights, including sexual and reproductive rights.

This is our Caribbean legacy, upon which we must build.

This year those of you who will attend have an urgent agenda. The CSW theme has to be considered in the harsh light of COVID.

The global political economy is and will continue to shape the ability of our small states to recover from the health, economic, social and cultural impacts of COVID. In every normative, multilateral setting, it is our obligation to speak to the experience, needs and contributions of SIDS. As the COVID-19 pandemic wreaks havoc on the global economy, poorer countries who will be hardest hit by the virus will also face a debt crisis. We must centre discussions on inequalities within and between states. We must have policy solutions like debt service relief which, according to the World Bank, is a powerful, fast-acting measure that can bring real benefits to people in poor countries, particularly

countries that don't have the financial resources to respond to the coronavirus (COVID-19) crisis.

And it is your role to ensure that the gendered impacts are understood but also more importantly that the effectiveness of national and global solutions will rise or fall on the quantity and quality of women's participation.

We have to call for fast tracked, equal power-sharing, as it is through this that women and men can solve the challenges, from the COVID-19 pandemic to climate change to deepening inequalities, conflict, and democratic backsliding.

We must emphasize women's equal right to participate in their country's development and management- in formal and informal leadership.

Violence against women in public life must be significantly reduced, and social norms, access to financing, and legal and institutional frameworks, have to be transformed, so that they support women's equal participation and decision-making.

As I close, I commend you as Caribbean policy makers, for your engagement with each other so that we arrive at a common and consolidated position which speaks to the Caribbean realities and aspirations and is grounded in an affirmation of women's human rights.

Roberta Clarke

8 February 2021

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<sup>i</sup> <https://ccj.org/wp-content/uploads/2018/11/MC-EWAN-et-al-v-AG-OF-GUYANA-Copy.pdf>

<sup>ii</sup> <https://undocs.org/en/E/CN.6/2020/L.1>