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COVID-19 highlights need for feminist human rights approach to ensure socio-economic gender equality

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Abstract: *Economics and human rights have never been close friends. Human rights advocates have rarely engaged with financial systems. Economists, in turn, seldom consider human rights principles. However, COVID-19 intensified the need for mutual cooperation to safeguard the most disadvantaged, particularly women, who have suffered disproportionate negative socio-economic impact from the pandemic, which accentuated female overrepresentation in frontline health and public sector employment as well as unpaid caring responsibilities. This article examines a series of UN reports and other research which contend that inherent economic gender bias and neoliberal financial austerity policies unduly damage women's socio-economic rights. It recommends that human rights principles be combined with comprehensive feminist economic analysis in order to achieve gender equality and afford women more financial security in preparation for future crises.*

Key-words: *Human rights; economics; feminist economics; gender inequality; austerity; COVID-19*

1. Introduction

As coronavirus spread, media across the globe highlighted the incapacity of healthcare systems, citing privatisation, public budget cuts and other austerity measures as the main reasons for inability to cope with the crisis. The UN Independent Expert on debt and human rights Juan Pablo Bohoslavsky emphasises that the best response to the potential economic and social catastrophe provoked by COVID-19 is to "put finance at the service of human rights and to support the less well-off through bold financial approaches" (Bohoslavsky 2020).

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Although correct, there is a deeper concern behind the UN Independent Expert's words: Economics and human rights have never made good bedfellows. On one hand, financial reforms have rarely taken into account human rights law. On the other, engagement with fiscal affairs and economics have long been uncharted territory for human rights advocates. However, with many governments introducing neoliberal austerity policies, especially after the global 2008 financial crisis, the application of human rights standards to economic policies is becoming more widespread (Rudiger 2016).

2. Neoliberalism and austerity measures

Before analysing the progressive engagement of human rights with economic policies, I shall briefly explain the origin of neoliberalism, its connection with austerity measures and why governments introduced such measures after the 2008 financial crisis.

Neoliberalism entails a paradigm shift away from the political and economic landscape that emerged after World War II; the welfare state: the concept that the state plays a key role in protection and promotion of the economic and social wellbeing of its citizens. This usually includes at least some public provision of basic health services, education and housing, in some cases at low cost or without charge. Most welfare states rely on redistributionist or progressive taxation to fund the benefits and services they provide. Neoliberalism, on the contrary, is based on the belief that self-regulated markets are the best way to govern both the economy and social affairs (Chapman 2016, 10-11).

Most governments in industrialised democratic countries after World War II accepted the state had a responsibility to both promote economic growth and distribute the resulting benefits. The 1970s world economic recession marked the first signs of change in this approach. Many intellectuals, business, and politically conservative stakeholders saw this slump as an opportunity to lessen the welfare state and to argue for its substitution by market-based approaches (Chapman 2016, 79).

Reducing the state's role in all economic and public areas is an essential objective for neoliberalism. This purpose aligns with austerity, which aims to decrease government aid by cutting public expenditure and privatising key economic sectors among other actions. Economic crises usually favour introduction of neoliberal and austerity measures, as they provide convenient scenarios to question the efficacy of welfare states. Neoliberalists often argue that states are inefficient economic managers and welfare entitlements excessive and therefore unaffordable.

As in the 1970s, the global financial crisis that began in 2008 resulted in drastic transformation in many countries. The European Commission, the

International Monetary Fund and the European Central Bank, imposed austerity, cut social protection, and further privatised sectors. Nevertheless, not all such measures were introduced under the mandate of global governance institutions such as these. The structural and discursive power of neoliberalism served as justification for many countries and enabled the economic recession to be 'used by many Western governments as a means of further entrenching the neoliberal model' (Wills and Warwick 2016).

Chapman (2016, 100) states that the decision to respond to the financial crisis by disproportionately cutting social welfare spending was often ideologically motivated, moreover, some countries cut social spending while continuing to subsidise the same banks whose irresponsible policies caused the financial crisis. To exemplify that other approaches were possible, Chapman cites the case of Iceland. Like Spain, Ireland, and Portugal, Iceland suffered a severe banking crisis, but its government and population rejected the terms of an IMF financial rescue package, which required significant social services spending reduction. Instead, the government allowed its banks to collapse and increased investment in social protection and measures to get people back to work. Iceland also retained restrictive policies on alcohol and cigarettes, again contrary to IMF advice. As a result, Iceland did not suffer the extensive adverse impact felt by other countries under similar negative conditions and its economy has gradually recovered (Chapman 2016, 102).

After the 2008 crisis, some human rights bodies and advocates highlighted the negative impact of neoliberal austerity measures, especially in socio-economic disadvantaged populations, and emphasised the need to apply human rights standards to economic policies. In what follows, I focus on a number of recent United Nations (UN) documents that underline the necessity of a human rights-based approach to economic policymaking. This approach will help us respond better to future economic crises while considering the needs of the most vulnerable and marginalised groups.

3. Progressive human rights engagement with economic policies

First, it is important to note that international human rights law is neutral regarding economic and governmental systems or approaches that may be in place in individual states so long as human rights are respected and states are democratic. The International Covenant on Economic, Social and Cultural Rights asserts that, in order to achieve the realisation of the rights protected by the Covenant, states must undertake "all appropriate means, including particularly the adoption of legislative measures". The Committee on Economic, Social and Cultural Rights (CESCR) has explained in General Comment no. 3 that this obligation "neither requires nor precludes any particular form of government or economic system" (CESCR 1990). Thus, "the Covenant's principles cannot accurately be predicted exclusively upon a socialist, capitalist, mixed, centrally planned, laissez-faire or any other particular approach" (CESCR 1990).

However, the 2008 global financial crisis triggered a series of documents and reports from different UN bodies throwing this neutrality into question. They show how adoption and implementation of certain economic measures and/or certain political approaches might clash with realisation of economic, social and cultural rights.

For example, in May 2012, in a letter to the states party to the International Covenant on Economic, Social and Cultural Rights in the context of the economic and financial crisis, the CESCR observes the pressure on many states to embark on austerity programmes, recognising that decisions to adopt such measures are always difficult and complex. However, the Committee warns: "[U]nder the Covenant, all states [party to the Covenant] should avoid at all times taking decisions which might lead to the denial or infringement of economic, social and cultural rights" (CESCR 2012).

Austerity was usually invoked as the solution to governments' failure to effectively regulate the financial sector in the aftermath of the 2008 crisis. However, as UN bodies evidence, not only did such measures not ameliorate the financial situation but they also damaged the most vulnerable populations. A report by the Office of the UN High Commissioner for Human Rights emphasises the fact that many States had responded to the global financial crisis with austerity measures that significantly cut social sector spending: this resulted in the denial or infringement of economic, social and cultural rights, especially for populations that were already marginalised or at risk of marginalisation (OHCHR 2013).

In this regard, the reports of the UN Independent Expert on the effects of foreign debt and human rights provide an interesting corpus of analysis. For example, the 2014 and 2019 reports underline, in accordance with the aforementioned 2013 report, that austerity measures do not contribute to recovery but instead negatively impact economic growth, debt ratios and equality and routinely result in human rights violations (United Nations 2014; United Nations 2019).

The 2018 UN report on the guiding principles for human rights impact assessments for economic reform policies provides more details on the sort of economic measures that can clash with the realisation of human rights (United Nations 2018a). This report, aimed at governments, relevant UN bodies, specialised agencies, funds and programmes and other intergovernmental, asks them to consider human rights guiding principles in the formulation and implementation of economic reform policies. It notes that even if fiscal consolidation measures have varied from one country to another, there is a common group of measures that have negatively impacted enjoyment of human rights. These include, for example, cuts in public expenditure and public sector jobs, regressive tax changes, and the privatisation of public utilities and service providers.

This has affected human rights-sensitive fields, often directly diminishing enjoyment of human rights.

In the same report, the UN Independent Expert on the effects of foreign debt and human rights states that women, persons with disabilities, children in single-parent families, migrants and refugees, and other social groups at risk of marginalisation have often been disproportionately affected. In another report also published in 2018, the UN expert develops a more comprehensive discussion on how austerity impacts human rights from a gender perspective (United Nations 2018c).

4. Women particularly affected by austerity measures

The UN Independent Expert on foreign debt acknowledges in his 2018 report devoted to the impact of economic reforms and austerity measures on women's rights that such measures tend to harm women more than men (United Nations 2018c). According to the expert, the impact is different because the prevailing current economic system is based on various forms of gender discrimination. Unpaid work, mostly done by women, and occupational gender segregation in sectors asymmetrically impacted by economic crises are cited among the main reasons. In some regions, the triple jeopardy of austerity, which sees women suffer simultaneously as public-sector workers, service users and the main recipients of social security protection benefits, has specific implications in terms of care. That in turn aggravates labour market gender discrimination and occupational segregation. Cuts to social care have reduced access to many crucial services. Care sector job losses and public sector pay freezes have also affected women more severely.

Other human rights bodies highlight the detrimental effects of austerity measures on women. For example, the 2016 CESCR report on public debt, austerity measures and the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that reducing public services and introducing or increasing user fees in areas such as childcare, preschool education, public utilities and family support services disproportionately impacts women. Thus, these measures are a backward step for gender equality.

The COVID-19 crisis replicated this pattern and many human rights bodies warned about the particular impact of this health crisis on women. For example, the UN Special Rapporteur on poverty and human rights, Professor Olivier De Shutter, in a report on COVID-19, states that women were particularly vulnerable in this emergency (United Nations 2020). Again, the causes are rooted in socio-economic facts: women are more likely to live below the international poverty line and are overrepresented in the informal economy. Moreover, women, already disproportionately burdened with caring for children, ill and/or elderly family members, were most impacted by school closures as well as reduced access to healthcare facilities for non-COVID-19 patients.

The relationship between women and poverty was well-known before the pandemic. Now, new projections of global poverty by UN Women estimate that, should the unpredictable course of this pandemic continue, at least 388m women and girls (compared to 372m men and boys) will be living in extreme poverty in 2022 but the figure could be as high as 446m (427m for men and boys). The situation varies from region to region and although Europe is in a better economic position compared to other regions of the world, it is still a worrying issue.

For example, in May 2021, the European Parliament commissioned a case-analytical overview to examine the impact of the COVID-19 crisis on a representative sample of five European Union (EU) member states (Italy, France, Germany, Poland and Sweden) in order to inform recovery period policy recommendations and ensure that recent gender equality gains are not overridden by short-term negative effects of the crisis. The report highlights that one area, amongst others, in which women are disproportionately affected ***vis-à-vis*** men is equal access to the economy, finding greater differences in those member states which did not prioritise gender mainstreaming in the years prior to the pandemic nor account for gender differentials in the measures applied to cease its spread. Overall, women in Europe tended to be overrepresented in the pandemic frontline. This translates into higher female unemployment rates and greater likelihood of poverty for women in the EU (European Parliament 2021). In July 2022, the European Parliament adopted a report with a call to Member States to eradicate women's poverty in Europe and to the European Commission to develop a 2030 EU anti-poverty strategy with a focus on women (European Parliament 2022).

5. Feminist human rights preparedness: the way forward

The aforementioned 2018 report of the UN Independent Expert on the effects of foreign debt insists that policy reactions to economic crises have not been gender responsive. A decade after the 2007–2008 recession, millions of people around the world, particularly women, continue to face significant social and economic hardship due to both the crisis itself and government responses in the form of austerity, structural adjustment and fiscal consolidation. Over two-thirds of countries, most of them following the advice of international financial institutions, were contracting their public purses and limiting their fiscal space. While structural adjustment and fiscal consolidation policies can massively diminish human rights of people in vulnerable situations, most austerity policies have not been designed or implemented in a manner that would promote or safeguard human rights, let alone be sensitive to their gendered impacts. The COVID-19 crisis also revealed how women were disproportionately hit by the social and economic impact of the pandemic and that a feminist human rights preparedness is necessary (Agapiou Josephides 2020).

As mentioned at the beginning of this article, despite last year's developments, the human rights community has no consistent approach to economics. Perhaps one reason for this is that human rights advocates tend to be lawyers, for the most part not so well versed in the language and methods of economic thought as to be able to influence it. Conversely, the human rights framework is often misunderstood, particularly where economic, social and cultural rights are concerned (Dommen 2021). Feminists have articulated a broadly recognised concept of feminist economics that analyses the interrelationship between gender and the economy. A human rights perspective combined with a feminist economic analysis could guide policymakers in devising alternative solutions that are inclusive and advance gender equality and human rights.

This need has also been patent in the field of health. For example, in September 2019, daily UK economic newspaper the Financial Times published an article by G20 Health and Development Partnership chair Alan Donnelly and Professor Ilona Kickbusch, of the Graduate Institute of International and Development Studies, on why the World Health Organisation (WHO) needs a chief economist. A chief economist, they argued, could provide intellectual leadership within the organisation and advise the director-general and member states on how investment could work to the benefit of global health, especially in the poorest countries (Donnelly and Kickbusch 2019). Others contend that the WHO should be more ambitious than the appointment of just one economist, especially in the aftermath of the COVID-19 pandemic and must instead fully embrace and articulate a feminist economic agenda. Part of this assertion is the fact that governments' ability to fund healthcare services is dictated by their revenue and fiscal policy space, in which international financial institutions play a major role. The IMF and the World Bank, runs the argument, continue to prioritise austerity measures and privatisation strategies that undermine governments' ability to provide public services and achieve Universal Health Care. Neither institution has linked its rhetoric on promotion of gender equality to a systematic evaluation of the implications of its austerity policies on gender inequality, health delivery or outcomes (Herten Crabb and Davies 2020).

One useful tool on the way forward could be the development of a gender-sensitive human rights impact assessment of economic reform policies.

A starting point in this direction could be the guiding principles on human rights impact assessment of economic reforms, adopted by the UN Human Rights Council in 2019 (United Nations 2019a) and developed by the UN Independent Expert on the effects of foreign debt (United

Nations 2019b). Based on the existing human rights obligations and responsibilities of states and other actors, the guiding principles underline the importance of systematically assessing the impact of economic reforms on the enjoyment of all human rights before implementing such reforms, as well as during and after their implementation.

Principle 8 establishes that human rights impact assessments should always include a comprehensive gender analysis. Incorporating a clear gender focus can support the realisation of women's human rights in practice through contextualised analysis aimed at identifying and preventing direct and indirect discrimination; addressing structural socioeconomic and sociocultural barriers; redressing current and historical disadvantage; countering stigma, prejudice, stereotyping and violence; transforming social and institutional structures; and facilitating women's political participation and social inclusion. More specifically, principle 8.2 states that: "[E]conomic reforms which encourage, among other things, labour market flexibilisation, reductions in the coverage of social protection benefits and services, cuts to public sector jobs and the privatisation of services tend to have a negative impact on women's enjoyment of human rights. Economic reform should aim to prevent gender discrimination and transform existing inequalities, instead of creating such situations."

This could help prevent, minimise and compensate violations of women's human rights in the context of government-implemented economic policies and reforms, some of which are being promoted by international organisations (Bohoslavsky and Rulli 2020).

In preparation for future health and financial crises, states should consider human rights standards and guiding principles in the formulation and implementation of their economic reform policies. As the UN Independent Expert on debt and human rights says: "[T]he current pandemic is an opportunity to reflect on and reverse the ideology according to which economic growth is the only way forward" (Bohoslavsky 2020).

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