Report of Gender and Human Rights-Based Approaches in Development

Commissioned by the Nordic Trust Fund
The World Bank
A Study of Gender and Human Rights-Based Approaches in Development

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The World Bank
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Contents

Foreword ................................................................................................................................................................................................... v
Abbreviations ......................................................................................................................................................................................vii
Executive Summary ............................................................................................................................................................................ ix

1. Study Objectives and Methodology ........................................................................................................................................ 1
   1.1 Study methodology ........................................................................................................................................................................ 1
   1.2 Three-step approach ....................................................................................................................................................................... 2

2. Conceptual Framework of the Study ........................................................................................................................................ 5
   2.1 A gender-justice conceptual framework ........................................................................................................................................ 5
   2.2 Needs-based vs. human rights-based paradigms .......................................................................................................................... 7
   2.3 Conclusion ..................................................................................................................................................................................... 9

3. Strengths and Limitations of Human Rights Instruments ........................................................................................................ 11
   3.1 Reservations to CEDAW ............................................................................................................................................................... 12
   3.2 Violence against women and the public/private divide ......................................................................................................... 12
   3.3 Regional conventions on violence against women .................................................................................................................. 13
   3.4 Conclusion ................................................................................................................................................................................... 14

4. Review of World Bank Gender Policy Framework .................................................................................................................... 15
   4.1 Gender-justice review ................................................................................................................................................................. 16
   4.2 HRBA Analysis ............................................................................................................................................................................. 17
   4.3 Evidence review ........................................................................................................................................................................... 18
   4.4 Conclusion .................................................................................................................................................................................. 19

5. Review of World Bank Gender Practice in Selected Sectors and Thematic Areas ................................................................. 21
   5.1 Gender in the justice thematic area ............................................................................................................................................. 21
   5.2 Gender and public finance/budgeting in public expenditure reviews ...................................................................................... 26
   5.3 Gender in transport ..................................................................................................................................................................... 30
   5.4 Gender in agriculture ................................................................................................................................................................. 36

6. General Conclusions and Recommended Guidance ................................................................................................................... 41
   6.1 Concluding remarks ................................................................................................................................................................. 41
   6.2 General guidance and recommendations .................................................................................................................................... 42
This Study assesses the value added to development programs of using the human rights-based approach for gender-related work. A model for assessing the use and impact of the human rights-based approach has been developed and is applied in a review of the World Bank’s work on gender in selected areas. The Study identifies entry points that could be useful for further integration of the human rights-based approach with World Bank gender work, and it points out the barriers to achieving improved development outcomes.

The Study finds that using a human rights-based approach to complement the World Bank’s work on gender is feasible and could yield a number of benefits. First, activities would be more effectively aligned with a more complete normative framework covering civil, political, economic, social, and cultural rights. Second, the human rights framework would serve as an accountability tool for implementing existing women’s human rights obligations within national legislation, thereby transforming national laws and practice. Third, women’s empowerment would be anchored in a legal framework with women as rights holders. Overall, the inclusion of a human rights-based approach could help build a broad and conducive environment for achieving development outcomes for women that go further than such outputs as quantitative participation or the recognition of specific gender problems.

The work leading to the preparation of the Study was led by Sirpa Rautio and Sara Gustafsson, Task Team Leaders, under the supervision of Anders Zeijlon, Coordinator. It was commissioned and funded by the Nordic Trust Fund in the Knowledge and Learning Department of the Operations Policy and Country Services Vice Presidency of the World Bank. The Study was prepared by a team from ICF GHK, in cooperation with Critical Rights & Gender Consult, led by Sarah Forti and including Phil Bernard-Carter, Liisa Kytola, Katerina Mantouvalou, and Janet Gardener.

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Aniruddha Dasgupta
Director, Knowledge and Learning Department
Operations Policy and Country Services
The World Bank
Nordic Trust Fund (NTF) is a knowledge and learning initiative to help the World Bank develop a more informed view on human rights. It is designed to improve existing Bank involvement on human rights in the overall context of the Bank’s core mission of promoting economic growth and poverty reduction.

The NTF is managed by a secretariat in the Operations Policy and Country Services vice-presidency (OPCS). Financial and staff support for the NTF is provided by Denmark, Finland, Iceland, Norway, and Sweden, with additional funding provided by Germany.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<tr>
<td>CAS</td>
<td>Country Assistance Strategy</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
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<tr>
<td>CIDA</td>
<td>Canadian International Development Agency</td>
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<td>DANIDA</td>
<td>Danish International Development Agency</td>
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<tr>
<td>DFID</td>
<td>Department for International Development (UK)</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<td>FAO</td>
<td>United Nations Food and Agriculture Organization</td>
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<td>GAP</td>
<td>Gender Action Plan</td>
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<td>HRBA</td>
<td>Human rights-based approach</td>
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<tr>
<td>IDA</td>
<td>International Development Association</td>
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<tr>
<td>IEG</td>
<td>Independent Evaluation Group</td>
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<tr>
<td>IFAD</td>
<td>International Fund for Agricultural Development</td>
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<tr>
<td>IFC</td>
<td>International Finance Corporation</td>
</tr>
<tr>
<td>J4P</td>
<td>Justice for the Poor</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>NTF</td>
<td>Nordic Trust Fund</td>
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<tr>
<td>OP/BP</td>
<td>Operational Policy/Bank Procedure</td>
</tr>
<tr>
<td>PER</td>
<td>Public Expenditure Review</td>
</tr>
<tr>
<td>PREM</td>
<td>Poverty Reduction and Economic Management</td>
</tr>
<tr>
<td>PRSP</td>
<td>Poverty Reduction Strategic Plan</td>
</tr>
<tr>
<td>SGBV</td>
<td>Sexual and gender-based violence</td>
</tr>
<tr>
<td>Sida</td>
<td>Swedish International Development Cooperation Agency</td>
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<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNDP</td>
<td>United Nations Development Program</td>
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<td>UNFPA</td>
<td>United Nations Population Fund</td>
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<td>UNFEM</td>
<td>UN Women</td>
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<tr>
<td>WBG</td>
<td>World Bank Group</td>
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<td>WDR</td>
<td>World Development Report</td>
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Contrary to a needs-based approach, which is not specifically grounded in principles and legal frameworks, it is generally understood that six principles underpin a human rights-based approach, as follows:

- Universality and inalienability of human rights,
- Equality and non-discrimination,
- Indivisibility and inter-dependence of human rights,
- Participation and inclusion,
- Accountability, and
- Rule of law.

The study was commissioned by the World Bank-administered Nordic Trust Fund (NTF) in July 2011. The study’s specific objectives are described as follows:

- To provide an up-to-date selection of source materials concerning current understanding and theoretical challenges underpinning the concepts of gender and HRBA in development;
- To explore the potential added value of HRBA to gender work by reviewing the extent to which HRBA has been integrated in World Bank’s gender policies and practice;
- To make general recommendations and guidance on the integration of gender and HRBA for the purpose of knowledge sharing and learning.

The study’s objectives are in line with the NTF program “launched to develop a more informed view among World Bank staff on how human rights relate to the World Bank’s core work and mission of promoting economic growth and poverty reduction.” The NTF internal knowledge and learning program supports activities that capture and make available knowledge about how human rights relate to the World Bank’s analytical sector/thematic work and to the Bank’s operational work, including strategy, planning, and implementation; and that increase awareness among Bank staff and Management of how the Bank’s work and human rights are related and how human rights-based aspects can be applied to the Bank’s work.

The methodology of the study

The methodology of this study is essentially research-based, entailing a review on the latest literature as well as a review of World Bank gender policy and selected practice in four thematic/sectoral areas. Key findings from the

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2 Information on NTF projects and documentation is available at www.worldbank.org/nordictrustfund.
document review were triangulated with interviews with World Bank staff.

The selection of sectors/thematic areas in which gender activities could be reviewed was guided by a strategic selection process. The study purposefully did not review gender activities in education and health sectors but instead selected sectors and thematic areas that were more out of the ordinary for gender activities such as transport, agriculture, justice for the poor, and gender-responsive budgeting. Although the study does not include the World Development Report (WDR) 2012 and WDR implementation paper (as these were subsequent publications to the study's terms of reference), it is important to highlight that these documents have explicitly mentioned the role of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and rights with a particular reference to access to justice, data collection, and increased participation.

In order to respond to the key question—what added value and evidence of improved outcomes can be identified through the integration of HRBA to gender work?—the study used a three-step approach which is further explained below. The study questions are detailed in Annex 1.

The first step of the study approach is to define what kind of gender work has been done both at policy and practice level. The term gender can be defined in many ways. A clear classification of its interpretations in relation to gender justice is an appropriate and relevant conceptual framework in relation to the review of the application of HRBA. The conceptual framework is used in order to achieve the following:

- Identify how gender is interpreted within the three gender-justice categories—representation (increasing the participation of women in accessing resources), recognition (recognizing the barriers faced by women to increased participation and specific problematics such as sexual—and gender-based violence), and/or redistribution (planned rebalancing of the distribution of power and resources between men and women); and
- Define the possible gender-related outcomes that could be expected.

In order to consider women’s human rights, not merely as an end in itself but as a means to achieve better outcomes in terms of poverty reduction, then justice, and socio-economic justice in particular, is addressed in the conceptual and theoretical framework.

The second step entails asking to what extent has HRBA been applied to the identified gender work? For the purpose of the second step analysis, the study specifically focuses on the extent to which two key elements of HRBA have been included, namely (a) any explicit reference to women’s human rights instruments such as CEDAW, and (b) the use of the dual-track approach (strengthening the capacity of duty-bearers to meet their obligations and empowering rights-holders to claim their rights).

The third step focuses on what evidence of ‘added value’ and potential better outcome can be identified.

Key findings and conclusions

The study finds that at both policy and operational levels the World Bank work on gender, with its strong focus on economic growth, could be relevantly complemented by HRBA. Having reviewed the agriculture and transport sectors, the Justice for the Poor program, and gender-responsive budgeting thematic areas, this report concludes that most of the World Bank’s gender-related work resonates with human rights terminology but could be further complemented with HRBA.

The gender justice review shows that gender equality has to a large extent been interpreted in World Bank gender work as representation and recognition. Instances where gender equality was interpreted as redistribution were less common in the documents reviewed. The World Bank’s work does include land titling, tax policies, conditional cash transfers, and access to finance, which are examples of redistribution programs even though the analysis of these programs falls outside the scope of this study.

However, some examples, which employed all three categories, were identified, notably in the agriculture sector and the Justice for the Poor program. In these examples, the interpretation of gender equality within a full gender-justice framework offers promising conditions to foster better potential development outcomes in the field of gender equality. However, the desk study alone, without additional country-level visits, does not permit further independent verification of the data collected.

The study also shows that when gender and human rights-based approaches are combined, for instance in the case of sexual- and gender-based violence, the following benefits are likely:

- A clear alignment of gender work both at policy and practice level, beyond the Millennium Development Goals and the Paris Declaration, to a more complete normative framework covering civil, political, economic, social, and cultural rights.

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3 The three gender-justice categories are based on N. Fraser, Scales of Justice: Reimagining Political Space in a Globalizing World (Columbia University Press, 2009).
• **An accountability tool** for implementing existing women’s human rights obligations (especially within CEDAW and regional women’s human rights instruments) within national legislation, thereby transforming national laws and practice accordingly. They offer the advantage that when a country has voluntarily signed and ratified international conventions, it becomes accountable, both nationally and internationally, for their implementation. The World Bank could play an important supportive role in this regard.

• **A tool for framing the support to women’s empowerment** (whether for groups or individuals) within a legal framework that allows women as rights-holders (who so wish and/or who have the capacities) to claim their rights. Merely applying HRBA to existing World Bank gender work may not in and of itself bring added value in terms of improved development outcomes. As the key World Bank gender evaluation by IEG covering the period 2002–2008 states, one of the lacunae is precisely the lack of an adequate methodological framework to measure gender-related outcomes beyond outputs. It is therefore difficult for this study to identify evidence of outcomes at gender policy level.

The IEG study suggests that the integration of a full gender-justice framework combined with HRBA would potentially provide a relevant and complementary contribution by way of a results framework at gender policy level. Such a framework would provide entry points to move toward better development outcomes in the field of gender equality. This would also be in line with the IEG-recommended measures.5

Without these key elements in place, it is difficult to make significant conclusions with regard to the added value in terms of outcomes of using HRBA in gender work. In spite of the challenges posed by the lack of data, this study consistently identifies the various entry points that could be used to further integrate HRBA to existing World Bank gender work as well as pointing out existing gaps and barriers to achieving improved development outcomes.

At a conceptual level, chapter 3 on strengths and limitations of women’s human rights instruments summarizes primary sources concerning current understanding and challenges underpinning women’s human rights and gender equality. While all the theoretical debates have not been exhausted, the focus remains on the key areas that have added value or marked the boundaries of women’s human rights. Chapter 3 shows that beyond legal terminology pertaining to women’s human rights and gender equality, ideological debates, negotiations, and compromises have taken place.

The overall conclusion is that HRBA combined with a gender-justice conceptual framework could contribute to the creation of a favorable environment to reach better development outcomes for women that extend beyond outputs, quantitative participation in development, and recognition of specific gender problematics.

1. Study Objectives and Methodology

A Study on Gender and Human Rights-Based Approaches in Development sets out to provide an up-to-date selection of source materials concerning current understanding and theoretical challenges underpinning the concepts of gender and HRBA in development; explore the potential added value of HRBA to gender work by reviewing the extent to which HRBA has been integrated in World Bank’s gender policies and practice; and make general recommendations and guidance on the integration of gender and HRBA for the purpose of knowledge sharing and learning.

The study was commissioned in July 2011 by the World Bank-administered Nordic Trust Fund (NTF). The study’s objectives are in line with the NTF program “launched to develop a more informed view among World Bank staff on how human rights relate to the World Bank’s core work and mission of promoting economic growth and poverty reduction.”1 The NTF internal knowledge and learning program supports activities that:

- Capture and make available knowledge about how human rights relate to the World Bank’s analytical sector/thematic work;
- Capture and make available knowledge about how human rights relate to the World Bank’s operational work including strategy, planning, and implementation; and
- Increase awareness among Bank staff and Management of how the Bank’s work and human rights are related and how human rights aspects can be applied to the Bank’s work.

Contrary to a needs-based approach, which is not specifically grounded in principles and legal frameworks, the six principles that underpin a human rights-based approach are as follows:

- Universality and inalienability of human rights,
- Equality and non-discrimination,
- Indivisibility and inter-dependence of human rights,
- Participation and inclusion,
- Accountability, and
- Rule of law.

1.1 Study methodology

The methodology of this study is essentially research-based entailing a review of the latest literature as well as a review of World Bank gender policy and selected practice in four thematic (sectoral) areas. Key findings from the document review were triangulated with interviews with World Bank staff (Annex 2).

This study’s interpretation of HRBA is based on the UN Common Understanding of HRBA2 as shown in Table 1.1. The study strategically did not review gender activities in sectors such as education and health. This was in order to provide an opportunity to show best practices in other sectors that are less reviewed from a gender perspective such as transport, agriculture, Justice for the Poor, and gender-responsive budgeting.

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1 Information on human rights and NTF work is available at http://go.worldbank.org/PKPTI6FU40.
1.2 Three-step approach

In order to respond to the key question—what added value and evidence of improved outcomes can be identified through the integration of HRBA to gender work?—the study used a three-step approach. The study questions are detailed in Annex 1.

The first step defines what kind of gender work has been done both at policy and practice level. The term “gender” can be defined in many ways. Attempting an exhaustive interpretation of terminologies is outside the scope of this study. A clear classification of its interpretations in relation to gender justice is an appropriate and relevant conceptual framework in relation to the review of the application of HRBA. The conceptual framework is used in the study to achieve the following:

(a) Identify how gender is interpreted within the three gender justice categories:4

- **Representation** (increasing the participation of women in accessing resources),
- **Recognition** (recognizing the barriers faced by women to increased participation and specific problematics such as sexual- and gender-based violence or SGBV), and/or
- **Redistribution** (planned rebalancing of the distribution of power and resources between men and women);

(b) Define the possible gender-related outcomes that could be expected.

Although the study does not include the World Development Report (WDR) 2012, *Gender Equality and Development,* and WDR implementation paper, since these were subsequent publications to the study terms of reference, these documents explicitly mention the role of CEDAW\(^3\) and rights with a particular reference to access to justice, data collection, and increased participation.

In order to consider women’s human rights, not merely as an end in itself but as a means to achieve better outcomes in terms of poverty reduction, then the justice (and socio-economic justice in particular) is addressed in the conceptual and theoretical framework. Notably, the gender constraints that also affect boys and men are important but fall outside the scope of this study.

**The second step** entails asking to what extent has HRBA been applied to the identified gender work? For this step analysis, the study specifically focuses on the extent to which two key elements of HRBA have been included, namely (a) any explicit reference to women’s human rights instruments such as CEDAW, and (b) the use of the dual-track approach (strengthening the capacity of duty-bearers to meet their obligation and empowering rights-holders to claim their rights).

**The third step** focuses on what evidence of ‘added value’ and potential better outcome can be identified?

The three-step approach is reflected in the analytical model tailor-made for this study (Figure 1.1). This model is grounded on the theoretical and conceptual dynamics further discussed in chapters 2 and 3, and also provides an innovative and forward-looking theoretical framing of the study.

This analytical model is used throughout the study (a) to determine how gender equality is interpreted in the World Bank policy and practice (in the selected sectors and thematic areas) to understand what kind of gender work has been undertaken, (b) to analyze the extent to which HRBA has been applied to the identified gender work, and (c) to identify any consequent evidence of improved development

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4 The three gender-justice categories are based on N. Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (Columbia University Press, 2009).
Figure 1.1. The Analytical Model

Step 1. Gender-justice conceptual framework (illustrated within a white circle by three interconnected gears) represent the three aspects of gender-justice. Representation, recognition, and redistribution are used as simple categories in which to define World Bank gender work and anticipate the qualification of possible outcomes.

Step 2. HRBA analysis of gender work (illustrated within a blue rounded rectangle) focuses on the extent to which two key elements of HRBA have been included, namely: (a) any explicit reference to women’s human rights instruments such as CEDAW, and (b) the use of the dual-track approach: strengthening the capacity of duty-bearers to meet their obligations and empowering rights-holders to claim their rights.

Step 3. The evidence-based approach (illustrated by a black dotted arrow) runs throughout the analytical process that ultimately culminates in producing evidence of added value and (potential) better development outcomes.

outcomes. The analytical model reflects the need for all stakeholders to be actors of their own development rather than passive recipients.

The analytical model shows that these approaches and frameworks are evolving in a dynamic way that, provided all ingredients are integrated, could potentially add value through better development outcomes. This analytical model responds, in a simplified manner, to the conceptual complexities of this field further discussed in chapter 2 and chapter 3.
2. Conceptual Framework of the Study

This chapter explains interpretations of the key concepts in the methodology and the analytical model of the study.

2.1 A gender-justice conceptual framework

A gender-justice conceptual framework is used in this study to categorize gender-related work at both policy level and practice in the World Bank. The conceptual framework is based on Nancy Fraser’s three-dimensional definition of gender justice, which views gender justice at the nexus between representation, recognition, and redistribution. The terms misrepresentation, misrecognition, and maldistribution will also be consistently used throughout the study reflecting the specific terminology used in Nancy Fraser’s feminist theory. In this sense, for instance misrepresentation will be used not merely to denote a “lack of representation” but as making specific reference to the three-dimensional gender-justice theoretical framework.

The notion of justice raises key questions for gender equality and human rights in international development assistance. How have the concepts of gender equality and human rights been interpreted? What did the interpretations provided include? Why did a particular focus prevail in these interpretations and at which cost for gender outcomes and impacts? Whose interests are actually protected? What types of outcomes are targeted? Further advanced readings on these issues are suggested in Annex 4.

In order to consider women’s human rights—not merely as an end in themselves but as a means to achieve better outcomes in terms of poverty reduction—it is argued that justice, and socio-economic justice in particular, needs to be addressed.

In this study the three justice dimensions are used as simplified and useful categories in which to understand how gender has been defined and to identify and qualify potential expected outcomes as follows:

- **Gender equality as representation** is understood as having a predominant focus on the quantitative participation of women in a given policy or program. This might include, for example, access to financial resources, access to legal aid services, access to employment, access to land, and participation of women at decision-making level.

- **Gender equality as recognition** is predominantly about specific women’s problematics. This might include SGBV, women’s different perspective in a given project, sex-specific socio-cultural barriers, and gender stereotypes.

- **Gender equality as redistribution** is about targeting a reduction of inequalities between women and men with regard to power and control over resources. Examples might include rebalancing unequal control of land and property, rebalancing inequalities in voices (beyond participation, in actual political powers), and rebalancing inequalities in wages and allocation of resources (including equal shares of the total financial benefit of a development project).

In Table 2.1, possible expected outcome indicators are drawn for each of the three categories in relation to the examples of key gender-related concepts found in the World Bank documents reviewed.

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### Table 2.1: Categorization and possible expected outcomes of key World Bank gender-related concepts within a gender-justice conceptual framework

<table>
<thead>
<tr>
<th>Examples of key gender-related concepts found in World Bank documents reviewed</th>
<th>Possible expected outcomes indicators within the three interpretative categories in the gender-justice conceptual framework</th>
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<tbody>
<tr>
<td>Access to financial resources</td>
<td>% women benefiting from micro-credit loans</td>
</tr>
<tr>
<td>Access to legal aid services</td>
<td>% women using legal aid</td>
</tr>
<tr>
<td>Access to employment</td>
<td>% women employed on construction sites</td>
</tr>
<tr>
<td>Access to land</td>
<td>% women working on a productive piece of land</td>
</tr>
<tr>
<td>Participation of women at decision-making level</td>
<td>% women MPs, directors, or % women participating in decision-making committees</td>
</tr>
<tr>
<td>SGBV</td>
<td>Reduction in instances of SGBV in a given project</td>
</tr>
<tr>
<td>Women’s different perspective in a given project</td>
<td>Increase in women’s specific concerns being heard and taken into account in planning, objectives, and activities of the project</td>
</tr>
<tr>
<td>Sexo-specific socio-cultural barriers</td>
<td>Changes in mindsets related to sexo-specific cultural barriers in a given project</td>
</tr>
<tr>
<td>Gender stereotypes</td>
<td>Changes in mindsets and gender stereotypes</td>
</tr>
<tr>
<td>Control over resources</td>
<td>% women owning the title of the land/property on which they are working and/or living.</td>
</tr>
<tr>
<td>Equality in voices (beyond participation)</td>
<td>% women having actual power to influence priorities setting in the poverty reduction agenda, having actual decision-making powers</td>
</tr>
<tr>
<td>Parity in wages</td>
<td>% women having equal pay for the same post</td>
</tr>
<tr>
<td>Equal allocation of resources</td>
<td>% total income of a project being allocated to women</td>
</tr>
</tbody>
</table>

Source: The first column is based on Women Business and the Law, Removing Barriers to Economic Inclusion, Measuring Gender Parity in 141 Economies (World Bank and IFC, 2012), p. 54–55. The second, third, and fourth columns reflect the sector/thematic outcome indicators used in the methodology of this study.
In order to assess the extent to which HRBA has been applied to gender work within the World Bank, the analysis seeks to identify:

(a) **Women’s human rights instruments.** In particular, whether international and regional women’s human rights instruments (Box 1.1) are included and whether their implementation is supported; and

(b) **Dual-track approach.** Strengthening the capacity of duty-bearers to meet their obligations and empowering rights-holders to claim their rights has been incorporated. For the purpose of this study, a dual-track approach is understood to be part of full application of HRBA and focuses on (i) empowerment of women rights-holders to claim their rights and (ii) strengthening of the accountability of duty-bearers (convention member states) to fulfill their commitments under international law. The study will examine whether a particular policy or project has integrated dual-track approaches whether by using the *rights* terminology distinguishing between “duty-bearers and rights-holders” or by using the *economics oriented* terminology focusing on “demand and supply”.

### 2.2 Needs-based vs. human rights-based paradigms

Parties to CEDAW have committed themselves to the implementation of CEDAW in national legislation by repealing discriminatory legislation that is incompatible with CEDAW and/or undertaking legislative reforms accordingly. A gender policy or program is understood therefore to have integrated an HRBA not only when women’s human rights are explicitly mentioned but when their implementation in the body of national legislation is supported. In 1998, former UN Secretary General, Kofi Annan stated the following:

> A rights-based approach to development describes situations not simply in terms of human needs, or of development requirements, but in terms of society’s obligations to respond to the inalienable rights of individuals, empowers people to demand justice as a right, not a charity, and gives communities a moral

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* Although the entire body of human rights conventions is supposed to address both women and men at least implicitly, women’s human rights instruments at international and regional level provide a specific legal framework in which gender equality and non-discrimination on the grounds of sex are explicitly applied to all categories of rights (civil, political, economic, social, and cultural).
basis from which to claim international assistance when needed.

The difference between a needs-based and human rights-based paradigm is summarized in Table 2.2.

Table 2.3 further shows examples of how gender equality concepts defined to fit an economic- and needs-based oriented framework can be complemented by terminology using a women’s human rights framework. Table 2.3 does not present an exhaustive catalogue of all possible linkages and entry points within the field of women’s human rights. It also does not cover all relevant articles under the regional instruments since it first and foremost focuses on CEDAW.

It might be argued that some elements of HRBA through a dual-track approach (demand and supply) are already widely used in the World Bank gender work and that therefore a full HRBA might not bring anything new. Table 2.3 shows how complementary the economics and needs-oriented and human rights-oriented terminologies are within the gender field. It also shows the relevance of the substantive legal commitment through the specific articles, which present the opportunity of using international and regional women’s human rights instruments as accountability and empowerment tools.

Notwithstanding the fact that the formal legal framework at international, regional, and national levels coexist with informal and customary normative systems, it is nevertheless a relevant dimension to connect with.

2.3 Conclusion

In conclusion, this study follows the methodology established for responding to the questions in Annex 1 and adhering to the scope of the terms of reference (Annex 5). However, given that the findings are essentially based on a document review and concept interpretation, they will need to be further tested in the field before drawing any solid conclusions regarding added value of outcomes.

This study does not ignore the complexity that surrounds the fields of gender and human rights at theoretical level and operational level. Some of the key debates and challenges that hinge upon the interpretation and understanding of these concepts and their added value at least at conceptual level are discussed in chapter 3. Although men, male roles, and masculinity are important concepts to address within the gender field at large, this study essentially focuses on women’s human rights.

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Table 2.2: Needs-based vs. human rights based approaches

<table>
<thead>
<tr>
<th>Needs-based approach</th>
<th>Human rights-based approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evolve within a broad framework of socio-economic and human needs context</td>
<td>Evolve in a clear and more narrow international legal framework and normative basis</td>
</tr>
<tr>
<td>Needs appeal to the charity and good-will of donors and states</td>
<td>Rights are legal claims that appeal to state obligations under international law</td>
</tr>
<tr>
<td>Victims ask for their needs to be addressed—without necessarily being empowered in the process</td>
<td>Rights holders hold duty bearer to account—and are likely to be made aware of their rights and struggle to claim it as an empowering process in itself</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Economics and needs-oriented gender terms</th>
<th>Women’s rights-oriented gender terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender equity or Equality</td>
<td>Gender equality and non-discrimination</td>
</tr>
<tr>
<td></td>
<td>CEDAW Article 1: For the purpose of the present Convention, the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect of impairing or nullifying the recognition, enjoyment or exercise by women of human rights and fundamental freedoms in the political, social, cultural civil or any other sphere.</td>
</tr>
<tr>
<td>Access to social services</td>
<td>Right to enjoy adequate living conditions of women living in rural areas</td>
</tr>
<tr>
<td></td>
<td>CEDAW Article 14 refers to the right of women in rural areas to enjoy adequate living conditions particularly in relation to housing, electricity, transport, water and sanitation etc.</td>
</tr>
<tr>
<td>Access to legal aid services and property assets</td>
<td>Equality before the law (gender and class-based equality)</td>
</tr>
<tr>
<td></td>
<td>CEDAW Article 15 (1): States Parties shall accord women equality with men before the law.</td>
</tr>
<tr>
<td></td>
<td>Article 15 (2): States Parties shall accord women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property (etc.)</td>
</tr>
<tr>
<td>Access to employment</td>
<td>Non-discrimination in the field of Employment</td>
</tr>
<tr>
<td>Access to financial resources and Parity in wages</td>
<td>CEDAW Articles 11 and 13 refer to the right to work as an inalienable right; the right to the same employment opportunities; the right to equal remuneration and to equal treatment, the right to bank loans, mortgages and other forms of financial credits, etc.</td>
</tr>
<tr>
<td>Access to land</td>
<td>Participation of women at decision-making level</td>
</tr>
<tr>
<td></td>
<td>Political Rights</td>
</tr>
<tr>
<td></td>
<td>CEDAW Articles 7 and 8 refer to women’s political rights in terms of participation and representation.</td>
</tr>
<tr>
<td>SGBV (including female genital mutilation)</td>
<td>Elimination of customary practices and stereotypes</td>
</tr>
<tr>
<td></td>
<td>CEDAW Article 5: State parties shall take all appropriate measures to modify the social and cultural patterns with a view to achieving the elimination of prejudice and customary practices based on the idea of the inferiority or the superiority of either sex or on stereotyped roles for men and women. Even if violence against women is not explicitly included in CEDAW it can be found in the two regional women’s human rights instruments respectively: Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (adopted 11 July 2003, entered into force 25 November 2005) (the Protocol on the Rights of Women in Africa); and The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (adopted 9 June 1994, entered into force 5 March 1995).</td>
</tr>
</tbody>
</table>

3. Strengths and Limitations of Human Rights Instruments

This chapter discusses the key strengths and limitations of instruments for developing an informed and critical view of the strengths and the challenges facing women’s human rights in a development context. Key challenges such as the reservation process and the public/private divide related to violence against women are thus analyzed and discussed.7

The body of human rights instruments, like international law, has both its advantages and inherent challenges in terms of reaching consensus through negotiations and compromises on key values and terminologies and in terms of implementation. Women’s human rights are no exception to this.

CEDAW constitutes one of the most comprehensive, international legal instruments encompassing civil, political, economic, social, and cultural rights.8 In one document, it provides the international normative framework through which accountability for gender equality and women’s human rights can be claimed and realized. The Convention has been widely used by many multilateral and bilateral donors as a relevant and significant conceptual and normative framework for their gender work in the field of international development assistance.

CEDAW is also the first convention to address the public/private divide by explicitly including harm from private actors. In fact, this is one of the most important features of CEDAW. It addresses both public and private violations of women’s human rights. CEDAW Article 2.e. explicitly prohibits violations by private actors. This is also further elaborated in many general recommendations, the last one being General Recommendation 28.9

Although non-discrimination is the most obvious paradigm framing CEDAW, the CEDAW Committee has always articulated a clear framework for substantive equality, which they have interpreted to mean as equality of results. This was evident in the constructive dialogues among the countries, and also further articulated in General Recommendations 25 and 28. This concept of equality is further bolstered by phrases in the convention on “practical realization” of the principle of equality in CEDAW Articles 2.1 and. 4.1 on temporary special measures.

However, CEDAW has had several weaknesses from the onset. Although regular monitoring mechanisms are in place, CEDAW lacks sanctions mechanisms for noncompliance and relies therefore on the goodwill of states to comply. International and domestic pressure, play a large part in ensuring that states parties honor their commitments. This is yet another argument for key donors to step in as catalyst in supporting implementation of CEDAW.

In terms of compromises, there are reservations10 to particular Articles of the CEDAW that state parties to the

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7 Further readings on theoretical debates underpinning the concepts of women’s human rights and gender equality can be found in Annex 4.
8 Web link for full text of CEDAW provided in Annex 3, Bibliography, A3.2.
9 Web link for General Recommendation No. 28 provided in Annex 3, Bibliography, A3.2.
Convention were permitted to enter into from the onset. In addition, compromises to the text of CEDAW have eclipsed important aspects of women’s human rights violations. Chapter 3 focuses on (a) the reservations and (b) the compromises that have been made to CEDAW as a result of the public/private divide regarding violence against women in particular.

3.1 Reservations to CEDAW

The reservation procedure, whereby state parties to the Convention can reserve the right not to apply a specific part of a treaty, is a process designed to enhance global acceptance of treaty obligations by providing for exceptions to those obligations that governments cannot immediately and fully undertake. The reservation process was intended to promote an inclusive strategy that aimed to ensure the largest possible number of countries worldwide would be able to ratify CEDAW. Consequently, on the onset, two-thirds of the world’s countries ratified CEDAW and thus, quantitative inclusion took priority. Today, 187 countries are state parties to the Convention.

This inclusionary strategy of opening the Convention to a broad reservation process sent out a significant signal worldwide, indicating that gender equality and women’s rights were generally recognized as being important but were also de facto negotiable. Moreover, under international human rights law, it showed that differences in standards concerning gender equality were acceptable within varying political, cultural, and religious contexts. Examples of common reservations can be found in relation to CEDAW Article 15, which allows countries to exempt personal laws from non-discrimination principles.

Consequently, the status of CEDAW and the concept of gender equality was from the onset subjected to compromises and undermined, as the reservations “gave the impression that the Convention is not as binding as any other international conventions and that these reservations need not be scrutinized against the yardstick of international standards of equality for women because of the sovereignty of religious and cultural ideologies of the subject matter.”

Nevertheless, in the 2010 General Recommendation 28, the CEDAW Committee considers Article 2 as the essence of state obligation and that reservations under this article are contrary to the object and purpose of the Convention and in violation of Article 28, para. 2, of the treaty, and thus impermissible. It states that parties with such reservations should explain the practical steps of those reservations and indicate the steps taken to review such reservations with the goal of withdrawing them.

Further to the regular monitoring of state parties with regard to implementation and domestication of CEDAW into national legislation through relevant legislative reforms, states parties are also monitored through the reporting process on their reservations.

Thus for those countries that have entered CEDAW without reservations or subsequently lifted their reservations, CEDAW offers a comprehensive legal framework and a regular reporting mechanism, through which relevant legal reforms on gender equality in civil, political, economic, social and cultural spheres can be monitored.

3.2 Violence against women and the public/private divide

This section examines the reasons why sexual and gender-based violence (SGBV) was omitted from CEDAW and its explicit inclusion in the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa 2003 and more recently to the Council of Europe Convention on preventing and combating violence against women and domestic violence (2011).

SGBV began to gain grounds as a major issue at international policy level in the late 1980s and into the 1990s. It remains one of the most striking examples of universal

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11 Specifically on the universality of participation see C. Redwell, *Universality or Integrity? Some Reflections on Reservations to General Multilateral Treaties* (64 British Yearbook of International Law, 1993) p. 245.
13 General Recommendation No. 28 web link provided in Annex 3, Bibliography, A3.2.
14 This is consistent with the stance that the Committee has taken in the past few years on dealing with reservations. In a CEDAW report to the General Assembly for example, it gives a general discussion about how these reservations are being addressed by the Committee. It cites General Recommendations 20 and 21, and in page 49 (paragraph 16 and 17) states that Articles 2 and 16 are central to the Convention and hence, such reservations are impermissible. It proceeds to suggest what the state party should do in Article 18. The CEDAW report also cites that there has been withdrawal of reservations. Since the report, there are states that have withdrawn reservations to CEDAW such as Morocco in 2011.
15 The guidelines for the drafting of the common core documents (state reporting guidelines to treaty bodies) refers to the need to refer to discussions on reservations (its review etc.) in the common core documents (para 40.b) as well as in convention specific documents (i.e., CEDAW, p.67.C3).
phenomena cutting across race, class, time, and location—“violence against women is often caused by the structural relationships of power, domination and privilege between men and women (...) often central to maintaining patriarchal hierarchies”,” it provides a particularly illustrative example of universal patriarchal values.

In spite of such well-known global problematics, the term violence (or SGBV) does not appear anywhere in CEDAW. The closest the Convention comes to addressing the issue is Article 6 on exploitation of women (trafficking). While “the original CEDAW convention does not explicitly mention violence against women, in 1992 a new general recommendation 19 was appended to the Convention that prohibits GBV by individuals, groups or the state; it also requires national monitoring reports to the Committee to include data on the incidence of violence against women, as well as information on the services available for victims and legislative and other actions taken to protect women from violence.”

General Recommendation 19, although not legally binding, attempts to clarify the confusion as to the extent to which CEDAW could be interpreted as inexplicitly, including violence against women. General Recommendation 19 states that the Convention includes all forms of discrimination against women, whether stated explicitly in the Convention or not, and hence as violence against women discriminates against women, it is a form of discrimination as defined in CEDAW Article 1. In many ways, this highlights that “Although the empirical evidence of violence against women is overwhelming and undisputed, it was never adequately reflected in human rights law because it focuses on ‘public’ actions by the state.” However, in practice, states parties are now reporting on SGBV almost consistently, and the CEDAW Committee has looked at SGBV through communication and inquiry procedures.

The protection from violence against women has on the other hand been explicitly addressed at the regional level in three regional conventions covering Latin America, Africa, and Europe, one of which is discussed below.

### 3.3 Regional conventions on violence against women

Regional instruments have overcome all the following obstacles which, at the international level, were used to justify the fact that CEDAW did not include explicit provisions on violence against women:

- The conceptual difficulty of compressing a harm characterized as private into the public frame of international law;
- The fact that SGBV does not fit into the equality model based on non-discrimination;
- The need for wider ratification of the Convention, which led to compromises on themes considered by some member states and religions to be culturally sensitive.

Regional instruments covering different continents offer examples of far reaching, radical and comprehensive definitions of violence against women as illustrated in Article 1(J) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa 2005.
The Protocol defines violence against women as follows: “All acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private and public life, in peace time and during situations of armed conflict or of war.”

Furthermore Article 4(2) (a) of the Protocol under the section related to the rights to life, integrity, and security of person stipulates that: “State Parties shall take appropriate measures to enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in public or private.” This is essentially a groundbreaking clause as it explicitly calls for a proscription of rape and violence within the private domestic sphere.

Although it took a long time for the Protocol to come into force, there was a will not to compromise fundamental women’s human rights. For the first time at African regional level, both the concepts of violence against women and gender equality are addressed in one legal instrument, focusing on violence against women beyond the public sphere. According to Amnesty International, “the Protocol filled a major gap in the regional human rights system.”

3.4 Conclusion

This chapter summarizes primary sources concerning current understanding and challenges underpinning women’s human rights and gender equality. While all the theoretical debates have not been exhausted, the focus remains on the key areas that have added value or marked the boundaries of women’s human rights. This chapter shows that beyond legal terminology pertaining to women’s human rights and gender equality, ideological debates, negotiations, and compromises have taken place. Further, it seeks to engage the reader in these debates to deepen reflections on the interpretations of gender-related concepts in order to enhance a critical understanding of the field. Further advanced reading is presented in Annex 4.

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26 This definition echoes that of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women: “Article 1: For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.”


28 This is further supported by Article 5 of the Protocol in the section related to the elimination of harmful practices, targeting female genital mutilation, and Article 6 on forced marriages, and Article 14(1) (d) on the right to self-protection on HIV/AIDS and other sexually transmitted diseases.

29 Almost a year after the Protocol was adopted, only one Member State of the AU, The Comoros, had signed and ratified it. Twenty-eight member states signed but were yet to ratify it as of 12 May 2004. A minimum of 14 further countries had to ratify the Protocol in order for it to come into force. On 26 October 2005, Togo became the fifteenth state to ratify the Protocol. As a result, it came into force on 25 November 2005, 30 days after the deposit of the fifteenth instrument of ratification. As of 16 July 2008, out of 53 African countries, 45 have signed the treaty, and 24 have signed and ratified it.

30 Arguably, the implications of the Protocol are more far-reaching than filling gaps at a regional level. They challenge the grounds upon which previous inclusionary approaches justified compromise on the grounds of cultural relativism and led to substantive weakening of CEDAW as the major international women’s human rights law instrument; Africa: Entry into Force of Protocol on the Rights of Women in Africa Positive Step towards Ending Discrimination (Amnesty International Index: AFR 01/004/2005 (Public) News Service No 292, 28 October 2005), web link provided in Annex 3, Bibliography, A3.2.
4. Review of World Bank Gender Policy Framework

This chapter reviews key World Bank gender policy documents up to 2010, with an emphasis on policy level, and is followed by a review of the Bank’s approaches at practice level in the selected sectors and thematic areas (Chapter 5).

In 2002, Integrating Gender into the World Bank’s Work: A Strategy for Action, (World Bank, January 2002) based on a major research document Engendering Development through Gender Equality in Rights, Resources and Voices (World Bank 2001) was launched as the major World Bank gender mainstreaming strategy. It was based on the World Bank’s aim to help countries reduce poverty, enhance human well-being, and increase development effectiveness by addressing gender disparities that are barriers to development. It introduced the use of a new diagnostic tool—the Country Gender Assessment. Country Gender Assessments were expected to inform the Country Assistance Strategy (CAS). In sectors and themes where gender was identified in the CAS among priorities, then sector managers and task teams were to ensure that gender issues received appropriate treatment in operations.

The Operational Policy/Bank Procedure (OP/BP) 4.20, Gender and Development, replaced earlier provisions of Operational Manual Statement (OMS) 2.20, Project Appraisal, by absorbing them into the OP/BP process. Under OP/BP 4.20, the entry point for addressing gender issues during project appraisal thus applied only to CAS-identified priorities for gender.

In 2006 the Bank launched a four-year Gender Action Plan (GAP), Gender Equality as Smart Economics. With implementation underway as of January 2007, the Gender Action Plan returned to the sector-specific, project-level approach of the earlier OMS 2.20, emphasizing integration of gender into operations and activities in predetermined economic sectors of importance for women’s economic empowerment.31

This chapter reviews the Strategy for Action, OP/BP 4.20, the Gender Action Plan, and the three-year roadmap for gender mainstreaming 2011–2013, as the key policy documents as well as main evaluation and monitoring reports, such as the IEG’s Evaluation of World Bank Support 2002–2008: Gender and Development (2010) and related annual monitoring reports Implementing the Bank’s Gender Mainstreaming Strategy (2003 to 2011). The study does not include the WDR 2012 and WDR implementation paper since these were published after the issuance of the study terms of reference (Annex 5).

In line with the objective of the study and the three-step methodology outlined in chapter 2, the review of these documents was carried out as follows:

- **Step 1** determines what kind of gender work has been done at policy level, through the gender-justice conceptual framework.
- **Step 2** reviews whether and to what extent a HRBA has been integrated into the identified gender work.
- **Step 3** identifies, where possible, evidence of added value in terms of potential improved development outcomes.

4.1 Gender-justice review

Within the World Bank gender policy framework and evaluation, this section examines how gender work has been interpreted at policy level within the three main dimensions of the gender-justice conceptual framework: representation, recognition, and redistribution.

4.1.1 REPRESENTATION

The interpretation of gender equality as representation focuses on women’s participation and access to resources within a non-discrimination and equal opportunities framework. In the 2002 Strategy for Action, for instance, the overarching goal is to reduce poverty by promoting inclusive development. The Strategy explains that such a concept means ensuring the following:

Both women and men have a voice in the development of their community and country, that both are able to benefit from the new opportunities that development brings, that both have access to the resources needed to be productive members of society, and that both share in a higher level of wellbeing.32

Gender equality in this instance is interpreted as representation through the participation of women. Further, the strategy makes it clear that gender equality is relevant to the World Bank’s vision, mission, and work as long as it makes economic sense. Thus making the business case for mainstreaming gender essentially entails making the linkages between the participation of women in education and health (etc.), and the possible results of women being “engaged in productive activities”34 ultimately leading to the country’s economic growth.

This is further echoed in the 2007 Gender Action Plan that makes clear linkages between women’s participation in the productive sector and economic growth as follows:

...participation in all markets, interventions which increase the compatibility between women’s productive and reproductive roles are key—such as access to quality child care and reproductive health services.

Thus gender equality throughout the World Bank gender policy framework has been to a great extent interpreted as representation through explicit reference to women’s participation and access to productive resources.

4.1.2 RECOGNITION

The interpretation of gender equality as recognition focuses on specific women’s needs, problematics, and the identification of specific gender-related socio-cultural barriers. Recognition is less predominant than representation, but it is nevertheless present in all key gender policy framework documents under review. For instance, the 2002 Strategy for Action suggests that gender mainstreaming in CAS means that “gender-related obstacles to development are one of the elements used to determine development (or assistance) priorities.”35 The examples given in the Strategy slow down labor supply and productivity and encourage inefficient allocation of labor.

34 Such as “increased job creation for females working in industry and small-to-medium enterprises; access to credit for poor and low-income women; and increased opportunities, advice, and financing for female entrepreneurs”; Integrating Gender into the World Bank’s Work: A Strategy for Action (World Bank January 2002) p. 67.
Gender equality as recognition is also illustrated through the notion of difference in terms of assessing how country economic policies can have different impacts on males and females. Interpreting gender equality as recognition in World Bank policy documents has also meant “recognizing the different impacts and, where they are judged to be detrimental to well-being, formulating policy advice to ensure that both females and males benefit from policy changes.”

Recognition complements gender equality interpreted as representation. Thus in addition to investing in the participation of women and their access to resources, recognition is exemplified by the need for the removal of what the World Bank terms “gender-related barriers” to economic growth.

### 4.1.3 Redistribution

Women’s economic empowerment is explicitly targeted in the 2006 four-year Gender Action Plan, *Gender Equality as Smart Economics*. This emphasizes the integration of gender into operations and activities in predetermined economic sectors of importance for women’s economic empowerment.

From the documents reviewed, evidence of gender equality interpreted as redistribution is less frequent across the World Bank gender policy framework. This is particularly true of the redistribution of resources between women and men at the macro level through, for example, land redistribution, a rebalancing of control of financial and natural resources, and power in decision-making in political life (although participation of women in decision-making processes is often addressed).

In conclusion, the World Bank gender-related policy framework provides an interpretation of gender equality predominantly as representation and as recognition in so far as the concept of gender equality can enhance women’s participation in the productive sphere and economic growth.

### 4.2 HRBA Analysis

This section reviews the extent to which HRBA has been included in the gender policy framework.

The World Bank gender policy framework rarely explicitly refers to human rights and women’s human rights in particular. There are limited references to international and regional human rights instruments (refer to Box 1.1), women’s human rights conventions, and specific articles in CEDAW related to non-discrimination (refer to Table 2.3). Also, there are few explicit references to the implementation of women’s human rights, and inter-linkages between women’s human rights and World Bank’s interpretation of gender equality in its policy framework.

One of the few examples is a brief mention to CEDAW in the 2002 Strategy for Action that reads “CEDAW explicitly prohibits discrimination against women.”

Instead, the term rights (as opposed to a fuller terminology of *women’s human rights*) was selected and widely used in the research document *Engendering Development through Gender Equality in Rights, Resources and Voices* (World Bank 2001) emphasizing the importance of improving the “*rights, resources, and voices of women*” and reaching key conclusions about global gender inequalities as follows:

First, males and females have unequal rights, resources, and voice in decision-making in almost all countries, including the developed countries (…)

Second, gender disparities tend to be greater in low-income than in higher-income countries and, within countries, greater among the poor than in the more affluent strata of society. However, even in middle-income countries that have promoted equal rights for males and females in some spheres, important gender disparities may exist, especially among the poor or in minority populations.

Women’s human rights, which is implicitly referring to international human rights conventions, has been avoided in the examples quoted above and throughout the policy documents reviewed. The 2002 Strategy for Action as well as the subsequent operational procedure and Gender Action Plans could have further enriched their analysis by explicitly including women’s human rights since the underpinning principle of *equality in rights between women and men* had already been generally acknowledged.

In line with these findings, the World Bank gender policy framework does not explicitly apply the related terminology of *strengthening the capacity of duty-holders to be accountable and of rights-holders to claim their rights*—in this case, women’s human rights. Neither do the policy documents under review at anytime explicitly refer to the term duty-bearing emphasizing support to the governments/states parties to CEDAW (for instance, through capacity building, etc.)

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to be able to be accountable for and to deliver on specific international legal and national commitments.

However, the World Bank gender policy framework is clearly engaged at both government and nongovernmental levels. This is particularly evidenced in the World Bank’s Action Plan (2007) and its interpretation of both concepts of gender equality and women’s empowerment as being about “making markets work for women (at the policy level) and empowering women to compete in markets (at the agency level”).40

The 2007 Action Plan includes a similar dual-track approach targeting four strategic markets—land, labor, product, and financial—but without explicitly mentioning rights-holders and duty-bearers and without referring to the implementation of the international human rights framework. Rather the chosen framework and ultimate rationale for selecting these sectors is solely economic growth through the increase of women’s productivity and income. Within this economic growth framework: the Action Plan (2007):

[The Action Plan] identifies and implements policy measures to level the playing field and improve the policy and institutional environment for women in these four markets—including both formal and informal markets. It does the same for agency-level measures to increase women’s ability to compete in these markets.41

This ultimately brings further evidence that one of the main and most recurrent interpretations of gender equality is representation through an emphasis on facilitating the participation of women in these markets.42 The 2007 Action Plan nevertheless comes closer to formulating a dual-track approach to gender equality when it states:

…the Plan can address some aspects of the enabling environment for working women—such as the ability of women’s organizations to reach a scale and sophistication where they are capable of articulating and advocating policies to promote women’s economic empowerment. For example, targeted support to women’s business and advocacy groups can improve the enabling environment for working women by influencing trade policy and regulations, as well as by promoting accountability of government to citizens. Other key factors—such as policymakers’ views on the desirability of increasing women’s labor market participation—can be influenced by the Plan’s analytical work.43

Although it falls short of using rights terminology as the overall framework, it amounts to opening an entry point to encourage actions that strengthen duty-bearers’ accountability and rights-holders’ capacity to organize and claim their rights.

Working in partnership with government on the one hand and civil society on the other is not new in the World Bank’s gender policies and has been a key approach in the 2002 Strategy for Action and illustrated as follows: “As the Bank has moved to implement the Comprehensive Development Framework, partnerships with governments, civil society, donors, and international organizations have become increasingly important.”44

Such collaboration already includes, for example, supporting government and civil society groups working on gender issues; consulting with civil society and community groups on gender-focused development actions;45 reviewing and modifying legal and regulatory frameworks to improve women’s access to assets and services; and taking institutional measures to ensure that legal changes are implemented in actual practice, with cultural sensitivity.46

Nevertheless, although some actions could fit well into parts of HRBA, namely the dual-track element, a comprehensive HRBA to gender equality has not been fully developed in the selected documentation at policy level. If integrated, such an approach would essentially anchor existing dual-track approaches into a legal framework in which there would be accountability for clear allocation of legal responsibility at country level. Ample targeted support could empower groups or individual women as rights-holders to claim their rights through the various normative frameworks.

4.3 Evidence review

On the basis of the findings above, it is difficult to draw any certain conclusions with regard to evidence of improved

42 This is illustrated by, for instance, actions such as “establishing dedicated credit lines for female entrepreneurs at policy-level interventions and at the individual, agency level, support for self-help groups and rotating savings and credit associations (ROSCAs) and the provision of financial intermediation services can empower women to compete in financial markets”: The Action Plan: Gender Equality as Smart Economics (World Bank, 2007) p 6.
outcomes as a result of using HRBA to gender work at the
gender policy level. At policy level, this finding is further
supported by the main conclusions of the gender evaluation
and recent monitoring reports. One of the main findings of
the 2010 gender evaluation covering the period 2002–2008,
which has direct relevance to this study, is the “absence of
an explicit results framework translating World Bank sup-
port for gender into specific gender-related outcomes (which)
diminished the policy’s relevance.”

The gender evaluation, among other key findings, high-
lights that:

The results framework was weak, even though the
2002 Gender Strategy included significant illustrations
of integrating gender into a variety of sectors and
thematic areas. Although the 2002 Strategy noted
the framework in the 2000/2001 World Development
Report Attacking Poverty (World Bank 2000)—security,
opportunity, and empowerment—as well as that in
the 2001 Engendering Development Report (World
Bank 2001)—equal rights, equal access to resources,
and equal voice and participation—it stopped short
of specifying the framework for achieving the Bank’s
objectives.

References in the 2002 Strategy to human rights gradu-
ally diminish in the interpretation of gender equality in the
subsequent policy documents. Although the 2010 evaluation
attempted to include a section on “consistency of approach
with international gender-related conventions”, it only
referred briefly to international policy frameworks that
encouraged gender mainstreaming such as the 1995 Beijing
Declaration and the 2005 Paris Declaration on Aid Effectiveness
(which is particularly weak in terms of mainstreaming
gender within the new aid effectiveness guidelines) and
without any explicit reference to international and regional
women’s human rights instruments.

In conclusion, at the policy level a full human rights
approach to gender work has not been developed within
the World Bank gender policy framework. The assessment
of the potential added value of using a HRBA to World Bank
gender work remains largely hypothetical. Some evidence
of potential outcomes in using a human rights approach
to gender work has been identified at the “practice level
relating to selected thematic areas under review (as further
discussed in the following chapter). Nevertheless, from the
elements reviewed, the potential added value of integrating
such an approach at gender policy level would be:

- An alignment of the gender policy framework, beyond the
  Millennium Development Goals and the Paris Declaration,
to a more complete framework on women’s human rights
  at international, regional, and national levels;
- An accountability tool for governments to implement
  existing women’s human rights obligations within national
  legislations; and
- A tool for framing the support to women’s empower-
  ment (whether groups or individuals) within a legal
  framework, potentially enabling women as rights-holders
to claim their rights.

4.4 Conclusion

The 2010 gender evaluation concludes that “absence of a
results framework in the 2002 Gender Strategy weakened
country-level outcomes” and resulted in the fact that “interven-
tions were focused on outputs rather than on outcomes and
inconsistent attention to gender issues, particularly outside
the human development sectors.” It is thus difficult for this
study to identify evidence of outcomes at gender policy level.

On the face of the analysis above, the integration of a full
gender-justice framework combined with a HRBA could provide
a relevant and significant complement and contribution in the
form of a results framework at policy level. Such framework
as illustrated in tables 2.2 and 2.3 would provide relevant and
useful entry points to move beyond quantitative participatory
outputs to outcomes in the field of gender equality.

The 2010 evaluation recommends measures for fostering
greater clarity and better implementation of the Bank’s
gender policy by:

- Establishing a results framework to facilitate consistent
  adoption of an outcome approach to gender integration
  in the Bank’s work;
- Establishing and implementing a realistic action plan
  for completing or updating country-level diagnostics,
giving primacy to countries with higher levels of gender
  inequality; and
- Extending implementation of the 2007 Gender Action
  Plan while formalizing and strengthening its policy basis.

47 Evaluation of World Bank Support 2002–2008: Gender and Devel-
opment (IEG, 2010) p. x.
48 Evaluation of World Bank Support 2002–2008: Gender and Devel-
49 Evaluation of World Bank Support 2002–2008: Gender and Devel-
opment (IEG, 2010) p. 11.
50 Evaluation of World Bank Support 2002–2008: Gender and Devel-
opment (IEG, 2010) p. 54.
51 Evaluation of World Bank Support 2002–2008: Gender and Devel-
Accordingly, a comprehensive HRBA to gender work at policy level could contribute to addressing the main gaps and recommendations highlighted by the 2010 gender evaluation and would arguably set complementary and inducible conditions to foster development outcomes beyond quantitative participatory outputs in the gender field.
5. Review of World Bank Gender Practice in Selected Sectors and Thematic Areas

This chapter explores the potential added value of human rights approaches to gender work by reviewing the extent to which human rights approaches have been integrated into World Bank’s gender practice, particularly in the following selected sectors and thematic areas:\(^\text{52}\)

- Gender in the justice sector,
- Gender in the agriculture sector,
- Gender in the transport sector,
- Gender-responsive budgeting.

The review of all selected sectors and thematic areas was carried out in line with the objective of the study and the three-step methodology specified in Chapter 1.

5.1 Gender in the justice thematic area\(^\text{53}\)

The gender analyses carried out as a part of a number of justice reform projects as well as the activities designed to address the issues identified in such diagnostics align with the HRBA analytical model in several ways. In some projects, gender analysis usually includes both recognition, such as gathering gender disaggregated data that might show specific barriers to women’s access to justice, and representation, where projects aim to enhance women’s access to justice services and resources. In some cases, redistribution is also addressed through activities that aim to increase women’s security of land tenure through titling; this point is exemplified in the Nicaragua Land Administration Project, which includes among its outcome indicators that at least 40 percent of new titles be provided directly to women and/or jointly with their spouse/partner.

Gender issues are addressed mainly through activities subsumed under the broad category of access to justice. Such activities include: (a) enhancement of gender sensitivity within the Judiciary through training; (b) increasing women’s representation on the bench; (c) legal literacy programs targeted at women, particularly poor, rural-based women; (d) legal aid for such issues as child support and custody; (e) alternative dispute resolution, including mediation and/or conciliation services; (f) reform/revitalization of courts dealing with issues of particular interest to women (such as family courts and small claim courts, justice of the peace, and first instance courts); (g) increased access to court information (e.g., by setting up information kiosks); and (h) gender-specific information programs, responding to the different needs of male and female users.

However, the monitoring and evaluation framework applied in most of the projects is not in line with the overall focus on gender. The scarcity of gender-disaggregated outcome

\(^{52}\) The study does not review whether the World Bank has mainstreamed gender in the various sectors and thematic areas. Rather, the study reviews the extent to which a human rights approach has been employed when gender has been integrated.

\(^{53}\) This selected thematic area is solely focused on the Justice for the poor (J4P) program and does not therefore purport to analyse in any depth the broader justice reform sector of the World Bank. However, a short introduction to place the J4P program into the broader World Bank Justice Sector is provided for contextualisation purpose.
indicators makes it difficult if not impossible to assess the gender impact of the interventions.

5.1 GENDER AND HRBA IN THE J4P PROGRAM

The documents reviewed under this section are a sample of the most relevant gender-related initiatives and research papers for the purpose of this study. These are mainly, but not exclusively, documents emanating from the Justice for the Poor (J4P) program.

The World Bank’s J4P program supports the emergence of equitable justice systems. The program focuses on identifying and supporting substantive justice outcomes rather than pursuing predetermined institutional structures. The program operates in countries where legal pluralism presents a particular development challenge. As a result, J4P is marked by three essential characteristics:

- J4P engages the justice sector as a whole, working with the range of justice institutions present in each country, including state, non-state, and hybrid systems.
- J4P designs and implements innovative justice initiatives across development sectors, recognizing that rights and accountability are instrumental to achieving broader development outcomes.
- J4P is grounded in evidence-based approaches since improving justice outcomes and processes of reform requires better understanding of existing structures and dynamics.

The program addresses gender as a primary source of inequity in contestations around rights and entitlements and seeks to clarify what kinds of justice institutions, processes, or arrangements enable equal opportunities, access, and outcomes in plural legal contexts, and how they emerge.

5.1.1 Gender-justice review

Within the key J4P documentation, this section examines how gender has been interpreted within the three main categories of the gender-justice conceptual framework: representation, recognition, and redistribution.

Representation

Misrepresentation is explicitly included as a major interpretation of gender inequality in the various J4P program documents as follows.

In the study on *Women’s Access to Land in Kenya*, misrepresentation is illustrated by highlighting “the impacts of being denied access to land as disproportionately felt by Kenyan women”. The research denotes gender discrimination which is further defined as “denying (women) them not only access to economic sustenance but also leaving them socially ostracized.” Misrepresentation here is clearly interpreted as exclusion on discriminatory grounds.

In the research on *State Law and Land in Peri-Urban Settlements on Guadalcanal, Solomon Islands*, the intersections of state and customary law and legal systems has allowed only a small number of men to solidify their claims over customary land. This occurs to the detriment of other landholders especially women who find themselves excluded from decision-making processes and distribution of financial benefits from the use of the land. As an illustration, misrepresentation is addressed as follows:

… according to Guadalcanal people, custom dictates that women ‘no save tok’ (cannot/must not talk) about land, and that they must ‘stand behind’ men when it comes to speaking about and dealing with land in the public arena. This rule is often explained by reference to the role of men as warriors and protectors of women.

This interesting example not only illustrates the denial of women’s participation per se, but it also illustrates how women are kept out of (a) the decision-making sphere on the grounds of traditional gender hierarchy and their secondary status as citizens and (b) decisions affecting redistribution of key resources. Through this misrepresentation in strategic situations relating to power and control over vital resources such as land, women are effectively denied access to gender justice—not merely in the sense of access to formal court procedures but to a broader notion of social justice that they themselves feel they are being denied. The research paper suggests that “the state legal system may be exacerbating pre-existing inequalities” and further concludes that “women may be more likely to draw on informal systems in affirming their roles in relation to land, dispute resolution, and distribution of financial benefits. There is therefore a need for further research into the operation of local norms and practices, which arguably play a more significant role in determining women’s rights to land.”

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Another example is:

Women and children are often advised to stay away from meetings regarding disputes (…) the fact that hearings at every level are likely to be determined by male chiefs, clerks or judges (…) likely to constitute a further impediments to women’s involvement.57

Such examples of women lacking a voice denote both misrepresentation and misrecognition. Women are barred from participating in decision-making and accessing justice systems that have a determinant effect over their lives merely on the grounds of their sex. The J4P program allows the analysis to move beyond the descriptive level to hinge upon unequal and unjust power relations underpinning customary practices.

In conclusion, representation issues are largely discussed in these initiatives in terms of access to justice and decision-making. However, this thematic approach takes a broader perspective and not only focus on the economic implications of exclusion and discrimination but also broadens the concept to include a socio-economic justice perspective—albeit from the perspective of the poor.

Recognition

Misrecognition is described both in terms of sexo-specific, socio-cultural barriers facing women and specific injustices suffered by women. In terms of sexo-specific, socio-cultural barriers, the following statement in the study on Women’s Access to Land in Kenya presents an eloquent illustration:

When women suffer such land disputes, research indicated they follow a rough hierarchy of steps in their efforts to resolve them, usually working through local authorities, informal and formal institutions. At each step, significant barriers exist to women’s seeking justice. Cultural practice alone may be strong enough to deter a woman from pursuing her case (…) Bringing a land dispute to her family and community may also result in hostilities. Such women are considered disruptive and may be denied family support mechanisms.58

This example shows that patriarchal hierarchies constituting the structure of a particular society produce sexo-specific, socio-cultural barriers. It shows an interpretation of gender issues in this sector from an intertwined misrepresentation and misrecognition perspective and also demonstrates that together they form a powerful impediment to women accessing justice both in terms of formal and informal justice norms and in terms of the substantive outcome that may affect whether or not they will remain in poverty.

One example that most prominently exemplifies recognition as a specific gender problem and violation of fundamental women’s human rights (even if only partially recognized in international law) is sexual- or gender-based violence (SGBV).

There are examples in which the World Bank included SGBV as a specific gender problem to be addressed in broader judicial reform projects. This was the case in the study Addressing Gender-Based Violence in the Latin American Region: A Critical Review of Intervention. The study covers two World Bank SGBV projects in Ecuador and Uruguay:

The first World Bank judicial reform loan in Latin America to explicitly deal with [gender-based violence] was the Ecuador judicial reform project, approved in 1996. Among many other activities, the project funded legal aid services for poor women in the cities of Quito, Guayaquil and Cuenca. During the project’s execution, the two NGOs hired provided services to more than 20,000 women, frequently on family violence cases. They also provided referrals to complementary services such as medical and psychological treatment, and support groups for survivors of family violence were created.59

This example shows that recognition within SGBV was interpreted as the specific and multi-disciplinary needs of women within the broader field of judicial reforms. In this instance, the project covered recognition with a focus on violence against women as a specific gender problem, interlinked with representation that focused on access to legal aid for survivors.

Recognition is interpreted both in terms of sexo-specific, socio-cultural barriers facing women in accessing justice and also specific injustices suffered by women which in turn are a barrier to representation.

Redistribution

Compared with representation and recognition, redistribution is less utilized.

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In the paper Increasing Access to Justice for Women, the Poor, and Those Living in Remote Areas, redistribution is explicitly highlighted. The access to justice initiatives stems from the need to enable women to access pro-poor, government services, including health insurance, rice subsidies, and cash transfer payments, which they are unable to do because they do not have divorce certificates to show that they are head of households. Hence, the initiatives and research highlights the need to equally distribute benefits of pro-poor government services (public goods) ensuring that women, particularly women-headed households, are able to access, claim, and enjoy them.60

Even if not explicitly mentioned, maldistribution is indirectly alluded to in the following example. In the study on State Law and Land in Peri-Urban Settlements on Guadalcanal, Solomon Islands, “a limited review of land records suggests that (...) most (land) titles are registered in the names of male leaders.”61 This alludes to the unequal and unfair distribution of land between women and men. Whereas it is explicitly mentioned in connection with misrepresentation as follows: “the inequitable distribution of financial benefits is related to inequality in decision making (...).”62 In this instance, injustice in the distribution of financial resources between women and men is clearly invoked.

Overall however, redistribution issues are not as explicitly referred to in the initiatives reviewed as representation and recognition. The interlinkages between the two can be observed notably in relation to the specific thematic of SGBV in the documents reviewed.

5.1.2 HRBA analysis

The HRBA analysis examines the extent to which HRBA has been applied to the gender work highlighted above. The report Addressing Gender-Based Violence in the Latin American Region: A Critical Review of Intervention63 and the two World Bank SGBV projects in Ecuador and Uruguay explicitly make the linkages with women’s human rights instruments at international and national level. For example, the report observes that: “legal education was provided to judges in the use of international conventions on violence against women, such as Belém do Pará and CEDAW.” Similarly, the World Bank project in Uruguay “supported Uruguay’s implementation of the CEDAW and Belém do Pará Conventions.”64

Furthermore, this report makes explicit reference to regional women’s human rights conventions and relevant articles as follows:

Over the past 20 years, international organizations, donors, courts and United Nations monitoring bodies have encouraged governments to sign, ratify, and comply with human rights conventions. One influential convention has been the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, frequently known as the Belém do Pará Convention. To date, 31 countries of the region have ratified the convention. A [2004 IACW] study notes that the Convention has contributed to promoting an increased awareness in the region that violence against women is a serious human rights violation; the study also documents significant progress in the implementation of some of the policies and programs called for in the Convention. Also noteworthy has been the use of Article 12 of the Convention (the right to lodge petitions with the Inter-American Commission on Human Rights) by petitioners and supporting NGOs to hold national governments accountable to the commitments acquired upon signing the Belém do Pará convention.65

In this example, HRBA is recognized as a powerful tool to hold governments accountable to their legal commitments at regional level. As mentioned in Chapter 3, regional conventions may in some instances, such as SGBV, be more useful than CEDAW. Regional human rights instruments are also one step closer to the local level and thus countering cultural relativist resistance to the application of international law at national level.

Key women’s human rights international conventions are also referred to as follows:

Another influential agreement has been the CEDAW Convention (Convention on the Elimination of All

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Forms of Discrimination against Women, which requires signatory governments to implement specific reforms and report on their progress to United Nations monitoring committees. Currently, 33 Latin American and Caribbean governments have ratified CEDAW.\textsuperscript{66}

In the two specific instances of SGBV, women’s human rights were explicitly included. This may be explained by the fact that the project evolved within the justice reform sector and that therefore it was a natural link to make. Nevertheless, the study also critically addresses the lacunae at international level in terms of violence against women and therefore explicitly refers to the regional women’s human rights instrument instead.

In conclusion, international and regional women’s human rights instruments are referred to as accountability tools. If the J4P program adheres to human rights in general, the focus is more on the interpretation of justice from the perspective of the poor. Nevertheless, it can be said that the initiative indirectly analyzes fundamental violations of women’s human rights and gender injustices from the perspective of women living in poverty. The initiative is thus concerned with both formal and informal normative instruments.

The Indonesian Case Study, Increasing Access to Justice for Women, the Poor, and Those Living in Remote Areas, states:

Access to justice in the Indonesian context refers to the circumstances and processes whereby the state guarantees the fulfillment of fundamental rights, based on the Constitution and universal principles of human rights, and the ability of all citizens (claim holders) to know, understand, be aware of, and make use of these basic rights, through formal and informal justice institutions that are supported by the existence of accessible and responsive public complaint mechanisms, in order to obtain the resources to improve the quality of their lives.\textsuperscript{67}

Instead of “rights-holders” the term “claim-holders” is used referring in essence to the same target group but without particular reference to the (formal) human rights framework.

The following conclusion, in the report on Addressing Gender-Based Violence in the Latin American Region, illustrates that even if HRBA is not formulated as such, some intentions to work with rights-holders (and from their perspectives) and duty-bearers at the same time are present as follows:

The best hope for reducing levels of violence against women may lie in mobilizing all levels of society—from international donors and national governments, to grassroots women’s organizations, private firms and local governments. The challenge is not only to raise awareness of violence against women, but to maintain a long-run commitment by all these actors to address SGBV as an impediment to economic development, a public health problem and an egregious violation of human rights.\textsuperscript{68}

Although the dual-track approach within HRBA is not explicitly included as such, across the gender documents reviewed, some projects and especially the research on SGBV clearly lays several entry points for such an approach to be applied, if considered desirable. Such an approach would clarify the allocations of roles, responsibilities, rights, and accountability, which are part of a full HRBA.

5.1.3 Evidence review

Some evidence of outcomes from the application of HRBA to gender work could be identified as follows:

These international declarations, agreements and conventions are important in part because they serve as models for domestic legislation. Aided by international rights agreements such as CEDAW and Belém do Pará, women’s advocacy organizations have lobbied to improve laws and their application in almost every country of the region. Although much remains to be done in the field of legal advocacy, these efforts have succeeded in convincing many.\textsuperscript{69}

The explicit integration of women’s human rights instruments to gender issues may produce changes in the domestic legislation. If such legal support is accessed by poor women—that is, if these women are not only made more aware of their rights but most importantly empowered to overcome the many socio-cultural barriers preventing their access to (formal and informal) justice—it may result in


\textsuperscript{67} C. Summer, M. Zurstrassen, and L. Lister, “Increasing Access to Justice for Women, the Poor, and Those Living in Remote Areas: An Indonesian Case Study”, J4P Briefing Note Vol. 6 Issue 2 (March 2011).


fundamental changes to their lives. Development outcomes would in principle include women being free from domestic violence and regaining one’s autonomy, or being lifted out of poverty through reclaiming the title ownership of land, or simply being uplifted from being considered a chattel through marriage or the property of a deceased husband’s brother to access and control vital resources.

5.1.4 Conclusion

The J4P program through its research projects has shown that several entry points exist for including HRBA to specific gender work but not without a critical outlook on power relations underpinning normative systems both at formal and informal levels as follows:

Results of this study strongly suggest that access to land for women should not be framed as ‘formal v. informal law’ issue. The same local power dynamics underpin, control and ultimately undermine access for women in both arenas.

This conclusion encapsulates the idea that HRBA to development in general, and to gender issues in particular, is not simply limited to the wholesale application of international conventions nor is it confined to the “local cultural identity sphere” instead, without a critical analysis of the real power issues underpinning both, transformative outcomes may not be reached. HRBA combined a with gender-justice perspective should also address the power relations that ultimately disadvantage women, not only in their access to resources but also in the control and ultimate distribution of those resources, opportunities and rights.

In another example, the far-reaching perspective of the J4P program further shows an acknowledgment of the universality of discrimination against women together with the maldistribution of resources, as follows: “Daughters are nearly universally denied access to land through inheritance because, under patrilineal systems, they are perceived as transients who will eventually marry away (...)”.

A critical outlook on cultural relativism reveals the use of culture and traditions as an alibi for violations of women’s human rights and highlights quasi universal power relations based on hierarchies and patriarchal values throughout both formal and informal justice systems as follows: “(...) dominant parties make false claims to ‘custom’ in usurping women’s land, but since they are inevitably connected with local power structures (if not part of them), such claims are accepted by the community at women’s expenses.”

Under this initiative, the gender-justice conceptual framework is used to improve the analysis of outcomes by considering the “underlying power dynamics”.

5.2 Gender and public finance/budgeting in public expenditure reviews

Some of the World Bank’s public financial management work has focused specifically on gender issues. The Bank supports gender-responsive budgeting with the aim of contributing to improved governance and delivery of public services through more inclusive and transparent budget allocations that are responsive to the needs of men and women. Gender-responsive budgeting is relevant to the Gender Action Plan’s objectives, with one of its performance indicators aiming toward an “increase in national budgets assigned to supporting women’s economic activities”.

The main focus of the Bank’s gender-responsive budgeting is analytical, with the Bank supporting countries to conduct gender-focused public expenditure reviews (PERs). Some PERs have disaggregated data on gender (as in Ghana, Uganda, Morocco, Cambodia, Egypt, and Vietnam). The PERs in St. Vincent and the Grenadines, Egypt, Ethiopia, and Paraguay conducted a comprehensive gender analysis of public expenditure through a gender-disaggregated benefit incidence analysis, gender assessments of public programs, and

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74 The main documents reviewed for this section include: (i) PERs from St. Vincent and the Grenadines, Egypt, Ethiopia, and Paraguay; (ii) Liberia: Towards Women’s Economic Empowerment, a Gender Needs Assessment (World Bank and Ministry of Gender and Development 2007); (iii) Improving Gender Targeting of Public Expenditures: A Guidance Note on How to Address Gender Considerations in Public Expenditure (World Bank 2009); (iv) Maria Elena Ruiz Abril, and A. Waafas Ofosu-Amaah, Promising Approaches to Engendering Development: Poverty Reduction through Gender-Disaggregated Analysis of Public Expenditures: The Case of Cambodia (PREM Gender and Development Group and World Bank); and (v) Maria Elena Ruiz Abril, Making Public Moneys Work for Men and Women, The World Bank Experience Mainstreaming Gender in Public Expenditure Reviews.
and capacity assessments of public institutions with a gender mandate to carry out their responsibilities.

The World Bank also supports the integration of a gender perspective into the country planning processes and frameworks, through country gender needs assessments (for instance in Liberia) and develops guidance, tools and knowledge resources on various aspects of gender-responsive budgeting (specifically PERs). The Bank also provides gender-focused capacity building, mainly in the form of country and regional learning workshops for government and donor partners. Countries where such support to gender-responsive budgeting initiatives has been provided include Cambodia, DRC, Egypt, Ethiopia, Liberia, Morocco, Rwanda, Paraguay, St. Vincent and the Grenadines, and Vietnam.

Support to gender-responsive budgeting has been delivered through the World Bank-Netherlands Partnership Program (BNPP), which since 2007 has provided capacity building on gender-responsive budgeting in African countries. Another program, Improving Gender Targeting of Public Expenditures, has supported partners in DRC, Rwanda, and Liberia to conduct gender analysis of public expenditures, often linked to PERs and public expenditure tracking instruments. The Bank also supports Government-led gender-responsive budgeting initiatives in partnership with other development partners, such as UN Women, contributing to a joint fund for such work.

5.2.1 GENDER-JUSTICE REVIEW

The following section assesses the extent to which the World Bank’s gender-responsive budgeting work has utilized gender justice and HRBA.

5.2.1.1 Representation

Representation issues are covered well in the Bank’s gender-responsive budgeting work. The gender-focused PERs mainly focus on representation issues, analyzing to what extent women and men have equal economic opportunities and equal access to resources. For example:

- The St. Vincent and Grenadines PER analyzes how employment support programs, especially for business start-up and enterprise development, were accessed by working-age women, finding that women attend training but do not access advisory services to set up businesses.77
- The Ethiopia PER conducts a gender analysis of public expenditure on agriculture and rural development services, noting that female access to agricultural extension services is low because of cultural norms; lower educational attainment; lack of time, lack of empowerment, as well as lack of targets for female participation; and low numbers of female extension workers. The PER recommends that more services should be specifically targeted at female-headed households and married female farmers; it is often assumed that wives of farmers work on other activities (small livestock, horticulture) and not alongside their farmer husbands. Subsequently the wives are provided with non-farming support, often much smaller in scale.78
- The Liberia gender needs assessment mainly addresses issues of women’s participation in economic sectors and equal economic opportunities for women. The gender needs assessment highlights that women’s participation in “emerging economic sectors” and women’s “full access to productive assets and services” should be promoted through investments in education and skills development.79 The assessment’s recommendations center on removing barriers, and providing equal opportunities to ensure that women participate in economic opportunities.

The influence and participation of gender equality in economic decision-making processes is also addressed in PERs. For instance, the Liberia assessment recommends a more visible and active role for the Ministry of Women in the PRSP process, and its engagement in high-level dialogue with the Ministries of Finance and Planning, as well as setting up strategic objectives on participation of women in economic processes and high-level working groups on the issue. The St. Vincent and the Grenadines PER stresses women’s access to economic decision-making mechanisms by recommending a Gender Affairs Department to the Ministry of Finance, as a special advisor to the Minister.

In conclusion, most of the World Bank’s work on gender-responsive budgeting focuses on issues of representation, analyzing to what extent women and men have equal participation and access to economic opportunities and equal access to resources and services, as well as economic decision-making processes.

77 Saint Vincent and the Grenadines OECS Fiscal Issues Policies to Achieve Fiscal Sustainability and Improve Efficiency and Equity of Public Expenditures (Caribbean Country Management Unit, PREM, Latin America and the Caribbean Region, World Bank 2005).
5.2.1.2 Recognition

For the World Bank, gender-responsive budgeting is a key method to address women’s recognition issues, as gender analysis reveals the different benefits that women and men derive from expenditures and the extent to which country or program expenditures target the needs of men and women, respectively. As one presentation puts it: “gender analysis of public expenditure increases the efficiency and effectiveness of public expenditure, outlining ways in which expenditure can be better targeted to better meet the needs of women and men clients”.80

The World Bank’s gender-responsive budgeting work has also often targeted specific groups of marginalized women (e.g., rural women working in agriculture and female-headed households that are more at risk of poverty) as a particular focus of analysis. This is the case in the St. Vincent and Grenadines and Ethiopia PERs. The St. Vincent and Grenadines PER assesses the distribution of the main public expenditures in education, health, and social protection between men and women. It also explores how public programs address boys’ school drop-out and the special needs of female-headed households. Female-headed households, especially in rural areas, are at particular risk of poverty and experience problems in labor market integration. The PER recommends that in order to integrate female-headed households into work, incentives are needed in addition to support for employment creation and low-cost childcare. The PER also pays attention to the informal sector and unpaid workers by recommending that unpaid and informal sector workers should be included in national insurance schemes. The St. Vincent and the Grenadines PER argues for increased resources from the national budget (rather than donor sources) to the Gender Affairs Department. In DRC, capacity-building resource materials stress that maternal and reproductive healthcare services need to be improved to serve the needs of the most vulnerable, especially among the rural and poor women.81

Most of the Bank’s gender-responsive budgeting work appears to address women’s recognition issues, focusing on women’s needs as well as the different benefits women and men derive from public expenditures to a great extent. The needs of specific groups of marginalized women have also received focus to some extent.

5.2.1.3 Redistribution

Only one of the gender-specific PERs reviewed explicitly addresses aspects of redistribution. The Ethiopia PER analyzes intra-household differences in the control of resources. Men, as heads of households, often receive subsidies from public employment programs while the other household members carry out the work. However, the Liberia needs assessment also pays specific attention to the economic situation of rural women. The assessment recommends action to be taken to address women-specific rights issues such as gender inequalities in land ownership and security of land tenure.82

In conclusion, redistribution issues are addressed the least by the Bank’s gender-responsive budgeting work. Only a small fraction of gender-responsive budgeting work argues for committing a larger share of resources to promote gender equality, or question the power relations in who gains access to decision-making mechanisms on budgets.

5.2.2 HRBA ANALYSIS

None of the gender-responsive budgeting resources reviewed explicitly mention human rights or women’s human rights instruments. Mainly World Bank documents put forward an efficiency and effectiveness-based argument for gender-responsive budgeting. Gender analysis identifies how public resources could be used and where they are most needed to achieve specific poverty reduction and national development goals, such as those relating to gender equality.83

A dual-track approach to gender-responsive budgeting work focuses on capacity building of duty-bearers to use budgets to implement their commitments to women’s human rights, as well as capacity building and supporting organizations that represent individual women when claiming their rights, for instance, by monitoring budgets and advocating for the allocation of resources to women’s concerns. Involving women’s organizations in the needs analysis and data-gathering exercises, as well as the dissemination of the findings to these organizations, are integral.

The World Bank’s gender-responsive budgeting work does not address the participation of rights-holders in the budget process. Most of the World Bank-supported gender-responsive budgeting capacity building is aimed at government partners to address gender issues through gender analysis in the process of budget formulation, execution, and monitoring and

evaluation, with a view to improving the gender targeting of public expenditures. In particular, all of the aforementioned PERs focus on analyzing the institutional capacity of gender machineries to meet their mandates.

The capacity building or involvement of civil society groups (as representing the interests of individual rights-holders) does not seem to have been a focus of the work. The few references to civil society participation are found in resources from gender-responsive budgeting workshops in Kenya and in Rwanda. One of the aims of the workshop in Kenya was to develop strategies for involving relevant actors such as civil society and Parliament in gender-responsive budgeting policies and initiatives. Civil society experts were also invited to this workshop. One of the gender-responsive budgeting learning workshops in Rwanda included Parliamentarians, with a suggestion to include more regional stakeholders. Civil society participation is also not addressed in the Bank’s analytical work.

Although the contribution of gender-responsive budgeting to transparency and accountability is recognized, these issues are framed in terms of transparency and accountability to women and men clients of public services rather than to women and men who have a right to a certain service: “Gender analysis in PERs analyzes how public expenditures respond to the needs of men and women users of public services, and in so it improves the accountability of the public sector to its male and female clients.”

This is in contrast to the Bank-supported participatory budgeting initiatives that aim to facilitate the involvement of marginalized and excluded groups in influencing public policy. Resources on participatory budgeting stress that inclusive governance and participatory budgeting can improve government performance and enhance democratic participation by “giving marginalized and excluded groups the opportunity to have their voices heard and to influence public decision making vital to their interests. Done right, it has the potential to make governments more responsive to citizens’ needs and preferences and more accountable to them for performance in resource allocation and service delivery.” However, in practice, it seems that these initiatives have not explicitly promoted the take up of gender issues, or the participation of women.

The World Bank has not utilized HRBA in its gender-budgeting programs. Specifically, women and men are not seen to be rights-holders but merely clients of public services. The work has not promoted the participation of civil society groups in budgeting processes, or sought to build capacity of civil society groups. This said, at a cross-cutting level the World Bank does include work on transparency, accountability, and governance involving strengthening the implementation and enforcement of the law.

5.2.3 EVIDENCE REVIEW

An evidence review of the World Bank’s gender-responsive budgeting work is challenging since much of this work takes the forms of analysis, tools, and guidelines and ad hoc capacity-building support. It is not evident whether and how the results of the gender-responsive budgeting initiatives are achieved and measured on a systematic basis: specific results related to gender-responsive budgeting are not mentioned in the IEG gender evaluation or the Gender Action Plan monitoring reports. There is a lack of information about how capacity-building efforts are monitored. It is not known what kind of dialogue and advocacy follows gender needs assessments and gender PERs, what kinds of impacts these have, and how the findings and recommendations are taken up by national partners. Assessing the World Bank’s contribution to results in countries where gender-responsive budgeting initiatives are jointly funded by many donors (such as in the case of Rwanda) is also challenging.

5.2.4 CONCLUSIONS

In general, most of the World Bank’s gender-responsive budgeting work addresses fairly well the issues of representation (equal opportunities in access to labor markets), and recognition (the extent to which marginalized women and those particularly vulnerable to poverty benefit from public expenditures). Thematically, the PERs assessed in this study concentrate on agriculture, health (maternal mortality), education, and employment. Themes such as violence against women or reproductive rights were not a feature of the documents reviewed. There appears to be a greater focus on women in general rather than particularly marginalized women; although in a few instances women who are particularly vulnerable to poverty (female-headed households, rural women) receive due focus. A small amount of work focuses explicitly on issues of redistribution.

84 The review looked at resources from learning/capacity-building workshops in Rwanda, Morocco, and Kenya, and tools from DRC.
The value of gender-responsive budgeting is seen only so far as it increases transparency of expenditure and accountability of public services to women and men clients, not rights-holders. Gender-responsive budgeting initiatives focus on central government budgeting rather than building civil society organizations or promoting their participation in the budget process.

HRBA to gender-responsive budgeting would include a broader analysis of the political context; promote civil society participation, for instance by asking questions about policy and implementation systems; and build capacity of disadvantaged groups to make claims for service outcomes. This approach may resonate well with the World Bank’s increasing use of political economy analysis.

There are many opportunities and entry points for using gender justice and HRBA in gender-responsive budgeting work. The recognition aspect could be strengthened by broadening the thematic focus to violence against women and justice for women and reproductive rights to ensure that broader structural inequalities are also addressed. Making the analysis of marginalized and vulnerable women more systematic would reflect the needs and interests of the poorest and more vulnerable.

The World Bank’s objectives for gender-responsive budgeting “contributing to improved governance and delivery of public services through more inclusive and transparent budget allocations that are responsive to the needs of men and women” provide a clear entry-point. Recognizing that governments have made commitments to women’s human rights, which they have a duty to fulfill with adequate programming and correctly targeted financial resources, will give greater direction to the Bank’s gender-responsive budgeting work. A human rights approach would clearly identify the responsibilities of the duty bearer (the state) and the rights of women as rights holders.

Greater civil society participation in needs analysis, data gathering, and consultation in the budget process, would ensure that analyses are more effective and complete, and that there is greater ownership of the research findings among women. Building the capacity of civil society organizations in gender-responsive budgeting would ensure that they are well informed and are able to inquire whether governments are using budgets to further gender equality and women’s rights, monitor progress, advocate for changes, and hold governments to account. Lessons from the World Bank’s participatory budgeting work, that aims to facilitate the involvement of marginalized and excluded groups in influencing public policy, could be useful in this regard.

5.3 Gender in transport

The World Bank Transport Strategy 2008–2012 puts forward a plan to achieve safe, clean and affordable transport that promotes economic development. The strategy links transport to the delivery of the Millennium Development Goals. The MDGs, although not articulated in the language of rights, do enshrine gender equality as a goal, albeit only in education. The World Bank Transport Strategy clearly states the importance of gender analysis in transport programs: “Less widely acknowledged is (...) the disparity and disadvantage women face in their needs for transport”.

The transport sector is one of the World Bank’s largest lending sectors. Between 1996 and 2007 the sector accounted for 15 percent of the World Bank loan portfolio, second only to public administration and law (22 percent). In 2007 alone, 20 percent of World Bank lending was in the transport sector, with total transport sector loans standing at US$39.5 billion. With such a large investment footprint, even small improvements in gender mainstreaming will affect the lives of many people. Understanding the issues and formulating gender-sensitive transport programs will therefore have a great impact on the World Bank achievement of the objectives set out in the Gender Action Plan.

This brief review of the World Bank’s approach to gender in transport is based on documents sourced principally from the World Bank Transport and Gender website.

5.3.1 WORLD BANK INSTITUTIONAL ARCHITECTURE TO ADDRESS TRANSPORT AND GENDER

The World Bank has a good record of gender research and knowledge management activities in the transport sector. This
research has informed World Bank staff, other development professionals, and government officials about the importance of mainstreaming gender in transport. It plays an important part in improving women’s access to transport. Knowledge and experience on gender and transportation for the sector are coordinated under the Transport for Social Responsibility Thematic Group.\textsuperscript{95}

The Transport Sector has recently published an operational guidance for the mainstreaming of gender to World Bank staff.\textsuperscript{96} This paper draws attention to the main gender-related issues for women in transport and identifies entry points for the World Bank to address them. The entry points identified in this paper include the following:

- **National gender policy framework for transport planning.** Raising awareness and building capacity to address gender issues in transport. The transport sector has been a pioneer in reviewing relevant gender aspects relevant for its operations, starting in the early 1990s. Research started primarily in rural areas and has expanded over the years to include evidence on good practice in urban areas. The recent Gender Action Plan funding window and WDR 2012 on gender and development renews the momentum for the sector to continue its work.

- **Assessing transport gender needs.** Transport data is typically not disaggregated by gender and so the roles of men and women are not fully understood. Data on transport use and involvement in planning and operation should include gender-disaggregated data. In cooperation with the Development Research Group of the World Bank, the Transport Sector reviewed available household surveys in developing countries for insights on transport and gender issues.\textsuperscript{97}

  This research demonstrated that, while not a replacement for detailed transport studies, existing household surveys can provide national-level data, link transport use with welfare status, and enable tracking of changes over time and across countries for specific groups. In the long run, better data can be generated by incorporating additional questions on gender and transport into existing surveys, when possible, by systematizing survey questions for better comparability and by investigating existing data sources before launching a new survey. During the period 2008–2010, the Transport Sector initiated several country surveys to better understand how road transport is meeting both men’s and women’s transport needs, and more specifically how transport is facilitating or constraining access to resources, markets, and employment. A review of these surveys shows that there are persistent differences in access and personal safety constraints for men and women across regions. Cultural norms and social restrictions on women’s physical mobility appear to be the most limiting factor when it comes to accessing transportation—this is across areas, whether urban, peri-urban, or rural.\textsuperscript{98}

- **Understanding local practices.** To a large extent, prevailing cultural practices and norms dictate women’s transport choices. For example, in some Muslim cities it is not considered acceptable for women to share crowded buses with men.\textsuperscript{99} Detailed work on behalf of donors to understand the local practices and norms will allow for more effective gender-sensitive transport programs.

  The Transport Sector paper also presents a comprehensive table of data and indicators to assist with setting a baseline and subsequent monitoring and evaluation. These indicators if monitored will provide evidence of outcomes for women resulting in gender-sensitive programming; however, at this stage no such evidence has been published. The paper also notes that the following components of transport programs must be considered if they are to be considered gender sensitive:

  - Pedestrian environment,
  - Intermediate forms of transport,
  - Public transport routes and schedules,
  - Public transport fares,
  - Personal safety, and
  - Vehicle and terminal design.

  Another resource, the Gender and Transport Resource Guide, is a virtual library and summary of key issues and good practices, and is updated to include emerging issues such as climate change and post-conflict settings as well as

\textsuperscript{95} \url{www.worldbank.org/responsibletransport} [Accessed April 2012]

\textsuperscript{96} Mainstreaming Gender in Transport: Operational Guidance to World Bank Staff (World Bank, 2010).


\textsuperscript{98} Julie Babinard, World Bank Transport Gender Surveys: An Overview (World Bank, 2011).

the expanding literature on gender and transport in areas such as urbanization and road maintenance.100

5.3.2 GENDER-JUSTICE REVIEW

The World Bank’s research on gender in transport provides a knowledge repository for practitioners; this section presents and classifies gender-sensitive transport programs according to gender justice and HRBA.

5.3.2.1 Representation

The representation of women in transport falls under three broad categories: Employment, planning and design, and economic empowerment.

Employment. The representation of women is discussed principally in terms of employment in construction and maintenance phases, although there is also evidence that programs aim to increase the representation of women in wider economic and educational activities by improving access to transport.

Successful programs that have created employment opportunities for women include labor-based construction methods that target employment and training of local women as well as men. Good experience has been reported with gender-specific considerations in contracts of international and local consultants and contractors of major road projects.101

There are general disparities in the employment of men and women in the construction of roads. Highways generate considerable employment in the planning, construction, and operation phases. However, few women occupy these jobs because the majority of construction workers and, in particular, supervisors and managers are men. Women benefit from employment in lower-paid occupations.102 An entry point for policies seeking to create parity between men and women in the construction phases could be to promote CEDAW (Article 11) and equal pay for equal work. In addition, freedom from discrimination based on sex is enshrined in the ILO Equal Remuneration Convention, 1951 (No. 100) and the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998).103

Employment for ethnic minority women on road maintenance in Vietnam was improved along with road maintenance standards through a training program that targeted and recruited local women to maintain rural roads.104 Other examples in Uganda and Bangladesh exhibit the following good practice in employment:

- Ensuring that women have employment opportunities in the transport sector; and
- Creation of awareness among men to allow their wives to participate in road works.105

Programs such as these have ensured that women participate in the labor market, which is sustained by highways in rural areas.

Planning and design. The representation of women is also evident in the planning and design phase of transport projects. There is evidence in World Bank projects of efforts to ensure that women participate in planning and various resources exist to assist practitioners in identifying the particular transport-related challenges that women face. These may include the design of services, including routes, schedules, and fares.106

The World Bank assists governments in planning transport schemes that take into account the different modes of transport used by women. Studies conducted in Yemen and the West Bank—utilizing 1,300 interviews, 70 focus groups, and data from 10,000 trips—report that women were more likely than men to travel by foot, although the dangers associated with walking meant that many women stayed at home. When using public or private transport, women tended to pay more for journeys both in the West Bank and in Yemen. Findings from these studies suggest that improvement of pavements and street lighting would benefit women.107

Economic empowerment. The World Bank makes clear the importance of transport for the representation of women in the economy:

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101 Mainstreaming Gender in Transport: Operational Guidance to World Bank Staff (World Bank, 2010).
103 With the 2003 and 2007 Global Reports devoted to equality at work, these are meant as tools to be used to promote the principle of equal pay in many different workplace environments. To date, the ILO Convention No. 100, adopted in 1951, has been ratified by 167 countries.
107 Gender and Transport in the MENA Region (Gender Action Plan and Transport Group, 2010). Web link provided in Annex 3, Bibliography, A3.2.
...increasing women’s ability to use various modes of transport would increase employability, allow women to interact with formal and informal credit market institutions, and provide easier access to markets for goods women produce.\textsuperscript{108}

Improving women’s access to transport opens up economic opportunities, efficiencies, and cost savings to families: “Increasing women’s access to transport and markets can increase...the overall productivity of the household and community.”\textsuperscript{109} In addition, improved access to markets can enable the development of micro-enterprises, particularly when supported by micro-finance. Equally, access to education and the associated economic benefits can be unlocked by providing effective and gender-sensitive transport systems.

In rural areas where there are few public transport options, improvements to roads and the provision of intermediate forms of transport such as donkey carts could improve women’s ability to access markets, education, and healthcare. This economic empowerment also plays a role in the redistribution of power and resources from men to women.

5.3.2.2 Recognition

World Bank-commissioned research in 2006 recognizes the challenges facing women in transport\textsuperscript{110} and provides resources to practitioners on the subject. Among these resources is included a general study from 2005 with an overview of the issues affecting women in relation to transport in developing countries.\textsuperscript{111} Differences in the modes and patterns of transport taken into account in World Bank publications on transport include:

- Trip patterns vary widely. For example, men are more likely to undertake regular journeys to and from a place of work, whereas in developing countries many women have to make more varied journeys at different times of the day. Public transport authorities should take account of these patterns in scheduling and destination planning.
- Concerns about personal safety and security limit much transport by women.
- Modes of transport differ. Research suggests that if a family has access to a vehicle it is more likely to be used by a man than a woman.

Human trafficking can increase with the opening of transport corridors, particularly where women are afforded low social status.\textsuperscript{112} In the same context, HIV/AIDS transmission along major highways has proved to be a particular problem; transitory groups such as truck drivers, in the context of relatively isolated highways, might form new communities along routes with few of the social controls that may inhibit risky practices. Social impact assessments of transport corridors should routinely include an assessment of these risks and plans to mitigate them.\textsuperscript{113}

Maternal mortality is influenced by the availability of transport for women in labor. Evidence from Malaysia and Sri Lanka indicates that improved transport services for women have played a crucial role in reducing maternal mortality when implemented as part of a comprehensive package of obstetric provision under government and multi-donor provision.\textsuperscript{114}

The construction of major infrastructure routes inevitably leads to the displacement of some communities. Compensation for loss of land and livelihoods is payable, but women are less likely to hold land titles and so are often under-compensated for their losses. Participatory planning and resettlement processes, if conducted well, will have some impact to mitigating these risks, but actions such as ensuring that new land titles are issued in women’s names and planning for women’s livelihoods will mean that new infrastructure can bring benefits to women and men equally.

Addressing gender in transport must take into account the differences between the experience of women in urban, peri-urban, and rural areas.\textsuperscript{115} Table 5.1 illustrates the differences between the challenges faced by women in different geographical situations. World Bank staff is engaged in how to design programs that mitigate these challenges. Notably in all geographical situations, personal safety and harassment are among the most serious challenges faced by women while travelling.

\textsuperscript{113} Lessons Learned from Mainstreaming HIV/AIDS in Transport Sector Projects in Sub-Saharan Africa (World Bank, 2008).
\textsuperscript{114} Investing in Maternal Health: Learning from Malaysia and Sri Lanka (World Bank, 2003).
\textsuperscript{115} Mainstreaming Gender in Transport: Operational Guidance to World Bank Staff (World Bank, 2010).
The World Bank has also recognized the need to learn from good practice and mainstream the lessons learned. The Gender Action Plan aims to:

- Mainstream or scale up and apply findings of analysis in infrastructure portfolios in at least two selected regions,
- Coordinate the update of existing knowledge bases of tools and good practice cases on gender and transport,
- Conduct rapid ex post impact evaluation of infrastructure investment in three countries that have established a strong policy environment for gender.

Women-friendly bus services were addressed in the Dhaka Urban Transport program. Consultations indicated that commuting time and costs could be reduced for women if women-friendly buses were introduced. The introduction of this service resulted in increased use by women of public transport. It should be noted that there is some debate as to whether gender segregation on transport reinforces existing gender disparities or whether the benefits of mobility for women outweigh the disadvantages. In any case, this initiative could fall both within recognition and redistribution depending on impacts achieved.

The improvement of rural roads in Peru (Rural Roads II) led to reduced journey times, promoted safety, and increased female mobility and the creation of 6,000 jobs of which 24 percent went to women. The success of the project is attributed to participatory planning mechanisms, and effective gender strategy, inter-connected components, and gender-sensitive monitoring.

The reports from Bangladesh and Peru concluded that public transport systems should take account of women’s needs by ensuring predictable schedules, integrated fares, enforcing safety standards on buses, and providing women-only taxi companies. Roads could be improved to make them safer for women by the placement of street lighting and sidewalks.

### 5.3.2.3 REDISTRIBUTION

Redistribution can be seen in only a few examples where imbalances in the redistribution of power and resources in construction and maintenance are overcome. In rural Bangladesh, as part of the development of roads and surrounding markets, women-only sections were built in markets, and labor contracts were formed with landless or destitute women for maintenance and tree planting.

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**Table 5.1: Gender and transport issues in urban and rural geographies**

<table>
<thead>
<tr>
<th>Urban</th>
<th>Peri-Urban</th>
<th>Rural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women are more likely to walk than men</td>
<td>Few transport options</td>
<td>Travel by foot / head loading</td>
</tr>
<tr>
<td>Diverse destinations and modal splits</td>
<td>Higher transport costs and longer waits</td>
<td>Cycles and animal drawn carriages and unaffordable modes of transport</td>
</tr>
<tr>
<td>Greater reliance on public transport</td>
<td>Number of trips and distance travelled is linked to the availability of transport</td>
<td>Infrequent and unreliable public transport</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lack of accessible roads and poor pathway condition</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Access to intermediate modes of transport (carts, bicycles, animals) can be limited</td>
</tr>
<tr>
<td>Personal safety, harassment; comfort; cultural constraints and norms</td>
<td>Personal safety, harassment; comfort; cultural constraints and norms</td>
<td>Personal safety, harassment; comfort; cultural constraints and norms</td>
</tr>
</tbody>
</table>

**Source:** Mainstreaming Gender in Transport: Operational Guidance to World Bank Staff (World Bank, 2010) p.16.

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116 Update on Bank Gender and Transport Activities (World Bank, 2011).
117 Gender and Development Briefing Notes: Transport and Gender Equality (World Bank, 2002).
Efforts to enable the economic empowerment of women through employment and access to markets through improved mobility can also be seen as redistributive where they reduce the disparities between men and women in terms of power and resources.

5.3.3 HRBA ANALYSIS

More recently the Bank has characterized its own work on gender in transport:

[as having] … focused on developing innovative analytical work, capacity-building initiatives, integrating gender into projects in the regions, and gender-informed monitoring and evaluation, in part with resources awarded through the Bank-wide Gender Action Plan.120

Although the World Bank does not explicitly adopt HRBA and so does not use the language of duty-holders and rights-holders, the actions proposed in the operational guidance clearly support such an approach. If one were so minded, capacity building within governments and donor staff, endorsement of participatory planning processes; emphasis on personal safety and harassment; and projects to address trafficking suggest comprehensively that the framework for addressing gender in transport lends itself to be re-cast in rights-based language.

The Transport for Social Responsibility Thematic Group appears to have moved closer to HRBA while simultaneously maintaining the economic or needs-based rationale. The economic rationale is necessary for planning and design of transport systems; but the extensive research undertaken by the World Bank shows that the Thematic Group recognizes the problems faced by women and addresses them in a sensitive and participative manner, which is closely aligned with HRBA. While this research is informative, and the resulting actions progressive, the scale of change may not be considered transformative, but the resulting transport systems do serve women and men better.

The reduction in maternal mortality rates reported in Malaysia and Sri Lanka was linked to improvements in transport for mothers in labor, and this was partly attributed to HRBA by the World Bank. It was reported that: “The governments of Malaysia and Sri Lanka, backed by public sentiment, were almost revolutionary in their early identification of priority issues such as rights to equitable access to basic health services”.121 So while this program was not led by the World Bank, it does provide evidence of effective support to HRBA measures which have improved outcomes for women.

There is little or no explicit reference to human rights in the gender and transport literature, and only limited references to instruments of law to support the rights of women. The only found example recommends instituting a national gender policy framework for transport planning.122 There is little experience and knowledge at the Bank about doing work on human rights issues and such topics are generally addressed in a non-human rights approach. The Transport Sector is like some other sectors at the Bank and has not addressed gender issues from the perspective of human rights. This means that while some elements of transport programs may take HRBA in relation to the economic empowerment of women and the provision of gender-sensitive transport solutions, these interventions are rarely linked to CEDAW, regional women’s human rights instruments, and national equality legislation.

5.3.4 CONCLUSIONS

An effective transport program will engage all customers, understand their needs, and provide transport solutions. This approach could well be complemented by HRBA, in which safety, economic inclusion, and other relevant factors are also expressed as rights to be fulfilled and not only as needs to be met. The use of capacity building and participatory planning as techniques further reinforce the links between the needs-based approaches and HRBA.

World Bank project planning and operation in transport increasingly incorporates gender in such a way that it can be translated into HRBA language without the basis in international law or human rights instruments. However, World Bank practice in transport and gender is not based on full HRBA.

Ensuring women’s rights to use transport systems free from harassment would significantly improve women’s access to education, health, and employment. Equally, supporting the implementation of CEDAW (e.g., Article 11 on employment rights and wage parity) could contribute to an enabling environment for ameliorating disparities between female and male employees.

120 Update on Bank Gender and Transport Activities (World Bank, 2011) http://go.worldbank.org/C2EOVAJRF0.
122 Mainstreaming Gender in Transport: Operational Guidance to World Bank Staff (World Bank, 2010).
5.4 Gender in agriculture

Agriculture has long been an important feature in World Bank Group (WBG) work. The Gender Action Plan represents a commitment by World Bank in its approach to gender equality and agriculture. The adoption of the Gender Action Plan (2007–2010) represented an important turning point for the World Bank Group (WBG) work. Even between 1998 and 2008, when focus on agricultural growth and productivity was in decline among both donors and recipient countries, the World Bank Group provided US$23.7 billion in financing for agriculture and agribusiness in 108 countries, accounting for roughly 8 percent of total WBG financing. However, integration of gender consideration into agriculture has been a more recent development. The adoption of the Gender Action Plan (2007–2010) represented an important turning point for the World Bank in its approach to gender equality and agriculture. The Gender Action Plan represents a commitment by the World Bank to intensify gender equality by focusing on labor, land, and agriculture; private sector development and finance; and infrastructure markets. Importantly, the Action Plan provides specific operational support to mainstreaming gender in agricultural operations.

Another important milestone in the World Bank’s increasing recognition of gender equality in agriculture was the 2008 Gender in Agriculture Sourcebook. Produced jointly by the World Bank, FAO, and IFAD, the Sourcebook increased the network of professionals involved and also the outreach and endorsement of its guidance. Partnering with UN agencies in this instance clearly helped to bring the rights-based agenda forward more explicitly. The Sourcebook aims to provide a guide to practitioners on how to integrate gender dimensions into agricultural projects and programs.

This section examines the extent to which the World Bank applies gender justice and HRBA to its gender work in the field of agriculture, and whether evidence exists to suggest that the inclusion of such approaches leads to (or would lead to) better development outcomes. Two sets of World Bank documents were examined: policy documents to better understand gender inequalities in agriculture and the actions the Bank considers necessary in order to overcome them; and evaluation documents to gain insights into the practical implementation of the World Bank’s policy commitments with respect to gender in agriculture, and the associated outcomes.

Given the breadth of issues, the analysis focuses on three main areas of the World Bank’s agricultural work, chosen because of their critical importance to gender equality:

- **Land rights and titling.** This refers to the right of women to own or hold long-term use rights over land and the rules governing registration of these rights in the form of land titling rules. In rural areas, land is the most fundamental resource for securing women’s livelihood and economic empowerment. Despite the central role that women play in agricultural production, a combination of statutory and customary laws and practices favoring male ownership over property disadvantage women’s right to own land. Correcting this situation is therefore critical to achieving gender equity.

- **Rural finance.** Rural finance comprises “all types of financial services for households and micro, small, medium and large enterprises in rural areas. Specifically, rural finance includes providing credit, savings, insurance, transfer payments and other financial services to farm households or off-farm businesses. These services are provided in return for some interest or fee for loaning and safeguarding funds.”

- **Extension services.** Agricultural extension “describes the services that provide rural people with the access to knowledge and information they need to increase the productivity and sustainability of their production systems and improve their quality of life and livelihoods.”

This subsection assesses the extent to which the World Bank has implicitly or explicitly included or omitted the three components of gender justice—representation, recognition, and redistribution—in its efforts to promote gender equality in relation to land rights, rural finance, and extension services. The World Bank’s discourse on gender in relation to...
to land rights/titling includes all three elements associated with the concept of gender justice.\textsuperscript{128}

The World Bank’s Gender in Agriculture Sourcebook highlights the problem of representation, for instance, in its concern about the low proportion of women who have access to land rights in comparison with men; this situation is especially problematic in view of the increasing importance of female labor in agricultural production. This is due to statutory laws, including family laws and tenure laws; but especially inheritance laws (mainly in Southern Africa), which require land titles to pass through the male line. As the Sourcebook points out, even where these laws have been reformed, customary practices and socio-economic factors often prevent women from taking advantage of their statutory rights.

Beyond representation, the Sourcebook also recognizes that gender inequalities will persist unless the different needs and constraints of women in relation to land rights are recognized. It is this concern with the recognition dimension of gender justice that leads to the Sourcebook warning to practitioners against the adoption of “gender neutral” land laws and land-titling programs that can indirectly discriminate against women by overlooking patriarchal values and attitudes that hinder their implementation.

The Sourcebook suggests that achieving gender justice will ultimately require a redistribution of resources and therefore power to the benefit of women within households and communities at large. It notes that this is particularly evident in the field of agriculture given the numerical preponderance of women in agricultural labor, which does not translate into decision-making power.\textsuperscript{129}

The same appreciation of the three dimensions of gender justice is present in the Sourcebook’s discussion of gender in relation to rural finance. The proportion of women who have access to agricultural credit has traditionally been much lower than that of men. Nevertheless, this began to change in the 1990s as donors realized the benefits of directing financing programs toward women, not least was the fact that women tend to prove more reliable clients than men. However, this re-orientation of rural finance has tended to involve microfinance and poverty reduction programs rather than increasing the representation of women in rural financial services at all levels.\textsuperscript{130}

In order to overcome this, the Sourcebook calls on practitioners and donors/financiers to recognize the special needs of women in their efforts to access financial services. The capacities of women in this respect are hampered by gender stereotypes, which require women to take on a disproportionate share of household responsibilities. Unless a better redistribution of household work is achieved, including by providing substitute care for small children, the elderly, and disabled, the benefits that women obtain from microfinance and other poverty reduction programs will remain limited. Women will continue to use these loans to fund the agricultural activities of their sons or husbands. It will also be important to ensure that rural finance targeted at women does not remain confined to small savings and credit schemes, but provides women with “clear avenues for upward mobility through the financial sector as their needs and skills evolve.”\textsuperscript{131}

A similar pattern is evident in the World Bank’s analysis of gender imbalances in relation to extension services. As the Sourcebook points out, the proportion of women who participate in extension services is much lower than that of men, similarly are the number of women as researchers, scientists and extension agents. There is a clear need to reverse this situation by increasing women’s representation in agricultural education and training, including in schools where girls need to be encouraged to take up scientific subjects.\textsuperscript{132} Yet, the Sourcebook also highlights the importance of recognizing that women often bear different productive responsibilities in comparison with men, and may therefore have different needs in relation to research and technology, such as cleaner and more efficient cook stoves that will save time in women’s domestic labor. Moreover, the Sourcebook notes that, unless these innovations are accompanied by a redistribution of resources and power dynamics at the household and community level, these technological innovations may end up reinforcing existing divisions of labor.\textsuperscript{133}

The picture is much less consistent in the practical implementation of the World Bank’s gender mainstreaming work in agriculture. In a 2010 evaluation of the Bank’s development work, the IEG noted that, since the adoption of the Gender Action Plan and the publication of the Gender in Agriculture Sourcebook, gender coverage increased from 58 percent to 71 percent of all World Bank agricultural projects.\textsuperscript{134} Nevertheless, a closer examination of the World Bank’s

\textsuperscript{128} Exceptionally, the three dimension of gender justice are used and intertwined so as not possible to separate for this section. Instead the dimensions are highlighted in bold, throughout the discussion.

\textsuperscript{129} Gender in Agriculture Sourcebook, Gender Issues in Land Policy and Administration (World Bank, 2009) p. 127.

\textsuperscript{130} Gender in Agriculture Sourcebook, Title of Rural Finance (World Bank, 2009) p. 87.

\textsuperscript{131} Gender in Agriculture Sourcebook, Title of Rural Finance (World Bank, 2009), p. 91.

\textsuperscript{132} Gender in Agriculture Sourcebook, Title of Extension (World Bank, 2009), p. 261.

\textsuperscript{133} Gender in Agriculture Sourcebook, Title of Extension (World Bank, 2009), p. 263.

gender mainstreaming work in relation to land rights/titling, rural finance, and extension services suggests that efforts have tended to focus on improving women’s representation without giving sufficient consideration to the important role that recognition and redistribution must play in achieving gender justice.

Reports and evaluations of the World Bank’s gender mainstreaming work provide numerous examples of success in relation to increasing women’s access to land rights. In the Philippines, for example, the Implementation Completion Report for the World Bank-supported Land Administration and Management project noted the issuance of a Department Administration Order, which removed a longstanding gender bias in land titling, facilitating the registration of land in women’s names. The same is true in relation to microfinance: in Yemen, for example, the World Bank provided financial and technical support to ten microfinance intermediaries that helped empower women in particular. Meanwhile, in Bangladesh, Ghana, and Zambia, Bank-supported extension services provided agricultural training to women, thereby helping them to acquire new skills.

However, in all of these cases, the development outcomes of the World Bank’s gender work appear to have suffered due to insufficient attention given in Bank-financed projects to recognition and redistribution. Agricultural and rural development sectors and other sustainable development sectors have developed indicators and targets that focus on the following questions: Is gender analysis done? Did the analysis guide design? Is M&E genderized? These questions and more are meant mainly to monitor gender “quality at entry”. The next step and present focus is on implementation and impact. At these stages the efforts have been more sporadic.

IEG notes that the relative lack of resources to establish productive livelihoods at the disposal of women, compared to men, meant that the new training opportunities provided to women in rural areas tended not to translate into further benefits. In Bangladesh, for instance, Bank-funded training courses in aquaculture techniques benefited men more than women because men had better user rights to ponds. Similarly, in a Bank-funded project in Zambia, which encouraged women to join community committees governing the implementation of World Bank projects, the women who participated tended to adopt subordinate roles.

5.4.2 HRBA ANALYSIS

This subsection examines the extent to which the World Bank’s gender mainstreaming work in relation to agriculture is consistent with HRBA.

The problem analysis and policy prescriptions contained in the World Bank’s key policy documents on gender in agriculture are not contextualized in a broader narrative of international human rights law. Neither the Sourcebook nor the World Bank’s more prescriptive Gender in Monitoring and Evaluation Toolkit includes any references to CEDAW or other international human rights conventions. This absence raises risks of weakening the Bank’s gender mainstreaming work and, on a more practical level, represents a missed opportunity. The World Bank could use the monitoring instruments attached to these treaties as a means to ensure the target countries in general, and the Bank-funded projects in particular, remain accountable to the populations they are intended to serve.

The World Bank appears to adhere more systematically to another aspect of a human rights approach—ensuring that gender equality is integrated in the domestic legal framework of a target country—at least as far as statutory laws are concerned. The Sourcebook, for instance, calls for a rights-based approach to land rights/titling, which pays emphasis on getting the right domestic legislation in place regarding shared tenure, polygamy, divorce and abandonment, inheritance, and land acquisition rights. Moreover, the World Bank appears to be implementing this commitment in practice: the IEG notes that the World Bank has achieved considerable successes in its efforts to revise the legal framework concerning land titling in Ghana and Tajikistan. However, the same IEG evaluation warns that, by focusing on the statutory legal framework to the neglect of the customary laws and practices that shape gender relations in these countries, the development results of the Bank’s projects in Ghana and Tajikistan risk being undermined. On the other hand, recognition of customary law and social norms were addressed in land titling programs in Rwanda, Ethiopia, and Peru.

Strengthening capacity of duty-bearers and empowering rights-holders is another aspect of HRBA that is reflected in the World Bank’s key policy documents. The Bank’s Toolkit on Rural Finance highlights the need to empower women to make greater use of financial services by providing project assistance to NGOs and other grassroots organizations that

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will be able to train women’s groups on leadership, business, and financial management skills. The Sourcebook also emphasizes training “extensionists” in gender mainstreaming, and ensuring that more women are involved in participatory research and extension. It emphasizes the need to help women build human and social capital and increase their capacity to participate fully in decisions on production and marketing strategies.140

The extent to which these commitments are implemented in practice however is less clear. Based on the documentation reviewed, the emphasis seems to have been placed on building the capacity of duty-bearers in target countries.

5.4.3 EVIDENCE REVIEW

The above reviews suggest that the World Bank has made important steps toward combining gender and HRBA in its agricultural policies and programs. The publication of the Gender in Agriculture Sourcebook in 2008 represented an important milestone, helping the Bank to develop a clearer understanding of the problems at stake as well as a useful set of gender concepts and objectives to work toward. The evaluations indicate the following Bank successes:

- Increasing the number of women who inherit and own land in rural areas;
- Increasing the number of women extensionists and women’s access to training in new agricultural technologies;
- Increasing women’s access to rural finance, especially microcredit;
- Improving the domestic legal framework on gender equity in target countries;
- Providing training to government officials in target countries in order to build their capacity to fulfill their gender obligations; and
- Helping to generate gender-related or disaggregated data to support efforts to monitor progress toward greater gender equity in agriculture.

Nevertheless, the evaluations suggest that many of these successes have been patchy: visible in the outcome of particular projects but not others. Considerable gaps remain. The existing evaluations of the Bank’s gender mainstreaming work in the field of agriculture suggest that more must be done to translate this knowledge and understanding into practice.

5.4.4 CONCLUSION

The World Bank has mainstreamed gender in its policy documents in agriculture. Elements of recognition, representation, and redistribution are identified in relation to land rights, rural finance, and extension services in the Bank’s key policy documents.

At an operational level, the Bank’s gender mainstreaming work in agriculture is less consistent. The Bank’s gender mainstreaming work in relation to land rights/titling, rural finance, and extension services tend to focus on improving women’s representation without giving sufficient consideration to the important role that recognition and redistribution must play in achieving gender justice; all are crucial aspects of transformative change. The Bank’s gender mainstreaming has focused more on increasing the numerical participation of women (e.g., in relation to accessing rural finance services) than in recognizing the special needs and ensuring a more gender-equal redistribution of resources at household and community level.

Implementation has been subject to special focus during the past few years even if not yet well reported. By holding intensive focus group discussions with women during the design phase the Bank has tried to ensure that the voice of women stakeholders is heard. Similarly, the focus on redistribution of resources at the community level, especially on women’s control over financial and other benefits, is aimed at changing gender relations within intra-household dynamics.

Nevertheless, it is recognized that more work needs to be done in empowering women to exercise and enjoy their rights. Attention has been paid to a certain extent to customary practices especially in irrigation projects (e.g., land ownership in general and in polygamous relationships), but these developments are recent and not yet well documented. It shows, however, that approaches within the World Bank are changing toward integrating a more rights-based approach.

140 Gender in Agriculture Sourcebook (World Bank, 2009), p. 267.
6. General Conclusions and Recommended Guidance

On the basis of the key findings drawn from each chapter and section, the conclusions give a general overview of what the review was able to demonstrate and its limitations. Following the conclusions are guidance and recommendations on how to further develop knowledge sharing and learning on gender and human rights-based approaches in development.

6.1 Concluding remarks

The study finds that at both policy and operational levels the World Bank’s work on gender, with its strong focus on economic growth, could be relevantly complemented by HRBA. As well, reviews of the agriculture and transport sectors, the Justice for the Poor program, and gender-responsive budgeting thematic areas conclude that most of the Bank’s gender-related work resonates with human rights but could be further complemented with a HRBA.

The gender-justice review shows that gender equality has to a large extent been interpreted in World Bank gender work as representation (increasing the participation of women in accessing resources) and recognition (recognizing the barriers faced by women to increased participation and specific problematics such as SGBV). Instances where gender equality was interpreted as redistribution (rebalancing of the distribution of power and resources between men and women) are less common. However, the Bank’s efforts in land titling, tax policies, conditional cash transfers, access to finance, are examples of redistribution programs. However, they fall outside the scope of this study. However, examples, which employed all three categories were identified, notably in the agriculture sector and the J4P program where the interpretation of gender equality within a full gender-justice framework offers promising conditions to foster better potential development outcomes in the field of gender equality. However, the desk study without country-level visits does not permit further independent verification.

The study also shows that when gender and HRBA are combined, for instance in the case of sexual- and gender-based violence, the following benefits are likely:

- **Clear alignment of the gender work** both in policy and practice—and beyond the Millennium Development Goals and the Paris Declaration—moves to a more complete normative framework covering civil, political, economic, social, and cultural rights.

- **Accountability tool for implementing existing women’s human rights obligations** (especially within CEDAW and regional women’s human rights instruments) within national legislation and thereby transforming national laws and practice accordingly. When a country has voluntarily signed and ratified international conventions it becomes accountable—nationally and internationally—for their implementation. The World Bank could play an important supportive role in this regard.

- **Tool for framing the support to women’s empowerment** (whether groups or individuals) within a legal framework would allow women as rights-holders (who so wish or who have the capacities) to claim their rights.

However, merely applying a human rights-based approach to existing Bank gender work may not in and of itself bring added value in terms of improved development outcomes. As the IEG-conducted gender evaluation states, one missing
portion is precisely the lack of an adequate methodological framework to measure gender-related outcomes beyond outputs.\textsuperscript{141} It is therefore difficult for this study to identify evidence of outcomes at gender policy level.

The integration of a full gender-justice framework, combined with HRBA, would potentially provide a relevant and complementary contribution by way of a results framework at gender policy level. Such a framework would provide entry points to move toward better development outcomes in the field of gender equality. This would also be in line with the measures recommended by the IEG.\textsuperscript{142}

Without these key elements in place, it is difficult to make significant conclusions with regard to the added value in terms of outcomes, of using HRBA to gender work. In spite of the challenges posed by the lack of data, this study consistently identifies the various entry points that could be used to further integrate HRBA to existing World Bank gender work as well as pointing out existing gaps and barriers to achieving improved development outcomes.

While all the theoretical debates have not been exhausted, the focus remains on the key areas that have added value or marked the boundaries of women’s human rights At a conceptual level, Chapter 3, Strengths and Limitations of Women’s Human Rights Instruments, summarizes primary sources concerning current understanding and challenges underpinning women’s human rights and gender equality in development. The chapter shows that beyond legal terminology pertaining to women’s human rights and gender equality, ideological debates, negotiations, and compromises have taken place.

The overall conclusion is that HRBA combined with a gender-justice conceptual framework could contribute to the creation of a more favorable environment to reach better development outcomes for women that extend beyond outputs, quantitative participation in development, and recognition of specific gender problematics.

6.2 General guidance and recommendations

With the view to share knowledge and learning on gender and human rights approaches, this study concludes with the following general recommendations:

1. At a conceptual level, there is scope for exploring closer linkages given the complementarities of a human rights-based approach with current gender work by the World Bank. Therefore, knowledge sharing and learning on gender and human rights approaches through, for instance, possible pilot M&E projects, including a gender and HRBA, could be explored. This would have the benefit of bringing further knowledge to the development of gender outcome indicator frameworks.

2. At a practical and operational level, the study provides a knowledge base for further reviewing of World Bank gender work, also work among Nordic Trust Fund grantees, and other projects/policies at country level with a particular interest in enriching their gender work with a human rights-based approach. This extended review would serve the added benefit of field-testing the results of this desk-based exercise.

3. With regard to enacting the recommendations, the following process is suggested:

a. In view of consolidating recommendations (1) and (2), knowledge sharing and learning workshops could be organized with World Bank staff across the board to gauge the level of interest in deepening knowledge on gender and human rights. These could be held either in Washington or field office based on interest and demand.

b. On the basis of the level of interest, a series of tailor-made training modules, utilizing e-learning and e-coaching, could be developed for the purpose of knowledge sharing and learning.

c. On the basis of these training sessions undertaken, a full guidance note could be developed incorporating practical examples of good practice and lessons learned from the training sessions.


Annex 1.
Methodology: Study Questions

A1.1 COUNTRY CASE STUDIES

The aim of the country case studies is to assess the extent to which, how and why the World Bank has taken gender and rights-based approaches into account in the planning of the country assistance strategies as well as in their gender equality-related programming. If they have not, the case study seeks to find out why, and what the challenges have been. The case study also seeks to find out what results gender and human rights-based approaches have achieved and whether it is possible to isolate the added value of these approaches. In case programs have not adopted a gender and human rights-based approach, the case study attempts to envisage what kinds of results could have been expected had they adopted one. Finally, the case study provides some ideas about the kinds of support/assistance needed to enable staff to adopt a gender and human rights perspective.

A1.1.1 The case study will be undertaken by reviewing a selection of the following documents and interviewing pertinent staff:

- IEG gender evaluation (Ch.4 deals specifically with CASs and Country Gender Assessments)
- CAS
- Joint Assistance Strategy (for the general background to the country and to see what other donors are doing)
- Country gender assessment
- CEDAW report for the country (might be useful for the general human rights background)
- PRSP (for the general background)
- Documents from the Gender Action Plan compendium relating to the country
- Program documentation, progress reports, and evaluations.
- Interview someone in the country office who was responsible for planning for the CAS
- Interview the gender focal point or gender adviser.

A1.1.2 Key case study questions:

A1.1.2.1 The country context

- Brief background to the country (including key HDI indicators)

• What are the key gender gaps/issues and women’s human rights issues in the country? For instance, what does the Country Gender Assessment (if there is one) say about gender issues in the country (and what do other sources say)? What gender issues are omitted?
• What does the PRSP say about gender issues in the country and how does it propose to address them?
• What are the gender issues that the Government and donors are addressing well/not so well?

A1.1.2.2 World Bank’s gender policy documents for the country (policy commitments)

• How does the Country Gender Assessment (if undertaken) address the questions of the gender-justice, human rights and rights-based review?
  - Which stakeholders/organizations were consulted/participated in the Country Gender Assessment (internally and externally)? Do gender focal points participate in this process? Was there any civil society participation?
• How does the CAS address the questions of the gender-justice, human rights and rights-based review?
  - Which stakeholders/organizations were consulted/participated in the CAS planning/drawing up (internally and externally)? Was there any civil society participation?
  - Is gender discussed in the CAS? In a specific section of its own? Or is gender analysis ‘mainstreamed’ throughout the document?
  - What specific actions does the CAS commit the World Bank to undertaking to address the outlined gender gaps? What indicators exist and how is the work monitored?

A1.1.2.3 Gender-justice approach

Representation:

• Does the policy/strategy/guidelines/program document explicitly recognize that women’s participation and representation is an issue in the country?
• Does the document recognize the importance of addressing non-discrimination and promoting equal opportunities?
• If so, what particular aspects of women’s participation/representation does the document focus on (e.g., non-discrimination and equal opportunities in employment, in education, in political participation but also equal access to financial or natural resources)?
• What kinds of actions (funding, programmatic support, technical assistance, political dialogue) does the
document comment World Bank to undertake to address these issues?

- What results in the area of representation does the World Bank commit to working toward?
- Are there any quantitative targets and indicators relating to women’s representation/participation?

Recognition

- Does the policy/strategy/program address specific women’s recognition issues, such as SGBV, resolution 1325, reproductive rights, maternal mortality, women in ethnic minorities, LGBT, etc.?
- What kinds of actions (funding, programmatic support, technical assistance, political dialogue) does the document commit the World Bank to undertake to address these issues?
- What specific results is the World Bank working toward on these issues?
- Does the document include qualitative targets and indicators relating to these specific recognition issues?

A1.1.2.4 Redistribution

- Does the policy/strategy/guidelines/program document explicitly recognize redistribution to be a gender issue?
- What particular aspects of redistribution does the document/program focus on? (For example, redistribution of resources at macro level through land redistribution, redistribution of access and control of financial and natural resources, redistribution of power in decision-making in political life, within the private sector etc.)—Note: women’s economic empowerment does not necessarily mean redistribution of resources, it could just imply strengthening women’s capacity to access economic resources and thus actually be more related to equal participation/access to economic resources rather than actual redistribution of these resources.
- What kinds of actions (funding, programmatic support, technical assistance, political dialogue) does the document commit the World Bank to undertake to address these issues?
- What specific results is the World Bank working toward on these issues?
- Does the document include qualitative targets and indicators relating to these redistribution issues?

A1.1.3 Human Rights approach

- Do the documents refer to international, regional and national legal instruments? If so which ones? Is it assumed that women’s rights are included even though not specifically mentioned? What difference does this assumption make?
- Which specific women’s human rights conventions (possibly specific articles) are explicitly quoted/mentioned? (CEDAW, women’s rights regional instruments).
- How will the World Bank policy/strategy/program support the implementation of these conventions? (i.e., funding, programmatic support, technical assistance, political dialogue)
- How is the implementation of the World Bank’s work on women’s human rights monitored? (i.e., indicators, targets, conditionality, policy dialogue)
- To what extent are interlinkages made between women’s human rights and gender-related development activities in the document under review?
- What missed opportunities/gaps, if any, can be identified by omitting these interlinkages from the gender work?

A1.1.4 Rights-based approach

- Does the policy, strategy, or program raise the importance of strengthening the capacity of duty-bearers (Government) to implement and be accountable to their international legal commitments and of rights-holders to claim their rights?
- What actions does the World Bank commit to supporting?
  - Rights-holders: Will the World Bank build/strengthen the capacity of women’s organizations representing women’s rights to for instance, monitor implementation of and advocate and lobby for the implementation of women’s human rights commitments (such as the domestication of CEDAW in national legislation entailing the repeal of gender discriminatory legislation and legislative reforms, women’s human’s rights awareness and literacy campaigns, legal aid for women, excavating women’s rights from customary law etc.)?
  - Duty bearers: Will the World Bank support the government (for instance through capacity building etc.) to be able to be accountable for and deliver on specific international legal and national commitments they have made to gender equality? (e.g., Is work on the domestication of CEDAW in national legislation supported,
legislative reforms in favor of women’s human rights, is the strengthening of national gender machinery targeted as accountability mechanism for monitoring the implementation of CEDAW etc.)

- How these activities are monitored (e.g. indicators, targets, high level consultation and dialogue with governments etc)?

A1.5 World Bank gender programming/technical assistance and dialogue in the country (actual practice)

- What kind of gender equality work does the World Bank support in the country (funding, programs, technical assistance, and political dialogue)? In which sectors?
- How do the programs address the main questions of the gender justice, human rights, and rights-based reviews?
- If they do not (for instance in a case where the CAS has been “gender and human rights-proofed” but programs do not integrate these approaches), why is this so? What have the barriers/challenges been to translating the policy into practice?

A1.6 Results (evidence review) of the gender work/programs

- What evidence is there that the actions identified above have been implemented?
- What evidence is there that the actions and results of the above activities have been monitored?
- What are the results/outcomes of the work?
- What added value can we identify from the above reviews?

- Is there any evidence that the combination of gender and rights approaches brings:
  - No evidence of changes?
  - Evidence of clearer gender concepts?
  - Evidence of strengthened legal and conceptual framework around the gender work (in the 3 different categories)?
  - Evidence of improved quantitative development results?
  - Evidence of improved qualitative development outcomes?
  - Evidence of long-term structural development changes and impact?

A1.7 What needs to be done to integrate a gender and human rights-based approach into World Bank planning and programming?

- What were the missed opportunities? Were there any programs/interventions where the World Bank could have used a gender and rights-based approach but did not? What could have happened if a rights-based approach was used?
- What have the challenges/barriers been to an effective integration of a gender and human rights approach into programming? (Resistance from World Bank staff or country partners, lack of staff with the rights skills and knowledge, lack of knowledge about gender issues etc.)
- What support/guidance/tools is available to help staff integrate these approaches into the World Bank’s work at the country level?
- What further support would staff need to integrate these approaches into the World Bank’s work?
Annex 2.
List of Interviewees

List of interviewees and correspondents

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<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Institution</th>
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<tbody>
<tr>
<td>Rea Abada Chionsong</td>
<td>Gender and justice Advisor</td>
<td>World Bank</td>
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<tr>
<td>Nicholas Menzies</td>
<td>Justice Reform Specialist</td>
<td>World Bank</td>
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<tr>
<td>Nilufar Ahmad</td>
<td>Senior Gender Specialist</td>
<td>World Bank</td>
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<tr>
<td>Dante Mossi</td>
<td>Senior Country Officer – Ghana</td>
<td>World Bank</td>
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<tr>
<td>Pirkko Poutiainen</td>
<td>Senior Gender Specialist</td>
<td>World Bank</td>
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<tr>
<td>Jessica Leino</td>
<td>Economist</td>
<td>World Bank</td>
</tr>
<tr>
<td>Julie Babinard</td>
<td>Environmental and Social Development Specialist</td>
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</tr>
<tr>
<td>Sirpa Rautio</td>
<td>Senior Program Officer</td>
<td>Nordic Trust Fund Secretariat World Bank</td>
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Annex 3.
Bibliography

A3.1 PAPERS AND REPORTS


UNFPA (2005) *Rights into Action, UNFPA Implements Human-Rights Based Approach*. UNFPA.


A3.2 PRESENTATIONS AND WEBSITES


Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (adopted on 7 April 2011).


Annex 4.
Advanced Readings and Knowledge Sharing: Theoretical Debates

This annex peruses the main conflicting theories that have underpinned, influenced, and challenged the key concepts and legal frameworks pertaining to this study. While this will not solve on-going theoretical debates, it will provide a better understanding of why certain interpretations of gender equality and human rights take precedence over others. This annex ultimately aims at providing the development worker with a basic understanding of key theoretical debates underpinning gender and human rights at a conceptual and normative level.

A4.1 THE THEORETICAL MIS-FRAMING OF GENDER EQUALITY

Amartya Sen concludes:¹

(…) people need not be inescapably doomed to isolated lives without communication and collaboration. It is bad enough that the world in which we live has so much deprivation of one kind or another (from being hungry to being tyrannized), it would be terrible if we were not able to communicate, respond and altercate. When Hobbes referred to the dire state of human beings in having ‘nasty, brutish and short’ lives, he also pointed, in the same sentence, to the disturbing adversity of being ‘solitary’. Escape from isolation may not only be important for the quality of human life, it can also contribute powerfully to understanding and responding to the other deprivations from which human beings suffer.

Sen effectively argues for refocusing away from a post-modern emphasis on “cultural differences” and resulting isolations of injustices. In the context of gender equality and women’s human rights in international development assistance, the revival of cultural relativism through the politics of identity resulted in the notion of subordination of women being constructed as a problem of culture dissociated from political economy.²

This perspective suggests that the construction of women’s subordination as a cultural problem limits the interpretation of gender equality and women’s human rights in international development assistance. It dissociates the problem not only from political economy but also from the larger and global matrix of structural inequalities and social justice under which human rights ought to be considered—in particular within the overall goal of poverty reduction. This in turn changes how women’s subordination is analyzed. At best, gender inequality has been discussed in isolation from broader, global patterns of exploitation and, at worst, is potentially justified by reference to differences in cultures, religions, and identities. This perspective risks reversing progressive achievements to challenge to the cultural and religious stereotypes that have subordinated women.

Caroline Fourest views this ideological shift as emanating from a more conscious and fundamental political change of paradigm from within the post-Socialist Left.³ According to Fourest, opposed political standpoints dividing the post-Socialist Left are competing for political and theoretical space. In Fourest’s view, this competition is responsible for the shift in feminist theorizing rather than an accidental coincidence of identity politics emerging at the wrong time and in the wrong place.

The relevance of the notion of redistribution relates to Mansell’s idea of substantive justice.⁴ The notion of justice as redistribution need to be further understood in connection with the problematics exposed by John Rawls’ theory of justice as follows:⁵

The idea of justice as fairness is to use the notion of pure procedural justice to handle contingencies of particular situations. The social system is to be designed so that the resulting distribution is just however things turn out. To achieve this end it is necessary to set the social and economic process within the surroundings of suitable political and legal institutions. Without an appropriate scheme of these background institutions the outcome of the distributive process will not be just. (…) It is clear that the justice of distributive shares depends on the background institutions and how they allocate total income, wages and other income plus transfers.

Rawls’ discourse carries particular resonance in the field of gender equality and human rights in international development assistance by exposing the deficiencies of focusing solely on the notion of “fair equality”, normativity, and the

³ C. Fourest, La Dernière Utopie: Menaces sur L’universalisme (Grasset, 2009). C Fourest, La Dernière Utopie: Menaces sur L’universalisme (Grasset, 2009).
The notion of justice raises key questions for gender equality and human rights in international development assistance. For example, **how have the concepts of gender equality and human rights been interpreted? What did the interpretations provided include? Why did a particular focus prevail in these interpretations and at which cost? Whose interests are actually protected? What types of outcomes are targeted?**

In seeking to respond to these questions, Nancy Fraser provides a historical account of the displacement of the notion of socio-economic justice underpinning the interpretation of gender equality and women’s human rights as follows:

If the first phase of post-war feminism sought to ‘engender’ the socialist imaginary, the second phase stressed the need to ‘recognize difference.’ ‘Recognition,’ accordingly, became the chief grammar of feminist claims-making in the fin de siècle. A venerable category of Hegelian philosophy, resuscitated by political theorists, this notion captured the distinctive character of post-socialist struggles, which often took the form of identity politics, aimed more at valorizing difference, than at promoting equality. Whether the question was violence against women or gender disparities in political representation, feminists increasingly resorted to the grammar of recognition to press their claims. Unable to make headway against injustices of political economy, they preferred to target harms resulting from androcentric patterns of cultural values or status hierarchies. The result was a major shift in the feminist imaginary: whereas the previous generation pursued an expanded ideal of social equality, this one invested the bulk of its energies in cultural change. (...) What distinguished the identity politics phase was the relative autonomization of the cultural project—its decoupling from the project of political-economic transformation and distributive justice.

Fraser draws a picture of the dynamics within the ideology of gender equality and women’s human rights. She seems to suggest that the abandonment of the egalitarian and social justice paradigm for an inward-looking focus on identity, differences and culture, which could justify a return to cultural relativism, was unconscious, and the encounter with the broader neoliberal context, was accidental.

Fraser contends that the focus on identity politics and cultural difference became the dominant framing in second-wave feminism, disconnected from the previous and original focus on distributive justice. This study draws a parallel to this by observing a similar phenomenon that takes the form of a pre-dominant focus on representation and recognition.

Further, by denouncing the consequence of this shift in focus as *displacing* rather than *deepening* the socialist imaginary, Fraser assesses the implications of the hegemony of identity politics as follows:

The tendency was to subordinate social struggles to cultural struggles, the politics of redistribution to the politics of recognition. It was assumed, rather, by the proponents of the cultural turn that a feminist politics of identity and difference would synergize with struggles of social equality. But that assumption fell prey to the larger Zeitgeist. In the fin de siècle context, the turn to recognition dovetailed all too neatly with a hegemonic neoliberalism that wanted nothing more than to repress all memory of social egalitarianism. The result was a tragic historical irony. Instead of arriving at a broader, richer paradigm that could encompass both redistribution and recognition, we effectively traded one truncated paradigm for another (...) at precisely the moment when neoliberalism was staging its spectacular comeback.

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7 The term displacement is used as socio-economic equality, which used to constitute the prevailing focus of socialist thought and in this context it has therefore been ‘displaced’ from that fundamental position. N. Fraser, Scales of Justice: Reimagining Political Space in a Globalizing World (Columbia University Press, 2009), p. 105.
Within the international development assistance field, this “coincidence of events,” to a large extent, translated into an overwhelming interpretation of gender equality as participation, exclusion/inclusion of women, and the notion of women’s empowerment (with a few exceptions such as Sida, UNIFEM, and others) as “access to resources” in the 1990s and 2000s.

As Fareda Banda illustrates, “as long as men have primary control over the resources such as land, women will never be able to overcome socio-cultural inequalities,” thereby also pointing to the significance of including “redistribution”. The displacement of the notion of distribution—whether accidental or not—is thus identified as effectively denuding the concept of theoretical grounds with which to address socio-economic injustices within the field of international development assistance.

In conclusion and in order to consider women’s human rights not merely as an end in itself but as a means to achieve better outcomes in terms of poverty reduction, then the justice and socio-economic justice in particular needs to be addressed in the conceptual and theoretical framework.

A4.2 WOMEN’S HUMAN RIGHTS AS AN ANTIDOTE TO CULTURAL RELATIVISM

The cultural relativism versus universalism debate has challenged the legitimacy of human rights, although more recently this is dismissed as passé or false dichotomy by the proponents of legal pluralism.

Cultural relativism within the gender and human rights field found a renaissance over the last 20 years through a variety of post-modernist schools of thought, from anti-essentialists to third worldists to post-colonialists, to difference feminism.

Cultural relativist positions essentially emphasize cultural differences and identities, contesting the legitimacy of universalist ideas. This approach is illustrated in the following statement:

There is—as a matter of fact, empirically—an impressive diversity. The critiques attached an important consequence to this diversity: that no transcendent or trans-cultural ideas of ‘right’ could be agreed upon and hence no culture or state was justified in attempting to impose [in an imperialist and neo-colonialist manner] their values on other cultures or states.

Such a renewed form of cultural relativism, which had always challenged the notion of human rights, claimed its legitimacy from anti-colonialist and third-worldist perspectives. As these gained grounds among academia, such ideological stands tended to displace and delegitimize to a certain extent opposite ideological trends promoting universal grounds upon which to define human rights and gender equality.

One of the main consequences of the prominence of cultural relativism was that “tensions between First and Third World feminists on issues of substance and strategy became evident and increasingly significant within the International Development Assistance arena.”

Most post-colonial, cultural relativist, and anti-essentialist feminist critiques, despite differences in their theories, seem to agree upon the rejection of the “attempted wholesale application of so-called Western feminist theories on other communities and societies and in particular, the liberal feminist emphasis on the removal of sex-discrimination.” However, if the original intention was to reject neoliberalism, radical Left and Marxist analyses were also rejected in practice with the same concern. For example, Naila Kabeer supported the wave of anti-essentialism and emphasized the importance of identity politics by defining women in development advocates as being “primarily First World women who defined the idea...”

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of global sisterhood, Third World women and the idea of integration into development processes as being initiated by First World donors or elites in their countries.”

Such critiques led to a clear shift in focus in the context of feminism and human rights in international development assistance. Closely interrelated, this discussion raised anti-essentialist concerns about the very notion of women. The question was whether the concept of women and in this case “Third World women” could be said to belong to one category, reflecting Western values across the globe, transcending culture, sex, ethnicity, and class. The perceived imposition of a universal “sisterhood” among women of different cultural backgrounds became the subject of strong critique. For example, Chandra Talpade Mohanty rejects “the suggestion that women can recognize each other’s experiences and problems across cultural, class and ethnic lines (...)” which she argues “erases material and ideological power differences within and among women.”

The objective of this critique was to challenge the legitimacy of the notion of the universality of women’s human rights, focusing on differences instead and thus challenging the category women as a valid universal analytical category. Mohanty further justifies this position by explaining how in her view, Western women have defined women from emerging economies without due consideration of historical conditions and contexts. Although in her revised writings she seems to soften her position through a re-discovery of the notion of “solidarity” as possibly necessary, her earlier analyses can be characterized as prominently based on anti-imperialist and anti-racist theories. One of the most challenging implications is that a wider analysis of women’s subordination was also displaced as “patronizing” and replaced by an analysis which focuses solely on differences of cultures and identities. By denying the legitimacy of perceiving their conditions as dire—a racist act in Mohanty’s view—Mohanty effectively denies “poor”, women living in Third World countries, none less than the right to be free from poverty and injustices defining not themselves but their conditions.

In 1949, The Second Sex was published and became a landmark text which arguably foresaw all subsequent trends in feminist thought, including difference feminism. In her question “what is a woman?”, de Beauvoir was not looking for an immutable and static definition of womanhood in order to impose it as universal dogma, even less to “rob women of their agency”. Quite the contrary, the answers she provided echoed Satre’s answer to the question: what is a human being?

In her famous statement “one is not born, but rather becomes, a woman”, de Beauvoir emphasizes that the choices and struggles to be set free from cultural, religious, and ethnic gender stereotypes (that exist within Europe as anywhere else) are the key elements that will ultimately define women as emancipated human beings, rather than second-class citizens. Clearly, in de Beauvoir’s definition, women are not homogeneously encapsulated in their cultural, social, ethnic, or religious background. Rather, their essence is defined by their own “agency” and their “free will” to challenge gender stereotypes and to bring change to their conditions, characterized by inequalities and injustices.

The unequal and unjust conditions referred to by de Beauvoir are still contemporary more than half a century later and not limited to the white, French middle classes of the 1950s. In de Beauvoir’s view, becoming a woman meant a self-chosen dynamic process of emancipation toward greater justice. It is in this sense that de Beauvoir and other feminist theorists such as Charlesworth specialized in international law, and that carries the most useful antidote to anti-essentialist trends toward poverty reduction. They distinguish the intrinsic universality in women’s subordination across time, localities, and cultures worldwide; and on this basis argue the legitimacy of universal women’s human rights.

Despite these divergences, the Fourth Women’s World Conference in Beijing in 1995 resulted in an unprecedentedly strong rejection of cultural justifications for violations

18 N. Kabeer, Reversed Realities, Gender Hierarchies in Development Thought (Verso, 2001), pp. 31–32; Kabeer played a role in influencing feminist theoretical frameworks in international development assistance and conceptual changes from women in development to gender and development.

19 For example: “As white women ignore their built-in privilege of whiteness and define in terms of their own experience alone, then women of Color become ‘other’, the outsider whose experience and tradition is too ‘alien’ to comprehend”; S. Mullally, Human Rights Law Perspective, Gender Culture and Human Rights: Reclaiming Universalism (Hart Publishing, 2006), citing A. Lorde, Age, Race, Class and Sex: Women Redefining Difference, in A. Lorde, Sister Outsider (Trumansburg, 1984), p. 117.


and abuses of women’s human rights. This is highly relevant in the context of building the theoretical ground and legitimacy for gender and human rights-based approaches in international development assistance through the demonstration of the “universality” of violations of women’s human rights that much of universalism’s lost legitimacy can be regained. For example, cultural relativists and third worldists “cannot ignore the striking proliferation of Western imperialism and at the same time ignore non-Western states’ selective use of the defense of culture in the service of state power”. Thus, it cannot be ignored that the striking proliferation of religious and nationalist regimes in the post-colonial eras, which in certain respects has even defined the post-colonial era, have actually placed women in a situation comparable to that in which they found themselves during colonialism.

To circumvent increased criticism of top-down approaches in the application of international law more specifically, practitioners and researchers in development contexts have taken on board participatory and bottom-up approaches in the application of women’s human rights. This is notable in the work of women’s NGOs in emerging economies such as Women and Law in Southern Africa Research Trust with their focus on excavating women’s rights’ from customary norms, living law, and cultural practices.

The idea of removing women’s human rights from their cultural context has been the subject of much research in the law and development research field, as researchers try to explore a middle way between universalism and relativism. Academics and field researchers have argued that in: “exploring both the general characteristics and the unique features of social and legal relations (...) it is possible to make generalizations concerning women’s common values and interests within a limited span of time and places”.

The pluralist middle ground between universalism and relativism has thus presented itself as the “reasonable” compromise between unnecessary dichotomies, with a limited version of universalism that would only be applicable in a limited geographical span and time. This middle ground leaves a fundamental question without answer: if there are similarities that can be generalized and identified in a certain time and space, why would it not be possible to identify similarities which can be generalized throughout time and space across wider borders?

In contrast, Fareda Branda, points out that:

Indeed some of the ‘customs’ that we cling to as being uniquely African are not so. For example, we were not the first or only people to give bride wealth as a precursor to marriage—other cultures have done it, not least the Germans.

The control of women’s sexuality—from chastity belts in European Middle Ages, to clitoridectomy in the United Kingdom and the United States, to female genital mutilation in Sub-Saharan Africa—was considered by their defenders to be an affirmation of cultural womanly values and are, paradoxically, quasi-universal practices. Other significant examples include women’s quasi-universal lack of control over resources; the exploitation of their domestic household work; women’s status as lesser citizens; and women’s timid and often non-existent participation in parliament and public political life. These are all examples which emerge in different societies, whether the colonized or former-colonizers, North and South, industrialized or developing countries, at different points in history and under infinitely different guises and variants. These are thus anything but single events taking place in limited span of time and place, in supposedly isolated corners of the world, cultural specificities, and unique historical moments.

With a view to move the debate forward, a collective response to commonly identifiable problems or a “discursive universalism”—rather than a fragmented and isolated local response—is arguably more likely to bring about social changes and the much sought after substantive development outcome in the field of international development assistance. Far from robbing women of political agency, the notion of commonalities across different violations of women’s human rights in Southern Africa, 1992).
human rights for instance, aims precisely at reinforcing it. In contrast, confining women’s socio-economic injustices to their specific locations, cultures, and identity may arguably rob women of their agency and the power to challenge the realities in which they live.

Philosopher, Flores D’Arcais deducts a fundamental connection between human rights, individual choice, agency, and engagement when he writes arguably that:\(^33\)

> Human rights are not universal in the sense that they are intrinsically connected to human nature as such. They are on the contrary so disconnected from human nature, that mankind has lived through thousands of years violating them. Many hard fought struggles had to be won, with generations of sacrifices to finally, making human rights, only temporarily acknowledged. Human rights are in fact, so uncertain, that their violations are occurring on a daily basis in our societies.

On this basis, d’Arcais concludes that human rights are not that human after all—meaning not inscribed in human nature as it is assumed. Rather, they are civil rights, in that they do not depend on nature, nor do they descend from heavens. Human rights are rather a matter of choice of values, and that choice need not be individualistic and made in isolation but rather it is an individual act within a collective strand of similar acts and concerns.

If women’s human rights too do not depend on nature, then they must also be considered a matter of collective choice of values. Engaging “collective responsibility” in Hannah Arendt’s reflection entails the superiority of collective responsibility over personal identity claims and further provides the ethical grounds for a universal responsibility of solidarity as follows:\(^34\)

> No moral, individual and personal, standards of conduct will ever be able to excuse us from collective responsibility. This vicarious responsibility for things we have not done, this taking upon ourselves the consequences for things we are entirely innocent of, is the price we pay for the fact that we live our lives not by ourselves but among our fellow men, and that the faculty of action, which, after all, is the political faculty par excellence, can be actualized only in one of the many and manifold forms of human community.

Women’s human rights, basing their legitimacy on the commonalities of their respective cross-cultural violations, are an antidote to cultural relativist trends as they appeal to a common, global, individual, and collective notion of “responsibility”, in Arendt’s sense.

Tracy Higgins warned that whereas the risk of coercion (e.g., definition of the problematics by one group over another) could not be fully eliminated, the risk of inaction was ever present. She further highlighted the inevitable dichotomy of either dismissing culturally distinct experience of women as false consciousness or ignoring pervasive limits on women’s freedom under simple tolerance of cultural differences.\(^35\)

In conclusion, it should be possible to include an infinite range of diverse cultural situations by engaging socially and collectively in a recurrent critique of patriarchal and totalitarian patterns of social injustices, which remain a common feature of women’s realities across the globe. This can be done through the body of international, regional, and national women’s human rights instruments.


\(^34\) H. Arendt, Responsibility and Judgment (Schocken Books, 2003), p 158.

Annex 5. Terms of Reference

A5.1 SUMMARY OBJECTIVE

The study will provide an up to date desk review of relevant source materials concerning current understanding of the roles and inter linkages of gender and human rights approaches in development. The study will explore the potential added value of human rights approaches by reviewing the World Bank’s gender policies and implementation of its gender related activities from a human rights perspective as well as gender policies and practices of selected development agencies.

A5.2 BACKGROUND

The Nordic Trust Fund (NTF) is a $20 million multi-year, multi-donor facility under the supervision of a Bank-wide Steering Committee. It supports a program to help the World Bank develop an informed view on how human rights relate to the Bank’s core mission of promoting economic growth and poverty reduction. Select learning and knowledge activities and sub-programs implemented by other Bank units seek to identify ways to systematize and improve the Bank’s involvement in Human Rights-related areas in analytical activities and operations.

World Bank attention to gender equality issues began in the 1970s and the Bank’s emphasis on gender increased markedly since the 1995 Beijing Women’s Conference. A major World Bank policy research report, Engendering Development Through Gender Equality in Rights, Resources and Voice, was published in 2001. In 2002 the Bank adopted its first Gender Mainstreaming Strategy Paper and, in 2003 it adopted the Operational policy OP/BP 4.20 (The Bank Operational Policy on Gender and Development) which is still in place. In 2007, the World Bank launched a World Bank Group Action Plan: Gender Equality as smart economics (Gender Action Plan), a 4-year plan to improve women’s economic opportunities by increased access to land, labor, agriculture and financial services, and by ensuring that women’s needs for infrastructure are better served.

The Gender Action Plan was followed by a Three-Year Road Map for Gender Mainstreaming (Road Map 2011–2013), which aims at strengthening the implementation of the Bank’s gender policy. The Road Map continues to focus on women’s economic empowerment but also links to other gender relevant Bank initiatives; Reproductive Health Action Plan; Business Plan for Accelerating Gender Integration into Sustainable Development (2012–14); draft Education Strategy; and the Agriculture Action Plan (2010–12). The Bank will also continue to provide assistance on business laws, regulations and institutions, which affect women’s ability to start and operate businesses.

IDA 16 has gender mainstreaming as one of its four special themes. The topic of the World Development Report of 2012 is Gender Equality and Development.

In 2010, the Independent Evaluation Group (IEG) did an evaluation of the World Bank’s support for Gender and Development in the years 2002 to 2008. It found that the Bank ‘likely contributed to improved gender equality-related outcomes in three domains—investment in human capital, access to economic assets and opportunities, and voice in development...Significant expansion was found in integrating gender into thematic areas such as microfinance, land management and administration and justice reform. However, most of the gender-related analysis and efforts remained focused on health, education and safety nets and remained limited in other areas.’

The IEG recommended that to be effective, gender integration needs to address strategic issues such as institutional and policy reform and recommended an establishment of a results framework to facilitate consistent adoption of an outcome approach to gender integration in the Bank’s work; a realistic action plan for completing or updating country-level diagnostics and extending the implementation of the 2007 Gender Action Plan while formalizing and strengthening the policy bases.

A5.3 OBJECTIVES

- The study will provide a conceptual overview of current concepts, definitions and inter linkages between gender and human rights approaches in development.
- The study will review the World Bank’s gender approaches, its gender strategy, operational and sector policies, guidance notes, briefings, tools and implementation of gender activities from a human rights perspective paying attention to explicit and implicit inclusion of rights or their absence in order to determine to what extent rights and human rights approaches are integrated and if a stronger focus on human rights could bring added value and potential for better development outcomes.
- The study will review the status and level of integration of CEDAW and other normative frameworks in gender approaches of selected development agencies. The linking of gender and development with human
A STUDY OF GENDER AND HUMAN RIGHTS-BASED APPROACHES IN DEVELOPMENT

Rights approaches has been an evolving process with a gradual shift towards more rights based approaches to realizing gender equality. However, the level of integration of normative frameworks and legal basis in gender approaches varies. The study will review gender policies and activities of selected development agencies in order to provide comparative materials and examples of good practices in addressing gender.

- The study will identify and list useful sources and materials of gender and human rights approaches for the use of the Nordic Trust Fund resource center on human rights and for the development of an associated e-learning module for Bank staff.
- The study will make general recommendations and guidance on the integration of gender and human rights approaches in development activities.

A5.4 SCOPE AND CONTENT OF THE STUDY

In the first part of the study, the commonly used concepts and definitions (gender, gender mainstreaming, gender integration, gender equality, human rights approach etc.) should be briefly explained. The main milestones and reasoning behind the shift towards rights based approaches when dealing with gender in development should be presented.

The scope and application of international human rights frameworks, including gender specific norms for the promotion of gender equality in development should be included. The benefits of integrating human rights and human rights based approaches and gender, such as arguments that rights based approach could shield against relativist approaches, and the challenges, such as public/private divide and conflicting norms on gender (in particular religious and customary) should also be discussed. The first part of the study should aim at clarifying terminology used and setting the context.

The second part of the study will focus on the World Bank’s approaches and activities on gender from a human rights perspective. The scope of the review will be comprehensive and include also atypical sectors (not only social sectors, such as health and education, but also economic sectors). The World Bank’s activities on addressing gender based violence will be included in the review. The study will build on recent evaluations and review exercises i.e. the latest IEG gender evaluation, internal evaluations and portfolio reviews. The emphasis is on the human rights analysis of the materials. Country examples can be included.

The review of World Bank’s gender policies and activities will be followed by a review of gender approaches of other development agencies (both multilateral and bilateral). It will be up to the consultants to suggest which ones will be looked at in consultation with the NTF task manager. This review will be selective aiming at providing examples and experiences from other development agencies across sectors and topics relevant to the World Bank’s core mandate of promoting economic growth and poverty reduction.

The study should also look at how human rights principles, such as participation, accountability and non-discrimination are treated when addressing gender issues both at the World Bank and in other development agencies.

The study will make general recommendations and provide general guidance on the integration of gender and human rights in development.

The focus of the study and most of the efforts should be put on Part 2 of the study.

A5.5 DESCRIPTION OF TASKS TO BE CARRIED OUT

The Consultant/s will undertake the Study through:

- Desk review (including academic literature, evaluations and other reports and documentation)
- Research (libraries, on-line)
- Review of World Bank documents (official policy documents as well as others)
- Interviews and consultations with relevant Bank staff and staff of the other development agencies
- Analyzing and summarizing information
- Writing up report and executive summary with general recommendations
- Providing list of sources and comprehensive bibliography
- Communicating regularly with TTL

A5.6 TIME FRAME AND DELIVERABLES

The selected consultants/s will spend approximately 3 months in total on this assignment. Work will commence immediately after signing of the contract and all tasks will be completed by 31 August 2011.

The work will be conducted in three stages

1. The consultant/s will submit an outline and a draft table of contents by 31 May 2011 suggesting which other development agencies are to be included in the scope of the Study.
2. The consultant/s will submit the draft report by end of July 2011 for comment and feedback.
3. The consultant/s will deliver the final report which integrates inputs received on the draft by end 31 August 2011. In addition, a short PowerPoint presentation will be produced based on the final report which may eventually be developed into an e-learning module.

The consultant will provide support for a short workshop or seminar to showcase the findings of the report.

A5.7 QUALIFICATIONS

The consultant/s will have advanced university degrees and complementary skills in economics, social sciences; international law or other related discipline, with a specialization in gender and/or human rights and development. The consultants should ideally have prior knowledge or experience with the World Bank gender related policies and/or projects.

He/She will have a minimum of 7 years experience in this area, and will be able to produce evidence of work done.

He/she will possess excellent written and oral communication skills in English.

A5.8 SUPERVISION

This work will be supervised by NTF Secretariat staff.
Nordic Trust Fund (NTF) is a knowledge and learning initiative to help the World Bank develop a more informed view on human rights. It is designed to improve existing Bank involvement on human rights in the overall context of the Bank’s core mission of promoting economic growth and poverty reduction. The NTF is managed by a secretariat in the Operations Policy and Country Services vice-presidency (OPCS). Financial and staff support for the NTF is provided by Denmark, Finland, Iceland, Norway, and Sweden, with additional funding provided by Germany.