Economic Empowerment of Women: Contribution of International Law

The collective approach: some exemplars of best practice
I. Introduction

1. Background

The ILA’s Committee on Feminism and International Law can trace its roots back to the early 1990s. Previous reports, from earlier manifestations and mandates of the Committee, addressed the topics of Women’s Equality and Nationality in International Law (2000), and Women and Migration (including Trafficking) (2002, 2004, 2006, 2008, 2010). The mandate approved by the Executive Council for the current Committee, which commenced its work in November 2011, is Economic Empowerment of Women: Contribution of International Law.

2. Definition

From the outset, while acknowledging that there are different definitions, the Committee confirmed its definition of Economic Empowerment of Women as that adopted by UN Women, namely:

‘[Women’s economic empowerment entails] increasing the ability of women to bring about change that drives valuable outcomes as result of their increased economic capabilities and agency, i.e. their ability to function effectively in the economy, to participate in labour and product markets on equal terms with men, to shape the gender division of labour, to accumulate assets, and to shape the relationship between markets and the state and to influence the institutions and processes that determine growth and development.’

This definition provides us with a number of criteria against which we can attempt to measure progress.

3. The story so far

The initial report of the current Committee, presented at the Seventy Fifth Conference in Sofia, (2012), was a scoping report. This approach was decided on in light of the complexity and breadth of the subject. The second report, presented at the Seventy-Sixth Conference in Washington, (2014), concentrated on two issues, Equal Remuneration and Equal Access to Economic Activities. The third report, discussed at the Seventy-Seventh Conference in Johannesburg, (2016), cognisant of the previous reports, addressed two related sub-themes: Women in (Power and) Decision-Making and Gender Responsive Budgeting (GRB). The fourth and last report of the Committee, under its current mandate, is being presented at the Seventy-Eighth Conference in Sydney, (2018). The first three topics explored by the current Committee addressed issues relating to the individual woman. The last report looks at some of the difficulties faced by women worldwide, but with a particular resonance for those in less

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developed countries. The informal economy - including ‘self-employment/home employment’ in such countries - presents both opportunities and challenges for women. We argue that the collective (especially the cooperative) approach can assist women in seeking to realise their economic empowerment, even if at a very modest level. We offer some practical examples of collective action, bearing in mind our definition of the ‘economic empowerment of women’.

4. Methodology

The contours of the report have been shaped by the contributions of members of the Committee on Feminism and International Law Committee. An examination of relevant literature allowed the changing world of work and the challenges this poses, especially for the most vulnerable (women, in particular), to be identified and discussed. The choice of the collective was made. The role of the collective, in various manifestations was drawn from appropriate literature. As a balance to the focus on the individual in earlier Committee reports, the main collective actor discussed in this report is the cooperative. This decision was influenced by the values and principles of the cooperative movement, as identified in the literature examined. Selected international instruments of relevance were identified – and discussed to varying degrees (due to space constraints). This includes some examples of the application of a number of instruments, as well as some Recommendations and Concluding Observations from the CEDAW Committee. Finally, contributing members of the Committee on Feminism and International Law provide examples of the operation of selected cooperatives, from the point of view of the economic empowerment of women. These should be seen as a ‘snapshot’ rather than as a comprehensive examination. Viewed through the prism of the criteria found in the definition of ‘economic empowerment’ which has guided the Committee since it commenced its current mandate, as well as the principles and values of the cooperative movement, it is contended that these represent exemplars of best practice.

5. Overview of this report

The changing world of work is touched on to set the context. This is important as the new model requires different responses to those with which we are familiar. In this new model the individual can be more vulnerable, and the presence of the collective can assist in resisting the pressures on the individual. Some of these are discussed, especially the challenges they pose for the individual, particularly the most vulnerable. Women living in rural areas have additional problems, and we indicate some of the most ingrained barriers to their economic empowerment and argue for the benefits of the cooperative approach. We draw on some of the extensive academic and other secondary literature, as well as official (such as the ILO, OECD, World Bank and other) research both to explain key aspects of the changing world of work, and to expand on the treatment of the operation and experience of cooperatives. A number of the other collective actors which can also play a part in women’s economic empowerment are introduced – for example trades unions, where we see a natural linkage with cooperatives. For the sake of completion we refer to professional associations – illustrated by a contemporary development.5

Finally, reference is made to a potential contributor to women’s economic empowerment, namely that of the ‘Social Enterprise’. This is different from the full-blown cooperative approach, but can be considered within the overall collective approach, in its actual operation.

We touch on some of the most relevant international legal instruments – especially from the International Labour Organisation (ILO), which as an international organisation has played a vital role in the area. Particular emphasis is placed on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), given its specific focus on women. Several relevant regional instruments are also discussed briefly, and a contemporary example of collective complaints submitted to the Council of Europe process is outlined; the outcome is awaited at the time of writing. A number of (‘soft law’) developments are discussed. These range from the Beijing Platform for Action (BPfA) to the Sustainable Development Goals (SDGs) – spanning a period of almost twenty years. We draw attention to the recent World Trade Organisation (WTO) Declaration on Trade and Women, but for reasons of length constraints, we do not discuss in detail.

A selection of cooperatives – chosen by contributors to the report - focusing on the activities and achievements of (the) cooperatives - is discussed. The majority of these we consider to be exemplars of best practice. As a balance, and to highlight real life problems, we offer a disappointing example from the Caribbean. Finally, we offer our Conclusions and our Recommendations, which latter we plan to annex to a Resolution.

II. The economic context

1. The changing world of work

Within the ‘formal economy’ the ‘traditional’ model could be broadly described as one where workers, or the self-employed, carry out economic activities. The workers receive a wage or salary, either negotiated directly or through trades unions, and the self-employed negotiate with their customers/clients. In such a world, trades unions can have a clear role as part of the ‘broad industrial relations structure’ involving the worker, the employer and the State in various roles. However, this traditional model no longer holds sway in many economies.

There are multiple reasons for this. For example, in the industrial or developed countries the changing world of work has experienced the casualisation of work with zero hour contracts, low hour contracts, short term and fixed term contracts, and other forms of precarious employment. These changes have had a significant impact on the rights and well-being of workers, and have been the subject of much debate and criticism.

In response to these changes, there has been a growing interest in the role of cooperatives as a form of alternative economic organisation. Cooperatives are owned and controlled by their members, who are typically workers in a particular sector or industry. They aim to provide a democratic and sustainable alternative to traditional forms of employment, by promoting the principles of worker self-management and collective decision-making.

While cooperatives can offer many benefits, there are also challenges associated with their implementation. For example, there may be difficulties in establishing a cooperative structure, particularly in sectors where there are few workers or where workers are dispersed over a large geographic area. Additionally, cooperatives may face difficulties in accessing finance, as traditional lenders may be hesitant to support such innovations.

Despite these challenges, cooperatives continue to attract attention as a potential solution to the problems of precarious employment and low wages. However, further research and policy development is needed to fully understand the potential of cooperatives as a means of promoting workers’ rights and well-being in the contemporary economy.
banded hours and related matters, predominating. These contracts often do not reflect the reality of the hours worked and bear significant social costs.

The terms ‘precarious’ or ‘contingent’ employment have entered the lexicon, as has ‘flexible’ working. The ILO notes that ‘there are no agreed official definitions of what constitutes precarious employment’ but in general, it refers to the shift from traditional permanent employment to jobs involving outsourcing, use of employment agencies, and classifying workers as ‘short-term’ or ‘independent contractors’. Other examples offered include ‘bogus self-employed’, agency work or employment through third parties. Apart from the insecure nature of their working relationship, there is also the claim that they may have to endure more dangerous working conditions. Workers in such situations can be described as experiencing an imbalance of power (or an ‘inequality of arms’) in terms of being able to negotiate satisfactorily with the employer in relation to their conditions. This is where we see the benefit of the collective.

A more recent development of relevance for our discussion, is the so-called ‘gig’ economy. It is also characterised by short-term working arrangements but is managed by online platforms that broker work between clients and workers. Workers are not necessarily poorly paid, especially when compared with traditional women’s areas of work, and in some instances benefit from the flexibility afforded them. However, the general conditions remain precarious.

One positive development has been the introduction of the minimum wage in many countries, which tends to benefit women as they predominate among the lower paid, often in precarious employment. This extends to migrant women, who often endure multiple disadvantage. Due to women’s predominance in low paid employment, the introduction of the minimum wage has represented one of the few measures to narrow significantly the gender pay gap with higher

10 In relation to developed countries the term ‘non-standard’ work has been coined, see, inter alia, ILO, Women and Men in the Informal Economy: A Statistical Picture, 3rd edition, [2018], 58 et seq., especially para 5.3.4. This can be distinguished from ‘atypical’ work, a term associated with EU secondary legislation. See, inter alia, https://www.eurofound.europa.eu/observatories/eurwork/industrial.../atypical-work.
14 Ibid, 37.
16 A. Kalleberg and M. Dunn, Good Jobs, Bad Jobs in the Gig Economy, LERA For Libraries 20.1-2 [2016].
minimum wage levels tending to be found in countries with lower gender pay gaps. It is, therefore, disquieting that the World Bank is developing policy proposals that will urge governments to reduce minimum wages and equip employers with greater powers to dismiss workers.

2. Increasing interconnectedness of the global workforce

Collective bargaining across national borders is becoming steadily (more) important as production and services are increasingly produced within global supply chains. According to the ILO, ‘global supply chains’ refer to the ‘cross-border organisation of the activities required to produce goods or services, and bring them to consumers through inputs and various phases of development, production and delivery’. Interrogating the gendered dimension of global value chains is relevant to women's economic rights in the context of employment in the informal sector, job segregation and the care economy to mention just a few aspects. Although it does not fall within the scope of this paper, the global economy should be borne in mind when assessing exemplars of best practice.

3. Emerging and developing economies – the informal economy

Coinciding with the developments in the formal economy, as outlined above, we must always bear in mind that there are many areas in the world where workers constantly pursue a precarious existence, and women struggle to engage in any form of economic activity. The informal economy is a fixed and important feature in the economic and societal landscape, encompassing informal employment in both the informal and formal sectors of the economy. In most developing countries informal employment is a larger component of the workforce than formal employment. According to the ILO about 60 per cent of the world’s workforce is involved in the informal economy. There is a paradox to be seen in the fact that the informal economy can be the only way for people to engage in any form of economic activity, while

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26 As an example see, inter alia, A. Testay and H. Tadele, The role of Cooperatives in promoting socio-economic empowerment of women: Evidence from multipurpose cooperative societies in South-Eastern Zone of Tigray, Ethiopia in, International Journal of Community Development, Vol 1, No 1, [2013], 1-11. See too the examples provided, inter alia, in, Cooperatives Europe, Building People-Centred Enterprises in Latin America and the Caribbean: Cooperative Case Studies [2015], 26-27, available at:
at the same time, the informal economy can also create conditions which are difficult to escape from, and thus perpetuates the difficult conditions in which people live and work.\textsuperscript{27} The ILO notes that while the informal economy is a greater source of employment for men globally, women engage in more vulnerable forms of work such as domestic work or home-based self-employment.\textsuperscript{28} It identifies ‘access to property, assets and financial services’ as one of the key barriers to female empowerment in the informal sector and recommends support for women’s organising in cooperatives as a vital element in empowering and sustaining women’s agricultural self-employment particularly in rural areas.

4. Women living in rural areas/rural women

The priority theme for CSW 62 in March 2018 was the extremely timely ‘Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls’.\textsuperscript{29} The Agreed Conclusions\textsuperscript{30} provide an extensive overview of the multiple and intersecting challenges facing women and girls living in rural areas across the world. Many of these challenges also affect women in non-rural areas, but rural areas can present particular challenges arising, inter alia, from their remoteness. To give a very basic example, energy and water may be easier to access in a non-rural area, so a cooperative, for example, could establish a café. This will not be as ‘easy’ in a rural area with limited access to these services. Turning to the focus of this contribution, we note the specific mention made of what needs to be done to ‘grow’ rural women’s entrepreneurship and cooperatives.\textsuperscript{31} A related concern is the need for the protection and promotion of the rights to freedom of association, peaceful assembly and collective bargaining so as to enable rural women workers and entrepreneurs to organise and join unions, cooperatives and business associations,\textsuperscript{32} thus emphasising the collective aspect of potential economic empowerment, a thread running through this contribution. Finally, the need to support effective participation, decision-making and leadership in enterprises, cooperatives, trade unions and other organisations underlines the fact that rural women should also be enabled to move into the ‘senior’ roles in these economic entities and not be confined to the ‘general body of workers’.\textsuperscript{33} This suggests that the steps urged are meant to be long-term and with the intention of bringing about real change for those involved, and others.

5. Overall

Key words for today’s workplace model could be said to be ‘flexibility’ on the one hand, and ‘precarious’ or ‘contingent’ on the other. The former can have some benefits for all sides, in

\begin{itemize}
\item \textit{https://coopseurope.coop/sites/default/files/building_people-centred_enterprises_in_latin_america_web_comp.pdf.}
\item \textsuperscript{28} Op.cit., ILO, Issue Brief 4 [2018].
\item \textsuperscript{30} \textit{Ibid, paras bb-gg.}
\item \textsuperscript{31} \textit{Ibid, para lll.}
\item \textsuperscript{32} \textit{Ibid, para ooo.}
\end{itemize}
certain circumstances;\textsuperscript{34} the latter have negative consequences for the workers, and their families, and thus for society, and ultimately potentially for the economy. However, the difficulties arising from contingent or precarious employment in the industrialised world pale when contrasted with the situation faced by women in the non-industrialised world, especially in rural areas, as they attempt to embark on a voyage of economic empowerment. What can be said from our review of the changing world of work is that the collective or cooperative approach can offer a means of navigating the challenges this poses. We will offer some examples to support this view.\textsuperscript{35}

III. The collective approach

1. Introduction

While the main focus of this work is cooperatives and their contribution to the economic empowerment of women, we deem it useful to look briefly at some other collective actors and their potential to contribute to the economic empowerment of women. Trades unions have an important contribution to make in achieving this goal; in fact there are obvious linkages between trades unions and cooperatives.\textsuperscript{36} As we shall see, one example that serves to illustrate this point is to be found in India, where a union. (SEWA) has been encouraging its members to set up cooperatives.\textsuperscript{37} We acknowledge that bodies such as trade or professional associations can also be helpful in enhancing women’s economic empowerment, and we offer a contemporary example, albeit involving collective complaints still ‘in train’ and, not yet resolved.\textsuperscript{38} Another interesting, relatively recent, development is that of the Social Business Initiative (SBI)\textsuperscript{39} or Social Enterprise. The emphasis of the SBI is on finding and applying solutions to problems, inter alia, of social exclusion and unemployment, rather than the pursuit of maximizing profit is attractive per se. This has a particular resonance in relation to our topic, namely the economic empowerment of women, given the problems facing women seeking to engage in economic activity, while balancing domestic, cultural and other demands, which we identify in this Report. The tendency of women to invest in the family – such as schooling for the children, and thereby to maximize the benefits of their earnings underlines how this approach could have widespread benefits for the individual and the community.\textsuperscript{40} We do not

\textsuperscript{35} See Part V.
\textsuperscript{36} See, inter alia, P. Conaty, A. Bird, and P. Ross, \textit{Not alone: Trade union and co-operative solutions for self-employed workers},[2016, Co-operatives UK]), available at \url{https://www.uk.coop/NotAlone} (last accessed 19 June 2018) which outlines joint actions in response to the changing world of work with the emergence of more ‘self-employed’ and ‘freelancers’.
\textsuperscript{37} See further: \url{http://www.sewa.org/}.
\textsuperscript{38} \url{www.universitywomenofeurope.org} – collective complaints –European Social Charter.
\textsuperscript{39} The OECD identifies a social enterprise as ‘any private activity conducted in the public interest, organised with an entrepreneurial strategy, but whose main purpose is not the maximisation of profit but the attainment of certain economic and social goals and which has the capacity for bringing innovative solutions to the problems of social exclusion and unemployment’ (OECD, 1999), see \url{Boosting Social Enterprise Development Good Practice Compendium, OECD/European Union. [2017], 22 available at \url{https://ec.europa.eu/.../boosting_social ENTERPRISE development_good practice compen...} and at \url{www.oecd.org/.../boosting-social-enterprise-development-9789264268500-en.htm}
\textsuperscript{40} See, inter alia, \url{https://siteresources.worldbank.org/INTGENDER/.../womens_economic_empowerme} (last accessed 20 June 2018).
intend to dwell on this development, but for the sake of completion draw attention to one example initiated by women, namely the Presentation Sisters, an international Roman Catholic congregation. They set up Clann Credo in 1996 as a way to deepen social justice and further its mission of social transformation through selected funding mechanisms and it continues to pursue these goals.

2. Cooperatives

i. Definition, development, principles and overview

A cooperative has been defined as ‘…an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise’.

An interesting insight into the origins of cooperatives in some parts of the world can be consulted in what is now a quite dated document, but which remains of considerable value and interest. The colonial roots of the movement, as well as ‘officialdom’ input, seem at odds with the accepted values and principles of the cooperative. At the same time, the 2006 Discussion Paper asserts that ‘many studies have failed to capture the heterogeneous and diverse nature of co-operatives and downplayed their position as part of a sector with global reach and frequently operating as part of a global movement.’ This lack of full understanding is said to be related to their dual nature, and the tendency ‘to keep a low profile.’

Cooperatives are guided by a set of values and principles that distinguish cooperatives from other forms of enterprise, such as limited liability companies. These values and principles are most clearly articulated by the International Co-operative Alliance (ICA), an independent, non-governmental organisation established in 1895 to unite, represent and serve cooperatives worldwide. According to the ICA, cooperatives are based on the values of self-help, self-
responsibility, democracy, equality, equity and solidarity. 48 The ICA adopted seven co-operative principles which function as guidelines by which cooperatives put their values into practice. These include voluntary and open membership, democratic member control, member economic participation, autonomy and independence, education, training and information, cooperation among cooperatives, and concern for community. 49

The 2006 Discussion Paper referred to the need for ‘gender strategies needing to be addressed’. Unfortunately the 2015 ICA Guidance Notes records that little tangible progress was made in the interim in relation to gender equity (when discussing the principle of (non-) discrimination as extending to gender). This is despite the special efforts having been made over three decades at local, national, regional and international levels. Grounds suggested for this disappointing state of affairs fall under the well-known cultural, religious, family or property ownership headings. 50 This is depressing indicating as it does, that change is very, very slow. On the positive side, especially for our purposes, is the acknowledgement that the establishment of women-only cooperatives does not breach the principle of non-discrimination, where they are established to overcome gender discrimination and disadvantage. There is a view that participation in women-only cooperatives allows women to gain in experience and in confidence. Bearing cultural constraints in mind, there is merit in this view. However, vigilance is necessary to ensure that this single-sex approach does not become a form of apartheid or a ‘streaming’ of opportunities, or a means whereby resources are controlled to the disadvantage of women.

Common cooperative forms include consumer cooperatives, producer cooperatives, worker cooperatives, credit unions and housing cooperatives. There are also hybrid models which are generally known as ‘multi-stakeholder cooperatives’. This embraces organisations whose members represent more than one typical coop ownership group, such as producer-worker cooperatives. 51 This report focuses primarily on worker cooperatives, which are enterprises that are owned and governed by workers and on producer cooperatives. In worker cooperatives the capital is owned by employees (members) and all categories of employees can become members. Membership can be mixed, open to both women and men. However, despite the cooperative principles and values 52 some research 53 in the US – albeit dated – has drawn attention to the danger of some potential for differentiated treatment. This can arise in relation to terms of tenure, hours worked and income and also occupational segregation. Interestingly women were seen to participate equally with men in terms of overall decision-making, although less so where production and technical issues were involved. Suggested responses included training encompassing technical areas, awareness raising, hosting anti-oppression work groups in order to challenge male privilege, and also mentoring. Given the focus of this

50 Ibid, ICA (Guidance), 10-11.
52 Op. cit. ICA.coop (last accessed 19 June 2018.)
report, we place emphasis on cooperatives established (and run) by women, but do make occasional reference to ‘mixed’ cooperatives. International cooperative principles specify that members each have one vote, with members voting on strategic issues in annual general meetings and electing the chief executive officer or director. Producer cooperatives enable members to seek outlets for goods and better prices by bargaining collectively with buyers or by jointly marketing or processing their produce.

Cooperatives can contribute to the economic empowerment of women in many ways. They can facilitate women moving from the informal to the formal economy, as exemplified by SEWA. In addition, in developing countries which have a high proportion of rural women, with little access to land or tools, and even less access to ownership of land, the cooperative approach can help to overcome these basic problems. Lack of education by the members, can be addressed as a parallel action by cooperatives, leading to greater confidence, and more demanding roles for the women concerned.

ii. Contribution/role of cooperatives

Research from the ILO’s Cooperatives Unit identified strong links between women’s involvement in cooperatives and poverty reduction. A 2012 project examining the experience of women producers in various collective enterprises, found that participating in collectives enables women to access resources and markets, develop relationships, and overcome gender constraints. Women, the project revealed, are a greater force when united, as unity fosters a network of mutual support, leading them to overcome restrictions to pursuing activities. Similarly, findings of a case study on a women’s cooperative in India indicated that collective entrepreneurship empowered in three ways: economic security, development of entrepreneurial behaviour, and increased contributions to the family.

In the 2015 ILO report, Advancing gender equality: The co-operative way, three categories also emerged as beneficial to women: access to employment, improved conditions of work and social benefits. Studies have also shown that the elements of self–reliance together with collective action as incorporated in the cooperative model facilitate the development of social capital for women. Social capital is defined by the OECD as ‘networks together with shared

55 For example, see S. Hacker and C. Elcorobairutia, ‘Women workers in the Mondragon system of industrial cooperatives’ in, Gender & Society 1(4) [1987], 358-379.
norms, values and understandings that facilitate co-operation within or among groups’.\(^{62}\) Similarly, case studies, as highlighted in this Report, signify that women engaged in cooperative activities were better off, in terms of productivity and economic wellbeing, as were their households, and therefore their communities.\(^{63}\)

Being democratic, voluntary and membership based, cooperatives offer the ideal mechanism for building gender societal equality as they can be positioned to address the complex obstacles uniquely faced by women. What must be recalled however, is that cooperatives, as grass-roots organisations, are linked to the specific social and economic contexts in which they operate, with some countries posing greater obstacles for women’s full participation than others. Therefore, each cooperative must be adapted to the governing laws of the particular country in which it operates. However, that is not to say that principles of comparative relevance and applicability cannot be extracted. Examining the international context, co-operatives present an opportunity to be harnessed and utilised as a unifying international governance tool that could conceivably adapt to fluctuating economic and social conditions. Case studies outlined in this report, highlight practical and policy frameworks, which can assist in informing international development programmes that support enterprise as a route to women's economic empowerment. However, in order to enable women to benefit from the full potential that the cooperative model presents, certain persistent and prevalent obstacles – inter alia, as identified by the ICA\(^{64}\) must be addressed. Too often women are underrepresented in decision-making positions. As outlined previously in this report, many countries constrain women’s membership by linking it to ownership of property or head of household status.

The 2015 ILO study analysed the numerous ways in which cooperatives affect women’s empowerment and gender equity.\(^{65}\) The study found that ‘[a]lmost 75 per cent of survey respondents stated that among the co-operatives with which they are most familiar, women comprise less than 50 per cent of the co-operative board. A quarter of those same respondents reported that women occupy less than 10 per cent of the board. About 65 per cent of respondents estimated that women occupy less than 50 per cent of management positions. A quarter of all respondents estimated that women hold 10 per cent or less of managerial positions. Despite the scarcity of women in leadership roles, over half of all survey respondents stated that women comprise over 50 per cent of membership and over 50 per cent of the clientele.’ These figures demonstrate that while women are often the most involved in and served by cooperatives, they are least likely to hold positions of authority or decision-making.\(^{66}\) This occurs despite an internationally led push for gender equity in cooperative policy and practice.\(^{67}\) Progress is slow, and more work must be done to improve the promotion of women

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\(^{64}\) Ibid, ICA ([2016]).

\(^{65}\) Ibid, ILO [2015].

\(^{66}\) Ibid, 14.

\(^{67}\) The Blueprint for a Co-operative Decade, adopted by the General Assembly of the International Co-operative Alliance in 2012, outlined key ambitions for the co-operative movement, with one critical area being creating economic opportunities for marginalized populations—especially women.
from membership to governance and management levels. One of the key recommendations from the study is to ‘[g]ather and share more information about best practices and lessons learned’.\(^{68}\) This Committee hopes that this report, in particular the exemplars discussed, and the journey they have made, will in some way contribute to that effort.

Training, education and information have an important role to play in increasing women's involvement in cooperatives. However, again according to the 2015 ILO study,\(^{69}\) 'almost 50 per cent of the respondents indicated that the training sessions concerning women’s empowerment and gender equality were never held within the co-operatives with which these women were most familiar. Another 60 per cent indicated that training sessions specifically for women members were never conducted.'\(^{70}\) It was found that active member education and training is not enough. According to the ILO study, in the context of cooperatives, it is also important that such groups work to promote equality between women and men in employment, participation in management and in the distribution of the benefits. The adopted policy and legal frameworks need to be gender sensitive and supportive of women's broader concerns (family, health, education). Instituting gender-sensitive cooperative laws, bylaws and policies are essential to increasing women’s active participation in decision-making, and leadership roles. This was recognised as far back as 1997 at the Regional Conference on Women in Decision-Making in Cooperatives, organised in the Philippines.\(^{71}\) More recently, the 2015 ILO study found that cooperatives should also be assisted in learning from each other, so a focus on increased networking between them needed to be fostered.\(^{72}\) This ILO study provides much food for thought, particularly the understanding it provides of the views of women actually involved in cooperatives.

iii. Rural women

Specifically addressing the issue of women living in rural areas,\(^{73}\) in the context of this contribution, it has to be noted that formal and informal barriers exist with regard to the participation of women in cooperatives. Limited participation is considered to stem largely from a lack of educational opportunities for women, language and literacy constraints, discriminatory gender stereotypes and a conflict with other responsibilities, such as childcare; factors which are acquire increased prominence in rural areas.\(^{74}\) Failure to enforce laws in rural areas, combined with local customs and oppressive practices may enforce patriarchal norms,

\(^{68}\)Ibid, ILO, [2015], 22.
\(^{70}\)Ibid, 16.
\(^{71}\)The Tagaytay Declaration (1997) - A declaration and platform of action for the enhancement of women's participation in leadership and decision-making in co-operatives: Regional Conference on Women in Decision-making in Co-operatives, 7 to 9 May 1997, Tagaytay City, Philippines. The “Tagaytay+20” Third Regional Conference on Status of Women in o-operatives in Asia-Pacific held in 2016, adopted the Second Tagaytay Resolution (2016) that focused on enabling supportive policies, laws, regulations for women’s leadership in co-operatives.
\(^{72}\)ILO, Advancing gender equality: The co-operative way [2015], 18.
\(^{73}\)The priority theme for CSW 62 was Challenges and opportunities in achieving gender equality and the empowerment of rural women and girls, see http://www.unwomen.org/en/csw/csw62-2018. However, over the course of the two weeks, on many occasions, those present requested that the term ‘rural women’ should be substituted by ‘women who live in rural areas’ as they felt that ‘rural women’ did not sufficiently cover all relevant women.
\(^{74}\)CEDAW General Recommendation (GR) No 34 on the rights of rural women, UN Doc CEDAW/C/GC/34, 4 March 2016, paras. 49 and 53.
further limiting women’s economic empowerment. The characteristics of many rural areas are that the populations are smaller (than in urban areas) and dispersed, all of which impacts on the relationships among individuals. There is often a lack of anonymity and a high incidence of acquaintance, which may mean that ‘authority’ in such a limited area, is more entrenched. In these situations women’s collectives may struggle to form, or challenge, local power structures. State laws restricting access to owning property, conducting business and ‘accessing’ inheritance also impede participation. Cooperative bylaws may, in addition, indirectly discriminate against women. This can arise, for example, by requiring the ownership of land to join (a cooperative), or restricting the number of members to one member per household, which in practice often is the man. Women can thereby be doubly disadvantaged. Statistics indicate that women are more likely to engage in entrepreneurship on the basis of necessity rather than innovation, primarily in developing countries, and the gender roles of such participation may still be cause for concern. As we note later in this report, situations can arise where an opportunity emerges for a cooperative, and women become involved but are not necessarily committed. This lack of commitment does not augur well for a good outcome, as indeed happened in the case in point. The lesson to be taken from this particular example is for the promoters and supporters to prepare the ground well, so as to ensure that this type of response is not inevitable.

b. Trades Unions

i. Definition

Trades unions are organisations of workers who, through collective action seek to regulate their wages and working conditions, and thereby, inter alia, eliminate exploitation. There can be women-only trades unions, but mixed unions representing a range of industries and workplaces, will usually be more powerful, as they present a greater capacity to exert influence, not least given the high rate of occupational segregation.

Trades union density has declined over the past several decades in OECD countries. This pattern is concerning since trade union membership is correlated with higher wages and a reduction in the gender pay gap in US-based studies. While trades unions provide vital advice and advocacy services to individual members, their distinctive contribution to workplace

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75 M. Vanegas & L. Pruitt, CEDAW and Rural Development: Empowering Women with Law from the Top down, Activism from the Bottom Up, 41: 2 University of Baltimore Law Review [2012], 277.
76 ibid, 278.
80 Ibid.
81 Statistics are available here: https://stats.oecd.org/Index.aspx?DataSetCode=TUD.
equality lies in harnessing the combined power of workers by engaging in or threatening industrial action, collective bargaining, and effectively using strategic litigation.

Trades unions and cooperatives have historically had strong and enduring links.83 In particular, trades unions have been extensively involved in the creation and operation of consumer or user cooperatives such as savings and credit unions and housing cooperatives. Supporting worker and producer cooperatives has increasingly emerged as a response to the global financial crisis, and the changing world of work, more generally.84

Organising workers in the informal economy and supporting them to form cooperatives is a significant strand of this activity.85 The Self-Employed Women Association (SEWA) based in India is a prominent example.86 SEWA is regarded as pioneering the organisation of informal workers and co-founded ‘Women in Informal Employment: Globalizing and Organizing’ (WIEGO) in 1997.87 WIEGO is a global network focused on securing livelihoods for the working poor, especially women, in the informal economy.88 SEWA promotes the cooperative economic form because joint action of unions and cooperatives can increase the collective strength and bargaining power of the self-employed to achieve egalitarian outcomes.

Another form of trade union-cooperative collaboration arises when unions support their members to assume ownership of failed enterprises in which they worked.89 Several countries, such as Italy, have recently enacted legislation to enable such enterprise restructuring.90 We have been impressed by this reported development, and feel that it presents a model that deserves to be considered elsewhere.

Trades unions federations in many countries, including Nigeria and South Africa, have put in place measures to enhance women’s economic empowerment through trade unions, in line with ILO policies.91 For example, the National Council of Trade Unions (NACTU) in South Africa adopted a resolution that promotes gender equality, and the Confederation of South African Workers Unions (CONSAWU)’s key constitutional aim is the development, empowerment and promotion of women. However, the failure to address gender inequality has attracted considerable criticism.92 The Trades Union Congress (TUC), a federation of trades unions in England and Wales, conducts a biennial equality audit of the equality issues addressed and

84 P. Laliberté (ed.) ‘Trade unions and worker cooperatives: Where are we at?’ in, International Journal of Labour Research 5(2) [2013].
86 http://www.sewa.org/.
87 Op.cit, Chen et al.
processes put in place by its affiliate trade unions. The audits alternate between examining collective bargaining for equality, and union efforts to improve representation and participation. Despite such initiatives, differences between the rhetoric and reality of union gender democracy persist, with women continuing to be under-represented in more senior and powerful positions.

4. Professional associations

i. Definition

One definition (of a professional association) is of ‘a body of persons engaged in the same profession, formed usually to control entry into the profession, maintain standards, and represent the profession in discussions with other bodies.’ However, there are looser forms of occupational, trade or professional associations, albeit with the common link being engagement in the profession. These can also assist in helping women to overcome barriers and unequal treatment and facilitate meaningful economic empowerment.

ii. Collective Complaint by Professional Association

The collective complaints taken by University Women of Europe (UWE) provide contemporary examples of the role of a professional association in progressing gender equality. One particularly interesting aspect of these collective complaints is that the realisation of the rights being sought is found in other treaties and have been widely litigated. The vehicle which has allowed the collective complaints to be raised by the UWE, with the European Committee of Social Rights (ECSR) of the Council of Europe (COE), on behalf of its national associations is the collective complaints procedure. This step is due to the 1995 Additional Protocol to the (Revised) European Social Charter which establishes a

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95 See, Collins English Dictionary - Complete & Unabridged, [2012], Digital Edition© William Collins Sons & Co. Ltd. 1979, 1986 © HarperCollinsPublishers,[2012], (accessed 15 December 2017), in relation to professional associations; this applies in the example being discussed here. It should be noted that there are other forms of association, i.a., Trade Association, and it is conceivable that a similar situation could arise.
96 www.universitywomenofeurope.org.
97 For example, ILO Convention No. 100 : Equal Remuneration Convention, 1951, or the Treaty on the Functioning of the European Union, Article 157 TFEU and, Recast Directive 2006/54/EC. The former treaty influenced the drafting of the latter (in its original form). The collective complaints relate to the European Social Charter (Revised), Articles 1(Right to work), 4§3 (Right to a fair remuneration - non-discrimination between women and men with respect to remuneration) and 20 (Right to equal opportunities and treatment in employment and occupation without sex discrimination) in conjunction with Article E (non-discrimination) of the Revised European Social Charter
system of collective complaints, which entitles social partners and non-governmental organisations to lodge collective complaints of violations of the Charter in States which have ratified it. Not all Member States have ratified the European Social Charter (Revised); of the 47 Member States, 34 have ratified the Charter, and 15 have ratified the Additional Protocol; as it happens these are the same Member States involved in the current collective complaints. It will be interesting to see if these current collective complaints have any impact on future decisions to ratify the Additional Protocol.

As the complaints have been declared admissible, the ESCR will next take a decision on the merits of the complaints.

In the meantime the European Commission (of the EU) has responded to the invitation to comment on the collective complaints. However, given its lack of competence in relation to the Council of Europe’s sphere of influence (here, specifically the European Social Charter – revised) the Commission has proceeded with caution. In its response the Commission acknowledges its lack of competence vis-à-vis the Council of Europe, but, helpfully, sets out the context in which the EU provisions arose, the context in which they apply and, as felt appropriate, are litigated. The Commission’s contribution shows that the process of arriving at a conclusion on the question of the realisation of the substantive rights is not straightforward. This in itself is helpful, in particular in throwing some light on why long awaited gender equality – such as equal pay - has not (yet) been achieved, despite the legal bases and extensive litigation.

IV. International law and other ‘influences’

1. UN level

i. Instruments with general remit

Even a casual perusal of important UN instruments confirms their relevance in one way or another, to the overarching subject matter covered by this ILA Committee’s mandate. These include, inter alia, the Charter of the UN, and the Universal Declaration of Human Rights, as well as Treaties such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination.

discussed in this 1988 publication. For example, Articles 1(Right to work), 4§3 (Right to a fair remuneration - non-discrimination between women and men with respect to remuneration) and 20 (Right to equal opportunities and treatment in employment and occupation without sex discrimination) in conjunction with Article E (non-discrimination) of the Revised European Social Charter.


ii. Instrument with specific gender remit

The most gender-related UN instrument is undoubtedly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The protection of the formation and participation in cooperatives is provided as an individual right, for example, in CEDAW, generating obligations for States parties to regulate certain aspects that influence the ability to be involved in cooperatives, such as the discriminatory effects of domestic laws. However, international human rights law treaties generally do not regulate the collective actors themselves, in light of their status as non-state actors. Indirectly discriminatory bylaws of the collective actors are thus not explicitly addressed by such instruments, but may require regulation by the State. Whereas CEDAW delineates State obligations to facilitate self-organisation through cooperatives, specifically with regard to rural women, other rights in the Convention may be applicable to the facilitation and regulation of cooperatives beyond the rural context, for example, the right to work (Article 11 (a), equal remuneration (Article 11 (d)) and a right to access bank loans (Article 13 (b)). With 189 States parties, the development of concrete obligations for States, through General Recommendations and Concluding Observations, is of particular importance, as has been mentioned above. There is no reason why the principles so developed by the CEDAW Committee cannot be exploited and relied on by women in non-rural contexts. Given the accelerating pace of urbanisation this would seem to be a reasonable approach.

Article 14 of CEDAW specifically protects the right to education, health care and various economic and social rights of rural women. A right to participate in agriculture and development is addressed, as well as a right to organise cooperatives for purposes of obtaining ‘equal access to economic opportunities through employment or self-employment’. States parties must thus encourage and facilitate self-organisation of rural women. Rural women are accordingly considered a particularly vulnerable group. The CEDAW Committee has mainly developed its principles on the right to organise cooperatives in relation to rural women. The explicit right to organise cooperatives is thus contextual in CEDAW, addressed in relation to a particular group of women, affirming not only gender equality but also spatial equality. During codification, self-help groups and cooperatives were seen as a central means of reaching substantive substantive equality for rural women. Article 14 is a complement to Articles 11 and 13, on general economic rights, such as the right to work (Article 11 (a), equal

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103 https://www.google.ie/search?q=cedaw+ratifications+un+women&rlz=1C1LDJZ_enIE588IE629&oq=cedaw+r
atifications+un+women&aqs=chrome..69i57.11848j0j7&sourceid=chrome&ie=UTF-8 (accessed 13 April 2018).
104 Article 14 (2) (e).
example, has one of the highest rates of urbanisation in the world, whereas Africa and Asia represent huge rural
populations, while they too are urbanising at a rapid pace.
106 Op.cit.CEDAW.
107 Ibid, Article 14(2)(e).
108 L. Pruitt, Deconstructing CEDAW’s Article 14: Naming and Explaining Rural Difference, 17 Wm. &
109 Report of the Working Group of the Whole on the Drafting of the Convention on the Elimination of
Discrimination against Women, UN Doc A/C.3/33/L.47/Add.1, para 161. A self-help group was defined as ‘an
arrangement of a co-operative kind which is not established as a formal co-operative’.
remuneration (Article 11 (d) and a right to access bank loans (Article 13 (b), also impacting on States parties’ obligations with regard to the participation in cooperatives.

Important addenda to the Convention itself are the periodic reports procedure involving the States parties, as well as the Concluding Observations (CO) and General Recommendations (GR) (of the Committee of Experts). Concluding Observations emerged some years after the Convention entered into force. The Committee agreed in 1993 on a process for drafting them, in response to States parties’ reports, and commenced to do so in 1994. Concluding Observations are State party-specific. They are a valuable insight into the Committee’s thinking (on the report before it). They have been described as ‘a primary source of information about the Committee’s approach.” After an initial period of uncertainty (as to whether there was authority to do so), the Committee commenced adopting General Recommendations. These (now) provide important clarifications on the contents of States parties’ obligations as to specific rights. These latter aspects represent an organic development of the subject matter, and can thereby contribute to the realisation of the subject matter of the Convention. According to Freeman, Chinkin and Rudolf the status of, inter alia, COs and GRs ‘as a source of international human rights law is uncertain.’ However, they argue, their formal legal status must be weighed against their source (the Committee). They point out the role assigned to the Committee, and also refer to an analogous situation relating to the Human Rights Committee and the International Covenant on Civil and Political Rights (ICCPR). In relation to this latter instrument and Committee, the International Court of Justice had indicated that ‘it should ascribe great weight’ to the latter Committee in its interpretation of the ICCPR.

The General Recommendations and Concluding Observations of the CEDAW Committee have translated the goals of Article 14 into more specific obligations for States. In General Recommendation No. 34 on rural women, for example, the underrepresentation of women in agricultural cooperatives and farmers’ and producers’ organisations is noted as a significant factor in compounding health risks, as well as a lack of social and economic protection for women. Obligations for States parties as a consequence include the creation of local employment opportunities for women, the reviewing of laws, regulations and policies which limit rural women’s access to decent employment, the facilitation of the transition of rural women from the informal to the formal economy, including in the agricultural sector and ‘expanding opportunities for rural women to run businesses and other enterprises, including

110 This includes the Shadow Reports from the NGO sector; at least two members of the Committee on Feminism and International Law have had practical experience of the process, and three have been present at least once at the exchange between the State party and the CEDAW Committee. This has allowed for an appreciation of the value of this practice. It also allows for informed criticisms. See, inter alia, relating to disaggregated data deficit, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRL/INT_CEDAW_NGO_IRL_26285_E.pdf
112 Ibid.
115 Ibid, also for fuller arguments on these issues.
through micro-credit facilities'. The Committee has noted barriers for rural women in its Concluding Observations. These concerned accessing land titles and ownership. Additional concerns relating to the prevalence of gender stereotypes of women as housewives and caregivers, seen as being contrary to Article 14 were also noted. By its assessments in such situations, the CEDAW Committee has affirmed women’s substantive equality in relation to land and property rights.

The Committee has also noted the heightened vulnerability of rural women due to the persistence of traditional attitudes on the subordination of women in rural communities. In Concluding Observations, the concentration of women in the informal economy has been noted and the Committee has recommended States parties to expand women’s access to micro-finance and the promotion of setting-up of cooperatives, in relation to the right to employment. It is also confirmed that rural women have a right to participate in decision-making at all levels. This includes State obligations to monitor the composition of boards of directors of cooperative associations and to amend legislation in order to make gender parity a requirement of such provisions. States are thus obliged to ensure the participation of women, for example, in agricultural cooperatives and farmers’ producer organisations. The Committee has also confirmed that States should ‘promote rural women’s access to and meaningful participation in agricultural cooperatives, in which women may be members or the sole members.’ An obligation to promote capacity development relating to issues such as quality assurance and standards, in order to enhance women’s active participation as producers and entrepreneurs, form part of this requirement for States parties. In this context, States must encourage educational programmes, including functional literacy, enterprise development, skills training and microfinance and adopt measures to ensure equal access to credit.

State periodic reporting has shown that not only women benefit from economic empowerment through the establishment of cooperatives, but also States and local communities, for example through cooperatives providing health care, education and other services in rural areas. Many women’s cooperatives also work towards fulfilling the goals of CEDAW by providing services, education and information to women in rural areas, which is often lacking. That said,

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117 Ibid, paras. 51-52.
119 CEDAW GR No 19: Violence against women, (llth session, 1992), para 21.
120 CEDAW Concluding Observations on the sixth periodic report of Congo, UN Doc CEDAW/C/COG/CO/6, 1 March 2012, para 34.
121 CEDAW GR No 34 on the rights of rural women, UN Doc CEDAW/C/COI/CO/7, 24 July 2017, para 29 (d).
122 CEDAW GR No 34 on the rights of rural women, UN Doc CEDAW/C/COI/CO/7, 24 July 2017, para 29 (d).
123 CEDAW GR No 34 on the rights of rural women, UN Doc CEDAW/C/COI/CO/7, 24 July 2017, para 29 (d).
124 Ibid, para 59 (a).
126 M. Vanegas & L. Pruitt, CEDAW and Rural Development: Empowering Women with Law from the Top down, Activism from the Bottom Up, Vol. 41: Iss. 2, Article 4, University of Baltimore Law Review [2012], 264. See, inter alia, the examples provided in relation to the Europe/Ireland (‘Exemplars of best practice’) which fall within this area.
these goals tend to be implicit rather than explicit. Cooperatives may thus balance the motive of profit with the wider interests of the community.

In sum: the main impediments to women’s participation in the formal labour market in rural areas are considered a lack of implementation of a variety of economic and social rights, such as the right to education and health, in addition to gender stereotypes, prevalent both in States parties’ laws, such as land and inheritance laws, cooperatives’ bylaws and in general society. Such stereotypes create barriers of joining the formal labour market and cooperatives, and impacts on the division of roles within cooperatives, for example with regard to the decision-making process and in production.

2. International Labour Organisation

The ILO is the only tripartite organisation within the UN system. Of particular interest for our purpose is the inclusion of ‘encouragement of decent employment opportunities’ among its aims. The term ‘decent’ is extremely important as it can be understood broadly. Some 400 ILO instruments have been adopted, currently of different levels of application. It should also be noted that many ILO instruments address the issue of gender equality. One in particular, C100 - Equal Remuneration Convention, 1951 (No. 100), has served as a guide for other similar instruments. For our purposes we will draw on some examples of particular relevance for our topic, but the overall role of the ILO and its ‘output’, including in relation to gender equality, should be borne in mind.

The ILO has a long history of involvement in cooperatives and has adopted a number of related instruments. One of these, the Promotion of Cooperatives Recommendation, 2002 (No. 193) is of specific interest to our focus. This instrument has a number of very relevant features. One of these is what is termed its ‘universality’. It applies both to developed and developing countries – unlike its predecessor from 1966 (Recommendation No. 127), which was limited to developing countries, Another feature is that the 2002 instrument applies to all types and forms of cooperatives, and specifically embraces the values and principles of the cooperative movement. A further example of the important features of the 2002 instrument is Article 7.1, which confirms that ‘The promotion of cooperatives guided by the values and principles set out in Paragraph 3 should be considered as one of the pillars of national and international economic and social development.’ This latter point could be regarded as mainstreaming the role of cooperatives.

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127 Ibid, Vanegas, 297.
The Preamble to ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) identifies key factors which lead to involvement in the informal economy – essentially because of having no other choice. It also provides guidance for Members to ‘facilitate the transition of workers and economic units from the informal to the formal economy.’ Of particular relevance in relation to our topic is the clarification that the definition of ‘economic units’ in the informal economy extends to ‘cooperatives and social and solidarity economy units’. As is made clear, inter alia, in an Appendix to Recommendation 2015 (No. 204) there are other ILO instruments of different levels of specificity of relevance to the informal economy, including cooperatives.

3. Other UN developments of relevance

As was made clear by the UN Secretary-General, on the occasion of CSW62, specifically addressing the situation of women in rural areas (rural women), there is an interlinkage between the Beijing Declaration and Platform for Action (BPfA), the Addis Ababa Action Agenda and the 2030 Agenda for Sustainable Development, and the Sustainable Development Goals (SDGs), and the achievement of gender equality and empowerment of all women. SDG 5 is entitled ‘gender equality’, but it has been acknowledged that all 17 SDGs are of significance for women and girls. This was an important acknowledgement by the Secretary-General of the interlinkage and of the continuing importance of the BPfA ‘process’. The SDGs could give an added impetus to the achievement of the empowerment of women. Achieving gender equality and the empowerment of all women and girls (Goal 5) in rural areas around the globe is clearly linked to all other Goals and targets. Such rights include the right to land and land tenure security; to food and nutrition of adequate quality and quantity; to live a life free of all forms of violence, discrimination and harmful practices; to the highest attainable standard of health, including sexual and reproductive health and rights; and to quality, affordable and accessible education throughout the life cycle. These rights are reflective of many of the existing barriers experienced by women when trying to achieve economic empowerment, including membership of, and roles within, cooperatives.

135 Ibid, Article I. 1, (a).
136 Ibid, Article I.3. (c).
138 These include the eight ‘Fundamental Conventions’ 1930 (No 29), 1948 (No 87), 1949 (No 98), 1951 (No 100), 1957 (No 105) 1957, 1958 (No 111), 1973 (No.138) and 1999 (No 182). In addition four ‘Governance Conventions’ are included as well as12 instruments under a number of headings, Freedom of association, collective bargaining and industrial relations; Equality of opportunity and treatment; Employment policy and promotion;Vocational guidance and training.
140 See report of Secretary-General of the UN, on the occasion of CSW62, E/CN.6/2018/3.
4. World Trade Organisation

Given the importance of trade and general economic growth, it is worth noting the role of the World Trade Organisation (WTO). There is now an increasing appreciation of the impact of trade on women, linking to their economic empowerment. The WTO has acknowledged its potential role in relation to SDG 5, and the development of the small ‘businesses’. As we have noted earlier, the WTO reports that according to the World Bank, women spend 90 per cent of their income on their families (education and health), and back into their communities. The obvious inference to be drawn is that of benefits accruing in a cascading sense, from being economically active.

The Joint Declaration on Trade and Women’s Economic Empowerment, signed by 118 WTO Members on the margins of the 11th WTO Ministerial Conference held in Buenos Aires in December 2017 demonstrates wide support for the idea that women’s economic empowerment should be a central consideration in trade. With urgent work to be done to achieve the Sustainable Development Goals by 2030, many WTO Ministers seem to have realised they could not afford to treat trade as a topic isolated from its human and gendered impacts. The Declaration announced that the WTO membership and the WTO will be key partners for achieving women’s economic empowerment.

While not a binding legal instrument the Declaration expresses the intention of its signatories to collaborate on making trade and development policies more gender-responsive, including by sharing experiences of policies and programs to encourage women’s participation in national and international economies; best practices for conducting gender-based analysis of trade policies; methods and procedures for the collection of gender-disaggregated data related to trade; removing barriers to women’s economic empowerment and participation in trade; and ensuring that Aid for Trade supports gender-responsive trade policies.

The signatories undertook to hold seminars to discuss themes related to trade and economic empowerment of women: female entrepreneurship; barriers to women’s participation in trade; women’s financial inclusion; enhancing women entrepreneurs’ participation in public procurement; inclusion of women-led businesses in value chains; trade facilitation’s impact on providing equal access and opportunities for women entrepreneurs; gender statistics and research. Signatories committed to reporting on progress in 2019.

These are very praiseworthy undertakings and if realised – even in part - would benefit women, although at this stage actual impact remains speculative. The direct benefits for women’s cooperatives would be dependent on a range of criteria – including size and focus. Indirectly, at a minimum, the refining and dissemination of best practices for conducting gender-based analyses of trade policies; methods and procedures for the collection of gender-disaggregated data related to trade in particular could be very positive for all gender equity endeavours, including women’s cooperatives. A regular topic at annual CSW sessions is the need for

143 See, inter alia, https://www.wto.org/english/tratop_e/womenandtrade_e/tradecandriveforwomen_e.htm
reliable gender-disaggregated data (in general)\textsuperscript{144} to allow for the development of targeted initiatives. Unfortunately more recent developments in international trade discussions (G7) have raised concerns that the ‘gender equality talks’ could be derailed.\textsuperscript{145} This underlines the reality that good intentions do not (always) translate into action and other priorities can intervene. Vigilance is called for so that this important topic remains (high) on the agenda.

5. Regional level

There are regional instruments with relevance for our topic. These include in relation to Africa, the Banjul Charter.\textsuperscript{146} Europe has the Treaties and secondary legislation of the European Union\textsuperscript{147}, as well as the jurisprudence of the Court of Justice of the European Union. There are also the relevant Treaties of the Council of Europe, and the jurisprudence of the European Court of Human Rights (and conclusions of the European Committee of Social Rights).\textsuperscript{148}

Turning to the Latin American region and the economic empowerment of women with a special focus on collective action, of particular relevance is the 1988 Additional Protocol to the American Convention on Human Rights (ACHR) in the Area of Economic, Social and Cultural Rights. There are currently 16 ratifications out of the 35 OAS member states.\textsuperscript{149} It incorporates rights which are crucial for the economic empowerment of women, including the right to work,\textsuperscript{150} the right to social security\textsuperscript{151} the right to just, equitable and satisfactory conditions of work,\textsuperscript{152} including fair remuneration. It also includes a general right to non-discrimination,\textsuperscript{153} which, inter alia, prohibits discrimination based on sex. There is explicit reference to collective action, for example to trade union rights.\textsuperscript{154}

The Protocol of San Salvador establishes a general framework for the economic empowerment of women in terms of standards. However, the means of monitoring the implementation, and have States implement the standards contained in the Protocol, are quite weak. This depends on States parties submitting periodic reports.\textsuperscript{155} Collective action, such as provided for in the 1995 Additional Protocol to the European Social Charter is not foreseen.\textsuperscript{156} The monitoring and implementation mechanism thus falls short of ensuring realisation of this basic tool of


\textsuperscript{145}https://www.theguardian.com/global-development/2018/jun/08/gender-equality-g7-summit-trump-us-tariffs

\textsuperscript{146}Article 15 ‘Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.’

\textsuperscript{147}https://europa.eu/european-union/index_en


\textsuperscript{150}Article 6.
\textsuperscript{151}Article 9.
\textsuperscript{152}Article 7.
\textsuperscript{153}Article 3.
\textsuperscript{154}Article 8.
\textsuperscript{155}Article 19.

\textsuperscript{156}See, for example, the discussion on the collective complaints involving University Women of Europe (UWE) See https://www.coe.int/en/web/turin-european-social-charter/collective-complaints-procedure in relation to (pending) complaints numbers 124/2016-138/2016, (all accessed 6 April 2018). There are 15 ratifications, and four signatures not followed by ratifications as of 6 April 2018.
collective empowerment. On the positive side, it should be noted that shadow reports by civil society may be submitted, in addition to the reports of State parties.\footnote{See, OAS, \textit{Progress Indicators for Measuring Rights under the Protocol of San Salvador}, http://www.oas.org/en/sedi/pub/progress_indicators.pdf.} This opportunity is also available to women’s cooperatives. The ACHR\footnote{Article 19.} contains a reference to economic, social and cultural rights. While in principle, of the group of economic, social and cultural rights, only the right to education and trade union rights are enforceable,\footnote{Article 19(6) Protocol of San Salvador.} recent case law of the Inter-American Court of Human Rights\footnote{Int-Am Ct HR, Acevedo Buendía et al v Peru, 1 July 2009.} seems to adopt a broader approach to the enforceability of economic, social and cultural rights. However, this is without reference to the Protocol of San Salvador.\footnote{See also, O. R. Ruiz-Chiriboga, \textit{The American Convention and the Protocol of San Salvador: Two Intertwined Treaties}, 159-180, available at http://journals.sagepub.com/doi/pdf/10.1177/016934411303100203 (accessed 4 May 2018).} Taking this into account, it may mean that at some point in the future, there may be an opportunity to protect women’s economic rights by relying increasingly on ACHR Article 26. In addition, a Special Rapporteur on Economic, Social, Cultural and Environmental Rights in the OAS-system (Soledad Garcia Munoz) has been appointed.\footnote{OAS, http://www.oas.org/en/iachr/media_center/preleases/2017/090.asp.} To appoint a Special Rapporteur on, inter alia, economic and social rights is an important political sign, which may contribute to the economic empowerment of women, and also provide a framework for collective action and approaches. However, the effective impact remains to be assessed, given its recent emergence.

V. Exemplars of ‘best practice’ from different regions of the world

The majority of exemplars discussed here represent ‘best practice’, with one exception, in the view of the Committee. However, we feel that it is useful to include this (from the Caribbean) as it may be helpful in provoking a targeted response to the difficulties identified.

1. Africa

We have noted above, the colonial roots of cooperatives on the continent of Africa.\footnote{Op. cit., Shaw.} At the same time we must bear in mind the values and principles of the cooperative movement. The participation rate of women in agriculture in Africa fluctuates throughout the continent, and even within countries. There is also the problem that statistics offered for women’s involvement in agriculture have suffered from ‘overstatement’. Drawing on data from the World Bank, women are shown as comprising between 24 and 57 per cent of the agricultural labour force engaged in crop production, for six countries – a range which contradicts some overstated statistics frequently cited. This experience underlines the imperative of ensuring accurate disaggregated statistics – starting from the local level.
i. Tanzania

The CEDAW Committee makes some pertinent points in its Concluding Observations on Tanzania. It notes the marginalisation of women in the formal labour market, the lack of participation in the decision-making process in rural areas and limited ownership of land, due to discriminatory inheritance laws.\textsuperscript{165} This is despite the establishment of a Women’s Development Fund by the State, through support by the United Nations Development Fund for Women (UNIFEM), to ensure access to credit and facilitation of economic cooperatives.\textsuperscript{166} The CEDAW Committee has issued a variety of recommendations aimed at the facilitation of economic self-organisation of women, including the implementation of employment creation initiatives, the development of measures to support women’s entrepreneurial activities by providing capacity-building programmes and improving access to credit, financial services and technical skills training.\textsuperscript{167}

An example of a cooperative in Tanzania that has served to enhance the substantive equality of women is the Kalali Women Dairy Cooperative Society, initiated in 1988 with the goal of improving the status of women and poverty reduction.\textsuperscript{168} It currently consists of approximately 260 members. The women farmers collect milk and process butter, cheese and yoghurt to be sold in a market. The Society provides agricultural and other skills training as well as technical support. It offers saving and credit by way of the village community bank. In a region where the status of women was subordinate, the participation of women in cooperatives has led to empowerment of women and an improved social status in the family and society at large, an increase in household incomes and the ability to pay school fees for children, as well as easier access to medical services.\textsuperscript{169} Being able to pay school fees for children (including girls) contributes to raising the numbers (of girls) who receive education, with all the consequent benefits of this development.

2. Latin America

In Latin America, women frequently work in lower paid jobs and/or suffer discrimination as regards wages as compared to men. At the same time, women’s cooperatives and trade unions are at the forefront in the advancement of women’s rights. They have been contributing to advancing issues related to women since the middle of the last century. There are numerous examples, ranging from larger organisations with a particular focus on women, to smaller or more specialised ones. It has been argued that particularly in Latin America, collective action is crucial to advance the cause of women, including their economic empowerment.\textsuperscript{170}

\begin{thebibliography}{99}
\bibitem{165} Concluding Observations on the combined seventh and eighth periodic reports of the United Republic of Tanzania, CEDAW/C/TZA/CO/7-8, 9 March 2016: para 40.
\bibitem{166} Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, second and third periodic reports of States parties, United Republic of Tanzania, CEDAW/C/TZA/2-3, 30 September 1996, paras 8-10.
\bibitem{167} Concluding Observations on the combined seventh and eighth periodic reports of the United Republic of Tanzania, CEDAW/C/TZA/CO/7-8, 9 March 2016: paras 32 and 39.
\bibitem{170} S. Abbassi, S. Lutjens (eds), \textit{Rereading Women in Latin America and the Caribbean}, [2002].
\end{thebibliography}
American region is thus a very good example to learn about the collective approach and to highlight some exemplars of best practice.

i. Brazil

The Cooperativa de Pequenos Produtores Agroextrativista de Lago do Junco (COPPALJ), a babaçu nuts cooperative, represents those who pick and break the babaçu coconut. Women make up over half of their membership.\(^{171}\) One major activity of the cooperative is processing the nuts and selling the oil in domestic and international markets. COPPALJ is noted as being particularly important for women nut-breakers, as they often face discrimination due to two main reasons: their background (being descendants of slaves or indigenous peoples) and gender inequality.\(^{172}\) By selling through the cooperative, the income women receive for their produce has increased dramatically.\(^{173}\) Woman play a strong role in the leadership of the cooperative, which evidence demonstrates has improved their domestic situations. A report highlighted that ‘COPPALJ has improved gender relations among members of the cooperative and their partners, who emphasise the importance of the cooperative in challenging local patriarchal culture’.\(^{174}\)

An important actor in Brazil is the Cooperative Network of Women Entrepreneurs (CNWE), based in Rio de Janeiro.\(^{175}\) CNWE is an affiliate of the Brazilian Solidarity Economy Forum (FBES), which supports the solidarity economy movement in Brazil.\(^{176}\) CNWE is an important tool for advancing women’s economic empowerment. It promotes collective action, focusing on economic as well as political empowerment. This includes the development and sharing of knowledge about socioeconomic oppression and oppressive structures, as well as the promotion of the collective action necessary to change them.\(^{177}\) The network was created as part of the solidarity economic movement of entrepreneurs, with the idea of bringing together women from the disadvantaged classes who work as members of units of cooperative production or micro-entrepreneurs with the purpose of developing a production and commercialisation collective. This also includes sharing knowledge about the tools of collective action and the relevant means to bring about change.

iii. Mexico

 Examples of women’s economic empowerment include the organisation of women in the Zapatista movement (Mexico). For example, in rural indigenous villages cooperating with the


\(^{172}\) Ibid, 28.

\(^{173}\) ‘Before the cooperative existed, members had to sell 10 kilograms of babaçu in order to buy 1 kilogram of rice. Today, by selling through the cooperative, the income from only 1 kilogram of nuts is needed to buy 1 kilogram of rice’: Ibid, 29.

\(^{174}\) Ibid, 29.


\(^{176}\) See further, http://fbes.org.br/.

EZLN, and in cooperation with Zapatista authorities from the Morelia and Garrucha regions, a project called Mujer y Colectivismo (Women and Collectivism) was developed to support women's economic cooperatives and the organising of women at the regional level. The project included leadership development, the facilitation of training and education and the procuring of funds to further the development of new training cooperatives. Both aspects of the movement made important contributions to women's empowerment. Without pressure from above or below, these changes would not have been possible. Arising from this, the organisation of women – particularly those in the regions controlled by the EZLN - seems to have contributed to their economic empowerment.178

iv. Nicaragua

The CEDAW Committee has registered its concern, in some Concluding Observations, regarding the high levels of unemployment of women, and of women working in the informal labour market in Nicaragua.179 Particular concern has been raised with regard to rural women, with the Committee calling on the State party to adopt structural strategies to ensure enterprise development, skills training and access to micro-financing and credit.180 Whereas steps have been taken by the State party in question, such strategies have mainly been implemented as initiatives by the cooperatives in Nicaragua.

Such an example is CAFENICA, an association of ten coffee-producing cooperatives in Nicaragua, with approximately 10,000 coffee farmers. It integrates gender equality into its programmes, promotes female leadership, and in 2006 developed an alliance for female producers in the cooperatives ‘Las Flores del Café’. The alliance promotes the participation and sharing of experiences of women members, in addition to helping women accessing resources and services to advance their roles within cooperatives.181

In another development, the National Federation of Agricultural and Agroindustrial Cooperatives (FENACOOP), a cooperative federation in Nicaragua, which consists of approximately 41 village cooperatives, carried out a project jointly with OXFAM. This was the conducting of a gender audit (in 2006), at which point women constituted 18 per cent of its members. This involved identifying positive and negative aspects, from the point of view of gender, of the organisations and their projects, as a means of initiating a gender mainstreaming programme.182 The audit considered gender roles and responsibilities in the cooperatives. One example was looking at the division of roles, where men frequently were in charge of cash crops and women dealt with small scale produce. Several changes were adopted as a result of this project. This included land increasingly being registered jointly in the names of both women and men, with the result that women could access credit. It also resulted in women

178 See H. Klein, Companeras. Zapatista Women’s Stories, Seven Stories Press, [2015].
180 Ibid, para. 30
182 OXFAM, Towards Gender Justice: Mainstreaming a Gender Perspective in Farmers’ Organisations [2011], 14.
farmers receiving more technical training in farming and leadership skills. In addition, the Federation of Nicaraguan Women Farmers Cooperatives (Femuprocan), consisting solely of women farmers, works towards enhancing the recognition of women farmers in Nicaragua. Together with other associations, in 2010 it succeeded in advocating for the introduction of legislative change. In the first instance there is the ‘Fund for the Purchase of Land with Gender Equity for Rural Women Law’, which improves the opportunities for women’s ownership of land; in addition the aim of gender equality was incorporated into the ‘General Law on Cooperatives’.

v. Peru

An example of women’s economic empowerment by cooperative action is Awamaki, in Peru. Awamaki is an organisation working to promote sustainable development in, and around, the village of Ollantaytambo, in Peru's Sacred Valley, not far from Cusco and Machu Picchu. Its focus is on economic empowerment of disadvantaged Quechua women, and its efforts encompass a three-pronged approach: women's cooperatives, sustainable tourism, and community education. It deals in particular with ancient weaving techniques and develops and supports women’s empowerment. Training to provide for the supply both to the local market and international exports is provided.

3. Asia

The continent of Asia provides different levels of cooperative activity.

i. India

World Bank statistics show that India ranks 120 among 131 countries in female labour force participation rates. In 1990 the rate was 35 per cent and in 2017 it had fallen to 27 per cent. This loss of women’s contribution – and consequent lack of economic empowerment for women have clear consequences, at many levels. Clearly the reasons are multiple and many types of strategies and initiatives by a range of actors, official and state, are called for. The role being played by the Self-Employed Women’s Association (SEWA) has the potential to make a huge contribution to the economic empowerment of its members, and thereby to society and the economy as a whole. SEWA is a national union of 1.5 million women working in the informal economy across 14 states of India. According to SEWA, its members ‘constituting 93 per cent of the labour force […] are workers of the unorganised sector. Of the female labour

183 Ibid, 17.
187 http://www.sewa.org/About_Us.asp.
force in India, more than 94 per cent are in the unorganised sector. They are active in various trades - agriculture, dairying, salt farming, food processing, handicraft, construction, micro credit etc. SEWA believes that self-employed women must organise themselves into sustainable organisations so that they can collectively promote their own development. Putting actions to words, it works to encourage and support its members to form cooperatives. The Gujarat State Women’s SEWA Cooperative Federation Limited was registered in 1992 as a secondary level cooperative to strengthen its primary cooperative members. The Federation provides critical support to enable workers to form cooperatives, such as assistance with registration and navigating the legal framework and capacity-building for boards of trustees. For the ILO one of its primary achievements is assisting individual cooperatives in times of crisis. SEWA Cooperative Federation and the SEWA Union also engage in policy advocacy and link their cooperatives to the wider labour, cooperative and women’s movements.

According to the ILO, SEWA’s cooperatives have been successful on a number of fronts but particularly, in the context of this discussion, a large proportion of its accomplishments are attributed to the fact that its membership is limited to women who have been disadvantaged through limited access to education and skills, and who come from economically poor backgrounds. This all-female approach has proved important as India’s patriarchal society and traditional values have led to the marginalisation of women in mixed cooperatives. Women find it difficult to participate as equals, so they can become side-lined, as they are encouraged to remain silent, or their voices are drowned out. All-women cooperatives ensure that the women have the opportunity to speak, in a non-threatening environment, which in turn facilitates the development of their confidence and skills, which in turn encourages them to undertake positions of leadership. The provision of the CEDAW Convention regarding the organisation of women’s self-groups and cooperatives are one of the essential factors to achieve the empowerment of women. SEWA’s strategy of joint action of unions and cooperatives ensures that an increase in the collective strength and bargaining power of the women.

4. Europe

i. Ireland

Two case studies addressing rural sustainability give eloquent expression to the well-established cooperative values and principles.

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188 ILO, Advancing cooperation among women workers in the informal economy: The SEWA way [2018].
189 Ibid.
190 Ibid.
191 ILO, Advancing cooperation among women workers in the informal economy: The SEWA way [2018], http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---coop/documents/publication/wcms_624147.pdf. The Report aims to provide an understanding of the challenges and opportunities for cooperatives and other SSE enterprises in empowering women workers in the informal economy with a specific focus on the experience of SEWA.
192 According to the ILO Report Advancing cooperation among women workers in the informal economy: The SEWA way [2018], 2, fn.1 this ‘has been widely observed in the mixed village panchayats (elected village councils) where women comprise at least one-third of the local body by law’.
a. Roscommon Home Services Home Care is Ireland’s only client/service user owned cooperative society. They have been caring for clients in the community of Galway, Mayo, Roscommon, Sligo and Leitrim for over 20 years and employ more than 500 staff, largely female. It came about on foot of an idea from an ICA member who lived in County Roscommon. It was felt there was a need for a home care service for the elderly in County Roscommon which enabled them to stay in their own homes for as long as possible. A training course was set up on receipt of funding through the EU New Opportunities for Women (NOW) Programme. Approximately 30 participants availed of the training for this plan and the first 15 carers registered with the cooperative for employment.

The organisation was established as a much needed community service and a job creation initiative. The ethos of the cooperative is to generate enough funds to run a high quality service for their clients, while also creating employment on a full and part time basis, in local communities. As such, it is also an exemplar of cooperatives’ potential in the care sector. Research findings suggest that ‘cooperatives are creating a new narrative of care – one which is rooted in inclusion, democratic decision-making and empowerment’ and improved conditions for care workers.

b. Loughmore Community Shop and Tea Rooms was established in 2012 by two local women in a small rural village in North Tipperary. They were concerned about social isolation and the decline of their rural village. They received advice on establishing a cooperative from the UK-based Plunkett Foundation and EU LEADER funding from the North Tipperary LEADER ‘Office’, which enabled them to open a local shop and tea room as a meeting point for locals. In 2017, they had three employees on a permanent basis and the social enterprise had become the hub of the local community. It has highlighted that social contribution and rural solidarity are of equal importance to the economic output. This is very much in line with cooperative values and principles. The founders argue that ‘consideration should be given to introducing the concessions available to community shops in rural Britain (such as reduced electricity and insurance costs) in Ireland.’

195 http://rhshomecare.ie.
196 Irish Countrywomen’s Association, see http://www.ica.ie/. With over 10,000 members, its mission is, inter alia, to bring women together ‘in fellowship and with cooperative effort to develop the standard of rural and urban life...’.
197 http://www.fao.org/docrep/V3327E/v3327e.htm (accessed 2 May 2018; dated, but in the absence of more up to date material, this provides a sense of the programme).
200 The Plunkett Foundation supports people, primarily in rural areas, to establish community cooperatives: https://www.plunkett.co.uk/about-us.
202 https://www.pobal.ie/FundingProgrammes/LEADER/Pages/LEADER.aspx (accessed 2 May 2018).
203 O’Shaughnessy and O’Hara, op. cit., 230.
ii. Italy

Some concern has been expressed that cooperatives cannot compete with traditional corporations without abandoning their social mission. But focusing on cooperatives as market-driven enterprises is to misconstrue their objective – the collaborative enterprise is rooted in values of social justice, equity, democracy and decent work for all. One of the world’s cooperative strongholds is the Italian region of Emilia Romagna, which ranks high, globally, for standard of living and quality of life. There are an estimated 8,000 co-operative enterprises which generate 40 per cent of the region’s GDP and are its major employers. Figures published in 2016 by the Confederation of Italian Cooperatives highlight the integration of women in cooperatives – 61 per cent of their employees are women, and 23.6 per cent of them hold top level positions, compared to 16 per cent in limited liability companies.

ii. Spain

The Mondragon Cooperative Corporation is one of the world's best-known large-scale industrial cooperatives. Its affiliate cooperatives are the largest employer in the Basque country, spanning the areas of manufacturing, retail, finance, and research and development. An appraisal of women’s status within Mondragon found that women fared somewhat better than in private firms in terms of employment, earnings, and job security.

iii. Northern Ireland

The Belfast Cleaning Society is a worker-owned cooperative, founded in 2012 and run by women. Its website confirms that all its members receive the living wage. The living wage is higher than the ‘minimum wage’. All its cleaners are certified in accordance with the Construction Skills Register. These two seemingly basic points reflect the ethos of the Belfast Cleaning Company. Their cleaners are not exploited financially, and they have the dignity of being appropriately trained, with certification to prove this. This latter point contributes to the professionalization of the work and to the feeling of self-worth for the workers. These two aspects reflect the values and principles of the cooperative movement.

5. Caribbean

The Caribbean region presents a bleak picture as regards cooperatives – in general. According to the Caribbean Confederation of Credit Unions (CCCU) the majority of cooperatives they list, are organised by reference to profession or religion, rather than

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aimed at a specific sex. In addition, none of the cooperatives listed has a specific focus on women. 211

The year 2000 might have been something of a watershed, but unfortunately this does not seem to have been the case. This was the occasion on which the ILO in collaboration with the Caribbean Confederation of Credit Unions (CCCU) hosted the first regional conference of Ministers of Cooperatives.212 The ‘Final Report of the first Caribbean Sub-regional Conference of Ministers of Cooperatives, organized by the Caribbean Confederation of Credit Unions (CCCU) and the International Labour Organization’213 is impressive in its scope, but also depressing in confirming the lack of action, despite the potential of cooperatives. The resources, activities and views set out in the conference material could have been the basis for building for the future. Some of those participating (in 2000) made reference to the 1973 Caribbean Regional Seminar on Trade Unions and Cooperatives in Workers’ Education, and to the lack of progress since then – despite the articulation of the benefits of the cooperative. The one exception was felt to be in relation credit unions. This inference seems to be confirmed by the continuing operations of the Caribbean Confederation of Credit Unions.214

At the 2000 conference, when noting the lack of progress since 1973 Caribbean Regional Seminar, Mr George de Peana, General Secretary, Caribbean Congress of Labour, referred to the 1973 opening speech. The speaker was the Guyanese Minister of Information, the late Shirley Field-Rudley (sic)215 quoting her Prime Minister when she said ‘a just society cannot be achieved unless the majority of the people, the masses, the little men (and women216) have a full share in the ownership and control of the economy.’217 Mr de Pena’s observation seems to suggest that the conditions for a just society, including properly functioning cooperatives, had not been realised – hence, no progress has been made in that sphere.

The islands of the Caribbean differ in size. Research of interest to this project does not seem to have been carried out, with limited exception – although we would draw attention to the impressive ‘Report’ drafted after the 2000 Conference218 Jamaica, as one of the bigger islands, has had some limited research, specifically in relation to women and farming.219 The findings on Jamaica published in 2017220 draw upon, and assess, ‘women’s cooperatives, and the

211 This would seem to be contradicted by https://cccuconvention.com/global-women-leadership-network/ including an’ invitation to join the Trinidad and Tobago Sister Society (TTSS) – a group of credit union women, to discuss ‘The Role of Women in Economic Development’, at the TTSS 2018 Women’s Forum on Saturday, June 16, 2018.’ (accessed 7 August 2018).
214 See, inter alia, https://cccuconvention.com/global-women-leadership-network/ including an’ invitation to join the Trinidad and Tobago Sister Society (TTSS) – a group of credit union women, to discuss ‘The Role of Women in Economic Development’, at the TTSS 2018 Women’s Forum on Saturday, June 16, 2018.’ (accessed 7 August 2018). See opening paragraph in this section of the report, which would seem to be in contradiction.
215 In fact Field-Ridley.
216 Emphasis added in this report.
218 Ibid.
220 Ibid.
operations of women farmers, in two remote rural communities using focus group discussion and targeted on-site investigation approaches.\textsuperscript{221}

The background is that ‘from the 1990s, the Rural Agriculture Development Authority\textsuperscript{222} was mandated by the government to provide extension services to farmers, particularly small farmers in each parish. The proposed services for women farmers include technical assistance in farming practices, training on land preparation, cultivation, post-harvest, livestock rearing, and finance management. Subsidies for fertilisers, seeds for cultivation, and for hybrid goats also became available for women through RADA. However, for smooth assistance and for few resources to benefit the majority of women, such assistance required beneficiaries to belong to a farm cooperative. But as is the case with many agriculture cooperatives in Jamaica, the lack of consistency in the operation of women farmer cooperatives has placed them in peril.\textsuperscript{223} From this, the inference is clear, that any cooperative formed was a matter of expediency, rather than a commitment to the ideal (embodied in the principles and values of the cooperative movement).

Ishemo and Bushell note the benefits gained by women in cooperatives, including the opportunity to gain knowledge of farming techniques, and easier access to technical assistance from the Government.\textsuperscript{224} However, they also note the low membership fees and resulting low levels of commitment and consistency. The women interviewed for the article highlighted poor attendance at cooperative meetings unless agencies were in the process of providing assistance for farmers. If this were to happen, then the numbers would increase for the relevant period, and decrease on completion of the assistance. They point out that ‘the women also emphasised that because of the low membership fees and minimal savings generated by the cooperative, credit or small loans were not usually available, or even desirable, due to the multiple risks women farmers face.’\textsuperscript{225}

The conclusions drawn by Ishemo and Bushell are not promising. They are of the view that ‘to a larger extent, the small farmer cooperatives in Jamaica do not possess the fundamental aspects to maintain viability. Their formation and operations are opportunistic, and they are lacking in organizational base and clarity. They have neither a grassroots base nor a democratic allegiance, and furthermore, women’s investments, contributions and risks within their cooperatives are not shared equally, making them structurally weak. We have learned that small farmer cooperatives in Jamaica are heavily dependent on government and international assistance for them to operate and survive. Their approach is self-defeating. Thus a need for a paradigm shift; for agencies to strengthen the grassroots organisational capacity in the management of cooperatives, instead of simply supplying capital and farming material which comes intermittently and only inculcates the culture of dependency in the small farming sector. From our discussions with women farmers we recognised that many women join cooperatives

\textsuperscript{221} Ibid, 3.

\textsuperscript{222} Rural Agriculture Development Authority (‘RADA’) is the main government agency in the promotion of agricultural development with an emphasis on small scale farming, with its mission being to promote agricultural development through extension services to small farmers.

\textsuperscript{223} Op.cit.,Ishemo and Bushell , 18.

\textsuperscript{224} Ibid, 20-21.

\textsuperscript{225} Ibid, 21.
at the time when external assistance is available, and retreat from membership is a come and go scenario.226

This is a depressing picture, particularly if we bear in mind that all the experiences drawn on here, were over a period of more than 40 years, (at least 1973 up to recent times). If one were to seek to draw some benefit from this experience it would be to propose some exemplars of best practice which might be helpful.

VI. Conclusions

1. The cooperatives discussed in this report were chosen by members of the Committee on Feminism and International Law. The reasons for the choices were several, but essentially random. In other words, there was no attempt to present only one point of view. The choices were influenced by personal knowledge of some, or of their reputation; familiarity with their achievements from the literature, or from a review of the periodic reports of CEDAW States parties (and Concluding Observations of the CEDAW Committee), or merely an opportune choice made in response to the task given to the Committee for this report. All (with one exception – which is identified, and which acts as a helpful reminder that there is still a lot of work to be done,) are impressive, and, we would opine, represent exemplars of best practice.

2. The exemplars discussed in this report show women engaged in cooperative economic activity in countries in Africa, Latin America, Asia and Europe. The economic sectors indicated are diverse, albeit with a strong presence of agriculture.

3. The exemplars also include social (in terms of community cohesion and well-being) and care (for the elderly) activities. In all examples we can see the benefit for the individual, and for society, thus reflecting the values and principles of the cooperative movement. Even smaller cooperatives have provided training and employment opportunities for women – and fair incomes.

4. A gender audit co-project resulted in generating data which in turn led to a reorganisation of roles, thereby eliminating stereotyping in this instance, and involving women in wider roles.

5. One of the larger cooperatives limits its role to marginalised and disadvantaged women; these suffer multiple disadvantage. CEDAW Article 14(1)(e) requires the States parties to ensure that women can exercise their right to organise self-help groups and engage in economic activity. Given the size and complexity of the cooperative this gives it a wide reach; in practice, it also impacts on individual women allowing them to grow in confidence and become more active.

6. It should also be noted that cooperatives, may put pressure on the State to adopt or change laws to facilitate independent economic activity. Treaty obligations lie outside the competence of cooperatives and fall exclusively within that of the States parties. These include the revision and drafting of relevant legislation, adopting structural programmes for economic activities and measures to eradicate gender stereotypes. Given the important role of cooperatives in strengthening substantive equality, such measures must be prioritised. States parties and cooperatives may therefore operate in parallel in order to fulfil the objectives of CEDAW.

7. We have seen that best practice exemplars are represented by a wide variety of cooperative actors; size is not a determinant of quality, but does facilitate a variety of functions, and access to the market place (including access to services/support). The exemplars we have discussed range from the micro\textsuperscript{227} to considerable, multifaceted enterprises.\textsuperscript{228}

\textsuperscript{228} http://www.jeffreyhollender.com/mondragon-the-history-of-a-movement/ - included, and briefly discussed due to its scope (accessed 2 May 2018). Although not discussed in this Report as it does not fit firmly within our
8. The interlinkage between the cooperative and trade union movement\textsuperscript{229} can maximise the opportunities for engagement, as have seen in the case of SEWA.

9. While NGOs can bring about change, legislative change is within the purview of the State, and one exemplar indicates how the advocacy of the cooperative in question (and other players) moved the State to introduce legislation, both new and amending, to facilitate inter alia, women’s ownership of land. The promoters and actors relating to change tend to be NGO international organisations or other State bodies or agencies. It is also the case that cooperatives’ programmes or activities do not tend to be explicitly connected to international standards, such as found in CEDAW, although in practice they can be aligned with recommendations articulated by the CEDAW Committee, as stated in its Concluding Observations and in General Recommendation No. 34. Put another way, whereas the Concluding Observations formulated by the CEDAW Committee are directed at States parties, the exemplars of best practice indicate that cooperatives contribute to fulfilling such obligations. This includes assisting women in moving from the informal to formal labour market, providing training in technical and/or life-skills and education, involving women in the decision-making processes at the local level and improving the access to health and financial security.

10. Two issues that have been noted in reviewing the literature and exemplars are

i. the richness and availability of statistics/data, but also the call for more (disaggregated data); this latter allows for informed policy decisions, and a fuller understanding of progress, or lack thereof;

ii. the extent of references to education and training in discussion on the exemplars chosen here. We note the value of both.

11. From our review of the cooperatives discussed in this report we feel justified in saying that the criteria included in our chosen definition of ‘economic empowerment’ have been met by all (but the one unsuccessful) cooperatives.

12. We would hesitate to claim an active role for the international instruments\textsuperscript{230} we have discussed. However, we are of the view that the existence and operation of these have, to varying degrees, created a reservoir of support for ‘willing’ states to progress women’s economic empowerment, including through the cooperative movement. This also enables NGOs to utilise this reservoir as a means of holding States parties to account.

\textsuperscript{229} www.sewafederation.org.

\textsuperscript{230} With the exception of the European Social Charter, Additional Protocol, Collective Complaints.

focus see too, https://www.desjardins.com/ca/about-us/desjardins/who-we-are/cooperatives-are-everywhere/index.jsp. The founders of both cooperatives are acknowledged by the ICA for their foresight, ibid.