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**Ensuring Women's Human Rights – Moving Beyond Declarations to
Implementation and Enforcement**

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In 1995, the United Nations Commission on the Status of Women (CSW) hosted the Fourth World Conference on Women in Beijing, China. In addition to discussing women's needs for equality, development and peace, the delegates stressed the need for real advancement in women's enjoyment of their human rights, and the outcome documents – the Beijing Declaration and the corresponding Platform for Action¹ – reflect these priority issues.

In March 2010, the CSW will celebrate the 15-year anniversary of the Beijing Declaration and Platform for Action (BDPA) and conduct a review of its implementation by States Parties. The 15-year review is not a time to simply promulgate more standards regarding women's enjoyment of their human rights; it is a time to assess the effectiveness of States Parties in implementing the BDPA, to share best practices, and to identify implementation problems and their solutions, with the ultimate goal being to improve enforcement of existing standards. As a model for how such a review should be conducted, this paper will assess the implementation of the BDPA by States Parties in two areas that are particularly relevant for women today – human trafficking and employment – with examples of effective implementation provided in each topic area.

I. Combating Trafficking in Women

A. A Definition of “Human Trafficking” and an Assessment of the Problem

The United Nations' Palermo Protocol² defines human trafficking to include three distinct components. The first component defines trafficking activities to include the “recruitment, transportation, transfer, harboring, or receipt of persons.”³ The second component speaks to the means traffickers use to assert control over the victim, including “the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, [or] the abuse of power....”⁴ The final component describes the purpose for which the trafficking is done, namely exploitation, including “the exploitation of the prostitution of

¹ United Nations Fourth World Conference on Women, Beijing, China, Sept. 4-15, 1995, *Beijing Declaration and Platform for Action*, U.N. Doc. A/CONF.177/20 [hereinafter *Beijing Declaration*] and U.N. Doc. A/CONF.177/20/Add.1 [hereinafter *Beijing Platform*].

² Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, G.A. Res. 55/25, U.N. Doc. A/RES/55/25 (Nov. 15, 2000) [hereinafter *Palermo Protocol*].

³ Howard B. Tolley, Jr., *Human Trafficking*, in 2 *ENCYCLOPEDIA OF HUMAN RIGHTS* 494, 494 (David P. Forsythe ed., Oxford University Press 2009).

⁴ *Id.*

others or other forms of sexual exploitation, forced labor or services, slavery...servitude or the removal of organs.”⁵ Thus, human trafficking involves not only moving people within and between countries, but doing so through the use of illegitimate means and for an illegal purpose.

Human trafficking is particularly objectionable because it is “rooted in one of the world’s oldest evils,” slavery.⁶ Despite this, human trafficking remains a lucrative international business. The U.S. State Department estimates that up to two million people are trafficked worldwide every year,⁷ and the International Labor Organization (ILO) estimates there to be about 12.3 million people held in bondage (forced labor, bonded labor, and commercial sexual servitude) at any given time.⁸ Moreover, the U.S. Federal Bureau of Investigation (FBI) estimates that the trafficking industry generates about \$9 billion in revenues annually, which places human trafficking just below illegal firearm and drug trafficking in terms of profitability.⁹

While human trafficking has its roots in the trans-Atlantic slave trade, which popularized the notion that a person could be owned by another and exploited for ones utility, pleasure or both,¹⁰ modern-day trafficking exhibits some significant differences from its predecessor. Unlike the trans-Atlantic slave trade, in which thousands of black Africans were shipped over to serve white American plantation owners, contemporary trafficking victims “are less likely to be distinguished by race or ethnicity and more likely to be trafficked in small groups.”¹¹ This is true not only because slavery is expressly illegal, which requires traffickers to be more covert in their activities, but because traffickers realize that race is no longer the determinative factor for identifying those persons or groups who are vulnerable to exploitation. Rather, poverty and armed conflict – two equal opportunity afflictions – are now much more relevant to identifying potential victims of trafficking and exploitation.¹²

⁵ *Id.*

⁶ *Human Trafficking: An Intelligence Report*, FEDERAL BUREAU OF INVESTIGATION, June 12, 2006, http://www.fbi.gov/page2/june06/human_trafficking061206.htm.

⁷ *Id.*

⁸ OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEP’T OF STATE, *TRAFFICKING IN PERSONS REPORT 8* (2009).

⁹ Tolley, Jr., *supra* note 3, at 494.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Beijing Platform*, *supra* note 1, ¶¶ 51, 135.

Because poverty and armed conflict are now the most reliable indicators of vulnerability to exploitation, it is no surprise that the overwhelming majority of current trafficking victims are women and girls.¹³ In a phenomenon dubbed “the feminization of poverty,” the number of women living in poverty has “increased disproportionately to the number of men” in recent decades, and women are now much more likely than men to experience poverty.¹⁴ Poverty makes women vulnerable to exploitation because they are often the head-of-household, “bearing a disproportionate burden” of the difficulty that poverty inflicts on families: trying to maintain adequate levels of household consumption while working under dire conditions of scarcity.¹⁵ Facing an untenable situation of trying to feed an entire family on just pennies a day, such women easily fall prey to human traffickers, who lure them in with promises of well-compensated work and then subject the women to severe economic and/or sexual exploitation.

Armed conflict is the other major social ill exposing predominantly women and girls to trafficking and severe exploitation because “while entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex.”¹⁶ Warring factions often use sexual violence against women and children – the most vulnerable members of society – as tools to scare the population and bring them under the parties’ control. So women in such situations are not only threatened by the immediate deprivation of property, goods, services, and of the right to return to their homes, their security is further undermined by a heightened threat of violence directed solely against them because of their sex.¹⁷ Moreover, the purported solution – the presence of peacekeeping troops – is often part of the problem. War zones are not only a “point of origin where women are seized and trafficked,” but also a “destination point where soldiers enslave women or patronize brothels staffed by trafficking victims.”¹⁸ For instance, UN and NATO peacekeepers deployed to the Balkans during the Yugoslav conflicts of the 1990s reportedly “patronized brothels staffed by Eastern European women coerced into submission,” and in 2004 the UN received at least 150

¹³ Tolley, Jr., *supra* note 3, at 496 (“An estimated 80 percent of trafficking victims are women and 50 percent minors.”).

¹⁴ *Beijing Platform*, *supra* note 1, ¶¶ 48-50.

¹⁵ *See id.* ¶ 50.

¹⁶ *See id.* ¶ 135.

¹⁷ *See id.* ¶¶ 135-36.

¹⁸ Tolley, Jr., *supra* note 3, at 497.

complaints against peacekeepers deployed in the Democratic Republic of the Congo regarding abuse of women and children.¹⁹ In fact, the extreme difficulty in protecting women from sexual violence during the peacekeeping process, in part, led the Security Council to pass Resolution 1325,²⁰ which is designed to protect women during all stages of armed conflict and peace-building and to greatly increase women's participation and influence in the peace process.

Given the disproportionate burden that poverty and armed conflict – the most reliable indicators of vulnerability to exploitation – place upon women and girls, it is not surprising that the victims of human trafficking and its attendant forms of exploitation are primarily female. Human rights advocates have therefore understandably prioritized human trafficking as a women's issue.

B. International Laws/Standards Regarding Human Trafficking Prior to Beijing 1995

While the delegates in Beijing were innovative in crafting their document to push for advancement in the area of women's human rights, the BDPA is not the first international convention to specifically address women's rights. Human trafficking, for instance, has remained an issue ever since the formal slave trade was abolished, and treaties in force prior to the Beijing Conference of 1995 highlight significant concerns related to trafficking and exploitation.

The International Covenant on Civil and Political Rights (ICCPR) addresses those "rights that derive from the inherent dignity of the human person,"²¹ several of which conflict with the abhorrent practice of trafficking in women. In addition to prohibiting all forms of slavery, the ICCPR reaffirms the right to liberty and security of the person, proscribes arbitrary arrest or detention, and reiterates the right of everyone to freedom of movement.²² Because States Parties are prohibited from engaging in activities inherent in effectuating human trafficking, and because they are required to enforce the same prohibitions against private actors within their respective jurisdictions, the ICCPR provides the legal basis for the prohibition of human trafficking activities by all state and non-state actors.

¹⁹ *Id.*

²⁰ On Women and Peace and Security, S.C. Res. 1325 (55th Sess.), U.N. Doc. S/RES/1325 (Oct. 31, 2000).

²¹ International Covenant on Civil and Political Rights, preamble, *entered into force* Mar. 23, 1976, S. Treaty Doc. No. 95-20, 999 U.N.T.S. 171 [hereinafter ICCPR].

²² *See id.* art. 8-9, 12.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) sought to build upon the protections provided in the ICCPR by addressing some of the specific difficulties faced by women in the present day.²³ In particular, CEDAW goes beyond condemning slavery in general, and directs States Parties to “suppress” the trafficking and exploitation of women.²⁴

Given the anti-trafficking protections in CEDAW, which complement the provisions set forth in the ICCPR, it is clear that human rights advocates and government officials were aware of the problem of human trafficking long before the delegates to the Beijing Conference decided to address it. The Beijing delegates therefore decided that their goal should not be simply to promulgate more anti-trafficking standards to add to the existing ones, but to bring the relevant standards plus effective implementation proposals together into a single document.²⁵

C. Beijing Standards on Violence and Trafficking, and General Proposals for Action

The BDPA defines “violence against women” to include “violence related to exploitation;...trafficking in women and forced prostitution;...[and] other acts of violence against women...in situations of armed conflict.”²⁶ The major impediments to effectively combating the varied forms of violence against women include: 1) that often the violence or abuse goes unreported, and 2) even when it is reported, the victims are often left without sufficient protection from their abusers and the perpetrators go unpunished.²⁷ To address these deficiencies, the BDPA prescribes the formation and/or reinforcement of institutional mechanisms to allow women and girls to report acts of violence or abuse “in a safe and confidential environment, free from the fear of penalties or retaliation, and [to] file charges” against their abusers.²⁸ Moreover, States Parties need to ensure that women are informed of their right to seek redress for harms suffered, and that the requisite “mechanisms of justice” are available to victims to provide “just and effective remedies.”²⁹

²³ Convention on the Elimination of All Forms of Discrimination Against Women, *entered into force* Sept. 3, 1981, 1249 U.N.T.S. 13 [hereinafter CEDAW].

²⁴ *See id.* art. 6.

²⁵ *Beijing Platform*, *supra* note 1, ¶¶ 45-46, 112.

²⁶ *See id.* ¶¶ 113-14.

²⁷ *See id.* ¶ 117.

²⁸ *See id.* ¶ 124(l).

²⁹ *See id.* ¶ 124(h).

In addition, the Beijing delegates were particularly concerned about situations where the violence or abuse is perpetrated or overlooked by public officials, the very people whom trafficking victims should be able to turn to for help. So, the BDPA advocates the “training of all officials in humanitarian and human rights law,” so that the police, prison officials and security forces fully understand their responsibilities with respect to civilian populations.³⁰ The BDPA also calls for the elimination of trafficking and the provision of effective assistance for victims, primarily through the ratification and enforcement of relevant international conventions, and through “concerted action” by law enforcement agencies to dismantle trafficking networks.³¹

D. Has the Beijing Declaration and Platform for Action Been Effective at Combating Trafficking in Women?

In order to gauge whether progress has been made on the BDPA proposals, it will be most helpful to refer to the periodic reviews – the first one in 2000 (Beijing +5) and the second one in 2005 (Beijing +10) – and note the achievements and difficulties noted at each session.

In 2000, the most notable achievement reflected in the outcome document³² was the “increased awareness” that States Parties were able to generate amongst their populations and among themselves concerning the need to end gender-based violence and trafficking in women.³³ Beyond promoting general awareness, however, there was not much positive, material change to discuss. For instance, due to unaddressed, persistent gender inequalities in the business sector, the feminization of poverty increased in the five-year period between 1995 and 2000, making certain groups of women even more vulnerable to trafficking and exploitation.³⁴ In fact, the delegates to the 2000 review conference actually noted an increase in “all forms of violence against women...in situations of armed conflict.”³⁵ More specifically, the delegates noted that effective policymaking and analysis at all levels of government had failed due to

³⁰ See *id.* ¶ 121.

³¹ See *id.* ¶¶ 130(a), 130(c).

³² Further Actions and Initiatives to Implement the Beijing Declaration and Platform for Action, G.A. Res. S-23/3, U.N. Doc. A/RES/S-23/3 (June 10, 2000) [hereinafter Further Actions and Initiatives].

³³ See *id.* ¶¶ 13, 15.

³⁴ See *id.* ¶ 8.

³⁵ See *id.* ¶ 19.

insufficient study and data on violence against women, ultimately leading to a lack of punishment and rehabilitation programs to deal with the perpetrators of such abuses.³⁶

In 2005, the Secretary-General's report included a special section dealing solely with the efforts to combat trafficking in women and girls.³⁷ In his assessment, the Secretary-General noted that while many countries had adopted anti-trafficking legislation, many other countries had not made attacking the problem a priority.³⁸ In addition, the Secretary-General called upon all States to intensify their efforts to fight trafficking by "addressing its root causes, including: poverty among women; displacement...; discrimination against women...; and gender-based violence in families and communities."³⁹ Finally, the Secretary-General stressed the need for improved data collection, so that States could better measure the efficacy of their efforts to combat trafficking and exploitation within and along their borders.⁴⁰

The 54th session of the CSW in March 2010 will celebrate the 15-year anniversary and review of the BDPA, and a review of the trafficking problem will likely result in conclusions similar to those reached at the 2000 and 2005 reviews: while visible progress has been made, especially in the areas of awareness-raising and policy adoption, significant obstacles to the elimination of trafficking remain, primarily in the realm of implementation and enforcement. So, the important question now is how to improve enforcement of existing standards. Following is an assessment of a couple of programs that have done so, which can be the basis for more concrete action in this regard.

E. Awareness-raising Campaigns Must be Combined with Services that Strengthen At-Risk Women and Girls

One of the best ways to increase the efficacy of one's efforts is to use another's successful efforts as a model, by taking stock of what has worked in the past and tailoring future actions accordingly. Conveniently, in the realm of anti-trafficking programs such models (also known as "best practices") exist, and the International Labor Organization (ILO) regularly studies such programs and publishes its

³⁶ See *id.* ¶ 14.

³⁷ The Secretary-General, *Review of the Implementation of the Beijing Platform for Action and the Outcome Documents of the Special Session of the General Assembly Entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century"*, delivered to the Economic and Social Council, U.N. Doc. E/CN.6/2005/2 (Dec. 6, 2004) [hereinafter Secretary-General's Report].

³⁸ See *id.* ¶ 534.

³⁹ See *id.* ¶ 536.

⁴⁰ See *id.* ¶ 538.

results in concise, useful reports. For instance, after an eight-year research project in Southeast Asia, the ILO identified over two dozen successful anti-trafficking programs, including one developed in Vietnam that focuses on combating the root causes of trafficking by addressing civilian vulnerabilities to being trafficked at both source and destination points.⁴¹

In its ILO-designated “best practice” program, the Vietnamese government developed a comprehensive package of services to be delivered to the population through the coordinated efforts of multi-sector agencies and organizations at all levels.⁴² The program began with communication campaigns designed to educate women and children about the danger of trafficking, which included leaflet distribution, counseling for high-risk groups and individuals, and school forums conducted by students. But beyond building awareness, the Vietnamese government program conducted needs assessment and vocational skills training for women, provided educational support for at-risk children, and extended financial credit to increase income and create employment for poor women and their families.

While no specific numbers are given,⁴³ the ILO considers the program to be successful and instructive on how States Parties should shape their anti-trafficking programs: comprehensive in nature, with support services (educational, financial, etc.) provided alongside awareness-raising activities, and with specific attention focused on high-risk women and children. So, while awareness-raising is important in its own right, it must be combined with services that strengthen the weaker, at-risk members of society if trafficking is to be effectively eliminated, the idea being that, without potential victims, traffickers have no one to exploit.

The ILO reiterates the need for States Parties to have comprehensive anti-trafficking programs in its 2008 anti-trafficking handbook.⁴⁴ Through its almost 20 years of research and observation in this area,

⁴¹ Int’l Labour Org. [ILO], Mekong Sub-regional Project to Combat Trafficking in Women and Children, *Meeting the Challenge: Proven Practices for Human Trafficking Prevention in the Greater Mekong Sub-region* (2008).

⁴² *Id.*

⁴³ The Asia Found., *Combating Human Trafficking in Vietnam: Lessons Learned and Practical Experiences for Future Program Design and Implementation*, 26, August 2008 (“In general, the fight against trafficking continues to be hampered by a lack of reliable data on which to base interventions. Data on trafficking patterns, scope and scale remain limited and unreliable, and the data are scattered in separate reports and in the mass media.”).

⁴⁴ Int’l Labour Org. [ILO], *ILO Action Against Trafficking in Human Beings 5* (2008).

the ILO has found that the most successful countries adopt national policies that address trafficking at every stage of the process: prevention, prosecution of traffickers, and protection and rehabilitation of victims.⁴⁵ Additionally, the ILO suggests that States Parties focus their trafficking prevention efforts not just on the civilian populations, but on workers' and employers' organizations as well, so as to reduce not just the supply of potential victims but the demand for trafficked/exploited labor as well.⁴⁶

Lastly, States Parties should make a firm commitment to assist each other in their anti-trafficking efforts. While not all human trafficking involves crossing borders, much of it is conducted at the international level. Recognizing this fact, the drafters of the United Nations Convention against Transnational Organized Crime⁴⁷ attached a protocol dedicated exclusively to combating human trafficking at the international level.⁴⁸ The Palermo Protocol seeks to prevent and combat trafficking, protect and assist victims, and, most importantly, "promote cooperation among State Parties in order to meet those objectives."⁴⁹ Because human trafficking is a global problem which ultimately affects all countries, States Parties to the BDPA need to respond accordingly: by supporting and enforcing the Convention against Transnational Organized Crime and its Protocols, and by combining their best efforts to protect women and children from trafficking.

II. Enhancing Economic Power and Employment Opportunities for Women

A. Economic and Employment Inequities Between Men and Women: Their Sources and Severity

Economic inequalities between women and men have their roots in "the historically unequal power relations between men and women."⁵⁰ At one time, women and female children were considered nothing more than property owned by the male heads of families. Even after women came to be viewed as something more than chattel, women were still presumed to belong solely within the home, raising the children and taking care of the cooking, cleaning, etc. Now, despite the fact that loads of women seek

⁴⁵ *Id.* at 13.

⁴⁶ *Id.*

⁴⁷ United Nations Convention Against Transnational Organized Crime, *entered into force* Sept. 29, 2003, 2225 U.N.T.S. 209.

⁴⁸ Palermo Protocol, *supra* note 2.

⁴⁹ *See id.* art. 2.

⁵⁰ *Beijing Platform*, *supra* note 1, ¶ 118.

formal employment and make up a significant percentage of the workforce, disparities in employment opportunities continue to plague women in all areas and levels of employment.

The Beijing Declaration and Platform for Action defines such employment disparities to include “discrimination in education and training, hiring and remuneration, promotion and horizontal mobility practices, as well as inflexible working conditions...and inadequate sharing of family responsibilities, combined with a lack of or insufficient services such as child care.”⁵¹ Inevitably, such discrimination “[continues] to restrict employment, economic, professional and other opportunities and mobility for women.”⁵²

In a 2009 report, the ILO echoes the same concerns outlined by the delegates in Beijing.⁵³ Specifically, the report provides statistics which show that gender gaps remain both persistent and troubling. The unemployment rate for women continues to remain higher than that for men, with the 2008 figures showing a 6.3 percent unemployment rate for women in comparison to a 5.9 percent unemployment rate for men.⁵⁴ In addition, while the labor force participation rates of women and men are converging, “the gap is narrowing at a very slow pace and it still amounted to almost 25 percentage points in 2008.”⁵⁵ So, despite some progress in this area, women still face significant obstacles in such basic attempts as entering the labor market and finding available employment.

Even when women are successful at entering the labor market, there remain noticeable disparities in both working conditions and wages for male and female employees. In terms of employment sectors, men are more likely to work in industry, while women are far more likely to find employment in non-skilled work like agriculture. Moreover, female employment represents a higher share of “vulnerable employment” – where workers are subject to exploitation and poor working conditions – than male

⁵¹ See *id.* ¶ 152.

⁵² *Id.*

⁵³ Int’l Labour Org. [ILO], Int’l Labour Office, Employment Trends Team, *Global Employment Trends for Women* (Mar. 2009) (prepared by Lawrence Jeff Johnson and Theo Sparreboom).

⁵⁴ *Id.* at 9.

⁵⁵ *Id.*

employment.⁵⁶ Finally, on average, women continue to earn only 80 to 85 percent of the hourly wage that men make in comparable occupations and with comparable levels of education, training and skills.⁵⁷

Given the fact that women face significant barriers to not only finding employment, but to achieving equal pay and conditions of employment once they are able to find work, it is not surprising that human rights activists have continued to prioritize this issue in their work. And because the Beijing delegates were not the first to push the issue of improving economic and employment opportunities for women, it will be helpful to discuss the standards promulgated prior to Beijing 1995 in order to better understand the rights at issue in this area.

B. International Laws/Standards Regarding Women's Employment Prior to Beijing 1995

The drafters of the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁵⁸ dedicated it to ensuring those rights necessary to both bring everyone up to an adequate standard of living and to ensure equal rights between women and men. Thus, the ICESCR not only affirms the universal right to work, it stresses the need for technical and vocational training programs so that all workers are able to advance in their level of employment when the opportunity presents itself.⁵⁹ The ICESCR also presses the need for “fair wages and equal remuneration...; safe and healthy working conditions; [and] equal opportunity for...[promotion] to an appropriate higher level...”⁶⁰

The drafters of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) sought to build upon the employment protections provided for in the ICESCR by pushing States Parties specifically to “take all appropriate measures to eliminate discrimination against women in the field of employment.”⁶¹ Women not only have the right to equal remuneration for their work, they have the same rights as men to paid leave, social security, vocational training, and safe and healthy working conditions.⁶²

⁵⁶ *Id.* at 11.

⁵⁷ *Id.* at 17-19.

⁵⁸ International Covenant on Economic, Social and Cultural Rights, preamble, *entered into force* Jan. 3, 1976, 993 U.N.T.S. 3.

⁵⁹ *See id.* art. 6.

⁶⁰ *See id.* art. 7.

⁶¹ CEDAW, *supra* note 23, art. 11.

⁶² *Id.*

Given the rights and concerns mentioned in both the ICESCR and CEDAW, disparities in economic and employment opportunities have clearly been on the radar of women's rights advocates for some time now. But, given the persistency of such disparities, the Beijing delegates wanted to give the issue renewed attention and push for advancements into the 21st century.

C. Beijing Standards on Women's Employment, and General Proposals for Action

While acknowledging women's advancements in areas such as entering the labor force and gaining employment, the Beijing delegates highlighted their biggest concern as being the inability of most women "to achieve economic autonomy and to ensure sustainable livelihoods for themselves and their dependents."⁶³ So, the BDPA pushes States Parties to "promote women's economic rights and independence" by enacting and enforcing laws that guarantee equal pay for equal work and that prohibit the various types of discrimination in the labor market.⁶⁴ In addition, governments need to exert pressure on employers to eliminate discriminatory practices that result in "the denial of employment and dismissal due to pregnancy" and in the inability of employed women to take family and/or maternity leave.⁶⁵

The Beijing delegates also noted that when States have taken it upon themselves to formulate employment creation strategies, such strategies have "not paid sufficient attention to occupations and sectors where women predominate; nor have they adequately promoted the access of women to those occupations and sectors that are traditionally male."⁶⁶ Thus, the Beijing delegates called on governments and other state and non-state actors to "promote an active and visible policy of mainstreaming a gender perspective in all policies and programs" so that the disparate effects on men and women can be ascertained prior to making major economic/employment decisions.⁶⁷

Given their recommendations for reforming aspects of the economic sector and its decision-making authorities and processes, the Beijing delegates stressed the need for real change in the ways in which women achieve employment and navigate their careers. A look at Beijing's subsequent periodic reviews will reveal whether real change has in fact been accomplished.

⁶³ *Beijing Platform*, *supra* note 1, ¶ 156.

⁶⁴ *See id.* ¶¶ 165(a)-(b).

⁶⁵ *See id.* ¶ 165(c).

⁶⁶ *See id.* ¶ 160.

⁶⁷ *See id.* ¶ 164.

D. Has the Beijing Declaration and Platform for Action Been Effective in Enhancing Women's Employment and Economic Opportunities?

In 2000, at the five-year review, the delegates noted an “increased participation of women in the labor market and subsequent gain in economic autonomy.”⁶⁸ They also praised those countries that had ratified relevant international labor conventions, especially those that had enacted or strengthened their own legislation to bring domestic laws into conformity with the requirements of international law. But, despite the “increased awareness” of gender disparities in employment and economic power, the delegates noted significant obstacles to achieving equality between women and men.⁶⁹ While women in the formal employment sector still suffered the effects of the gender wage gap and limited career mobility, many women continued to work in the informal sector, characterized by inadequate wages and nonexistent job security. Moreover, discrimination related to pregnancy and family obligations, as well as sexual harassment in the workplace, had not been adequately addressed by States Parties and other actors.⁷⁰

In 2005, the Secretary-General's report identified “uneven” progress in the area of women's economic empowerment.⁷¹ While most countries had “[taken] steps to ensure women's equal access to employment and to support women entrepreneurs, less attention [had] [been] paid to women's participation in economic policy and decision-making.”⁷² And despite the fact that countries had adopted “a wide range of gender-sensitive policies and programs,” the Secretary-General stressed the need for further data collection and assessment of such economic decisions and their impact on women.⁷³

The 2010 Beijing review will likely result in similar conclusions to those reached in 2000 and 2005: while advancements have been made in increasing women's labor force participation and in drawing attention to the need to eradicate employment inequalities between men and women, certain invidious and discriminatory practices continue to suppress women's wages and inhibit upward economic mobility. So, how can implementation and enforcement of the Beijing employment standards be improved?

⁶⁸ Further Actions and Initiatives, *supra* note 32, ¶ 20.

⁶⁹ *See id.* ¶¶ 20-21.

⁷⁰ *See id.* ¶ 21.

⁷¹ Secretary-General's Report, *supra* note 37, ¶ 320.

⁷² *Id.*

⁷³ *See id.* ¶ 322.

E. One Successful Model for Implementation and Enforcement of the Beijing Employment Standards

The City and County of San Francisco's efforts in implementing CEDAW's employment provisions are an excellent model for tailoring employment programs and policies to curtail discrimination against women.⁷⁴ After its adoption in 1998 of an Ordinance based on CEDAW's anti-discrimination principles,⁷⁵ San Francisco conducted gender analyses on seven city departments to "identify discrimination and, if identified, to remedy that discrimination."⁷⁶ Within the gender analysis, the city departments defined their desired outcomes, collected data and demographic information on the beneficiaries of a policy or program, and formulated targeted strategies to reach the desired outcomes by using the results of the data analysis. The final stages of the process included prioritizing the proposed strategies into an overall "action plan," and developing a monitoring mechanism to oversee implementation of the action plan and "determine its effectiveness and efficiency in helping to attain equality and eliminate discrimination."⁷⁷

Using the gender analyses, San Francisco's Department on the Status of Women noted significant achievements within the selected city departments, including increased recruitment and retention of women and minorities (constituting 69 percent and 39 percent, respectively, of the February 2009 workforce) and the development of more flexible work policies to help women balance their work and family obligations (over two-thirds of the employees working in the Department of the Environment currently participate in some type of flex-time program).⁷⁸ Moreover, after launching a private sector initiative to implement gender analyses in 2007-2008, the Department on the Status of Women found that while the wage gap in San Francisco "remains significant" (women earned about 78% of men's earnings), San Francisco ranked first among America's top three cities (over Washington D.C. and New York) for

⁷⁴ DEP'T ON THE STATUS OF WOMEN, CITY AND COUNTY OF SAN FRANCISCO, GENDER EQUALITY IN THE CITY AND COUNTY OF SAN FRANCISCO: LOCAL IMPLEMENTATION OF THE UNITED NATIONS CONVENTION TO ELIMINATE ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) (2009), http://www.sfgov.org/site/cosw_index.asp?id=10848 [hereinafter SAN FRANCISCO CEDAW REPORT].

⁷⁵ City and County of San Francisco, Cal., Ordinance 128-98.

⁷⁶ SAN FRANCISCO CEDAW REPORT, *supra* note 74, at 3.

⁷⁷ *Id.* at 4-5.

⁷⁸ *Id.* at 8-9.

women's entrepreneurship, education and pay levels.⁷⁹ San Francisco's Department on the Status of Women continues to collect and analyze data on the impact of employment programs promulgated under the CEDAW ordinance but, given its initial successes, it appears that States Parties could dramatically increase the efficacy of their own women's employment efforts by using increased data collection and gender analyses to target anti-discrimination employment policies and programs in the areas where they are most needed.

III. Summary and Conclusion

The great importance of the BDPA is that it pushed States Parties to implement and enforce existing standards. For the BDPA to remain relevant, the international community needs to continue to push effective implementation in the face of continued challenges. As the assessments in this paper have argued, the best way to improve States Parties' implementation and enforcement efforts is to look at models that have worked in the past and use them to tailor future action. The efforts of Vietnam and San Francisco provide excellent models for addressing trafficking and employment, respectively.

⁷⁹ DEP'T ON THE STATUS OF WOMEN, CITY AND COUNTY OF SAN FRANCISCO, THE STATUS OF WOMEN IN SAN FRANCISCO, 2009, 7, 13 (June 5, 2009), [http:// www.sfgov.org/site/uploadedfiles/dosw/reports/StatusofWomeninSF2009_ FINAL_06.05.09.pdf](http://www.sfgov.org/site/uploadedfiles/dosw/reports/StatusofWomeninSF2009_FINAL_06.05.09.pdf).