

Annex: Germany’s international human rights obligations as a member state of international bodies and case studies on Greece, Bosnia Herzegovina and Ukraine¹

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Part 1: Germany’s international human rights obligations as a member state of international bodies²

1. Germany does not cease to be bound by its human rights obligations when it acts as a member of an international institution. Whilst Greece, Ukraine or Bosnia and Herzegovina (BiH) as the host states bear the primary responsibility for the guarantee of all human rights, Germany, as a member state of the International Monetary Fund (IM) and the European

¹ Information provided as an annex to the joint submission on “Women, Peace and Security - A review of Germany’s National Action Plan 1325”, made by WILPF International and WILPF Germany to the UPR Working Group 30th session (May 2018).

² Note: WILPF has also argued that there is sufficient legal precedent to maintain that IFIs and international organisations have an international responsibility for the violation of economic and social rights and sex- and gender-based discrimination of individuals within a state that has implemented the organisations’ required economic reforms. See more how WILPF grounds the argument of international organisations’ legal responsibilities in WILPF (2017), “A Feminist Perspective on post-conflict Restructuring and Recovery. The Case of Bosnia and Herzegovina”. Available at: <http://wilpf.org/wpcontent/uploads/2017/08/Feminist-political-economy-ENG-FINAL.pdf>.

Union (EU), has an international responsibility for violations of economic and social rights and non-discrimination in other countries under the doctrine of extraterritorial obligations.

2. The European Court of Human Rights (ECtHR) has confirmed that acting within, or in accordance with, a decision of an international organisation cannot justify violations of Germany's obligations under human rights law.³ It furthermore held in the case *Richard Waite and Terry Kennedy v. Germany* that it would be incompatible with the purpose and object of the Convention if Germany, as part of the Contracting States who have established an international organization, were absolved from its responsibility under the Convention in relation to the field of the organisation's activity.⁴

3. This judgment was cited by the International Law Association in support of its view that: "States cannot evade their obligations under customary law and general principles of law by creating an [international organisation] that would not be bound by the legal limits imposed upon its Member States."⁵

4. Therefore, Germany cannot avoid responsibility by vesting competence for a specific policy area in an international organisation, and then having the organisation commit a breach of the State's international obligations.

5. The Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights similarly confirm that Germany should "ensure that [its] own national [obligations] on economic, social and cultural rights [...] are not ignored when the very same state, headed by

³ *Al-Dulimi and Montana Management Inc. v. Switzerland* (Application no. 5809/08, ECtHR, GC, 21 June 2016) – violation ECHR, article 6 on the right of access to a court).

⁴ *Richard Waite and Terry Kennedy v. Germany*, ECHR, 18 February 1999, paragraph 67.

⁵ International Law Association, Committee on the Accountability of International Organisations, Final Report, Berlin, 2004.

the very same government, is representing a multilateral organization”⁶ and that International Financial Institutions (IFIs) should “correct their policies and practices so that they do not result in deprivation of economic, social and cultural rights.”⁷

6. Germany is party, among other human rights treaties, to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). There is no provision for derogation in either the ICESCR or CEDAW, emphasising their continued applicability.

7. For member states of IFIs and other international bodies such as the EU, the application of their continuing human rights obligations is extra-territorial. Various bodies have emphasised the extra-territorial applicability of the human rights treaties including the International Court of Justice,⁸ the Human Rights Committee,⁹ the CEDAW Committee,¹⁰ the CESCR,¹¹ and

⁶ See page 35 of WILPF (2017), “A Feminist Perspective on post-conflict Restructuring and Recovery. The Case of Bosnia and Herzegovina”. Available at: <http://wilpf.org/wpcontent/uploads/2017/08/Feminist-political-economy-ENG-FINAL.pdf>.

⁷ Ibid.

⁸ See for instance: ICJ 21 June 1971, Legal Consequences for States of the Continued Presence of South Africa in Namibia (Advisory Opinion), ICJ Reports 1971, paragraph 118. See also: In Georgia v. Russian Federation, a pending case initiated by Georgia in August 2008, the International Court of Justice has applied the “effective control” standard for determining jurisdiction under human rights treaties. In its decision on provisional measures in the case, the ICJ held that the Convention on the Elimination of All Forms of Racism (CERD) applies beyond the territorial jurisdictions of states parties. See Sarah H. Cleveland (2010), “Embedded International Law and the Constitution Abroad”, 110 COLUM. L. REV. 225

⁹ See, for instance, UN Index CCPR/C/DEU/CO/6, Concluding Observations on Germany, paragraph 16 and UN Index A/50/40, Report of the Human Rights Committee.,1994, paragraph 284.

¹⁰ UN Index CEDAW/C/2010/47/GC.2 Recommendation 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 19 October 2010, paragraph 36; UN Index CEDAW/C/GC/30 General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, 18 October 2013, paragraphs 8-12.

the Independent Expert on the effects of foreign debt.¹²

8. The ICESCR makes explicit reference to the need for international cooperation and assistance in complying with state parties' obligations under the Covenant. Thus, under article 2 states parties are to take steps "individually and through international assistance and co-operation" towards realisation of the Covenant rights; article 11(1) recognises "the essential importance of international co-operation based on free consent." Article 11 (2) also asserts that states parties shall take measures individually and "through international cooperation." The CESCR has also applied the doctrine of extraterritoriality and expressed concern about the use of development assistance: "in some cases [it] has reportedly been used for activities in contravention of economic, social and cultural rights in the receiving countries".¹³

9. Agreeing on, or in Germany's case sometimes even pushing for, conditions or requirements imposed by the EU or the IMF as an element of financial restructuring that fail to take into account states' obligations under the ICESCR and CEDAW, negatively impacts human rights in a third state, and constitutes a violation of Germany's own human rights

¹¹ See, for instance, UN Index CESCR/C.12/2011/1, Statement on the obligations of States Parties regarding the corporate sector and economic, social and cultural rights, 20 May 2011, paragraph 5; UN Index CESCR/C.12/GC/24, General Comment on Business and Human Rights; 10 August 2017; CESCR General Comment No.12 on the right to adequate food, paragraphs 36-39 (1999); CESCR General Comment No. 15, paragraphs 30-36 and CESCR General Comment No. 19 on the right to water, paragraphs 52-58 (2003). Concluding Observations relating to: Austria (UN Index E/C.12/AUT/CO/4), paragraphs 11-12; Belgium (UN Index E/C.12/BEL/CO/4), paragraph 22; China (UN Index E/C.12/CHN/CO/2), paragraphs 12-13; Germany (UN Index E/C.12/DEU/CO/5), paragraphs 9-11; Switzerland (UN Index E/C.12/CHE/CO/2-3).

¹² See, for example, UN Index A/HRC/20/23, Report of the Independent Expert on on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights to the 20th session of the UN Human Rights Council.

¹³ Concluding Observations on the UK (UN Index: E/C.12/GBR/CO/6), paragraph 14.

obligations.¹⁴

10. Various human rights bodies, including CESCR and the CEDAW Committee, have emphasised specifically the threat of austerity measures to economic and social rights and women's rights.

11. In line with obligations under ICESCR, the State's obligation is to move forward and there is no exception whereby any backward steps could be justified by a conflict or the need for economic stringency.¹⁵ The CESCR has underscored that a policy, demanded by austerity measures or economic adjustment policies, must identify the minimum core content of the rights enshrined in the Covenant, and must ensure the protection of the core content at all times. It further highlighted that policies must not be discriminatory.¹⁶ Specifically, CESCR has highlighted that States parties have an obligation to adopt policies aimed at reducing the unemployment rate, in particular among women and disadvantaged and marginalized

¹⁴ In its Concluding Observations to Canada the CEDAW Committee recommended the state to "ensure that trade and investment agreements negotiated by the State party recognize the primacy of its international human rights obligations over investors' interests, so that the introduction of investor-State dispute settlement procedures shall not create obstacles to full compliance with the Convention". (CEDAW, Concluding Observations on the combined eighth and ninth periodic reports of Canada, CEDAW/C/CAN/ CO/8-9, 18 November 2016, paragraph 19). The CESCR has asserted that "failure of a State to take into account its international legal obligations regarding the right to food when entering into agreements with other States or with international organizations" (CESCR, General Comment No. 12, The Right to Adequate Food (Art. 11), 12 May 1999, paragraph 19) violates the right to food under the ICESCR.

¹⁵ For more information, see page 32 in WILPF (2017) "A Feminist Perspective on post-conflict Restructuring and Recovery. The Case of Bosnia and Herzegovina".

¹⁶ Next to this requirement, the Committee has underscored three additional requirements that any proposed policy change should meet: The policy must be temporary and limited to the period of crisis; it must be necessary and proportionate; and the policy must encompass all possible measures, including fiscal measures, to mitigate inequalities that may arise in times of crisis. See: Letter dated 16 May 2012 from the Chair of the Committee on Economic, Social and Cultural Rights addressed to States parties to the International Covenant on Economic, Social and Cultural Rights.

groups.¹⁷ Therefore, States parties, like Germany, have an obligation not to take retrogressive steps to individuals' economic and social rights, including when providing assistance in form of conditionalities to other countries.

12. The CEDAW Committee has echoed the emphasis that austerity measures must not be discriminatory. It considers the disproportionate impact of austerity measures on women amounts to indirect discrimination under article 1 of the Convention (discriminatory effect). For instance, in its Concluding Observations to Slovenia it noted "with concern that austerity measures, adopted in an effort to stabilize public finances, have had a detrimental and disproportionate impact on women in many spheres of life".¹⁸ In its General Recommendation (GR) 35 on gender-based violence, the CEDAW Committee has stated that "significant reductions in public spending, often as part of 'austerity measures' following economic and financial crises, further weaken the state responses"¹⁹ to gender-based discrimination or violence.

13. The UN Independent Expert on the effects of foreign debt²⁰ has stated, for example that "austerity measures and labour market reforms have often contravened the international human rights obligations of States, eroded labour rights and resulted in the retrogression of work-related gender equality."²¹

¹⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 18 (2005) on the right to work.

¹⁸ UN Index CEDAW/C/SVN/CO/5-6, Concluding Observations on the combined fifth and sixth periodic reports of Slovenia, paragraphs 33-34, 24 November 2015; UN Index CEDAW/C/GC/35, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, paragraph 7, 14 July 2017.

¹⁹ Paragraph 7, UN Index Doc CEDAW/C/GC/35.

²⁰ Full title: Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights.

²¹ Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights,

14. These statements that human rights obligations must not be subordinated to economic reform or austerity programmes are consistent with the Human Rights Council's repeated affirmation that: "the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt".²²

Part 2: The impact of austerity measures on women's economic and social rights – with examples from Greece, Bosnia and Herzegovina and Ukraine

I. Greece²³

15. An Issue Paper by the European Commissioner for Human Rights states: "In recent decisions related to collective complaints about pension rights from Greece, the [European Committee of Social Rights] ECSR has highlighted the failure of the government to conduct the minimum level of research and analysis on the effects of austerity measures and assess in a

particularly economic, social and cultural rights to the 34th session of the UN Human Rights Council, UN index: A/HRC/34/57 (27 December 2016).

²² See UN Index A/HRC/RES/20/10 (18 July 2012), The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights. See also UN Index A/HRC/RES/23/11 (13 June 2013), The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights.

²³ WILPF seeks to illustrate how austerity measures, demanded by Greece's creditors, with Germany as a major weight, have exacerbated the detrimental impact on social and economic rights. However, it should be noted that the preceding debt crisis had already considerably affected the Greek population's ability to enjoy their economic and social rights.

meaningful manner their full impact on vulnerable groups in society in consultation with the organisations concerned. The duty to consult stakeholders applies to EU institutions as well through Article 11(2) and (3) of the Treaty on European Union, which states that “[EU] institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union’s actions are coherent and transparent.”²⁴

16. The Independent Expert on foreign debt has also highlighted that the “the reductions [in the pension reform] on top of earlier cuts are incompatible with the obligation to ensure that all persons in Greece can enjoy at least core minimum essential levels of social and economic rights and are incompatible with the obligations contained in article 2 (1) of the [ICESCR]”.²⁵ He expressed concern that “social protection expenditures were not sheltered at a time when they were most needed for covering an increasing number of persons in situations of vulnerability.”²⁶ He further regretted that “the concerns and recommendations of the Greek Ombudsmen and the Greek national Commission for Human Rights have not been taken into account by European and national stakeholders in the design and implementation of the economic adjustment programmes”.²⁷

17. Against this backdrop, the EU, the IMF and individual governments, such as Germany, have not placed sufficient consideration on the integration of human rights into policies and programmes. Whilst the IMF conducts annual economic evaluations of many European countries to

²⁴ Page 17, Council of Europe Commissioner for Human Rights (2013), “Safeguarding human rights in times of economic crisis”, Issue paper. Cited cases are: ECSR, Panhellenic Federation of pensioners of the Public Electricity Corporation (POS-DEI) v. Greece, complaint No. 79/2012, decision on the merits of 7 December 2012, paragraphs 75-77.

²⁵ UN Index A/HRC/31/60/Add.2, Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, paragraph 38.

²⁶ Ibid., paragraph 33.

²⁷ Ibid., paragraph 54.

assess and enforce their compliance with fiscal rules, no such evaluations have been systematically applied to monitor the human rights consequences of economic policies, and have always taken precedence over securing financial and fiscal stability.²⁸

18. As a response to the debt crisis in 2008, Germany led euro-area creditors' key demand to have the IMF co-finance rescue programmes, including that for Greece, seeing IMF's participation as a way to ensure credibility of the reforms that countries were asked to implement.²⁹ The IMF responded to this request; EU-IMF bailouts totalled 240bn EUR from 2010-2014.³⁰ In 2015, the Quartet of EU-IMF-European Central Bank and European Stability Mechanism gave Greece a third rescue pack worth 86bn EUR. In this rescue pack, conditionalities entailed powers over vast areas of economic and social policymaking by the creditors that have been identified as unprecedented.³¹

19. The bailouts were tied to strict conditionalities encompassing harsh austerity measures, including pension cuts, tax increases, privatisation of state assets, cutting of minimum wage, of social benefits, and of health and public sector employment. Concrete examples of austerity measures included:

²⁸ Council of Europe Commissioner for Human Rights (2013), "Safeguarding human rights in times of economic crisis", Issue paper. See also: ILO, Report on the High Level Mission to Greece (Athens, 19-23 September 2011), 2011.

²⁹ <http://www.independent.co.uk/news/business/news/greece-imf-loan-1-billion-international-monetary-fund-greek-economy-a7852226.html> and <http://www.spiegel.de/international/germany/german-power-in-the-age-of-the-euro-crisis-a-1024714.html>.

³⁰ <http://www.bbc.co.uk/news/world-europe-33407742>.

³¹ <https://www.theguardian.com/world/2015/aug/12/memorandum-understanding-what-exactly-has-greece-signed-up-for> and <https://www.theguardian.com/world/2015/aug/12/greece-bailout-terms-eurozone-policymaking-powers>.

the cutting of 150,000 state jobs by 2015 and freezing of public sector recruitment; freezing of public sector salaries at 2009 levels and then cutting it further; cutting workers' minimum wage above 25 by 22% and below 25 of age by 32%, thereby legalising the payment of wages below the poverty level for young people in Greece; repealing labour allowances and benefits; cutting public spending on health at 6% of GDP; and cutting the number of doctors by at least 20% by 2013.³² Cuts in the public spending on health has had particularly devastating effects, as the crisis has increased the need for health care; and more people have turned to public health facilities after not being able to afford private healthcare anymore. Despite increasing poverty and falling income, fees for users of outpatient visits increased, and fees for consultations with doctors of the Greek National Organisation for Healthcare Provision (EOPYY) were introduced.³³

20. In striking contrast, other sectors, where such budget cuts would likely have had a less negative impact on human rights, seemed less affected. Although the defence sector was not immune to cuts, when compared to other public sectors such as welfare, transport and education, this sector saw a relatively lower share of expenditure cuts.³⁴ According to Sipri, more than a quarter of Greece's weapons imports between 2000 and 2011 were from Germany, a country that has become its main creditor.³⁵ As of April 2012, just under 15% of Germany's total arms exports had been made to Greece, its biggest market in Europe.³⁶

21. In 2012, the European Committee of Social Rights (ECSR) observed in

³² "Downgrading rights: the cost of austerity in Greece" (FIDH & Hellenic League for Human Rights, n.d)

³³ See pages 10-11 of the report "Downgrading rights: the cost of austerity in Greece" (FIDH & Hellenic League for Human Rights, n.d)

³⁴ <http://securityobserver.org/financial-crisis-and-defense-cuts-the-view-from-greece/>

³⁵ <https://www.theguardian.com/world/2015/jun/23/why-has-greece-only-now-included-defence-cuts-in-its-brussels-proposals>.

³⁶ <https://www.theguardian.com/world/2012/apr/19/greece-military-spending-debt-crisis>.

its decision on a collective complaint that pension reform measures in Greece would “risk bringing about a large-scale pauperisation of a significant segment of the population”.³⁷ Indeed, austerity measures have had a substantial impact on the enjoyment of economic and social rights among the Greek population:³⁸ unemployment rates were at 23,5% in 2016,³⁹ and youth unemployment rates at skyrocketing 47,4%.⁴⁰ The General Confederation of Greek Workers (GSEE) reported that out of the 1.4 million unemployed persons as of 2014, only 110,000 had received unemployment benefit, whilst the rest had not received any form of relief.⁴¹ The heavy burden placed on families and individuals due to tax increases and rising costs for health services, along with feelings of desperation and lack of hope has resulted in an alarming increase in suicide rates and depression. In 30 years, the months with the highest suicide rates occurred in 2012. According to a study, “the passage of new austerity measures in June 2011 marked the beginning of significant, abrupt and sustained increases in total suicides of 35,7%”.⁴²

22. As in other countries undergoing far-reaching austerity measures, women’s economic and social rights have been distinctly impacted. Access to the labour market has been extremely difficult for women. According to the Greek Ombudsmen, pre-existing gender inequalities and discrimination in the workplace have been exacerbated by the crisis. For example, pregnant or young women who may want to have children may find it even more difficult to find, or keep, their employment, and are faced with discriminatory practices”.⁴³ Moreover, in 2013, the unemployment gap

³⁷ ECSR, Federation of employed pensioners of Greece (IKA-ETAM) v. Greece, complaint no. 76/2012, decision on the merits of 7 December 2012, paragraph 81.

³⁸ For more information, see also: UN Index A/HRC/31/60/Add.2, paragraphs 55-74

³⁹ <https://data.oecd.org/greece.htm>

⁴⁰ <https://data.oecd.org/unemp/youth-unemployment-rate.htm>

⁴¹ “Downgrading rights: the cost of austerity in Greece” (FIDH & Hellenic League for Human Rights, n.d)

⁴² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4316557/>

⁴³ Page 25, “Downgrading rights: the cost of austerity in Greece” (FIDH & Hellenic League for Human Rights, n.d)

between men and women reached almost 7 points.⁴⁴

23. Women's access to healthcare has also significantly worsened as a result of spending cuts and increased costs of health services.⁴⁵ According to Eurostat, women's self-reported unmet needs for medical examination have increased considerably after re-structuring programmes. The difference between the self-reported increase of unmet needs for treatment in the period from 2006-2012 lied at 44% for women, compared to 36% of the total population.⁴⁶

II. Bosnia and Herzegovina (BiH)⁴⁷

24. Reacting to social protests in 2014, Germany and the United Kingdom launched a joint initiative aiming at revitalization of the BiH's EU integration process, which was followed by the EU adopting the initiative as the Union's own new BiH initiative.

25. The new requirements⁴⁸ from EU on BiH were enforced with 'financial conditionality' in cooperation with finance institutions. The Bosnian Reform

⁴⁴ In 2013, unemployment rates lied at 31,4% of unemployed women against 24,5% of unemployed men. This may be partly due to the closing down of small and medium sized enterprises on a massive scale. Small enterprises were an important source of female employment. See page 26, "Downgrading rights: the cost of austerity in Greece" (FIDH & Hellenic League for Human Rights, n.d)

⁴⁵ Koutsogeorgopoulou, V. et al., Fairly Sharing the Social Impact of the Crisis in Greece, OECD Economics Department Working Papers No. 1106,9 January 2014

⁴⁶ Page 33, "Downgrading rights: the cost of austerity in Greece" (FIDH & Hellenic League for Human Rights, n.d)

⁴⁷ This part on BiH is a condensed and shortened version of the section "Deconstructing the Reform Agenda", pp. 16- 27, from WILPF's publication: WILPF (2017)"A Feminist Perspective on post-conflict Restructuring and Recovery. The Case of Bosnia and Herzegovina". Available at: <http://wilpf.org/wp-content/uploads/2017/08/Feminist-political-economy-ENG-FINAL.pdf>

For additional information, reference and sources, please see the publication.

Agenda (RA) rests on 6 main pillars to foster socio-economic and related reforms, at all governmental levels, with a focus on fiscal consolidation for macroeconomic stability. The implementation also relies on lending agreements with the IMF, WB and the EU.

26. A gender impact analysis was absent in the decision-making process and very few (if any) analyses on the progress of the implementation of the RA are gender sensitive. One of the RA's main goals is fiscal consolidation, meaning reduction in the government's deficits and depth. This implies massive cuts in public spending.⁴⁹ The BiH lending agreements with IFIs have come with severe austerity conditionalities. Without conflict and gender analysis informing these measures, the burden of the austerity measures will be carried by the larger portions of the BiH society, and it can be expected that women will be affected more than any other group.

27. BiH has very high rates of unemployment with just one in every four Bosnians in formal employment, poverty stands at 15%; and around half of the population lives in a precarious situation. Youth unemployment stands at 63%.⁵⁰

28. The likely impact of the BiH government's reform plan of massive reduction in the size of the public sector and cuts in civil service salaries

⁴⁸ These were laid down in three steps: signing of a letter of intent, a written commitment to implementation of reforms framed within the language of socio-economic reforms, good governance and rule of law; the signing would then be followed by the membership application to EU; and the full implementation of the agenda would lead to Commission opinion.

⁴⁹ While recognising that fiscal stability and sustainability is necessary in BiH, the reform plan runs counter to a paper published by three IMF economists which issues a strong warning that harsh austerity policies can do more harm than good. There is no evidence, they argue, that fiscal consolidation leads to growth.

⁵⁰ See page 14, WILPF (2017) "A Feminist Perspective on post-conflict Restructuring and Recovery. The Case of Bosnia and Herzegovina". Available at: <http://wilpf.org/wp-content/uploads/2017/08/Feminist-political-economy-ENG-FINAL.pdf>

and wages is that women, disproportionately employed in that sector, will lose their jobs.⁵¹ There may also be differential negative gender impacts of the reduction in wages. The contraction in the public sector will involve efficiency cuts in public services and increases in prices, which will likely be compensated for by women's unpaid work in the household and informal economies.⁵²

29. Whereas the stated intention of the reform of the health care system was to create quality health services for the citizens of BiH, up until now the reform of the health sector has led to the abolition of different segments of the public healthcare sector, such as women and maternity care. In addition to limitations to access to health for all, women will be forced to absorb the deficiency in health services through labour in the household and care economy, further constraining women's formal labour market participation.⁵³

30. Reform of the labour legislation in the two entities in BiH was undertaken in 2015. Passing of the new labour laws drew much public attention, and provoked more social and political resistance than any other reform thus far. The major effects of the new labour law reforms have been deregulation in the realm of employment protection legislation; flexibilisation of working conditions without a proper understanding of which aspects of the employment protection framework prevent from hiring and firing of workers (and to what extent); and side-lining of the labour dispute resolution mechanisms. The reforms of the labour law will lead to increase in job insecurity, more temporary, part-time, non-unionised jobs with fewer benefits, lower-wages (that for many continue to be unpaid by the employer) and deterioration in the safety at work. The RA is focused on lowering labour costs and reducing labour protections to attract foreign investors and transnational business. Reducing the cost of

⁵¹ See pages 20 – 21, *ibid.*

⁵² See page 21, *ibid.*

⁵³ See pages 21-22, *ibid.*

labour, however, does not necessarily mean more jobs or better jobs involving skill development and good working conditions.⁵⁴

31. The women of BiH will be double-burdened by this. Cutting down on public sector, as proposed by the RA, will lead to women being disproportionately affected because they are more likely to depend on public resources in support of reproductive labour and are culturally expected to fill the gap with respect to caring labour. Effects include more women working triple shifts, the feminisation of poverty, and both short and long-term deterioration in female health and human capital. Job creation plans, mainly in the private sector, will not provide sufficient opportunities or job security for women. Most of these plans are developed without a proper gender analysis or understanding of the work demographic of women.

32. The RA only understands security with respect to countering terrorism and organized crime, which can only play out through further militarization of the society. Interventions in public sector and investments, on the other hand are seen as something completely separate from security, and only in relation to creation of a favourable climate for businesses. Because of the RA's narrow view on security, the BiH economic reform program exacerbates the conditions for social and gender inequalities as well as gendered violence.⁵⁵

⁵⁴ See pages 23-24, *ibid.*

⁵⁵ For more information, see pages 24-26, *ibid.*

III. Ukraine⁵⁶

33. In early 2014, the Government of Ukraine requested support from the IMF to restore macroeconomic stability in Ukraine.⁵⁷ In early 2015, a revised economic reform programme totalling 17.5 billion USD was agreed between the IMF and the government, requiring the restructuring of the state debt on the terms and conditions proposed by the IMF.

34. Austerity measures implemented as part of IMF's requirements include public sector cuts, welfare cuts, tax increases for individuals and the de facto elimination of fuel subsidies. As WILPF has shown in joint submissions to the CEDAW Committee and Ukraine's Universal Periodic Review, these measures have impacted women disproportionately.⁵⁸

⁵⁶ For more information on the impact of IMF's conditionalities on women's economic and social rights, see in WILPF et al. (2017), "Obstacles to Women's Meaningful Participation in Peace Efforts in Ukraine. Impact of Austerity Measures and Stigmatisation of Organisations Working for Dialogue". Joint submission to the Universal Periodic Review of Ukraine, 28th Session. Available at: http://wilpf.org/wp-content/uploads/2017/04/UKRAINE.UPR_JointSubmission-30-Mar-2017.pdf. See also: WILPF et al. (2017), "The Effects of Intervention by International Financial Institutions on Women's Human Rights in Ukraine". Joint Shadow Report to the CEDAW Review of Ukraine, 66th Session. Available at: http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Ukraine_20170124.pdf

⁵⁷ Since 1994, Germany, second biggest foreign investor and third largest trading partner to Ukraine, has been consulting Ukraine on macroeconomic, tax and energy policy through its "German Advisory Group". The group, funded by the Federal Ministry of Economic Affairs and Energy (BMWi), reportedly encouraged Ukraine to accept assistance from the IMF. See <https://www.kyivpost.com/article/content/business/world-in-ukraine-german-advisory-group-favors-imf-cooperation-335927.html>

⁵⁸ See "Obstacles to Women's Meaningful Participation in Peace Efforts in Ukraine. Impact of Austerity Measures and Stigmatisation of Organisations Working for Dialogue". Joint submission to the Universal Periodic Review of Ukraine, 28th Session, available at: http://wilpf.org/wp-content/uploads/2017/04/UKRAINE.UPR_JointSubmission-30-Mar-2017.pdf

WILPF et al. (2017), "The Effects of Intervention by International Financial Institutions on Women's Human Rights in Ukraine". Joint Shadow Report to the CEDAW Review of

35. The *de facto* elimination of fuel subsidies has led to higher prices for gas, heating, electricity, transportation and other goods and services related to fuel use.⁵⁹

36. In 2017, bills for heating were five to six times higher than in previous years. This massive increase is not matched by a corresponding increase in real wages and has affected not only vulnerable groups but also the so-called "middle class", who after paying utility bills have very little budget left for clothes, food and similar expenditures. The impact of the cancellation of fuel shortages on residents in rural areas, where one third of the total population is located, and who rely more on gas boilers, coal and firewood than on central heating found in urban areas, is highly disproportionate.

37. Earlier this year, the CEDAW Committee expressed concern about the disadvantaged status of women in rural areas in Ukraine.⁶⁰ Rural women tend to age faster and suffer from worse health than urban women. They also tend to experience, more than both urban women and rural men, unemployment, domestic violence and harsh living conditions including because, as a general rule in Ukraine, women earn less than men.⁶¹

Ukraine, 66th Session. Available at: http://wilpf.org/wp-content/uploads/2017/02/CEDAW-Shadow-Report-on-Ukraine_20170124.pdf.

⁵⁹ See pages 7-9 as to why IFI requirements have led to *de facto* elimination of fuel subsidies in "Obstacles to Women's Meaningful Participation in Peace Efforts in Ukraine. Impact of Austerity Measures and Stigmatisation of Organisations Working for Dialogue". Joint submission to the Universal Periodic Review of Ukraine, 28th Session, available at: http://wilpf.org/wp-content/uploads/2017/04/UKRAINE.UPR_JointSubmission-30-Mar-2017.pdf.

⁶⁰ UN Index CEDAW/C/UKR/CO/8, Concluding Observations on Ukraine (9 March 2017), paragraph 40

⁶¹ See page 8, "Obstacles to Women's Meaningful Participation in Peace Efforts in Ukraine. Impact of Austerity Measures and Stigmatisation of Organisations Working for Dialogue". Joint submission to the Universal Periodic Review of Ukraine, 28th Session, available at:

38. In accordance with IMF requirements, during 2014-2015, 165,000 civil service jobs were cut, with overall plans of a 20 per cent reduction in the civil service workforce. This reduction has been undertaken through, inter alia, the reorganization of ten and closing of eight government agencies. There are plans for further downsizing of the public sector with the goal of lowering the overall spending on salary for civil servants to around 9% of GDP in the medium term. Women comprise more than 75 per cent of the civil service, predominantly in non-managerial positions. Accordingly, women have been disproportionately impacted - and will continue to be - by these cuts in the public sector workforce.⁶²

39. In 2014, 12,000 social workers lost their jobs; many of them were women. These cuts had extremely negative consequences for both the beneficiaries of social services and the women whose jobs were cut. A year later, the State cut down 25,000 healthcare professionals, again disproportionately impacting women, since the vast majority of workers in schools, hospitals and clinics are women.⁶³

40. Lastly, as we illustrate in our submission to the UPR of Ukraine, cuts in the education sector⁶⁴ and in child benefits⁶⁵ and pension reforms⁶⁶ have further contributed to the feminization of poverty and has had disproportionate effects on women, thereby amounting to indirect discrimination.

http://wilpf.org/wp-content/uploads/2017/04/UKRAINE.UPR_JointSubmission-30-Mar-2017.pdf *ibid.*

⁶² See page 9, *ibid.*

⁶³ See pages 10-11, *ibid.*

⁶⁴ For more information, see page 11-12, *ibid.*

⁶⁵ For more information, see pages 13-14, *ibid.*

⁶⁶ For more information, see page 13, *ibid.*