



Assessing the Gender-Sensitivity of International Financial Institutions' Responses to COVID-19: Reflections from Home (with Kids) in Lockdown

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Abstract

This reflection considers recent United Nations' normative developments in international human rights law and their potential to assess, with a gender perspective, retrogressive economic policies being promoted by International Financial Institutions (IFIs) in the context of the COVID-19 pandemic. Orthodox and androcentric economic policies, such as structural adjustment, austerity, privatisation and deregulation of labour and financial markets, normally have devastating effects on women's rights. Yet, the financial responses with which IFIs are trying to help states manage the effects of the pandemic seem to continue promoting those androcentric economic policies. This piece concludes that *ex ante* human rights and gender impact assessments of multilateral loans' conditionalities should be conducted and that women's participation in this process as well as access to adequate quantitative and qualitative data to understand the differentiated effects of those economic policies on gender equality, are crucial. These reflections were born out of the authors' own family and country challenges.

Keywords Austerity · COVID-19 · IFIs · Impact assessment · Loans · Privatisation

Why We Study Women's Rights and IFIs' Conditionalities

The paths that lead researchers seeking for questions and answers regarding certain public problems that draw our interest are marked by diverse personal, political and academic reasons. The reconciliation of daily personal and family life with paid work is hard and difficult. The time available, caring responsibilities and unpaid

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domestic work change according to the different stages of our life and economic cycles and that of other people in the family. This reconciliation runs through our entire lives along with our personal experiences and sensitivity to social injustices; all of it being the fuel that drives our research.

Thus, when we made up our family (nuclear, biparental, heterosexual, with two kids) we began to face these fundamental questions: What funds, services and time is provided by the State of the country in which we reside towards people's care? What services are provided by the market; could we afford them and under what conditions? What public policies did the State offer and was it able to finance them to ensure the realisation of the right to care? What macroeconomic conditions, fiscal targets, tax policies and labour regulations did the International Financial Institutions (IFIs) impose on the State, exogenous requirements that through a number of causal mechanisms ended up having an impact on how we resolve care at home? And why were these questions even more pressing in the context of the pandemic?

These complex questions—whose answers have had deep repercussions in our daily family life—became burning questions when our kids were born and even more so when the pandemic hit us all. We decided to join forces and began to explore how gender inequalities on the one hand, and human rights and IFIs' policies, on the other, were interlinked and how we could contribute to discussions in this field of study (and to make our family life easier!).

We live in a country (Argentina) that has endured International Monetary Fund's (IMF) orthodox conditionalities for years and now, again, is beginning to renegotiate this multilateral debt. In Argentina, as in most countries, women are currently, and once again, more exposed to the effects of the pandemic and the economic recession (CEPAL 2020; Rodríguez Enriquez 2020). They are disproportionately affected by the invisibilisation of unpaid domestic and care work, and also by austerity policies that were implemented during the previous administration (2015–2019) through cuts in social and health budget, and the deregulation of labour market, which deepens occupational segregation. Within this context, we found it necessary to link IFIs' policies during the pandemic with gender inequalities and international human rights law. Our own university education did not prepare us to easily identify these links nor the legal standards against which we could assess the gendered impact of IFIs conditionalities, so this became for us a familial and an academic challenge.

Retrogressive Economic Reforms and Gender Inequality

The fact that retrogressive economic reforms have normally direct and adverse consequences on human rights, in particular on gender equality, is something well documented (UN Independent Expert 2018). Orthodox economic policies, such as austerity, fiscal consolidation, privatisation and deregulation of labour and financial markets, have been promoted and even pushed by IFIs (mainly the IMF and the World Bank) for more than a decade in both developing and developed countries (Ortiz and Cummins 2019), with devastating and lasting effects on women's human rights.

The current global economic system is sustained by gender inequality and discrimination against women due, to a great extent, to asymmetric distribution of care responsibilities, gender stereotypes and gaps in laws and policies (Pautassi 2007; Rodríguez Enríquez 2012; Rodríguez Enríquez and Pautassi 2014; Carrasco 2009; Rico and Robles 2016). In particular, mainstream economic thinking often does not recognise the economic value of unpaid domestic and care work, thereby privileging male-based macroeconomic policies that are detrimental to women and exacerbate structural inequalities (Rodríguez Enríquez 2015). In such scenarios, women are at increased risk of gender-based violence, which further undermines the realisation of their human rights. The COVID-19 pandemic has exacerbated these inequalities and risks (UN Women 2020).

In a recent study, ActionAid (June 2020) showed that every single low income country which received IMF advice to cut or freeze public employment in the past three years had already been identified by the World Health Organization (WHO) as facing a critical health worker shortage. The gender dimension of this finding is alarming. Julia Sánchez, Secretary General of ActionAid, explained:

Women are on the frontline of Covid-19, as health workers, carers, home schoolers and informal workers. Without decent public services, women will continue to bear the brunt of this and future crises. As we start building economies that care for both people and the planet, women's voices and needs must be heard. (ActionAid 2020)

The IMF and the World Bank are responding to the economic and financial crisis by offering massive credit lines to help countries cope with COVID-19 and its social and economic effects. We have written elsewhere (Bohoslavsky and Rulli 2020) that the first signs of this financial multilateral strategy do not seem set to bring welcome news for women. The IMF is already showing what it really thinks (and wants) (Bretton Woods Project 2020; Kentikelenis et al. 2020): as the April 2020 IMF Fiscal Monitor Report explains, “once the COVID-19 crisis is over, high-debt countries should, in general, pursue fiscal consolidation supported by growth-friendly measures” (IMF 2020a). And the World Bank is channelling its funds through the International Finance Corporation, which means that, instead of strengthening the public health sector, financial aid is directed towards the private sector.

Let us take, for example, the case of Ecuador. It is one of the countries that has been hit hardest by COVID-19 (Financial Times 2020). The previous-years of austerity policy backed by the IMF and implemented in the country dismantled the public health sector: public investment in the health sector fell 64 per cent in the last two years (Iturralde 2020). Yet, still today the Government is undergoing IMF-mandated structural reforms and the latest agreement includes stringent fiscal consolidation commitments (IMF 2020b) that may further dismantle the Ecuadorian health system.

Human Rights Impact Assessments

In this short reflection we will not focus on whether Bretton Woods institutions are already (yes, they are, OXFAM 2020) pushing for orthodox reforms in the context of the pandemic. Instead, we focus on whether and how the *Guiding Principles* on Human Rights Impact Assessment of Economic Reforms, voted by the United Nations Human Rights Council in 2019 (HRC 2019),¹ could help prevent, minimise and compensate violations of women's human rights in the context of economic policies and reforms to be implemented by governments, some of which are being promoted by IFIs.

An *ex ante* human rights impact assessment is a structured process to review alternative policy options and analyse the impacts of proposed measures on human rights before they are enacted (CESR 2018). This process contributes to evidence-based policymaking by making human rights impacts more visible on the basis of historical experience, and provides a firmer basis for forecasting potential impacts and assessing the effects of proposed prevention, mitigation and compensation measures (Principle 17.1). In terms of substantive standards against which economic reforms must be assessed, among other human rights principles, these should prevent any kind of direct and indirect form of discrimination based on gender, in law or practice, and should promote substantive and transformative gender equality.

Human rights impact assessments should always include a comprehensive gender analysis (Principle 8). Human rights impact assessments, incorporating a clear gender focus, can support the realisation of women's human rights in practice through contextualised analysis aimed at identifying and preventing direct and indirect discrimination; addressing structural socioeconomic and sociocultural barriers; redressing current and historical disadvantage; countering stigma, prejudice, stereotyping and violence; transforming social and institutional structures; and facilitating women's political participation and social inclusion (Principle 8.3).

For example, decisions on fiscal policy should not result in expenditure cuts that curtail the guarantee of rights, mainly in sectors such as education, health and social insurance—particularly important for women, children and disabled people—or in deepening social or economic inequality and poverty through indirect and regressive taxes, such as value added tax (Principle 11.3). Direct and progressive taxes should be prioritised. Tax policy should promote the redistribution of wealth to overcome the disadvantaged situation of the population in situations of social vulnerability (economically disadvantaged people, minority groups and women, among others) and other priority care groups, notably older adults, children and disabled people (Principle 11.4).

Economic reforms which encourage, among other things, labour market flexibilisation, reductions in the coverage of social protection benefits and services, cuts

¹ A detailed description of the process which led to the approval of the *Guiding Principles*, including the contributions submitted by states, international organisations, feminist organisations, scholars, unions and national human rights institutions can be found at <https://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/DebtAndImpactAssessments.aspx>.

to public sector jobs and the privatisation of services tend to have a negative impact on women's enjoyment of human rights. Economic reform should aim to prevent gender discrimination and transform existing inequalities, instead of creating such situations (Principle 8.2). Policies that might improve overall social indicators might not benefit women, or particular groups of women.

However, as Corkery and Isaacs (2020, 1284) remind us, "...evidence-based policymaking is an 'extremely malleable' term that gives 'no obvious indication of which evidence is the right evidence on which to base particular policies'". For impact assessments to advance the goals of the *Guiding Principles*, closer attention needs to be paid to the political dynamics at play in shaping the methodologies through which evidence is created, selected and interpreted. If not, neo-classical economics could easily become dominant, resulting in assessments being co-opted and narrowed into a technocratic box ticking exercise, stripping out political context and local concerns or justifying policies which limit rights as 'welfare enhancing'.

In this regard, it is important to highlight that gender equality can be justified on intrinsic grounds, as a goal in and of itself, which speaks to human rights-based arguments. However, gender equality can also be justified on instrumental grounds, that is, as a means to achieve (only) economic growth and development goals. The recent focus of the IMF, along with the approach adopted by a number of states, appears to be mostly instrumental. These two approaches (intrinsic vs instrumental value of gender equality) offer different evidentiary hierarchies.

How can we contest economic androcentric orthodoxies through analysis that combines quantitative and qualitative data, offering a compelling feminist cognitive infrastructure? How can we confront neo-classical styles of reasoning and policy devices dominant in mainstream economics that systematically produce patriarchal biases (Corkery and Isaacs 2020)? If the validity and credibility of the data collected needs to be assessed in the light of standards that reflect the principles of non-discrimination, equality and inclusion (Principle 20.3), then participation is one answer. In formulating measures requiring human rights impact assessments, states and IFIs must allow for and seek the broadest possible national dialogue, with the effective, timely and meaningful participation of all individuals and groups, including marginalised groups and those particularly at risk of vulnerability from such policies. As women, children and disabled people are generally underrepresented in both the political and economic spheres, special efforts must be made to ensure their capacity to co-decide measures by using innovative methods of participation (Principle 19.1). In turn, genuine participation can only be possible if governments provide timely, comprehensive and accessible information on all aspects of public finance, including budgets and macroeconomic performance (Principle 19.3).

We could never overestimate the political traction of the choices on the nature of the data used to make economic policy decisions. Consider, for example, a single mother explaining to a public audience, in the context of an official human rights impact assessment, how tragic her life has been since privatisations and fiscal consolidation were implemented. The *Guiding Principles* explain that, in terms of qualitative data, targeted studies, surveys, testimonies and consideration of other types of analysis are paramount, including, when available, data on administrative complaints, case law and jurisprudence on individual and collective cases, as they also

offer a glimpse of the type of violations, trends and limitations encountered when accessing assistance, reparation and justice. Even in contexts where disaggregated data are readily available, they should always be triangulated with qualitative data on discriminatory situations (Principle 20.6).

Who should conduct the human rights impact assessments? The *Guiding Principles* are flexible enough to be adjusted to the particular needs of government departments, advisory bodies, parliamentary committees, national human rights institutions, courts, IFIs, private creditors, international human rights mechanisms, academic institutions or civil society organisations (Principle 22). Human rights impact assessments should be independent, robust, credible and gender responsive. Each country should decide which institution(s) is/are best suited to be in charge of carrying out this exercise, based on applicable criteria. States should take steps to support the ability of affected communities and civil society generally to provide parallel information to assessment processes and, as far as possible, to conduct human rights impact assessments directly (Principle 22.5). The European Network of National Human Rights Institutions, for example, recommended in May 2020 to use the *Guiding Principles* to assess the recovery measures in order to help protect people against discrimination and a widening of existing inequalities (ENNHRI 2020).

An interesting example is the work of the UK's Equality and Human Rights Commission (EHRC), which commissioned a Cumulative Impact Assessment in 2014. Of note is also its latest cumulative impact of tax and welfare reforms, which studied the differentiated impact on women (UK EHRC 2018). The Scottish Human Rights Commission (SHRC) undertakes annual equality impact assessments of its budget which includes a gender perspective (SHRC 2018). While a more rights-based narrative would be needed in these cases, these experiences prove that impact assessments of economic reforms are technically feasible. The Center for Economic and Social Rights (CESR) has also developed a sophisticated and gender-sensitive methodology for assessing the human rights impacts of fiscal consolidation policies, which has been implemented by civil society organisations to assess the impact of austerity policies in Brazil, South Africa and Spain (CESR 2018).

The Human Rights Council resolution in which the *Guiding Principles* were endorsed reads:

[The Council] encourages Governments, relevant United Nations bodies, specialized agencies, funds and programmes and other intergovernmental organizations *to consider taking into account the guiding principles in the formulation and implementation of their economic reform policies and measures*, and encourages national human rights institutions, non-governmental organizations and the private sector to give due consideration to the guiding principles in their work. (HRC 2019, emphasis added).

The pandemic and recession hit women harder, and IFIs insist on androcentric policies, therefore, now more than ever human rights impact assessments (HRIAs) are needed to expose those links.

This is why the Checklist for a Human Rights-Based Approach to Socio-Economic Country Responses to COVID-19, published in July 2020 by three UN

agencies (Office of the High Commissioner of Human Rights (HCHR), United Nations Development Programme (UNDP) and United Nations Sustainable Development Group (UNSDG)) represents a crucial step forward towards incorporating and institutionalising a gender perspective to macroeconomic policies. The Checklist includes a set of questions related to macroeconomic response and multilateral collaboration as a practical way to undertake a quick HRIA in the context of the pandemic and economic recession, while citing the *Guiding Principles* as a resource to consider when undertaking such a task. The United Nations Checklist explicitly poses the following pertinent questions:²

1. Have you undertaken a quick but comprehensive mapping of the at-risk groups experiencing the highest degree of socio-economic marginalization and/or discrimination, requiring specific attention? Has a gender analysis been applied to the mapping?
2. Are there measures in place to IFIs and donors refrain from attaching conditions to their financing that could undermine the state's ability to respect, protect, and fulfil its human rights obligations in the allocation of resources and the design of policies?
3. Are loans and grants from IFIs and donors monitored, including by national human rights institutions and civil society organizations, to ensure that they are used to address demonstrated needs, with a focus on those most at risk of being left behind?

Why Gender Impact Assessments are Worth the Effort

As “the political-economic forces that mediate between economic policy reform and women’s human rights are entailed by the interactions and interdependencies of structural, institutional and ideational forces that reproduce categorical inequalities” (Kendrick 2020, 1366), human rights impact assessments can indeed help build a *compelling truth* that awakens consciences and changes values. This probably explains, to a great extent, why neither governments nor IFIs have conducted human rights impact assessments on their economic reforms currently being or due to be implemented during the pandemic, even when multilateral loans are already attaching stringent conditionalities (see Bretton Woods Project 2020; Kentikelenis et al. 2020).

If inequality is a comorbidity that leads the pandemic and economic recession to disproportionately impact disadvantaged people, in particular women, and the interdependence of human rights is now more evident than ever, then not conducting human rights impact assessments of economic policies is something that could not be reasonably explained or defended.

Governments have a responsibility to ensure that economic reforms and policies do not lead to violations of women’s human rights. By undertaking

² Questions A.1, A.2, D.4.6 and D.4.7 in the Checklist.

gender-responsive human rights impact assessments of economic reforms before, during and after implementation, governments can both prevent and begin to reverse the process of marginalisation and impoverishment of women and girls. In turn, IFIs can be held responsible for complicity with human rights violations if they push governments to implement reforms with foreseeable adverse consequences on women's human rights (Bohoslavsky 2020).

Despite their public commitment to support governmental efforts to protect people's lives in the context of the pandemic, IFIs still make the point that fiscal discipline and pro-market options continue to be the priorities in the mid-term. As the president of the World Bank anticipated in March 2020, "countries will need to implement structural reforms to help shorten the time to recovery and create confidence that the recovery can be strong" (Malpass 2020).

We well know the adverse consequences that these policies have on women's rights. Human rights impact assessments on the conditionalities attached to IFIs' loans should be conducted. Women's effective participation in these assessments is crucial as the evidentiary hierarchy that is used is, above everything, a political choice. The *Guiding Principles* voted by the United Nations Human Rights Council in 2019 provide legal ammunition to fight this battle.

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