

Achieving the G20 gender equality target by tackling sexual exploitation through legal uniformity, extra territoriality and corporate responsibility

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[It has been said that the glass ceiling is not glass, it is a very thick layer of men.](#) On a basic level this means that women are drastically underrepresented in the workplace. [The G20 nations have signed up to the goal of reducing the gap in employment participation rates in G20 countries by 25% by 2025.](#) Equal participation and equal pay are issues which need to be tackled in all countries. It is commonly accepted that there are three key levers to achieving female workforce participation – social change in the sense of changing norms and stereotypes about work undertaken, policy change in relation to incentives and child care and workplace change closing gaps in wages and increasing the number of women in leadership positions.¹ To that needs to be added a fourth dimension of empowering women by tackling sexual exploitation. Sexual exploitation, whether through “domestic” violence, commercial exploitation of women or gender based violence against women in society generally, are bars to full and free female participation in the workplace. Tackling sexual exploitation as an *economic* problem and taking an holistic approach to law and policy is a generally neglected way to work towards achieving gender equality targets.

The economic argument

The fundamental concept that women’s rights are human rights needs to be effectively enforced.² With the impetus of the G20 target, a different argument is possible: women’s rights as an *economic* issue. For all countries, whether (relatively) stable democracies or emerging economic powerhouses, whether

¹ Workplace Gender Equality Agency spokesperson Yolanda Beattie quoted in Lucia Osborne-Crowley, *The G20 wants gender equality in the workforce: how can we make it happen?*, *Women’s Agenda*, 17 November 2014 http://www.womensagenda.com.au/talking-about/top-stories/the-g20-wants-gender-equality-in-the-workforce-how-can-we-make-it-happen/201411164907#.VJfSbP9_hac accessed on 11th February 2015.

² See for example the UN’s Fourth World Conference on Women, Beijing Declaration, 1995, declaration 14 (online) <http://www.un.org/womenwatch/daw/beijing/platform/declar.htm> accessed on 4 February 2015.

G20 or not, the economic argument is the most powerful: “it isn’t fair” will only take the argument so far, but “it costs too much” takes it further. The counter-argument that it is tackling gender inequality that “costs too much” is becoming demonstrably inaccurate.³

Sexual violence in general, and domestic violence in particular, is linked to female employment and education, albeit not always in a linear way: when women initially become educated and employed their risks of domestic violence increase, but as they progress up the educational and employment ladder the risks decrease.⁴ Poverty in itself can force women into high risk, poorly paid occupations such as sex work making them more at risk of sexual violence⁵ and making it all the harder for them to get into other, better paid, employment. Sexual exploitation needs to be tackled to enable women to work and improve the work they do, and as female employment levels increase, that in itself operates to reduce sexual exploitation.

Artificial policy distinctions

Too often domestic violence is seen separately from commercial exploitation of women, despite the obvious overlaps, e.g. the woman persuaded by a partner into travelling abroad who finds herself forced into prostitution. A focus on sexual exploitation in legal terms often results in a failure to recognise the now accepted serious health effects of sexual exploitation⁶. A focus on health alone fails to tackle the root cause, the sexual exploitation.

The reality is that sexual exploitation can be domestic, intimate or as a result of the actions of strangers. Women who are sexual exploited are less able to access work opportunities, although they are often generating income for

³ Morton, M., Klugman, J., Hanmer, L., Singer, D., 2014. Gender at work : a companion to the world development report on jobs. (World Bank Group, Washington DC, 2014) <http://documents.worldbank.org/curated/en/2014/02/19790446/gender-work-companion-world-development-report-jobs> accessed 12 March 2015; Klugman, J., Morton, M., (online) World Bank data <https://blogs.worldbank.org/opendata/participation-opportunity-women-s-work-what-data-tell-us> accessed 12 March 2015

⁴ World Health Organisation, World Report on Violence and Health (WHO, Geneva, 2002) Chapters 4 and 6 available online at <http://whqlibdoc.who.int/hq/2002/9241545615.pdf> accessed on 11 February 2015; Vyas, S., Watts, C., Does economic empowerment affect women’s risk of intimate partner violence in low and middle income countries? A systematic review of published evidence J. Int. Dev. 21, 577-602 (2009); Jewkes, R. Intimate partner violence: Causes and prevention, The Lancet, 2002, 359: 1423-9; Jewkes R, Penn-Kekana L, Levin J. Risk factors for domestic violence: findings from a South African cross-sectional study. Social Science and Medicine, 2002 Nov, 55(9), 1603-17; Dalal, K. Does economic empowerment protect women from intimate partner violence? J Inj Violence Res. 2011 Jan; 3(1): 35-44; Jewkes, R., Intimate partner violence: causes and prevention, The Lancet Volume 359, No.9315, pp1423-1429 20 April 2002

⁵ The links between sex work and violence are well known and thoroughly documented. For example the paper Church, S., Henderson, M., and Barnard, M., Violence by clients towards female prostitutes in different work settings: questionnaire survey BMJ 2001;322:524 found that half of all prostitutes working outside had been the subject of violence from clients in the preceding 12 months (ignoring violence from pimps and/or intimate partners).

⁶ Campbell J., Health consequences of intimate partner violence, The Lancet Volume 359, No. 9314, p1331-1336, 13 April 2002; Zimmerman, C., Yun, K., Shvab, I., Watts, C., Trappolin, L., Treppete, M., et al., The health risks and consequences of trafficking in women and adolescents: Findings from a European study. (LSHTM, London, 2003).

others: a the high degree of criminal income is generated by modern slavery – particularly in the context of the sex trade⁷: an estimated \$105 billion annually.⁸

Suggestions for a solution

Currently we have international norms in relation to aspects of sexual exploitation, but they lack legal backing, making them ineffective, a point made strongly and repeatedly by the outgoing UN Special Rapporteur on Violence against Women, Rashida Manjoo⁹: international communiqués and even agreements are welcome, but fail to have an impact at the personal level because they are not of direct effect.¹⁰ International conventions however can only work meaningfully if a three-pronged approach is taken: adoption of uniform definitions of sexual violence; agreed rules for the extra-territorial effect of a state’s laws and corporations taking responsibility for adopting and enforcing these standards.

Agreed definitions make enforcement of legislation across national boundaries possible; sexual exploitation is no respecter of state boundaries and profits from national laws’ territorial limits. The good which can come out of a transnational harmonisation of law and policy in this context is that all G20 members can focus on common rules on the basis of their common interests. Progress in one member state can therefore directly influence another state which has not yet made such progress. such that gender equality can be seen as vital to fiscal success.

Tackling global exploitation does not stop with governments, NGO’s or criminal justice. Corporate and financial entities must also be engaged. There are now international “super corporations” with economies which dwarf those of many countries.¹¹ Corporate enterprises in legitimate global markets

⁷ Polaris Project Human Trafficking An Overview (online) <http://www.polarisproject.org/human-trafficking/overview> accessed 12 March 2015.

⁸ International Labour Office, Profits and Poverty: The economics of forced labour (International Labour Office, Switzerland, 2014) available online at http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_243391/lang-en/index.htm accessed 11 February 2015.

⁹ UN, Violence against women – A pervasive human rights violation calls for a binding standard of accountability at the international level (online) <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15377&LangID=E#sthash.9MBsjCOX.dpuf> accessed 12 March 2015.

¹⁰ A move in the right direction can be seen (in the context of domestic violence) in the recent Istanbul Convention: Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence, CETS 210, 11 May 2011 available online at <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=210&CM=8&DF=11/02/2015&CL=ENG> accessed 11 February 2015.

¹¹ Global Policy Forum, Comparison of the World’s 25 Largest Corporations with the GDP of Selected Countries (based on data from Fortune magazine and The World Bank (online) <https://www.globalpolicy.org/component/content/article/150-general/50950-comparison-of-the-worlds-25-largest-corporations-with-the-gdp-of-selected-countries.html> accessed 11 February 2015.

now widely seek good practical advice in the move toward corporate responsibility. Corporate responsibility is being seen as “more than just a bolt-on”.¹² It is, in the long run, in the interests of global corporations for there to be uniformity in law and policy in the states in which they do business. They and their competitors are then on a level playing field so that turning a blind eye to sexual exploitation cannot be a choice to cut costs. The difficulties and costs of complying with numerous different regimes would be curtailed. More than this, empowering women to be more economically active also means a greater number of economically active consumers of the wares and services offered by global corporations.

It is with this holistic approach, underpinned by the economic argument, that we believe progress can be made at an international level to tackle sexual exploitation of women.

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¹² Gibson, R., Corporate Responsibility is more than just a bolt on says construction boss: The Journal October 16 2014 (online) <http://www.thejournal.co.uk/business/smes/corporate-responsibility-more-just-bolt-on-7948059> accessed 11 February 2015.