

through informal subsistence work invisible. Such work is not included in the National Accounting Systems and remains unmeasured, meaning that women's economic contributions remain unrecognized and not seen as worthy of technical support through development assistance, including education and training that is given to men. Women's unpaid work in the home or community is categorised as "unproductive", and women are labelled as "unoccupied, and economically inactive."⁹⁵

The endorsement of the public/private distinction in international economic measurement excludes women from many aid programs because they are not considered workers or at best, only secondary workers. Industrialisation patterns motivated by global competition encourage job segregation with women in low skilled, low paid jobs.

As Noreen Burrows succinctly puts it, "for most women, what it is to be human is to work long hours in agriculture or in the home, to receive little or no remuneration and to be faced with legal and political processes which ignore their contribution to society and accord no recognition of their needs."⁹⁶

Culture as an impediment to equality

A closely related issue is cultural and societal value systems that operate to limit the human rights of women, especially in the private sphere of the family. The fact that article 16 providing for equality in marriage and in the family is one of the CEDAW articles on which States make the most reservations on the basis of culture and religion testifies to this.

Some of these contested rights within family relations include the right to economic resources such as the right to equal inheritance. This area of rights contested on the basis of culture or religion prescribes what is seen as socially-appropriate economic entitlements to women and men, and perpetuates stereotypical roles for women and men in the family. It denies women the capacity for autonomy and control over their lives which would enable them to access economic opportunities, facilitate social inclusion, have rights over their children and raise their value as equal citizens. In reality, it is the balancing of power between women and men that is contested in the name of culture and religion. Discrimination against women is seen as necessary for the well-being of the family and society.⁹⁷ Such social inequality, often inherited from the past, is defended by States and maintained as markers of cultural and religious identity and seen as essential for preserving social integrity. Thus social change is practically prohibited or at least the time has not come for change. Under these circumstances, women are conditioned into giving up their individual rights in the interests of preserving the social and cultural and even at times the perceived economic cohesion of the community or society.

But the interests of groups within a community vary and culture is not static either. Culture and social value systems constantly undergo changes and various forms of culture are also contested within the

95. Charlesworth, H., *Op cit.* 1988-1989 pp.199. Citing Dreze J and Sen A. *Hunger and Public Action*. 1989. Chapter 4, and Waring M, *Counting for Nothing* (1988) p 34.

96. Burrows, N., 'International Law and Human Rights: The Case of Women's Rights,' in *Human Rights: From Rhetoric to Reality*, T. Campbell et al. (eds.), 1986

97. Pradhan-Malla, S., *Inheritance Rights of Nepali Women: Journey Towards Equality*, Forum for Women, Law and Development (FWLD) and IRAW Asia Pacific, 2004. In 1993, a case was filed in the Supreme Court of Nepal, challenging the discriminatory inheritance law which did not entitle women to inherit parental property until the age of 35 and only if she remained unmarried. The court, in spite of recognizing the discrimination in the law, gave a directive to the government to introduce an appropriate bill in Parliament but cautioned that sudden change in social norms might destabilize society. Part of the court's decision reads, "in making sudden changes in traditional social practices and in matters of social norms pursued by the society since a long time ago, the society happens to become unable to adopt several matters, and if so happens, a different situation beyond perception would emerge."