

ROADMAP FOR SUBSTANTIVE EQUALITY: 2030

Global Partnerships for Women and Legislative Reform

UN WOMEN, IPU AND EQUALITY NOW

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INTRODUCTION

Substantive legal reform is an urgent matter of justice, dignity, and human rights for women and girls around the world. The Roadmap for Substantive Equality: 2030 seizes upon the momentum and commitment to gender equality incorporated within the Sustainable Development Goals (SDGs) that were adopted by the UN General Assembly in September 2015. The 2030 Agenda for Sustainable Development established 17 Goals and 169 targets to be achieved over the next 15 years. Target 5.1 is “End all forms of discrimination against women and girls everywhere,” covering all areas of discrimination in law, policies, and practice. **Legislative policy based on gender equality norms are key to advancing the rights of women and girls in all areas—socially, politically, and economically.**

The Roadmap for Substantive Equality: 2030 seeks to leverage global partnerships between international and regional organizations, governments, parliaments and civil society to repeal or amend existing discriminatory laws, and enact legislative reforms grounded in gender equality and international human rights and legal frameworks. UN Women, IPU and Equality Now will host an event to launch The Roadmap for Substantive Equality: 2030 on 14 February 2017 to (1) show the extent to which legislative inequality affects all women, at all levels, everywhere; (2) prompt action to repeal discriminations and promote gender-sensitive laws and policies; (3) highlight the advantages of networking and multi-sectoral partnerships for effective and impactful legal reform; and, (4) gather stakeholders in an effort to promote world-wide partnerships in support of gender equality by 2030.

BACKGROUND

Despite ongoing commitments, **too little has changed** on the issue of gender-sensitive legislative reform. The Beijing Platform for Action was adopted at the Fourth World Conference for Women in 1995, and still remains one of the most progressive platforms for advancing women’s rights. States pledged to revoke any remaining laws that discriminate on the basis of sex. In 2000, during the five-year review of the implementation of the Beijing Declaration and Platform for Action by the twenty-third special session of the General Assembly, States committed to reviewing legislation with a view to striving to remove discriminatory provisions against women as soon as possible, preferably by 2005. **This target has not been achieved. Recent studies have revealed that many national laws contain provisions that discriminate against women and girls.** However, during the 20-year review of the implementation of the Beijing Declaration and

Platform for Action and the outcomes of the twenty-third special session of the General Assembly (Beijing Plus 20 review), some progress in legislative reformed were cited. Gender discriminatory laws are often rooted discriminatory social norms which remain pervasive and difficult to change, as concluded in the Beijing Plus 20 review. With this in mind, the review also calls for universal ratification and full implementation of the Convention of All Forms of Discrimination Against Women (CEDAW) worldwide, and removal of persisting discriminatory constitutional and legislative provisions as an urgent priority. The CEDAW Convention is central to the achievement of gender equality and realization of women’s human rights. Efforts to incorporate the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) fully into domestic law have not been sufficient in many States. Discriminatory social norms, stereotypes, prejudice and violence remain pervasive, with many women and girls being affected by multiple and intersecting forms of discrimination, preventing the full realization of their human rights.

Strong legal frameworks must be put in place to advance gender equality in all areas. Priority must also be given to ensuring all justice mechanisms, including informal, religious and customary mechanisms, uphold women’s human rights and promote gender equality. **Substantive legal equality requires a legal framework and an institutional framework** with the capacity to enact gender-sensitive laws and create accountability.

SCOPE OF WORK AND AREAS OF FOCUS

As discriminatory laws rooted in social norms are wide-ranging, so follows the scope of the roadmap initiative. The Roadmap for Substantive Equality: 2030 is a substantive and extensive strategy which advocates for the equality of women and girls—socially, politically, and economically—through **legal and institutional transformative change**.

VIOLENCE AGAINST WOMEN (VAW): All women, regardless of age, income, education, sexual orientation, ethnicity, or nationality are subject to gender-based violence in some form—physical, sexual, or psychological. A recent study of the EU found that one-third of women have suffered from physical or sexual abuse *since the age of 15*.¹ Over the past two decades, many States have adopted or revised laws and policies to address VAW. However, even when legislation is passed, implementation falls short. Many cases brought forth suffer from attrition as they progress through the legal system. Even where national laws are in place, discriminatory social and cultural attitudes prevent women from continuing their pursuit of justice—and many times, social norms prevent women from seeking legal action at all.² Thus, even the unacceptable levels of violence that are known actually represent *underreported* numbers that do not tell the full story. Many times social stigma and fear of retaliation cause women to remain silent. As women and girls go through the legal process, it is imperative that mechanisms are in place to

¹ European Union Agency for Fundamental Rights, *Violence against women: an EU-wide survey. Main results report*, 2014. Available at: <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

² UN Department of Economic and Social Affairs, *The World’s Women 2015*,” pg. 160 Available at: <http://unstats.un.org/unsd/gender/chapter6/chapter6.html>

ensure their confidentiality and protection. Furthermore, when gender intersects with other marginalized identities such as race, disability and sexual orientation, it can result in higher rates of violence.³

FEMALE GENITAL MUTILATION OR CUTTING (FGM/C): According to new estimates, at least 200 million women and girls alive today have undergone female genital mutilation/cutting in 30 countries, and in most of these countries the majority of girls were cut before age five.⁴ There are 57 laws criminalizing FGM/C from 45 countries worldwide. Penalties range from a minimum of six months to a maximum of life in prison. Several countries also include a monetary fine as part of the penalty. National legislation banning the practice has been introduced and adopted in several countries, accompanied by national policies and concrete steps to achieve FGM/C's abandonment.

CHILD MARRIAGE: One issue standing in the way of girls' opportunities is child marriage. Despite increasing numbers of countries that have set the legal age for marriage at 18 years old, laws are rarely enforced in countries where the practice of marrying young children is upheld by tradition and social norms. The data is daunting: as many as 93 countries still legally allow girls to marry before the age of 18 with parental consent. One in three girls in developing countries (except China) get married before they turn 18. **Girls who are child brides miss out on education, are more vulnerable to physical and sexual violence, and bear children before they are physically or emotionally prepared.** The cycle of violence that begins in marriage at girlhood, carries over into womanhood and across generations.

INTIMATE PARTNER VIOLENCE AND DOMESTIC VIOLENCE: Almost 30% of the world's women have experienced physical and/or sexual violence by their intimate partner. In some regions, the percentage is as high as 38%.⁵ There has been considerable progress in addressing intimate partner violence and domestic violence through the adoption of laws. To date, 127 countries out of 173 countries examined by the World Bank have laws on domestic violence.⁶ Legislation that reflects commitment to international human rights and legal instruments has a positive impact for women and girls.

³ UN Women, "Violence among vulnerable groups," <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>

⁴ UNICEF (2016). Female Genital Mutilation/Cutting: A global concern – Available at:

<http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#notes>

⁵ World Health Organization, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine, South African Medical Research Council (2013). Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence, p.2. – Available at: <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#notes>

⁶ World Bank Group, "Women, Business and the Law 2016", 2015. Available at: <http://wbl.worldbank.org/>

MARITAL RAPE: Laws in 32 countries⁷ out of the 173 examined by the World Bank retain clauses exempting perpetrators of rape from prosecution when they are married to, or subsequently marry, the victim.⁸ While many countries have laws against domestic violence, there is a need for explicit clauses which criminalize marital rape. At different times throughout history in both developed and developing countries, marriage was seen as *implicit* consent to all sexual acts. It was not until legislation was enacted that marital rape not only became a criminal act, but helped change social attitudes to see this crime as violating a woman’s human rights. As a mark of progress, **Morocco** with UN Women’s technical support repealed a clause that exempts prosecution of rape offenders if they subsequently marry their victims. Some States have strengthened the application of civil protection orders to better protect survivors in the aftermath of violence (i.e. **Georgia, Singapore** and **Sweden**).⁹

SEXUAL HARASSMENT IN PUBLIC SPACES: Sexual harassment in public spaces, including in streets and public transportation, impacts negatively upon women and girls’ freedom of mobility and, consequently, on their access to economic, social and political life. This form of VAW has been inadequately measured and has received little attention in national legal and policy frameworks. In their analysis of 173 countries, the World Bank shows that provisions covering sexual harassment in employment (114 countries) are common, while very few protect women from sexual harassment in public spaces (18 countries)¹⁰.

To address the issue of sexual harassment in public spaces, UN Women promotes the development of an integrated, comprehensive and evidence-based approach in cities that focuses on strengthening women’s economic empowerment and political participation, and ending violence against women through. For example, UN Women has created a Global Flagship Programme Initiative (FPI), entitled “Safe Cities and Safe Public Spaces,” which builds on the “Safe Cities Free of Violence against Women and Girls” Global Programme, supported by the Spanish Agency for International Cooperation and Development (AECID) launched in November 2010, with leading women’s organizations, UN agencies and other partners. The FPI is the first-ever global initiative that develops, implements, and evaluates tools, policies and comprehensive approaches on the prevention and response to sexual harassment and other forms of SVAWG in public spaces across different settings.

⁷ List of 32 countries: Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Brunei, Bulgaria, Cameroon, Dominica, Equatorial Guinea, Ethiopia, India, Iran, Iraq, Jamaica, Jordan, Kenya, Lao PDR, Lebanon, Malawi, Malaysia, Myanmar, Oman, Singapore, South Sudan, Sri Lanka, Syria, Tanzania, Tunisia, West Bank and Gaza.

⁸ World Bank Group, “Women, Business and the Law 2016”, 2015. Available at: <http://wbl.worldbank.org/>

⁹ SG’s Report on Intensification of efforts to eliminate all forms of violence against women and girls, October 2016, par. 29.

¹⁰ SG’s Report on Intensification of efforts to eliminate all forms of violence against women and girls, October 2016, par. 20.

POLITICAL PARTICIPATION: Research has suggested that women’s inclusion in politics brings issues to the political agenda that favor women’s concerns, including reform of discriminatory family laws¹¹ and laws on violence against women and girls.¹² The number of women in public and political office, however, is not always sufficient by itself for advancing gender equality and addressing violence against women in society, as evidence shows that broader public debate, and activism by autonomous women’s movements, are necessary.¹³ To combat gender discrimination and bias, including in parliaments and on corporate boards, various forms of special measures and targets have been used, often referred to as “quotas.” More than 110 countries have some type of quota aimed at increasing women’s representation in parliament, and 11 have quotas to increase the gender balance of government agencies.¹⁴ At present, there are 54 countries that have legislated candidate quotas for women’s participation in the Parliament lower or single house.¹⁵ However, no country has reached political gender parity in both houses of parliament. The only countries which have surpassed gender balance in the lower house of Parliament – **Rwanda** (63.8%) and **Bolivia** (53.1%) – have legislated quotas. Belgium has reached gender parity in the upper house. Quotas for corporate boards have been legislatively mandated in nine countries.¹⁶

Countries are also starting to take steps to address the multiple forms of violence that women face both during elections, and once they are elected to parliament.¹⁷ Women parliamentarians are often subject to gender-based discrimination, harassment and violence in many countries. Their experiences are particularly distinctive because this unacceptable behavior and treatment may come from both the public *and* their male colleagues.¹⁸ However, data collection remains very limited, and only a handful of States use legal frameworks or processes to address this issue.¹⁹ **Bolivia** is the only country to date which has adopted specific legislation to address political violence against women, while other countries in the Latin American region are considering similar legislation or amending existing ending violence against women laws with UN Women’s technical support, including **Costa Rica, Ecuador, El Salvador, Honduras, Mexico** and **Peru**.²⁰ In an expert group meeting, held in Bolivia in May 2016, several Member States in the

¹¹ The World Bank Development Research Group, Policy Research Working Paper, *Women’s legal rights, over 50 years-Progress, Stagnation or Regression?*, p.27, 2013

¹² IPU/Julie Ballington, *Equality in Politics: A Survey of Women and Men in Parliaments*, Geneva, 2008, p. 34.

¹³ SG’s Report on Intensification of efforts to eliminate all forms of violence against women and girls, October 2016, par. 23.

¹⁴ SG’s High Level Panel 2016, Leave no one Behind, A Call to Action for GEWE, Box 3.19, p. 83. Available at: <http://www.womenseconomicempowerment.org/assets/reports/UNWomen%20Full%20Report.pdf>

¹⁵ <http://www.quotaproject.org/legislated-candidate-quotas.cfm>

¹⁶ SG’s High Level Panel 2016, Leave no one Behind, A Call to Action for GEWE, Box 3.19, p. 83.

¹⁷ E/CN.6/2015/3.

¹⁸ IPU, Issues Brief, *Sexism, harassment, and violence against women parliamentarian*, 2016. Available at: <http://www.ipu.org/pdf/publications/issuesbrief-e.pdf>

¹⁹ SG’s Report on Intensification of efforts to eliminate all forms of violence against women and girls, October 2016, par. 25.

²⁰ <http://us7.campaign-archive1.com/?u=f4f9c21ffdd25a4e4ef06e3c2&id=bc70f6b331&e=b876f6c081>

region considered a model law to address this type of violence.²¹ Other States put in place regulations aimed at preventing violence against women candidates and voters (*Nepal*).²²

However, additional attention is needed for the unique psychological violence towards women parliamentarians through digital means. Women in politics—and in general—experience gender-based harassment online, specifically on social media such as Twitter, Facebook, etc. Sexist and misogynistic comments, photos, and even threats are disseminated online. According to a recent survey of women parliamentarians from 39 countries, just under 42 percent of the respondents experienced this form of online harassment.²³

ECONOMIC EMPOWERMENT – EMPLOYMENT AND ECONOMIC BENEFITS: Women in the work force are a key contributor to economic growth. Yet, women’s work remains undervalued compared to that of men with women making 60 to 75 per cent of men’s wages on average. Gender differences in laws affect both developing and developed economies, and women in all regions. **Almost 90 per cent of 143 economies studied have at least one legal difference restricting women’s economic opportunities.** Many of the restricted jobs are in highly paid industries which impact women’s earning potential. In one country, women were restricted from a total of 456 specified jobs.²⁴ In the most recent two-year period (ending in April 2015) 26 countries adopted legal reforms to improve women’s access to jobs by eliminating restrictions on women’s work, such as prohibitions on working at night or in certain industries, and on work-related maternity, paternity and parental benefits.²⁵

The ILO defines decent work as productive work for women and men in conditions of freedom, equity, security and human dignity. Decent work involves opportunities for productive work, delivers a fair income, guarantees equal opportunities and equal treatment for all, provides security in the workplace and protection for workers and their families, offers better prospects for personal development and social inclusion, and gives people the freedom to express their concerns, to organize and to participate in decisions that affect their lives.²⁶

NATIONALITY: Nationality laws which do not grant women equality with men in conferring nationality to their children are a clear violation of CEDAW and other international laws, and they exacerbate existing inequalities, resulting in human rights violations. Sex discriminatory nationality laws are also the cause of statelessness where children cannot acquire nationality

²¹ Ibid. footnote 10

²² SG’s Report on Intensification of efforts to eliminate all forms of violence against women and girls, October 2016, par. 35.

²³ IPU, Issues Brief, Sexism, harassment, and violence against women parliamentarian, p. 4. 2016. Available at: <http://www.ipu.org/pdf/publications/issuesbrief-e.pdf>

²⁴ World Bank 2014. Women, Business and Law 2014: Removing Restrictions to Enhance Gender Equality. <http://wbl.worldbank.org/~media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf>

²⁵ Ibid. p. 14.

²⁶ SG’s High Level Panel 2016, Leave no one Behind, A Call to Action for GEWE, Box 2.1, p. 43.

from their fathers. This can occur (i) where the father is stateless; (ii) where the laws of the father's country do not permit him to confer nationality in certain circumstances, such as when the child is born abroad; (iii) where a father is unknown or not married to the mother at the time of birth; (iv) where a father has been unable to fulfill administrative steps to confer his nationality or acquire proof of nationality for his children because, for example, he has died, has been forcibly separated from his family, or cannot fulfill onerous documentation or other requirements; or (v) where a father has been unwilling to fulfill administrative steps to confer his nationality or acquire proof of nationality for his children (e.g., if he has abandoned the family). **The result of such restrictive nationality laws has devastating consequences for women and their children. Sons and daughters often find their access to education, healthcare, and employment opportunities completely restricted.** At times, the only option for parents is to pay exorbitant sums of money so officials “overlook” their children’s citizenship status.²⁷

MARRIAGE AND FAMILY: Aside from economic status and violence, gender and sex discrimination is starkly evident in laws regulating women’s marital status (e.g. marriage, divorce, polygamy, wife obedience) and personal status (e.g. citizenship and succession, evidence in courts, ability to travel, prostitution).²⁸ Indeed, a number of States parties to the CEDAW Convention maintain reservations to articles pertaining to (although not only) Article 5 (abolition of discriminatory customs and traditions and of gender stereotyping), Article 15 (legal capacity, including choice of domicile) and Article 16 (equality in the family) with the rationale that these are in conflict with religious law or with a national constitution which enshrines religious law.²⁹ In the *Latin America and Caribbean* region a programme on legislation related to paternity (planned for 2017) aims to encourage as many countries of the region as possible to adopt paternity leave provisions allowing fathers to participate in child birth and care. Within the context of this programme, a model legislation on paternity will be elaborated and eventually advocated for by countries in the region to encourage their respective governments to adopt a similar law.

OBJECTIVE OF THE ROADMAP FOR SUBSTANTIVE EQUALITY: 2030

The launch event will promote discussion and exchange of ideas between stakeholders on their commitments to gender equality and legal reform initiatives, giving insight into new programmes or interventions, and on-going commitments that will be accelerated or scaled up. A multi-stakeholder dialogue provides immense opportunity for knowledge sharing on varying approaches and identifying potential areas for collaboration. The Roadmap for Substantive Equality: 2030 is dedicated to—and based on—robust world-wide partnerships between organizations and governments for effective policy implementation. The initiative seeks to **leverage, strengthen, and expand global partnerships to enable the realization of substantive**

²⁷ UNHCR and CRTD.A, 2012 Regional Dialogue on Gender Equality, Nationality and Statelessness. Available at: <http://www.unhcr.org/news/agenda/2011/10/4f33ea656/regional-dialogue-gender-equality-nationality-statelessness-beirut-17-19.html>

²⁸ Ibid; Equality Now, 2015.

²⁹ http://www.unicef.org/gender/files/Reservations_to_CEDAW-an_Analysis_for_UNICEF.pdf

legal equality for women and girls, which is the foundation for gender parity. Substantive legislative reform on gender equality requires utilizing, strengthening, and establishing linkages between partners at all levels of society—global, regional, national, and local. The Roadmap will seek out new areas of cooperation and advocate for legal equality working towards gender equality and the 2030 Agenda for Sustainable Development.

UN Women is the UN organization dedicated to gender equality and the empowerment of women. A global champion for women and girls, the organization was established to accelerate progress on meeting their needs worldwide. Among other issues, UN Women works for the elimination of discrimination against women and girls; empowerment of women; and achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action, and peace and security.

Headquartered in Geneva, the **Inter-Parliamentary Union** is the world organization of parliaments and global parliamentary dialogue. The IPU works closely with the UN towards mutual goals, seeking to strengthen peace through cooperation between societies. As a key player in activating national parliaments on the issue of gender equality, the IPU has been a leader in research and policy on women’s participation in parliaments and in building gender-sensitive institutions. The IPU provides key data on women in parliament and produces essential resources and toolkits on substantively mainstreaming gender equality in the work of parliaments.

Equality Now is an international human rights organization which aims to advance civil, political, economic and social rights of women and girls. Focusing on legal advocacy, the organization leverages its extensive global network of lawyers, activists, and supporters to increase accountability to international legal frameworks and influence policy makers. For over 25 years, the organization has fought to advance the legal rights of women and girls, fighting for equal treatment under the law. Equality Now was one of the earliest organizations to push for an end to FGM/C, take on sex trafficking, and advance justice for victims of gender-based war crimes.