



United Nations Department of Economic and Social Affairs
Division for Social Policy and Development



INTERNATIONAL
DAY OF FAMILIES
15 MAY 2015

**International Day of Families
2015 Observance**

***Men in Charge?
Gender Equality and Children's Rights
in Contemporary Families***

Background Note

Gender equality and children's rights in family laws

Fair legal frameworks to ensure gender equality and fulfil children's rights within families and beyond form basis of just societies and are indispensable for the achievement of development goals.

Family laws govern family relations and seek to protect the vulnerable family members, including women, children and older

persons. Fair family law frameworks are especially vital to ensure gender equality and tackle various forms of violence in families.

Nevertheless, in some regions, discrimination against women, often perpetuated at the family level, is built into legal frameworks and government policies. Family laws may actually codify discrimination against women and girls and place them in a subordinate position to men in families, replicated at the community and society level.

Societal customs, often reflected in existing laws may condone practices reinforcing inequality and violate children's rights, such as dowry or early, enforced and child marriage, leading to various forms of gender inequality and injustice. Gender inequality within families may also be perpetuated for economic reasons and due to social norms such as the desire for sons, who have filial obligations to care for their ageing parents or dowry-related financial reasons. What's more, family relations are often regarded as a private domain with family laws lacking specific provisions of intervention by the State.

A growing number of countries have outlawed gender discrimination and made better provisions to protect children within families but urgent family law reforms and policy initiatives are still needed to ensure better protection of women and children from various forms of violence and abuse. Custody and inheritance laws, in particular, are in need of urgent reform.

Importantly, national family laws should comply with international standards and ensure the rights of all family members. Yet, "despite progress in reforming laws, discrimination against women in the law remains pervasive in several areas, particularly in the area of family law."¹ For instance, in 26 out of 143 countries, statutory inheritance laws differentiate between women and men. In 27 countries, women cannot confer their nationality to their children and/or foreign spouses on equal basis with men. Discrimination entrenched in family law is especially challenging in sub-Saharan Africa, the Middle East, North Africa and South Asia. In many

¹ UN Women, *Summary Report: The Beijing Declaration and Platform for Action turns 20*, p. 36, New York, March 2015.

countries, multiple legal systems with discriminatory customary and religious laws and practice prevail.²

Violence in the family

Family violence is defined as any violent act inflicted by one family member on another. The United Nations Declaration on the Elimination of Violence against Women refers to violence occurring in the family and covers three types of violence: physical, sexual and psychological, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, nonspousal violence and violence related to exploitation (Article 2(a)).

Homicide, (including ‘honour’ killings) and female genital mutilation are among the worst forms of violence perpetrated against women, often within their families. The 2013 *Global Study on Homicide* indicates that nearly half of all homicide victims are killed by their intimate partner or family members.³ UNICEF estimates that more than 125 million girls and women have undergone some form of female genital mutilation in 29 countries in Africa and the Middle East in 2013 with 31 million girls at risk of being cut in the next decade.⁴

Early, child and enforced marriage remains prevalent in South Asia and Sub Saharan Africa and to some extent in Latin American countries. Girls tend to marry older men and become mothers long before they are physically or emotionally ready. Girls stop going to school, are often subject to violence and risk dangerous pregnancies. UNICEF estimates that over 700 million of women alive in 2014 were married before 18.⁵

Violence in the family often leading to physical and mental problems has grave consequences for the wellbeing of individuals, families and societies. There are high economic costs associated with

² Ibid.

³ United Nations Office on Drugs and Crime, *Global Study on Homicide*, Vienna, 2013.

⁴ United Nations Children’s Fund, *Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change* (New York, 2013).

⁵ United Nations Children’s Fund, *Ending Child Marriage: Progress and Prospects*, New York, 2014.

domestic violence.⁶ Violence against children often results in behavioural problems and poor school performance. Experiencing violence in childhood may also lead to perpetuation of violent behaviour later in life.

Prohibition of various forms of violence in the family must be part of family law. Strategies to address violence in the family, however, go beyond legal frameworks and need to change prevailing norms and attitudes that allow violence to take place within families and communities in the first place. Such strategies may involve educational programme to change attitudes and beliefs, supporting safe environments for children and targeted community responses towards perpetrators and their victims.

Future family policy development depends on a favourable family law framework ensuring gender equality and equal participation of men and women in all spheres of live. Law professionals and advocates alike emphasize that law reforms must be accompanied by education and media campaigns.

Programme interventions focusing on men and boys contribute to violence prevention. Such programmes are especially effective if they are part of fair justice system, when they are connected to community and accompanied by adequate support and protection of women survivors of violence. In addition, community approaches to hold men accountable for gender-based violence help with changing community norms and help communities and victims recover from violence.

Family policy development in the context of the post-2015 development agenda

The design, development, implementation and monitoring of family-oriented policies and programmes are essential for the success in achieving several goals of the draft post-2015

⁶The annual cost of intimate partner violence have been calculated at SUD 5.8 billion in the United States in 2003 according to National Center for Injury Prevention and Control, 2003, *Cost of intimate partner Violence Against Women in the United States*, p. 2, *Centgers for Disease Control and Prevention*, cited in *“In-depth Study on All Forms of violence Against Women: Report of the Secretary-General,”* A/61/122/Add.1, p. 137, New York.

development agenda, such as ensuring healthy lives and promoting of well-being for all ages; achieving of gender equality, empowering all women and girls as well as providing of access to justice for all.

It is important to demonstrate how reforming discriminatory family laws; challenging of social norms that support male control over women and justify or condone violence against women or other vulnerable family members and eliminating violence against children and children's exposure to various types of family violence may contribute to the achievement of sustainable development goals.

As prevailing discriminatory attitudes and social norms permit violence, strategies must also aim at changing such attitudes and norms and a variety of interventions have to take place at family and community level.

Prevention is seen as the most cost effective strategy to address different forms of violence in the family. Prevention of violence in families would contribute to gender equality and better outcomes for children, contributing to the achievement of development goals.