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# EQUALITY IN LAW FOR WOMEN AND GIRLS BY 2030

A MULTISTAKEHOLDER STRATEGY FOR ACCELERATED ACTION

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# EQUALITY IN LAW FOR WOMEN AND GIRLS BY 2030

A MULTISTAKEHOLDER STRATEGY FOR ACCELERATED ACTION



**LEADERSHIP AND GOVERNANCE SECTION  
UN WOMEN**

New York, January 2019





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# LIST OF ACRONYMS

<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CSO</b>	Civil society organization
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>UNAMID</b>	United Nations-African Union Mission in Darfur
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children’s Fund
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women

# A CALL TO ACTION

In 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) laid out a blueprint for women's rights, including commitments to embody the principle of equality between men and women in law and in practice. In the years since, the 1995 Beijing Declaration and Platform for Action and the 2030 Agenda for Sustainable Development have built on these commitments and reinforced the global drive to achieve gender equality and the empowerment of women.

We are fast approaching 2020, when the world must review the progress that has been made in 25 years of implementing the Beijing Platform for Action and its 12 critical areas of concern. This means taking a hard look at the laws, policies and norms that govern our societies, how they are enforced and the ways in which laws and practices enable or hinder the rights of women and girls. Assessments must in turn lead to action. *Equality in Law for Women and Girls by 2030* marks a timely and important contribution to that process.

Equality in law is crucial to gender equality, as women and girls look to the laws of their State to protect, fulfil and enforce their rights. Laws that discriminate and deny them equal rights with men and boys betray their trust in society and signal that gender discrimination is acceptable, normal and expected. Women and girls left behind by discriminatory laws are often permanently excluded from the benefits of development. Conversely, the implementation of good laws that conform to the human rights principles of equality and non-discrimination can help sustain efforts to move towards just, peaceful and inclusive societies; environmental and climate justice; equal participation in decision-making at all levels; universal access to essential public services; and economic prosperity for all.

All aspects of the law—constitutional, civil, criminal, labour and administrative—that discriminate against women and girls need urgent attention. Repeal or

revision of discriminatory laws is imperative, along with the work to more quickly enact and put into action laws that enhance existing legal protections and ensure backing by adequate resources. A law that is not being implemented is not working for those who may need it most.

Thus, the partners issuing this strategy for equality in law are calling for full legal protection for women and girls, in all sectors, in line with CEDAW, the Beijing Declaration and Platform for Action and the 2030 Agenda for Sustainable Development. Among other aspects of discriminatory laws, we urge the immediate repeal of:

- “Clawback clauses” and other constitutional provisions that override non-discrimination guarantees;
- Personal laws that deny women equal rights as spouses by restricting their ability to exercise agency in the management and distribution of marital property, choice of residence, parental rights and responsibilities, and the right to inherit equally with men and boys;
- Discriminatory civil laws that deny women the ability to apply for a passport without the permission of their husbands or transfer their nationality to their child or foreign spouse and place restrictions on physical mobility, employment, decisions on where to live and sexual and reproductive autonomy;
- Labour and social security laws that perpetuate discriminatory pay structures, divisions of labour and pension schemes, while at the same time failing to recognize the restrictive and unpaid burden of care that women carry at home, or to make parental leave available to both women and men; and
- Criminal laws that limit access to justice for women and girls by, for example, placing a higher burden of proof on them, reducing the value of their testimony and allowing perpetrators of rape to marry survivors or invoke “honour” or “provocation” to escape criminal responsibility.



The success of this United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) led strategy will depend on all stakeholders successfully joining forces, sharing experiences and expertise and exercising political will to achieve

meaningful and lasting reform in the legal status of women and girls globally. Together, we can aim for transformation, and when we evaluate progress, know that we are that much closer to the goal of delivering equality and empowerment for all women and girls.



# EXECUTIVE SUMMARY

## Rationale

Over 2.5 billion women and girls around the world are affected by discriminatory laws and the lack of legal protections, often in multiple ways.<sup>1</sup> The spaces in which laws have been designed, implemented or even studied as a profession have historically excluded women and girls. As a result, their voices and perspectives continue to be largely absent from laws and legal practices. Discrimination in law is commonplace and includes different standards for women and men in applying for a passport, choosing employment, transferring nationality to a child or foreign spouse, participating in court proceedings, receiving inheritance and deciding when and whom to marry.

Laws that promote gender equality can yield multiple dividends. Among other potential benefits, a law that enables women to inherit on an equal basis with men could help empower mothers to invest in the education of their daughters. This increases women's average age of marriage, because girls who stay in school are less likely to be married off. On the other hand, lower levels of gender equality in national laws are associated with fewer girls enrolled in primary and secondary education, fewer women in skilled work, fewer women owning land, fewer women accessing financial and health services and more women facing domestic, family and sexual violence.<sup>2</sup> The McKinsey Global Institute recently estimated that women's equality in wages and labour force participation would boost global gross domestic product by an astonishing \$28 trillion by 2025.<sup>3</sup>

Law reform more broadly, and the repeal or revision of discriminatory laws specifically, are inherent to the

achievement of gender equality—a requirement for realizing the transformative ambitions of the 2030 Agenda for Sustainable Development. They are also among the specific commitments of States enshrined in relevant international conventions and United Nations standards and norms. Yet progress in eliminating discriminatory laws has been uneven.<sup>4</sup> In many cases, global, regional and national sources of support have not been fully harnessed to accelerate reforms. Key propellers have included the monitoring role of the Committee on the Elimination of Discrimination Against Women (CEDAW Committee), country visits of the United Nations Working Group on the issue of discrimination against women in law and in practice, the policies of regional and interregional bodies, statements of political will from national governments, ongoing investments in analysis of laws from a gender perspective, continued education of the judiciary on domestic application of international law, judicial activism in striking down unconstitutional or discriminatory laws, the active engagement of civil society organizations (CSOs), campaigns to galvanize awareness and the collection of data to track specific aspects of discriminatory laws.

More can be done collectively. This strategy therefore provides a framework for a concerted and multistakeholder approach aimed at fast tracking the elimination of discriminatory laws across the board, while documenting experiences and lessons learned for further reform efforts.



*Above:* Seychelles. Woman working in a male-dominated industry. © UN Women/Ryan Brown.

## Broader vision and thematic areas of focus

The strategy presented in *Equality in Law for Women and Girls* focuses on the repeal or revision<sup>5</sup> of discriminatory laws as an important part of a broader legal reform agenda that supports the achievement of gender equality. Between 2019 and 2023, it aims to fast track the repeal of discriminatory laws in six thematic areas in 100 countries and is expected to address the legal needs of over 50 million women and girls. An evaluation to be conducted in 2024 will serve as a basis of reporting on lessons learned and promising practices and will feed into various processes such as periodic reviews of the Beijing Declaration and Platform for Action, and the High-level Political Forum, which is the principal platform for follow-up and review of the 2030 Agenda for Sustainable Development. Within this context, regional,

interregional and national bodies such as parliaments, judiciaries, law reform commissions, ministries of justice, national women's machineries, CSOs and the private sector will design, lead and own a reform agenda which advances the repeal of discriminatory laws.

The strategy's six areas of focus are as follows:

1. **Comprehensive reforms:** Repeal discriminatory laws that directly and indirectly impact women and girls in 20 countries.
2. **Promoting women's economic empowerment:** Repeal laws that undermine equal pay, recognition of unpaid care work, protection of domestic workers, parental leave and freedom of choice of employment in 15 countries.

3. **Eliminating harmful and discriminatory minimum age of marriage provisions:** Promote 18 years as the minimum age of marriage, equalize the age of marriage between women and men and eliminate related exceptions as appropriate in 15 countries.
4. **Ending gender discrimination in nationality laws:** Uphold women's rights to equality in nationality and citizenship laws in 25 countries.
5. **Addressing discriminatory rape laws:** Revise provisions that exempt perpetrators from rape charges if they marry the survivor in 10 countries.
6. **Promoting equality in family relations:** Repeal gender discriminatory personal status laws (one or more of the following: marriage, divorce, parental rights and inheritance) in 15 countries.

## Four levels of engagement

The strategy will be implemented through four levels of engagement:

1. **Regional and interregional bodies formally agree to join the effort to repeal discriminatory laws and promote accountability of member states.** This is based on the influence that such bodies and organizations wield, and the normative gains that they have achieved for women and girls in the past two decades.
2. **Governments possess national commitment and political will to repeal discriminatory laws and design reform roadmaps.** When States sign and ratify international conventions, they accept binding obligations to abide by those standards through domestication and implementation. In some countries, the judiciary has the power to invalidate discriminatory laws in response to international treaty obligations and in line with The Bangalore Principles on Domestic Application of International Human Rights Law of 1988.
3. **CSOs promote accountability among governments for implementing their commitment to repeal discriminatory laws and communities agree to eliminate harmful social norms.** Women's organizations and other CSOs are not only uniquely placed to identify the specific laws that must be targeted for reform, but also serve as channels for the participation of women and girls in law reform processes.
4. **Law reform commissions, ministries, the judiciary and parliaments possess knowledge and capacities to respond to societal demands and implement reform roadmaps.** Successful law-making revolves around multistakeholder engagement and collaboration. Therefore, key actors will be supported in their individual and collective capacities to implement a law reform agenda that addresses the legal needs of women and girls. Since judges apply the law, their inclusion as experts in the review of laws can lead to better outcomes for women and girls.

## Implementation accelerators

Building on the pivotal roles of regional and interregional bodies, and aligned with national ownership and accountability, the strategy will be implemented through 12 interrelated actions:

1. **Technical support to regional and national stakeholders:** Dedicated technical support from partners in the strategy will assist in designing context-specific roadmaps that elaborate broader reform priorities as well as the contribution of this strategy to their implementation.<sup>6</sup> Related support will be provided to undertake legislative analysis from a gender perspective. This in turn will serve as a basis for drafting proposals to parliaments on the repeal of discriminatory laws and the enactment of new laws where necessary.
2. **Digital tracking:** Global and regional digital accountability maps will be designed to serve as one-stop repositories of information on progress being made in repealing discriminatory laws. In

addition to having a drop-down menu of outstanding discriminatory laws by country, the maps will illustrate progress through traffic light coding (red means no progress, yellow indicates substantial progress and green signifies that all discriminatory laws have been repealed).

3. **Alliances with non-traditional partners:** Strategy partners will mobilize champions in the worlds of sports, media, film, celebrities, entertainment and fashion to heighten awareness on the importance of addressing discrimination in laws, broadly and in their own spheres.
4. **Creating global and regional movements of first spouses:** First spouses from around the world will be galvanized to support national, regional and global movements for gender equal laws, working through existing networks and as more general champions and ambassadors.
5. **Bottom-up and top-down engagement at country level:** Law reform agendas will serve as opportunities to influence social norms through the active engagement and participation of communities, and their regular interaction with lawmakers and CSOs.
6. **Leverage mandates and influence:** The political influence of heads of United Nations agencies and regional and interregional bodies such as the African Union, the Commonwealth, the European Union, the Organisation Internationale de la Francophonie, the Secretaría General Iberoamericana, the International Monetary Fund and the World Bank will be tapped to advocate for reforms through joint letters, missions, press releases and social media campaigns.
7. **Supporting regional and interregional policy dialogue on discriminatory laws:** Regional and interregional bodies will help catalyse change at the national level by promoting collective commitments to gender equality and women's empowerment, including through advocacy for discriminatory laws to be placed on the agenda of

meetings of Heads of State and ministerial-level meetings. A focus on the discriminatory application and enforcement of laws will also be encouraged at meetings of chief justices.

8. **Human rights monitoring and reporting:** Visibility and accountability for the negative consequences of discriminatory laws will be strengthened through strategic litigation and reporting to human rights bodies.
9. **Building on existing movements and campaigns:** The strategy and its accompanying advocacy initiatives will complement ongoing efforts to tackle discrimination, stereotypes and the sexual exploitation of women and girls through channels such as HeForShe and the #MeToo movement.
10. **Engaging men and boys:** Alliances among men and boys will be further developed through schools, colleges, local communities and traditional and religious institutions.
11. **Document, share and learn:** The strategy builds on current experiences in law reform to inform future efforts. Lessons on process and results will be systematically documented and shared through different platforms.
12. **Promoting South-South and triangular cooperation:** The strategy will seek to strengthen institutional capacities and knowledge exchange between countries on successful legislative reform processes.

The partners involved in the implementation of this Equality in Law strategy have strong, long-standing relationships with Heads of State and Government, national women's machineries, ministries of justice, different branches of the judiciary, bar associations, parliaments and women's organizations, among other core stakeholders. Respected globally, they possess the ability to leverage their influence through strategic advocacy to shift social norms and propel legal reforms. The comparative advantage of each partner will be fully deployed to realize the legal rights of women and girls, including, as needed, through sustained reforms.





# 1

## INTRODUCTION

## 1.0

# INTRODUCTION

The 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs) present an unprecedented opportunity for national, regional and interregional global actors to accelerate the elimination of gender discriminatory laws in all countries. A range of legal protections underpin the commitment to gender equality and the empowerment of all women and girls represented in SDG 5 (see Box 1). These protections are also foundational to the commitments expressed in SDG 10, on creating equal opportunities

and reducing inequalities of outcome and SDG 16, on promoting peaceful, just and inclusive societies.

The United Nations Working Group on the issue of discrimination against women in law and in practice consistently observes that gender discriminatory laws are a violation of human rights and a barrier to all efforts aimed at addressing gender inequality.<sup>7</sup> CEDAW enjoins States parties to condemn discrimination against women in all its forms and to pursue a policy of eliminating discrimination against women without delay.<sup>8</sup> Laws discriminate against women and girls when they violate CEDAW's Article 1 (see Box 2).

Inadequate legal protections and guarantees affect over 2.5 billion women and girls in multiple ways (see Box 3).<sup>9</sup> A substantial number predate modern times. In several countries, women are not guaranteed equal treatment with men in applying for a passport; freely choosing their marital residence; acquiring, retaining, changing or conferring their nationality to their spouses or children; and deciding when and whom to marry. Labour laws in some jurisdictions exclude women

### BOX 1

#### Three SDG 5 indicators focus on legal frameworks

- The methodology for data collection in **SDG indicator 5.1.1** (*whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex*) has been designed by UN Women, the World Bank Group and the OECD Development Centre (see Appendix III for the list of questions being monitored).
- The methodology for data collection on **SDG indicator 5.6.2** (*Number of countries with laws and regulations that guarantee full and equal access to women and men aged 15 years and older to sexual and reproductive health care, information and education*) has been designed by the United Nations Population Fund (UNFPA).
- The methodology for data collection on **SDG indicator 5.a.2** (*The proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control*) has been designed by the Food and Agriculture Organization.

### BOX 2

#### How CEDAW defines discrimination against women

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Source: CEDAW, Article 1.

from different types of employment on the pretext of protecting their reproductive health, while others have different scales of remuneration for women and men who undertake the same tasks.<sup>10</sup>

Legal discrimination against women is also reflected in the definition of many crimes. Some criminal codes

criminalize behaviour that impact on female autonomy and sexual and reproductive rights, or target acts that are not crimes by any international legal standard (e.g., adultery, failing to prove rape, acts deemed incompatible with chastity, running away from home without permission and failure to respect modesty and dress codes).<sup>11</sup> Legal procedures often fail to apply the defence of provocation equally to women and men, while some still permit perpetrators of rape to marry the survivor and avoid prosecution or invoke “honour”, “provocation” or voluntary intoxication to escape criminal responsibility.

While progress towards the elimination of discriminatory laws has been uneven globally,<sup>12</sup> a number of developments in some regions and countries provide a basis for accelerated reforms. These include the policies of regional and interregional bodies (see Box 4), statements of political will from national governments, ongoing investments in the analysis of laws from a gender perspective, continued education of the judiciary on the domestic application of international law, judicial activism in striking down unconstitutional or discriminatory laws, the active engagement of CSOs and ongoing efforts to gather data on specific aspects of discriminatory laws.

The Equality in Law strategy presented on the following pages draws comprehensively on such regional and national accelerators.

### BOX 3

#### Examples of differential treatment under the law

Women cannot undertake the following in the same way or on an equal basis as men:

- Inherit equally as daughters in 39 countries
- Apply for a passport in 37 countries
- Inherit equally as a spouse in 36 countries
- Be head of household or family in 31 countries
- Get a job or pursue a trade or profession in 18 countries
- Travel outside their home in 17 countries
- Obtain a national ID card in 11 countries
- Register a business in 4 countries
- Open a bank account in 3 countries

Source: World Bank. 2018. *Women, Business and the Law 2018*. Washington, DC: World Bank.

### BOX 4

#### Building on the momentum in regional in inter regional spaces

A number of regional and interregional initiatives create opportunities for tackling gender inequality in law. For instance, in relation to ending child marriage, the African Union has launched a campaign; adopted a General Comment and a Common Position; appointed a Special Rapporteur, a Goodwill Ambassador and a Gender Champion at Head of State level; and developed a compendium of minimum age of marriage provisions and related exceptions. The African Union is also presently considering a Protocol to the African Charter on Human and People’s Rights on the Right to Nationality, which calls on all member states to

uphold gender-equal nationality rights, including by enacting legal reforms. This follows similar commitments made by the Economic Community of West African States in its 2015 Abidjan Declaration on the Eradication of Statelessness, which commits member states to promoting gender-equal nationality laws.

In the Pacific region, the new Pacific Partnership to End Violence Against Women and Girls brings together governments, CSOs, communities and other partners to promote gender equality, prevent violence against women and girls and



increase access to quality response services for survivors. The partnership is initially targeting Fiji, Kiribati, Papua New Guinea, the Republic of the Marshall Islands, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

A number of political platforms of the Commonwealth serve as strategic opportunities for galvanizing support for the elimination of gender discriminatory laws. Commonwealth Heads of Government Meetings remain the overarching space for articulating the Commonwealth's political will. These meetings along with those of law ministers reaffirm commitments across the Commonwealth. Strategic proposals have included South-South cooperation measures and the ratification and implementation of CEDAW through legislation, policies and programmes that mainstream and promote gender equality and the empowerment of all women and girls. The Commonwealth Women's Forum, the Women Leaders' Summits and Commonwealth Women's Affairs Ministers Meetings sponsor consultations on key priorities for women and girls and effective strategies for national implementation. The Commonwealth Women's Affairs Ministers are committed to implementing policies and strategies to achieve priority aims by 2020 and beyond and as part of that effort, consistently advocate for gender equal laws.

In 2017, the League of Arab States hosted a conference on "Good Practices and Regional Opportunities to Advance Women's Nationality Rights" in partnership with UN Women, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Global Campaign for Equal Nationality Rights. It was the first Arab League conference devoted to advancing gender equal nationality rights and resulted in an outcome document that served as the basis for the historic Arab Declaration on Belonging and Identity. The declaration was endorsed at an Arab League Ministerial Conference in February 2018, with a call to all member states to enact reforms to uphold gender equal nationality rights, remove reservations to Article 9 of CEDAW

and establish focal points and national roadmaps for implementation.

The Council of Europe's Gender Equality Strategy (2018-2023) is committed to addressing discrimination in law, noting in particular that "Women's economic empowerment requires measures that support equal opportunities, equal pay for work of equal value, abolition of discriminatory legislation and economic disincentives for women to work, paid maternity and paternity leave, paid parental leave for women and men, access to quality and affordable child care and other social services and a change in the male-dominated working culture, attitudes and practices influenced by gender."

Consistent with its long-standing commitment to gender equality, the Organisation Internationale de la Francophonie is developing its action and advocacy through a new Strategy of La Francophonie for the promotion of gender equality, women's and girls' rights and empowerment, adopted at the 17<sup>th</sup> Summit of Heads of State and Government in October 2018. Within this framework, Member States and governments are committed to review and modify, as appropriate, all laws, regulations, policies and practices of a discriminatory nature or effect against women and girls, in conformity with the obligations, commitments and principles of international and human rights treaties. The strategy also supports the adoption and implementation of national laws, regulations, development plans and national policies that promote gender equality, and the production of tools and standards for sex-disaggregated statistics.

In Latin America and the Caribbean, the Secretaría General Iberoamericana is working with UN Women to address discriminatory laws and through this partnership has explored both persisting manifestations of discrimination in law, as well as promising examples of reforms. In the last decade, the region has overseen important advances in the recognition and protection of the rights of women and girls who face multiple and intersecting forms of discrimination, gender-responsive civil and criminal codes and marital property regimes.



# 2

WHAT WILL THIS  
STRATEGY ACHIEVE?

## 2.0

# WHAT WILL THIS STRATEGY ACHIEVE?

## 2.1

### Overall goal

This Equality in Law strategy focuses on the repeal of discriminatory laws in six thematic areas as an important part of a broader legal reform agenda which supports the achievement of gender equality, based on relevant international conventions, standards and norms. The proposed reforms will be implemented over a period of four years from 2019 to 2023 in 100 countries and are expected to address the legal needs of over 50

million women and girls. Through an evaluation to be undertaken in 2024, a report on lessons learned and promising practices in repealing and revising discriminatory laws will feed into various processes such as periodic reviews of the Beijing Declaration and Platform for Action and the High-level Political Forum, which is the principal platform for follow-up and review of the 2030 Agenda for Sustainable Development.

## 2.2

### Thematic areas of focus

The strategy's six areas of focus are:

1. *Comprehensive reforms: Repeal discriminatory laws that directly and indirectly impact women and girls in 20 countries.*

Recognizing that human rights are universal, indivisible and interdependent, the strategy aims to identify gender discriminatory laws and provisions through comprehensive legal analysis. Both the CEDAW Committee and the Working Group on the issue of discrimination against women recommend comprehensive rather than fragmented approaches to law reform.<sup>13</sup> When laws are partially discriminatory, problematic provisions should be either revised or expunged. A fully discriminatory law should be repealed and, where necessary, replaced. Gender-neutral laws discriminate against women indirectly, when they ignore the socially constructed roles of women and men that prevent the law from providing equal protection.<sup>14</sup> Such laws are expected to mitigate the potentially

differential impacts of implementation through provisions such as affirmative action. Constructive dialogue with lawmakers is crucial in this regard and should build on the principle of non-discrimination, which entails that provisions accounting for the distinctive needs of women are required for the achievement of substantive equality and shall not be regarded as discriminatory.<sup>15</sup>

Comprehensive reforms will be addressed through the following:

- Undertaking a thorough analysis of national laws from a gender perspective;
- Designing roadmaps to guide reform processes;
- Ensuring that the recommendations and concluding observations of the CEDAW Committee, the Universal Periodic Review, other treaty bodies and mechanisms including the Working Group are taken into account during reform processes;



- Engaging the judiciary in striking down discriminatory laws that violate constitutional protections and international law commitments where jurisdictions allow; and
- Supporting the repeal or revision of all formal laws that directly or indirectly discriminate against women and girls.

2. *Promoting women's economic empowerment: Repeal laws that undermine equal pay, recognition of unpaid care work, protection of domestic workers, parental leave and freedom of choice of employment in 15 countries.*

Economic empowerment is critical for the survival of women and their families, and for advancing women's autonomy, agency and sense of self-worth. Key barriers to women's economic empowerment include gender gaps in labour force participation and remuneration, occupational segregation, unequal working conditions and women's burden of unpaid domestic



*Above: Colombia. Woman coffee grower supported by a UN Women project. © UN Women/Ryan Brown.*

and care work. These barriers characterize both formal and informal economies.<sup>16</sup>

Many of these factors are sanctioned through discriminatory legal frameworks or the absence of legal protections as recognized by the UN Secretary-General's High-Level Panel on Women's Economic Empowerment. It endorses the elimination of discriminatory laws as a means of accelerating women's economic empowerment.<sup>17</sup>

Several ongoing initiatives create a strong basis for legal reforms. These include the adoption and ratification of [conventions of the International Labour Organization](#), such as equal pay for equal work ([Equal Remuneration Convention No. 100](#)), non-discrimination in employment relationships ([Discrimination \(Employment and Occupation\) Convention No. 111](#)), equality of opportunity and treatment of workers with families ([Workers with Family Responsibilities Convention No. 156](#)), maternity rights and protections ([Maternity Protection Convention No. 183](#)) and the protection of domestic workers ([Domestic Workers Convention No. 189](#)). Some 70 countries have advanced commitments to decent work for domestic workers, including through treaty ratifications, adopting laws or policy reforms or otherwise working towards this end.<sup>18</sup>

Reforming laws that constrain women's economic empowerment will entail:

- Revising legal standards that promote different remuneration on the basis of sex, and integrating the principle of equal pay for work of equal value into law;
- Eliminating discriminatory laws that undermine the rights and protection of women who engage in paid care work and domestic work, and introducing language to underscore the full recognition and redistribution of unpaid care and domestic work in relevant legislation;
- Revising standards on parental leave for women and men, by among others, introducing provisions that incentivize men to become more actively involved in raising and caring for children from an early age; and
- Repealing laws that promote occupational segregation and restrictions on women's choice of employment.

3. *Eliminating harmful and discriminatory minimum age of marriage provisions: Promote 18 years as the minimum age of marriage, equalize the age of marriage between women and men and eliminate related exceptions as appropriate in 15 countries.*

In over 50 countries, the minimum legal age of marriage is lower for women than men; 93 countries legally allow girls to marry before the age of 18 with parental consent.<sup>19</sup> Globally, about one in six adolescent girls (aged 15 to 19) are currently married or in a union.<sup>20</sup> At least 200 million girls and women have been subjected to female genital mutilation (a practice closely linked to child marriage) in 30 countries with representative data on prevalence.<sup>21</sup>

Young girls and adolescents lack the voice and status to challenge discrimination, and young wives and mothers have few opportunities to influence the design of informal and formal justice systems to reflect and address their realities. Being young and female is a potential source of intersectional discrimination, placing girls and adolescents at much higher risk of gender-based violence such as rape, early marriage, sexual exploitation, abduction and trafficking, especially during crisis situations.

This area of work will be informed by extensive investments in data collection and the documentation of such laws, including through the compendiums on minimum ages of marriage and related exceptions developed by the World Bank and African Union.<sup>22</sup>

Laws that promote child marriage and other harmful practices will be addressed through:

- A comprehensive analysis of laws affecting child marriage (e.g., family laws, human trafficking, children's codes and laws pertaining to harmful practices);
- The harmonization of the legal age of majority for all persons, with an emphasis on establishing 18 years or more across all laws, and where a higher age is chosen, ensuring that it applies equally to women and men;
- A review of exceptions to the minimum age of marriage as appropriate;
- The removal of provisions that permit the betrothal of children;



*Above: Mali. Portrait of a young girl. © UN/Marco Dormino.*

- The introduction of clauses that guarantee women and men the right to freely choose a spouse; and
- Close cooperation with UNICEF and UNFPA to ensure synergies with the ongoing [UNFPA-UNICEF Joint Global Programme to Accelerate Action to End Child Marriage](#).

4. *Ending gender discrimination in nationality laws: Uphold women's rights to equality in nationality and citizenship laws in 25 countries.*

When a State allows gender discrimination in its nationality laws, it is implicitly endorsing the notion of women as inferior, possessing second-class citizenship. Worldwide, 25 countries discriminate against women in limiting their ability to confer their nationality to their children on an equal basis with men. Approximately 50 countries deny women

the equal right to acquire, change or retain their nationality, including the ability to confer nationality to their non-national spouses. Such laws contravene international human rights conventions, including CEDAW (see Box 5), the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, among others, having significant and wide-ranging impacts on families.

Children are often rendered stateless when their mothers are unable to pass their nationality to them, especially when they are also unable to acquire their father's nationality. Without citizenship, children and foreign spouses can be subject to a range of restrictions in accessing social services and when they become adults, in gaining employment, freedom of movement, opening bank accounts, owning or inheriting property and fully participating in society.<sup>23</sup>

The impact of such discriminatory laws on migrants, refugees, internally displaced persons and persons living in crisis situations can be especially dire. They exacerbate the vulnerability of women and children and increase the number of individuals at risk of statelessness, as recognized on multiple occasions by the United Nations Security Council.<sup>24</sup> In response to this, UN Women and UNHCR are working together to address gender discrimination in nationality laws

#### BOX 5

#### CEDAW's expression of equal nationality rights

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Source: CEDAW, Article 9.

including in the context of the [#IBelong Campaign to End Statelessness](#) and with UNICEF under the [Coalition on Every Child's Right to a Nationality](#).

Discrimination in nationality laws will be addressed by:

- Working with other UN entities that focus on eliminating gender discrimination in nationality laws to prevent and reduce statelessness;
- Supporting follow-up action on regional initiatives such as the adoption of the [Draft Protocol to the African Charter on Human and People's Rights on the Right to Nationality](#), the implementation of the [Abidjan Declaration on the Eradication of Statelessness](#) as well as the [Arab Declaration on Belonging and Identity](#);
- Working with the [Global Campaign for Equal Nationality Rights](#) to ensure coherence, synergies and maximum impact of interventions; and
- Supporting the repeal of gender discriminatory nationality laws that prevent women from passing on their nationality to their children and foreign spouses.

5. *Addressing discriminatory rape laws: Revise provisions that exempt perpetrators from rape charges if they marry the survivor in 10 countries.*

Violence against women is a grave violation of the human rights of women and girls, yet remains one of the most common crimes. The CEDAW Committee considers that "gender-based violence against women is one of the fundamental social, political and economic means by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated."<sup>25</sup> There are currently several gaps in violence laws, such as the continued existence of marital rape exemptions and provisions that relieve perpetrators from rape charges if they marry the survivor.<sup>26</sup>

Reforms to laws that deprive women of the right to seek appropriate redress in rape cases will be addressed by:

- Repealing and replacing existing rape exemption provisions in criminal codes;

- Working closely with the UN Special Rapporteur on violence against women, its causes and consequences on law reform to close gaps in laws related to rape;
- Ensuring close synergies with [The Spotlight Initiative to eliminate violence against women and girls](#), an initiative of the European Union, UN Women and the United Nations Development Programme;<sup>27</sup>
- Engaging judges, prosecutors, police and CSOs in law reform processes, including by leveraging existing actions; and
- Sharing the strategies, successes and challenges of recent reforms.

6. *Promoting equality in family relations: Repeal gender discriminatory personal status laws (one or more of the following: marriage, divorce, parental rights and inheritance rights) in 15 countries.*

The family domain is, among others, a space in which women's rights are frequently violated. Women assume various roles as wives, mothers and daughters, and in these contexts can experience various forms of rights violations. Unequal power relations between men and women, accentuated in families and at times exacerbated by the law, affect the extent to which women can make choices and exercise agency. If

women and girls do not enjoy equal rights in the family as the basic unit of society, the realization of any other right is jeopardized from the outset.

Discriminatory personal status laws impede equality in marriage, divorce, inheritance and parental authority and responsibilities. Further, these shortfalls often overlap with gaps in other rights, such as the right to be protected from various forms of violence (e.g., early marriage, widow inheritance and domestic violence), the right to food security and girls' right to an education.<sup>28</sup>

Repealing discriminatory personal status laws will involve:

- Undertaking an analysis of relevant laws in partnership with judges of family courts and other actors such as bar associations and women lawyers associations;
- Ensuring that legislative proposals are harmonized with laws against gender-based violence, and where anti-violence laws are inadequate, proposing their inclusion in the law reform process;
- Advocating for the withdrawal of reservations to CEDAW;<sup>29</sup> and
- Collating good practice examples from different regions.





# 3

## THE CASE FOR ACCELERATING CHANGE



## 3.0

# THE CASE FOR ACCELERATING CHANGE

## 3.1

### The human rights, peace and security and development imperative

Discrimination in law normalizes gender inequality and deepens complex, intersecting challenges that confront various groups of women and girls, putting them at strong risk of being left behind. Recognizing these harmful effects, CEDAW calls on States Parties to embody the principle of gender equality across all aspects of the legal framework, including by changing discriminatory laws, adopting statutes that advance gender equality and women's empowerment and ensuring that legal practices uphold women's rights (Box 6). CEDAW emphasizes legislation as an appropriate measure to ensure the full development and advancement of women's rights.

Discriminatory legislation renders women and girls particularly vulnerable to conflict-related violence and human rights violations, while inequalities inhibit women's abilities to participate in conflict mitigation and prevention initiatives. The linkages between discriminatory laws and the women, peace and security agenda are clearly spelled out in the [Global Study on the Implementation of United Nations Security Council resolution 1325](#), which notes that the number of female-headed households tends to increase sharply during and after conflict. Where women heads of household are prohibited from owning property, accessing land rights or conferring nationality on their children, they and their dependents may be denied access to basic services such as education and health care and face increased risk of sexual exploitation and abuse.<sup>30</sup>

The Beijing Declaration and Platform for Action reflects a pledge to ensure equality and non-discrimination under the law, and more specifically to “revoke any

remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice”.<sup>31</sup> It emphasizes the duty of all States to implement the Platform for Action through national laws to transform discriminatory social norms and gender stereotypes, and move more effectively towards gender equality, women's empowerment and the realization of women's and girls' human rights. Twenty years on, the 2015 review and appraisal of the Beijing commitments demonstrated both progress and enormous gaps in fulfilling this pledge.

The human rights system has actively advocated and recommended the repeal of discriminatory laws. Examples include the Human Rights Council's recent resolution on “the elimination of all forms of discrimination against women and girls”<sup>32</sup> and the ever-growing recommendations by human rights treaty bodies such as the CEDAW Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Universal Periodic Review. The wide-ranging fields covered by such recommendations comprise nationality and citizenship rights, electoral laws, the minimum age of marriage, family law, inheritance and other forms of property rights, rights to reproductive health, evidence and procedure, labour rights and various forms of sexual and gender-based violence. The CEDAW Committee in particular has consistently urged States to define and address gender equality not only in domestic legislation but also through the harmonization of customary/traditional and/or religious laws.<sup>33</sup>

#### BOX 6

### CEDAW's articulation of equality before the law

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their **national constitutions or other appropriate legislation** if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To **adopt appropriate legislative** and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To **establish legal protection of the rights of women** on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and **to ensure that public authorities and institutions** shall act in conformity with this obligation;
- (e) To **take all appropriate measures** to eliminate discrimination against women by any person, organization or enterprise;
- (f) To **take all appropriate measures**, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To **repeal all national penal provisions** which constitute discrimination against women.

Source: CEDAW, Article 2.

The study of law has traditionally excluded women (Box 7), while law-making is led by the public sector, where globally, women hold only 22 per cent of positions.<sup>34</sup> Although gender gaps differ by country, women account for only 23 per cent of

#### BOX 7

### The origins of law and the making of law

“In the beginning, law was male. Law was made by men, though it was enforced against women as well as men and it was practiced only by men until relatively recently in human history.”

Source: Carrie Menkel-Meadow, *Mainstreaming Feminist Legal Theory*, 23 Pac. L.J. pp. 1493-1542 (1992) at p. 1493.

#### BOX 8

### How law shapes the social order

“By patriarchy, I mean any kind of group organization in which males hold dominant power and determine what part females shall and shall not play, and in which capabilities assigned to women are relegated generally to the mystical and aesthetic and excluded from the practical and political realms, these realms being regarded as separate and mutually exclusive. Law plays a primary and significant role in social order.”

Source: Janet Rifkin, *Toward a Theory of Law and Patriarchy*, 3 Harv. Women's L.J. pp83-95 (1980) at p.83.

parliamentarians globally, 5 per cent of Heads of State and 17 per cent of ministers.<sup>35</sup> At the ministerial level, women are often confined to welfare positions and excluded from front-line posts that directly contribute to shifting the boundaries of development. They are underrepresented as ministers of justice (law drafters), law reform commissioners (law proposers) and human rights commissioners (law monitors). As a result, law-making does not reflect the voices and perspectives of women and girls, and can adversely impact on the extent to which the design and content of such laws address their priorities (Box 8).

The Working Group on the issue of discrimination against women in law and in practice has recently noted a growing trend of setbacks in women's rights. Of the many obstacles that women face throughout their life cycle, it identifies those related to family, culture and sexual and reproductive rights as the most significant.<sup>36</sup>



Above: Mexico. Exhibition showing labels with the names of victims of femicide. © UN Women/Alfredo Guerrero.

### 3.2

## Gender equal laws make better “cents”

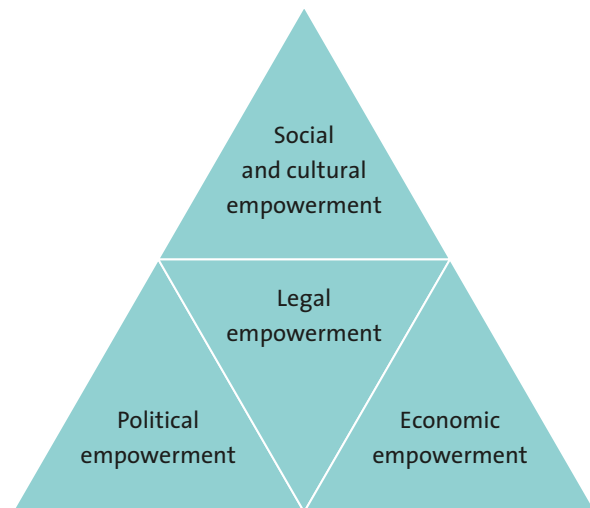
Reforming the legal environment through the repeal or revision of discriminatory laws, as well as the enactment of new laws, is foundational to the legal empowerment of women and girls and can make a real difference in all aspects of their lives (Figure 1). If women and girls cannot claim a right because the State does not recognize it under the law, violations are not penalized. A cyclical pattern of impunity can result, imposing barriers on individual women and hindering a country’s overall development.

Eliminating legal disparities carries many potential benefits. For example, a law that enables women to inherit on an equal basis with men can help empower mothers to invest in the education of their daughters. This increases women’s average age of marriage because girls who stay in school are less likely to be married as children.

Gender inequality in law is associated with gender gaps in labour force participation, constraints on women’s ability to make economic decisions and

limited capacity to take advantage of economic opportunities such as financial credit (Box 9).<sup>37</sup> The

**FIGURE 1**  
The central role of the law in empowering women



#### BOX 9

### Some facts and figures on restrictions on women's economic empowerment

- 104 countries have laws which prevent women from working in specific jobs.
- 59 countries have no laws on sexual harassment in the workplace.
- In 18 countries, husbands can legally prevent their wives from working.
- Close to 40 per cent of countries have at least one constraint on women's property rights as measured by the World Bank's using property indicator.
- In 36 of 189 countries analysed by the World Bank, widows are not granted the same inheritance rights as widowers. Further, 39 countries prevent daughters from inheriting the same proportion of assets as sons.
- 65 countries restrict women from working in mining. Women also face job restrictions in industries such as manufacturing (47 countries), construction (37 countries), energy (29 countries), agriculture (27 countries), water (26 countries) and transportation (21 countries).

Source: World Bank Group. 2018. *Women, Business and the Law 2018*. Washington, DC: World Bank, pp. 2, 7-8, 13 and 14.

consequences and potential for progress are evident in the McKinsey Global Institute's recent estimate that if women participated in the economy identically to men, with equal wages and labour force participation, global gross domestic product would be boosted by up to an astonishing \$28 trillion by 2025 (Box 10).<sup>38</sup> On the other hand the World Bank finds that gender gaps cause an average income loss of 15 per cent within Organisation for Economic Co-operation and Development (OECD) countries, 40 per cent of which is due to entrepreneurship gaps.

Losses are estimated to be significantly higher in developing countries.<sup>39</sup>

The invisibility of women's unpaid care work, premised on discriminatory stereotypes of women's roles in society and the family, is reflected in the failure to recognize women's economic worth, including in the law. This in turn undercuts efforts to reduce and redistribute such work, achieving a fairer balance and potentially increasing income and productivity.

#### BOX 10

### Tracking gender equality: findings from the McKinsey Global Institute

The McKinsey Global Institute tracks 15 gender equality indicators for 95 countries and finds that 40 of them have high or extremely high levels of gender inequality on at least half of the indicators. The indicators fall into four categories: equality in work, essential services and enablers of economic opportunity, *legal protection* and political voice, and physical security and autonomy.

- The Institute finds that the lack of adequate *legal protection* for women is a source of high gender inequality around the world.
- Economic development enables countries to close gender gaps, but progress in four areas in particular— education level, financial and digital inclusion, *legal protection*, and unpaid care work—could help accelerate progress.
- Closing the gender gap in education, financial inclusion, or *legal protection* can strengthen the incentives and ability of women to enter the workforce and undertake more productive types of work, thereby driving higher output for the economy as a whole.

Source: McKinsey Global Institute. 2015. *The Power of Parity: How Advancing Women's Equality Can Add \$12 Trillion to Global Growth*. McKinsey & Company, p. 2. Emphasis added.

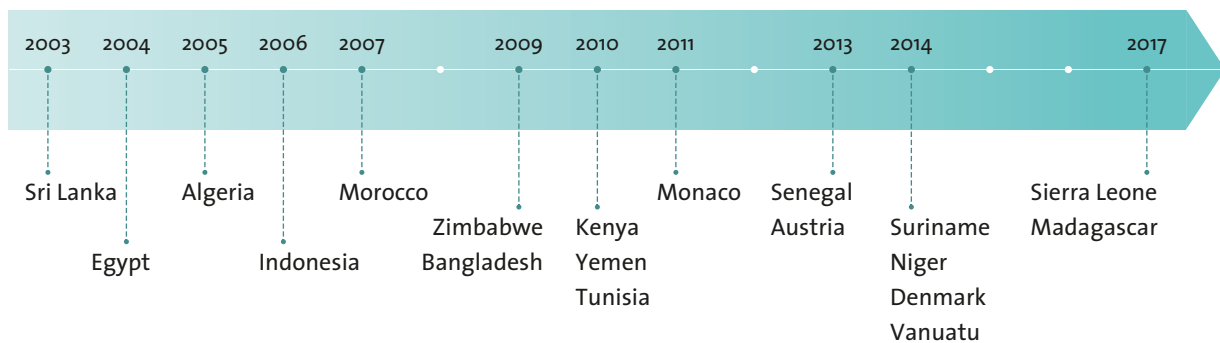
### 3.3

## Change is possible

The Equality in Law strategy builds on the successes and challenges of ongoing legal reform efforts, which demonstrate that change is possible. In addition to its [Compendium of good practices in the elimination of discrimination against women](#), featuring case studies of successful reforms,<sup>40</sup> the Working Group has documented specific examples of good practices, including when countries such as Haiti, Ireland and the United Kingdom decriminalized adultery.<sup>41</sup> The World Bank's [Women, Business and the Law 2018](#) report

captures 87 changes towards legal gender equality across 65 countries since 2016.<sup>42</sup> These include lifting prohibitions on women's ability to work in hazardous employment such as mining, opening a bank account and registering a business.<sup>43</sup> The Global Campaign for Equal Nationality Rights has undertaken a chronological analysis of the experiences of 19 countries where reforms in gender discriminatory nationality laws have taken place (see Figure 2).

**FIGURE 2**  
**Reforms of gender discriminatory nationality laws globally (2003-2017)**



Source: Global Campaign for Equal Nationality Rights and Equality Now, 2018. Presentation made at the High-Level Political Forum Side Event on "Realizing Gender-Equal Nationality Rights: Regional Developments and Good Practices," 17 July 2018, New York, United Nations.

In many instances, courts have played a role in striking down gender discriminatory laws, such as in cases related to the unconstitutionality of discriminatory

nationality laws in Botswana, Sudan and the United States,<sup>44</sup> and the overturning of discriminatory adultery laws in Guatemala and Uganda.<sup>45</sup>





4

THEORY  
OF CHANGE

## 4.0

# THEORY OF CHANGE

## 4.1

### An overview

For countries to undertake comprehensive and sector-specific legal reforms by 2023, change must take place at four levels:

1. Regional and interregional bodies must formally agree to join the effort to repeal discriminatory laws and promote accountability of member states.
2. Governments must possess commitment and political will to repeal discriminatory laws and design reform roadmaps.
3. CSOs must promote accountability among governments to honour their commitment to undertake reforms, women and girls must have opportunities to participate in the law reform process and have their voices heard and traditional/cultural leaders and communities must agree to eliminate harmful social norms and practices.

4. Law reform commissions, ministries, the judiciary and parliaments must possess the knowledge and capacities to respond to societal demands and implement reform roadmaps.

The involvement of regional and interregional bodies, national commitment and political will among governments and support from CSOs are mutually reinforcing drivers of reforms that will ultimately be undertaken by parliaments. If comprehensive and sector-specific reforms take place in 100 countries by 2023, this will be a major step towards eliminating discriminatory laws as a build-up to the 2025 review of the Beijing Declaration and Platform for Action and the conclusion of the 2030 Agenda.

## 4.2

### Four levels of engagement

#### 4.2.1 Regional and interregional bodies formally agree to join the effort to repeal discriminatory laws and promote accountability of member states

Regional and interregional bodies can influence and catalyse change at the national level through peer-to-peer influence and collective commitments to gender equality and women's empowerment.

Important levers include regional instruments such as the Solemn Declaration on Gender Equality in Africa and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Union); the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women known as the Belém do Pará Convention (Organization of American States); the Convention on Preventing and Combating Violence against Women

and Domestic Violence (Council of Europe); the Pacific Leaders Gender Equality Declaration 2012 (Pacific Islands Forum) supported by the Pacific Platform for Action on Gender Equality and Women's Human Rights 2018–2030 (Pacific Community); and the Declaration on the Elimination of Violence against Women and Elimination of Violence against Children (Association of Southeast Asian Nations).

In addition, women-specific global treaty monitoring bodies and Human Rights Council Special Procedures and justice mechanisms have been replicated at regional level. Examples include the Special Rapporteurs on the Rights of Women in Africa of the African Union

and the Inter-American Commission on Human Rights, as well as the Group of Experts on Action against Violence against Women and Domestic Violence of the Council of Europe.

To leverage the political influence of regional and interregional bodies on member states, partners in the strategy will:

- Support regional and interregional policy dialogue on discriminatory laws;
- Provide technical support to regional and interregional bodies in designing master plans that set

out clear time frames for the implementation of reform roadmaps;

- Advocate for discriminatory laws to be placed on the agenda of meetings of Heads of State and Government as well as ministers and chief justices, and for such issues to be thoroughly discussed with clear time-bound actions; and
- Design regional maps and other mechanisms to track progress in each country.

The strategy will also identify a consortium of donor countries within regional and interregional groupings to finance the roll out of law reform initiatives.

#### 4.2.2 Governments possess national commitment and political will to repeal discriminatory laws and design reform roadmaps

When States sign and ratify international conventions, they accept binding obligations to abide by those standards through domestication and implementation. In some countries, the judiciary has the power to invalidate discriminatory laws in response to international treaty obligations in line with the Bangalore Principles on Domestic Application of International Human Rights Law of 1988.

International human rights law represents the broader framework within which domestic laws are set for advancing gender equality and women's empowerment. Domestic laws consist of a system of rules that a State establishes to regulate the actions and inactions of private and public individuals and organizations. They encompass a wide range of legal domains such as constitutional law, various forms of formal laws (civil law, family law, criminal law and administrative, social and labour law) and informal laws (customary and religious law). In practice, all legal domains and the laws that flow from them are interdependent and often intersect (e.g., in claims related to family law, domestic violence or citizenship). The Equality in Law strategy will operate

in line with these obligations, and will be elaborated, led and implemented at the national level.

To promote national commitment and political will to repeal discriminatory laws and design reform roadmaps, partners will:

- Advocate for the repeal of discriminatory laws among stakeholders at all levels;
- Work with the judiciary on designing guidance for judges on addressing gender discriminatory laws in decision-making;
- Recognize the efforts of governments and CSOs when reforms have successfully taken place;
- Support States to identify critical issues to reflect in reports to the CEDAW Committee and other treaty bodies, and secure the assistance of United Nations Human Rights Special Procedures such as the Working Group and the Special Rapporteur on violence against women, its causes and consequences in identifying strategies and entry points for reforms; and
- Adequately capture examples of good practices and challenges in reform processes for learning and sharing.

#### 4.2.3 CSOs promote accountability among governments to repeal discriminatory laws and communities agree to eliminate harmful social norms

Women's organizations and other CSOs, such as women lawyers associations and bar associations are uniquely placed to play a transformational role

in advancing law reform through advocacy, capacity development, rights awareness, strategic litigation and monitoring of women's rights. The core objective



of legal awareness is to equip women with the legal skills and knowledge that they need to engage with lawmakers, and thereby build individual and collective confidence to demand rights and protections that are otherwise absent or poorly upheld. CSOs also provide avenues and entry points for women and girls to participate in law reform. They can strengthen its legitimacy and accuracy by ensuring its relevance to women's realities and experiences. Moreover, CSOs can sustain the momentum of reform and advocate for continued investment in legal implementation.

To generate capacity among civil society actors to promote accountability among governments in the repeal of discriminatory laws, the partners will:

- Enhance the capacity of civil society actors to engage in law reform processes;
- Advocate for a common vision and single agenda for repealing discriminatory laws through the formation of a coalition of CSOs;
- Provide small grants to coalitions for effective advocacy, lobbying and awareness-raising, taking linguistic variations into account;
- Enhance ongoing civil society activism in public interest litigation; and
- Provide platforms and technical assistance in the preparation of timely alternative reports to the CEDAW Committee, Universal Periodic Review and other human rights processes.

#### 4.2.4 Law reform commissions, ministries, the judiciary and parliaments possess knowledge and capacities to implement reform roadmaps

Law reform is multidisciplinary in nature. It requires multistakeholder collaboration at all levels for its effective execution. While the actors may vary by country, they often include ministries of justice, law reform commissions, constitutional review bodies, parliaments, national women's machineries, CSOs and traditional, cultural and religious institutions.

Ministries of justice, law reform commissions, judiciaries and constitutional review bodies play a key role in proposing new laws or recommending the repeal of those that are discriminatory. Ministries of justice are responsible for spearheading legislative developments on behalf of governments. Judicial bodies have made pronouncements on the unconstitutionality of legislation on the basis of international and regional standards, and have often inspired reform through the legislature. Since judges apply the law, their inclusion as experts in the review of laws will lead to better outcomes for women and girls.

As both makers and overseers of legislation, parliamentarians have a clear role in realizing the opportunities presented by the 2030 Agenda for Sustainable Development. In many contexts, enacting laws follows a process of scrutiny to ensure that when new legislation is put on the books, adequate funding is allocated, human rights are guaranteed, transparency in government is promoted and international conventions are respected. Through the Equality in

Law strategy, specific efforts will be made to work with women's parliamentary caucuses and those responsible for legislative and constitutional affairs. In many instances, this will involve the Inter-Parliamentary Union. Its [2012 Plan of Action for Gender-sensitive Parliaments](#) provides guidance to parliaments on measures and initiatives to promote gender equality across parliamentary work.

All State actors require support to ensure that proposed bills are in line with international and regional standards. Providing technical support to stakeholders in their efforts to outlaw discrimination could have a profound impact on efforts to fulfil commitments and targets under international treaties as well as the SDGs.

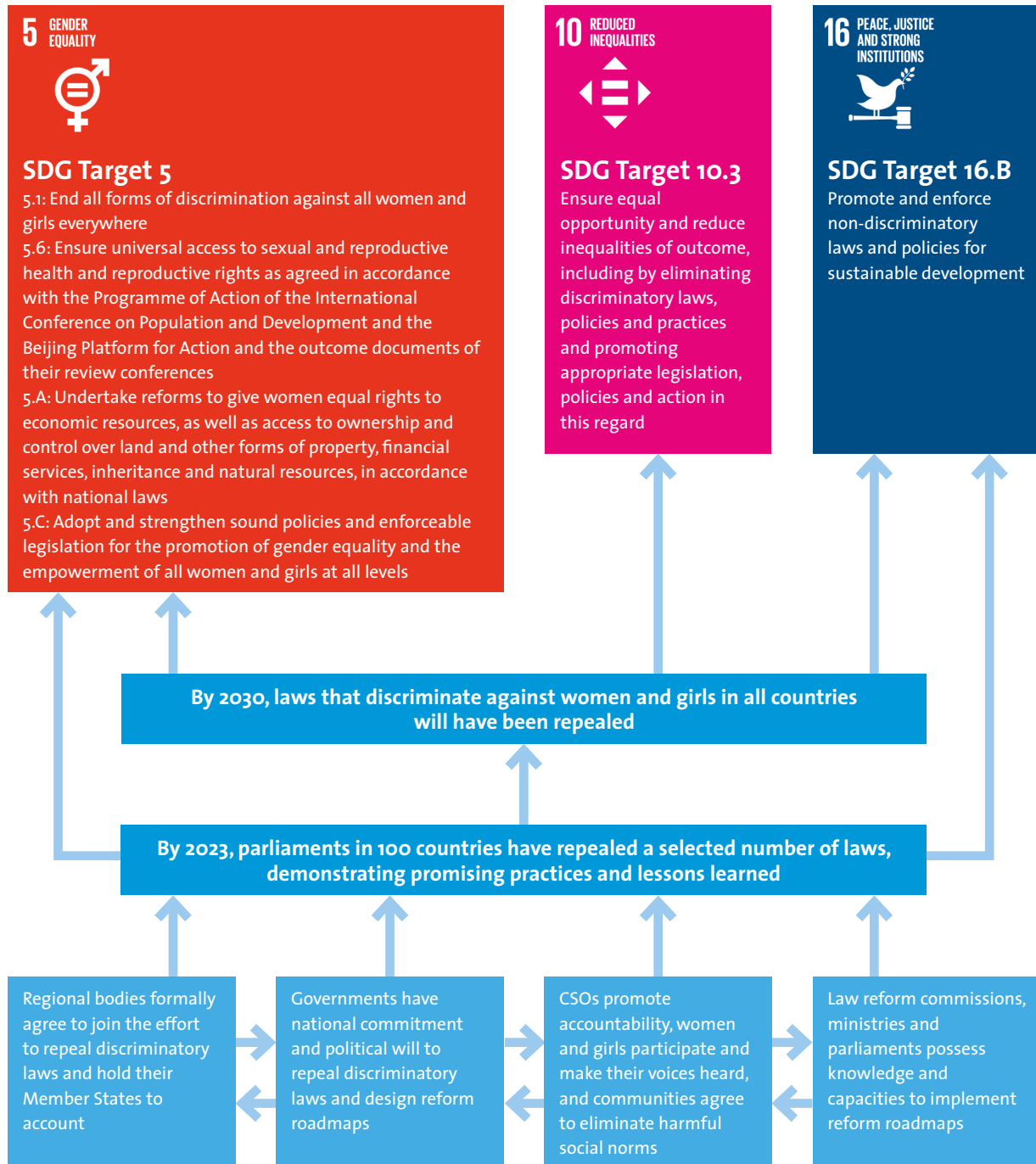
To generate capacity among State actors to implement reform roadmaps, the partners will prioritize:

- The Provision of targeted technical assistance to law reform commissions, the judiciary, ministries of justice, national women's machineries, members of parliament, women's parliamentary caucuses and other institutions and units to undertake an analysis of domestic laws from a gender perspective;
- The review of legislation, procedures, policies and practices to determine their impact on women and girls. Those found to have negative impacts will be modified.
- Enhancing the capacity of these stakeholders to appreciate and utilize legal analysis in the

formulation of law reform proposals and in parliamentary debates; and

- Supporting South-South and triangular cooperation for exchanging lessons and experiences.

**FIGURE 3**  
**Linkages between the theory of change and the SDGs**





5

IMPLEMENTATION  
ACCELERATORS

## 5.0

# IMPLEMENTATION ACCELERATORS

Within the context of the pivotal role of regional and interregional bodies, and aligned with national ownership and accountability, the Equality in Law strategy will be implemented through the following 12 interrelated actions:

1. **Technical support to regional and national stakeholders:** UN Women and partners will provide dedicated technical support to design context-specific roadmaps that elaborate broader reform priorities and the contribution of the strategy towards implementation.<sup>46</sup> They will assist with legislative analysis from a gender perspective to ascertain gaps in existing laws and serve as a basis for defining roadmaps. The scope of analysis will encompass gender discriminatory content as well as the discriminatory impact of gender-neutral laws. Insights will feed into draft bills as part of repealing discriminatory laws and drafting new laws. Monitoring reports on the three SDG 5 indicators and the World Bank's Women, Business and the Law biennial reports will serve as important sources for tracking progress over time.
2. **Digital tracking:** Global and regional digital accountability maps will be designed to serve as one-stop repositories of information on progress being made in repealing discriminatory laws. In addition to having a drop-down menu of outstanding discriminatory laws by country, the maps will illustrate progress through traffic light coding (red means no progress, yellow indicates substantial progress and green signifies that all discriminatory laws have been repealed).
3. **Alliances with non-traditional partners:** Partners in the strategy will engage with the worlds of sports, media, film, celebrities, entertainment and fashion to create awareness on the importance of addressing discrimination in law, broadly and in their own spheres. Partners will effectively engage and utilize opportunities presented by social media, major news networks, print media, entertainment platforms, fashion gatherings and regional and national events to raise awareness on the impacts of discriminatory laws on women and girls and elicit calls for action.
4. **A movement of first spouses:** In many countries, first spouses are contributing to the gender equality agenda through advocacy and awareness on issues of concern to them. First spouses from around the world will therefore be galvanized to support ongoing national, regional and global movements on achieving equality in law. They will work through their existing networks, and in their capacities as champions and ambassadors.
5. **Bottom-up and top-down engagement at the country level:** Legislative reforms will be pursued through horizontal and vertical linkages between national and community stakeholders. Aimed at shifts in social norms, this will encompass entry points, community dialogues as well as national events such as International Women's Day and 16 Days of Activism against Gender-Based Violence.
6. **Leverage mandates and influence:** The political influence of heads of UN agencies and regional and interregional bodies such as the African Union, the Commonwealth, the Organisation Internationale de la Francophonie, the Secretaría General Iberoamericana, the International Monetary Fund and the World Bank will be deployed to advocate for reforms through joint letters, missions, press releases and social media campaigns.
7. **Supporting regional and interregional policy dialogue on discriminatory laws:** Regional and interregional bodies will play a key role in catalysing change at the national level by promoting



collective commitments to gender equality and women's empowerment. This process will gain significant momentum through advocacy for placing discussions on removing discriminatory laws on the agenda of meetings of Heads of State and Government as well as ministers, and for placing talks on ending the discriminatory application of laws on the agenda of meetings of chief justices.

8. **Human rights monitoring and reporting:** Stakeholders will strengthen visibility and accountability for the negative consequences of discriminatory laws through strategic litigation; relevant reports and communications to the Universal Periodic Review, CEDAW Committee and other human rights treaty bodies; and the country visits, reports and communications of the Working Group on the issue of discrimination against women in law and in practice. UN Women, in particular, will support CSOs to reflect such issues in their alternative reports to the CEDAW Committee.
9. **Building on existing movements and campaigns:** The Equality in Law strategy and its advocacy initiatives will complement ongoing efforts to tackle discrimination, stereotypes and sexual exploitation of women and girls through campaigns such as HeForShe and the #MeToo movement.
10. **Engaging men and boys:** Alliances among men and boys will be further developed through schools, colleges, local communities and traditional and religious institutions, and oriented around advocacy to level the law for women and girls, and make gender equality a universal imperative.
11. **Document, share and learn:** The Equality in Law strategy builds on current experiences in law reforms and in turn will inform future law reform efforts.<sup>47</sup> Experiences and lessons on processes and proposals for law reforms will be systematically documented and shared through regional and

## Conclusions

The partners involved in the Equality in Law strategy have strong and long-standing relationships with Heads of State and Government, national women's machineries, ministries of justice, the judiciary, bar associations, parliaments, the Inter-Parliamentary Union and women's organizations. They are also respected globally, and possess the ability to leverage such



Above: Mozambique. UNiTE Campaign. © UN Women/ Jaana Oikarinen.

global processes afforded by platforms such as International Women's Day, ministerial meetings of regional and interregional bodies, the High-level Political Forum, the UN General Assembly, the UN Commission on the Status of Women, the Commission on Crime Prevention and Criminal Justice and the European Development Days. Knowledge generation will be used to develop empirical evidence of progress, gaps and the transformational impact of reforms.

12. **Promoting South-South and triangular cooperation:** Across countries, the strategy will seek to strengthen institutional capacities and knowledge exchanges on successful legislative reform processes.

influence towards strategic advocacy and new social norms shifts that can mitigate the backlash that often follows law reform. The comparative advantage of each partner will be fully utilized to spotlight the legal needs of women and girls, and ensure that such needs are addressed through sustained, transformational and meaningful reforms.



# 6

## APPENDICES

## 6.0

# APPENDICES

## APPENDIX I: Sources of Law

Laws can be formal or informal.

Formal laws include:

- Constitutions (the highest law of the land);
- Legislation (sometimes referred to as statutes or codes that can exist as different domains, such as criminal, civil, family and labour);
- Legislative instruments (these operationalize legislation);
- Executive orders (these are issued through a Head of State or Government and do not require parliamentary approval);
- Administrative regulations of agencies that possess specific powers, e.g., immigration agencies, boards of education; and
- “Case law”, which refers to the reasoning set out by judges in explaining their rulings. In some countries, the case law of a higher tribunal constitutes binding precedent on lower courts. This means that lower courts are obliged to follow it, whether the judge agrees with the decision or not. By contrast, the decision of a tribunal at the same level as the deciding court, or a decision of a court based in a different country, is treated as persuasive or non-binding.

Informal laws include:

- Customary, traditional and religious laws. In some countries these laws also form part of the system of formal laws.

The [CEDAW Committee’s General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women](#) highlights that laws can discriminate against women and girls in a direct or indirect manner. Direct discrimination takes place when the law explicitly treats women and girls less favourably than men and boys. Indirect discrimination occurs when a law appears to be neutral on its face but has a discriminatory effect in practice on women because pre-existing inequalities are not addressed by the apparently neutral measure.

## APPENDIX II:

### Commitments in the Beijing Declaration and Platform for Action

Critical areas of concern	Legislative reform commitment
A. Women and poverty	<ul style="list-style-type: none"> <li>• Revise laws to ensure women's equal rights and access to economic resources, such as inheritance, ownership of land and other property, credit, natural resources and appropriate technologies (Strategic objective A.2).</li> </ul>
B. Education and training of women	<ul style="list-style-type: none"> <li>• Repeal any discriminatory laws or legislation based on religion, race or culture to ensure equal access to education (Strategic objective B.1).</li> </ul>
C. Women and health	<ul style="list-style-type: none"> <li>• Reinforce laws that eliminate discrimination against women and encourage both women and men to take responsibility for their sexual and reproductive behaviour and eliminate coercive laws; and formulate laws to protect women, youth and children from any abuse (Strategic objective C.2).</li> <li>• Review and amend laws that may contribute to women's susceptibility to HIV infection and other sexually transmitted diseases, including enacting legislation against those socio-cultural practices that contribute to it (Strategic objective C.3).</li> </ul>
D. Violence against women	<ul style="list-style-type: none"> <li>• Adopt and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, holding police accountable and take effective measures against perpetrators (Strategic objective D.1).</li> </ul>
E. Women and armed conflict	<ul style="list-style-type: none"> <li>• Fully respect the norms of international humanitarian law in armed conflicts and take all measures required for the protection of women and children, in particular against rape, forced prostitution and any other form of indecent assault (Strategic objective E.3).</li> </ul>
F. Women and the economy	<ul style="list-style-type: none"> <li>• Enact legislation or reform laws to: guarantee the rights of women and men to equal pay for equal work or work of equal value; prohibit discrimination based on sex in the labour market; give women equal rights with men to economic resources; ensure equal access to financial institutions; guarantee equal opportunity; provide protection to all women workers in labour laws (Strategic objective F.1).</li> <li>• Review and reformulate commercial and contract law and regulations to ensure that they do not discriminate against micro, small and medium scale enterprises owned by women in rural and urban areas (Strategic objective F.2).</li> <li>• Maintain the protection of labour laws and social security provisions for those who do paid work in the home (Strategic objective F.4).</li> <li>• Enact laws to prohibit direct and indirect discrimination on grounds of sex, including by reference to marital or family status, in relation to access to employment, conditions of employment (Strategic objective F.5).</li> <li>• Ensure through legislation, opportunities for women and men to take job protected parental leave; examine social security legislation to determine how to promote gender equality; and enact laws against sexual and other forms of harassment in all workplaces (Strategic objective F.6).</li> </ul>
G. Women in power and decision-making	<ul style="list-style-type: none"> <li>• Review the differential impact of electoral systems on the political representation of women in elected bodies and consider, where appropriate, the adjustment or reform of those systems (Strategic objective G.1).</li> </ul>



Critical areas of concern	Legislative reform commitment
H. Institutional mechanism for the advancement of women	<ul style="list-style-type: none"> <li>• Establish national machineries with competence to formulate and review legislation (Strategic objective H.1).</li> <li>• Work with members of legislative bodies to promote a gender perspective in all legislation and undertake activities focusing on legal reform with regard to the family, conditions of employment, society security, income tax, equal opportunity in education, positive measures to promote the advancement of women and a culture favourable to equality, as well as promote a gender perspective in legal policy and programming reforms (Strategic objective H.2).</li> </ul>
I. Human rights of women	<ul style="list-style-type: none"> <li>• Review all national laws to ensure they meet the obligations of CEDAW (Strategic objective I.1).</li> <li>• Enact constitutional guarantees and/or enact appropriate legislation to prohibit discrimination on the basis of sex for all women and girls; review national laws, including customary and legal practices in the areas of family, civil, penal, labour and commercial law, revoking any laws that discriminate on the basis of sex; review and amend criminal laws (Strategic objective I.2).</li> </ul>
J. Women and the media	<ul style="list-style-type: none"> <li>• Adopt appropriate legislation against pornography and the projection of violence against women and children in the media (Strategic objective J.2).</li> </ul>
K. Women and the environment	<ul style="list-style-type: none"> <li>• Safeguard intellectual property rights of women using indigenous technologies and traditional practices under law (Strategic objective K.1).</li> </ul>
L. The girl child	<ul style="list-style-type: none"> <li>• Adopt all necessary legislation to implement the Convention on the Rights of the Child; ensure laws guarantee equal right to succession and inheritance and free and full consent to marriage, enacting laws concerning minimum age for marriage (Strategic objective L.1).</li> <li>• Define a minimum age for child's employment in legislation and strengthen labour laws governing the work of children (Strategic objective L.6).</li> <li>• Enact legislation protecting girls from all forms of violence (Strategic objective L.7).</li> </ul>

## APPENDIX III:

### Questions for monitoring SDG Indicator 5.1.1

#### Area 1: Overarching legal frameworks and public life

##### Promote

1. If customary law is a valid source of law under the constitution, is it invalid if it violates constitutional provisions on equality or non-discrimination?
2. If personal law is a valid source of law under the constitution, is it invalid if it violates constitutional provisions on equality or non-discrimination?
3. Is there a discriminatory law that prohibits both direct and indirect discrimination against women?
4. Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, and judiciary)?
5. Are there quotas for women (reserved seats) in national parliament?
6. Are there quotas for women in candidate lists for national parliament?
7. Do women and men have equal rights to confer citizenship to their spouses and their children?

##### Enforce and monitor

8. Does the law establish a specialized independent body tasked with receiving complaints of discrimination based on gender (e.g., national human rights institution, women's commission, ombudsperson)?
9. Is legal aid mandated in criminal matters?
10. Is legal aid mandated in civil/family matters?
11. Does a woman's testimony carry the same evidentiary weight in court as a man's?
12. Are there laws that explicitly require the production and/or dissemination of gender statistics?
13. Are there sanctions for non-compliance with mandated quotas for women or incentives to include women on candidate lists for national parliamentary elections?

#### Area 2: Violence against women

##### Promote

14. Is there legislation on domestic violence that includes physical violence?
15. Is there legislation on domestic violence that includes sexual violence?
16. Is there legislation on domestic violence that includes psychological/emotional violence?
17. Is there legislation on domestic violence that includes financial/economic violence?
18. Have provisions exempting perpetrators from facing charges for rape if the perpetrator marries the victim after the crime been removed, or never existed in legislation?
19. Have provisions reducing penalties in cases of so called honour crimes been removed, or never existed in legislation?
20. Are laws on rape based on lack of consent, without requiring proof of physical force or penetration?
21. Does legislation explicitly criminalize marital rape?
22. Is there legislation that specifically addresses sexual harassment?

##### Enforce and monitor

23. Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women by creating an obligation on government to provide budget or allocation of funding for the implementation of relevant programmes or activities?

24. Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women by allocating a specific budget, funding and/or incentives to support non-governmental organizations for activities to address violence against women?
25. Is there a national action plan or policy to address violence against women that is overseen by a national mechanism with the mandate to monitor and review implementation?

### Area 3: Employment and economic benefits

#### Promote

26. Does the law mandate non-discrimination on the basis of gender in employment?
27. Does the law mandate equal remuneration for work of equal value?
28. Does the law allow women to do the same jobs as men?
29. Does the law allow women to work the same night hours as men?
30. Does the law provide for maternity or parental leave available to mothers in accordance with the ILO standards?
31. Does the law provide for paid paternity or parental leave available to fathers or partners?

#### Enforce and monitor

32. Is there a public entity that can receive complaints on gender discrimination in employment?
33. Is child care publicly provided or subsidized?

### Area 4: Marriage and family

#### Promote

34. Is the minimum age of marriage at least 18 years, with no legal exceptions, for both women and men?
35. Do women and men have equal rights to enter marriage (i.e. consent) and initiate divorce?
36. Do women and men have equal rights to be legal guardian of their children during and after marriage?
37. Do women and men have equal rights to be recognized as head of household or head of family?
38. Do women and men have equal rights to choose where to live?
39. Do women and men have equal rights to choose a profession?
40. Do women and men have equal rights to obtain an identity card?
41. Do women and men have equal rights to apply for passports?
42. Do women and men have equal rights to own, access and control marital property including upon divorce?

#### Enforce and monitor

43. Is marriage under the legal age void or voidable?
44. Are there dedicated and specialized family courts?

# ENDNOTES

- 1 McKinsey Global Institute. 2015. *The Power of Parity: How Advancing Women's Equality Can Add \$12 Trillion to Global Growth*. McKinsey & Company, p. 75.
- 2 Natasha Scott Despoja. 2016. "Advancing Legal Gender Equality Under the SDGs." *Women Deliver*, 7 May. <http://womendeliver.org/2016/advancing-legal-gender-equality-under-the-sdgs/>.
- 3 McKinsey Global Institute. 2015. *The Power of Parity: How Advancing Women's Equality Can Add \$12 Trillion to Global Growth*. McKinsey & Company, p. 1.
- 4 United Nations. 2014. "Review and appraisal of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly." Report of the Secretary-General. E/CN.6/2015/3.
- 5 In this strategy, all references to repeal of the law include both partial revision and/or replacing the text or the entire law.
- 6 This will include the design of context-specific project documents that reflect risks and corresponding mitigation measures, a results framework and consolidated budget.
- 7 For the mandate of the Working Group and the renewal of its mandate, see <https://ohchr.org/EN/Issues/Women/WGWomen/Pages/WGWomenIndex.aspx> and <https://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/Download.aspx?SymbolNo=A%2fHRC%2fRES%2f32%2f4&Lang=en>.
- 8 See Article 2 of CEDAW in Box 6.
- 9 McKinsey Global Institute. 2015. *The Power of Parity: How Advancing Women's Equality Can Add \$12 Trillion to Global Growth*. McKinsey & Company, p. 75.
- 10 World Bank Group. 2018. *Women, Business and the Law 2018*. Washington, DC: World Bank, p. 1
- 11 For example, see United Nations Human Rights Special Procedures. 2012. *Adultery as a criminal offence violates women's human rights*. Prepared by the Working Group on the issue of discrimination against women in law and in practice.
- 12 United Nations. 2014. "Review and appraisal of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly." Report of the UN Secretary-General. E/CN.6/2015/3.
- 13 CEDAW Committee. 2010. General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 16 December and Human Rights Council. 2018. "Report of the Working Group on the issue of discrimination against women in law and in practice." A/HRC/38/46.
- 14 A case in point relates to legal provisions that impose criminal liability on women and girls in situations in which men would not be criminally liable. Examples include both gender-specific provisions, such as the definition of adultery as consensual sexual intercourse between a married woman and a man who is not her husband, targeting married women, as well as gender-neutral provisions on adultery and non-consensual sex or running away from home that are in practice invoked much more often against women than men. See United Nations Human Rights Special Procedures. 2012. *Adultery as a criminal offence violates women's human rights*, Op. Cit, pp. 3-4 and UNODC. 2014. *Handbook on Women and Imprisonment*. New York: United Nations, p.123.
- 15 See e.g. Bangkok Rule 1, Nelson Mandela Rule 2(2). See also CEDAW Committee General Recommendations No. 25 (temporary special measures) and No. 28 (state obligations).
- 16 United Nations Economic and Social Council. 2017. "Women's economic empowerment in the changing world of work." Report of the Secretary-General for the Commission on the Status of Women, sixty-first session. E/CN.6/2017/3.
- 17 United Nations Secretary-General's High-Level Panel on Women's Economic Empowerment. 2016. "Leave No One Behind. A Call to Action for Gender Equality and Women's Economic Empowerment." New York.
- 18 *Ibid*, pp. 4-5.
- 19 Computed from the UN Stats database. Accessed 15 August 2018. <https://unstats.un.org/unsd/databases.htm>.
- 20 <https://data.unicef.org/topic/child-protection/child-marriage/>.
- 21 <https://data.unicef.org/topic/child-protection/female-genital-mutilation/>.

- 22 For example, see World Bank Group. 2016. “Compendium of International and National Legal Frameworks on Child Marriage.” Prepared by Emelyne Calimoutou, Yuantao Liu and Beverley Mbu. Washington, DC: World Bank.
- 23 Discriminatory nationality laws put a huge strain on family unity, leaving spouses and children feeling particularly vulnerable and, in some cases, increasing the fear of family violence. Women’s inability to pass on their citizenship to their children and spouses puts huge financial, psychological and physical strains on families that can result in an intergenerational spiral of poverty, destitution and depression. Eliminating gender discrimination in nationality laws could have profound impacts on hundreds of thousands of lives through, for example, improved access to education, health care, identity documents, employment and inheritance. See United Nations Human Rights Special Procedures. 2017. *Discrimination against women in nationality laws*. Prepared by the Working Group on the issue of discrimination against women in law and in practice.
- 24 The UN Security Council established the link between resolution 1325 on women, peace and security and gender discrimination in nationality laws in [Resolution 2122](#). In it, the Security Council “expressed concern over women’s exacerbated vulnerability in armed conflict and post-conflict situations particularly...as a result of unequal citizenship rights...and obstacles to registering and accessing identity documents”. Following this resolution, during the October 2014 Open Debate on Women, Peace and Security, the President of the Security Council stated that “the Security Council further recognizes that refugee and internally displaced women and girls are at increased risk of becoming stateless as a result of discriminatory nationality laws”. The Concept Note for the October 2014 Open Debate further stated, “Statelessness can arise when a woman’s experience of the conflict intersects with discriminatory nationality laws. Women may be left stateless when they cannot prove nationality because necessary documents such as identity documents and birth registration are either not issued or are lost or destroyed in conflict and are not reissued in their names. Statelessness may also arise in situations in which discriminatory laws deny women the ability to pass on their nationality to their children.”
- 25 CEDAW Committee. 2017. General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19, paras. 6, 10, 14 and 30(b), 26 July.
- 26 Equality Now. 2017. *The World’s Shame—The Global Rape Epidemic. How Laws Around the World are Failing to Protect Women and Girls from Sexual Violence*.
- 27 For more details, see: <http://www.un.org/en/spotlight-initiative/>.
- 28 See Human Rights Council. 2015. “Report of the Working Group on the issue of discrimination against women in law and in practice in which the Working Group examines discrimination against women and girls in cultural and family life.” A/HRC/29/40.
- 29 A reservation is a statement made by a State by which it seeks to exclude or alter the legal effect of certain provisions of a treaty in their application to that State. An estimated 30 States have expressed reservations to a core obligation under CEDAW, namely, Article 2 (eliminating discrimination against women) and Article 16 (eliminating discrimination against women in all matters relating to marriage and family relations). See OHCHR, Status of Implementation Interactive Dashboard. Accessed 15 September 2018. <http://indicators.ohchr.org/>.
- 30 Radhika Coomaraswamy. 2015. *Preventing Conflict, Transforming Justice and Securing the Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325*. New York: UN Women.
- 31 United Nations Fourth World Conference on Women. 1995. Beijing Declaration and Platform of Action. A/CONF.177/20 and A/CONF.177/20/Add.1., para. 232(d).
- 32 Human Rights Council. 2018. Elimination of all forms of discrimination against women and girls. A/HRC/38/L.1/Rev.1., para. 3(a).
- 33 For other provisions which call for the revision, modification or abolition of existing laws that discriminate against women, see Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (A/Res/65/228, annex), para 14(e); United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (A/Res/65/229, annex), Rule 57.
- 34 Women in Public Service Project. Accessed 20 August 2018. <http://data.50x50movement.org/>.
- 35 Inter-Parliamentary Union. “Women in national parliaments, as of 1 June 2018.” <http://archive.ipu.org/wmn-e/arc/classifo10618.htm>. UN Women’s calculation is based on information provided by Permanent Missions to the United Nations, the Inter-Parliamentary Union and the “Women in Politics 2017 Map.” For the last, see: <http://www.unwomen.org/en/digital-library/publications/2017/4/women-in-politics-2017-map>.
- 36 Human Rights Council. 2018. “Report of the Working Group on the issue of discrimination against women in law and in practice.” A/HRC/38/46.
- 37 Natasha Scott Despoja. 2016. “Advancing Legal Gender Equality Under the SDGs.” Women Deliver, 7 May.

- 38 McKinsey Global Institute. 2015. *The Power of Parity: How Advancing Women's Equality Can Add \$12 Trillion to Global Growth*. McKinsey & Company, p. 1.
- 39 World Bank Group. 2018. *Women, Business and the Law 2018*. Washington, DC: World Bank, p. 7.
- 40 Human Rights Council. 2018. "Report of the Working Group on the issue of discrimination against women in law and in practice." A/HRC/38/46.
- 41 United Nations Human Rights Special Procedures. 2012. *Adultery as a criminal offence violates women's human rights*. Prepared by the Working Group on the issue of discrimination against women in law and in practice, pp. 8-9.
- 42 World Bank Group. 2018. *Women, Business and the Law 2018*. Washington, DC: World Bank, p. 8.
- 43 *Ibid.*, pp. 8-9.
- 44 See *Unity Dow v. Attorney-General*, Botswana, (1991, BLR 233 HC); *Sessions v. Morales-Santana*, 582 U.S. \_\_\_ (2017); and Dabanga News. 2017. "Sudanese nationality returned to South Sudanese by court order". 11 July. <https://www.dabangasudan.org/en/all-news/article/sudanese-nationality-returned-to-south-sudanese-by-court-order>.
- 45 See Sentencia n° 936-95 de Corte Constitucional, 7 March 1996 and 9 *Law Advocacy for Women in Uganda v. Attorney General*, Constitutional Petitions Nos. 13/05 & 05/06 [2007] UGCC 1 (5 April 2007).
- 46 This will include context-specific project documents that reflect risks and mitigation measures, a results framework and costing.
- 47 UN Women's experience has demonstrated, for example, that law reforms must consider emerging contestations around gender, gender equality, sexual and reproductive health and the complexities of working in plural legal systems.





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