



SHAPING THE LAW FOR

# *women and girls:*

EXPERIENCES AND LESSONS  
FROM UN WOMEN'S  
INTERVENTIONS

2015-2020



Authors: Jeni Klugman and Beatrice Duncan

Substantive research, data analysis and chapter reviews: Claire Mathellié

Substantive research: Suriani Kempe and Nayda Almodovar-Reteguis

Design and layout: Blossom

The views expressed in this publication are those of the authors and do not necessarily represent the views of UN Women, the United Nations or any of its affiliated organizations.

© UN Women 2022

Produced in the United States

All rights reserved

**SHAPING THE LAW FOR WOMEN AND GIRLS:  
EXPERIENCES AND LESSONS FROM  
UN WOMEN'S INTERVENTIONS (2015-2020)**

---

# CONTENTS

Acronyms .....	6
Executive Summary.....	7
<b>SECTION I. INTRODUCTION .....</b>	<b>10</b>
<b>SECTION II. CONSTITUTIONAL REFORMS OVER TIME.....</b>	<b>12</b>
General trends .....	18
<b>SECTION III. TRENDS IN LEGAL DISCRIMINATION GLOBALLY.....</b>	<b>18</b>
Using the lens of the Strategy on ‘Equality in Law for Women and Girls by 2030’ .....	21
Comprehensive reforms.....	22
Economic empowerment.....	23
Minimum age of marriage.....	24
Nationality rights.....	26
Marry your rapist laws.....	28
Equality in family relations.....	30
<b>SECTION IV. UN WOMEN’S LEGAL INTERVENTIONS.....</b>	<b>32</b>
An overview of achievements and results .....	33
Key examples from UN Women’s work in the field.....	40
Constitution-making.....	40
Supporting progressive change in legislation.....	42
<b>SECTION V. CONCLUSION.....</b>	<b>46</b>
References.....	47
<b>APPENDICES.....</b>	<b>49</b>
Appendix 1: UN Women regional country classifications .....	49
Appendix 2: Women, Business and the Law - What is measured.....	50
Appendix 3: Number of interventions on legal reforms by UN Women Country Office, 2015-2020.....	51
Appendix 4: Questionnaire to Country Offices about their work on legal reforms, sent in April 2021.....	52
<b>ENDNOTES.....</b>	<b>53</b>

# TABLE OF FIGURES, BOXES AND TABLES

## LIST OF FIGURES

Figure 2.1	Share of countries with constitutional provisions to advance gender equality, by type, as of 2021.....	16
Figure 3.1	Global averages by legal domain, 1970 and 2020.....	19
Figure 3.2	Gender equality before the law in the Arab States region, 2018.....	20
Figure 3.3	Legal provisions governing child marriage around the world, as of 2020.....	25
Figure 3.4	Discrimination in nationality rights, as of 2021.....	27
Figure 3.5	Rates of intimate partner violence, current and lifetime, as of 2018.....	28
Figure 3.6	Number of countries with laws against domestic violence, 1975 - 2020.....	29
Figure 3.7	Discrimination in inheritance laws, as of 2021.....	31
Figure 4.1	Number of legal initiatives supported by UN Women, by region, 2015-2020.....	35

## LIST OF BOXES

Box 2.1	UN Women Global Gender Equality Constitutional Database.....	13
Box 2.2	Examples of recent amendments to ensure gender equality in constitutions.....	14
Box 2.3	Different approaches to pluralism in constitutions - Selected examples.....	17
Box 3.1	Highlights from recent comprehensive legal assessments on Côte d'Ivoire, Ethiopia, The Gambia, and Kenya and Rwanda.....	22
Box 3.2.	Legal problems on minimum age of marriage around the world.....	25
Box 3.3	CEDAW's expression of equal nationality rights.....	26
Box 4.1	Targets of the Strategy on Equality in Law for Women and Girls by 2030.....	33
Box 4.2	UN Women's Rule of Law activities in the Arab States.....	37
Box 4.3	Consulting, negotiating, designing and adopting a constitution.....	41

## LIST OF TABLES

Table 1	UN Women's successful legal reform initiatives by thematic area, 2015 to 2020..	8
Table 2.1	Regional breakdown of constitutional reforms between 2015 and 2020.....	13
Table 4.1	UN Women's successful engagement on legal reforms under the Strategy on Equality in Law, since 2019.....	34
Table 4.2	UN Women's legal reform initiatives by thematic area, 2015 to 2020.....	37
Table 4.3	Success rate of legal reforms adopted (bill into law) with UN Women's support.....	38

---

## ACRONYMS

<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CDA</b>	Constitutional Drafting Assembly (Libya)
<b>CSO</b>	Civil society organization
<b>ESCWA</b>	United Nations Economic and Social Commission for Western Asia
<b>ILO</b>	International Labour Organization
<b>NGO</b>	Non-governmental organization
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>SDG</b>	Sustainable Development Goals
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UNOHCHR</b>	United Nations Office of the Higher Commissioner on Human Rights
<b>UN Women</b>	United Nations Entity for Gender Equality and Women's Empowerment
<b>UWOPA</b>	Uganda Parliamentary Women's Association
<b>WBL</b>	Women, Business and the Law
<b>WGDAW</b>	Working Group on discrimination against women and girls
<b>WHO</b>	World Health Organization

## EXECUTIVE SUMMARY

**“Equality in law is crucial to gender equality, as women and girls look to the laws of their State to protect, fulfill 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.”**

UN Women, *Equality in law for women and girls by 2030: A multistakeholder strategy for accelerated action* (2019)<sup>1</sup>

Laws that discriminate against women and girls entrench gender inequality and are a major barrier to the realization of women’s human rights. The most recent data available points to an estimated 3.7 billion women and girls currently living in countries where discriminatory laws are in place or key protections are lacking.<sup>2</sup>

Since its foundation in 2011, UN Women has prioritized supporting legislative efforts to advance gender equality and eliminate discriminatory laws. Following the adoption of the 2030 Agenda, UN Women collaborated with the World Bank Group and OECD Development Centre to develop the methodology for data collection for 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”*. Based on this it was agreed that a wide range of laws, including on violence against women, employment and economic benefits, marriage, and family, should be assessed to monitor gender equality in law.

On the tenth anniversary of UN Women’s establishment, this report brings together research and evidence from state and non-state actors to demonstrate how laws around the world treat women and girls, using trends since 2015 which highlight both gains and ongoing challenges, and examples of UN Women interventions to make legislation more gender responsive.

The review shows that UN Women, working with governments and a broad range of stakeholders and partners, can support change that is consistent with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international commitments. UN Women is often the most impactful when it works in concert with women’s rights organizations and movements on legislative reforms.

Important advances have been made in reforming constitutions, especially to increase standalone clauses on women’s rights, women’s political representation and secure sexual and reproductive rights. Yet gaps remain. While 192 constitutions guarantee equality and non-discrimination, 12 constitutions do not apply this guarantee in matters of adoption, marriage, divorce and inheritance. Of the 44 constitutional monarchies in existence, 27 are strictly patrilineal.<sup>3</sup>

In many countries legal protections have been put in place to secure gender equality in the workplace. Major gaps however persist in several fields such as, equality in parenthood as well as in efforts to address child marriage: In 146 countries, the legal standard currently falls short of 18 years of age without exception for both men and women in line with international standards.<sup>4</sup> The gaps are prominent in Africa and the Americas and the Caribbean where 41 out of 54 countries and 24 out of 34 countries are yet to reform their legal minimum age of marriage standards. More than 30

countries still lack laws prohibiting domestic violence, and an estimated 18 countries exempt perpetrators from prosecution from rape if they marry the survivor. These and other major legal gaps documented in Section III underline that there is clearly still much to be done to ensure gender equality in law.

The *Equality in law for women and girls by 2030: A multistakeholder strategy for accelerated action*<sup>5</sup> launched by UN Women, in partnership with the African Union, the Commonwealth, Inter-Parliamentary Union, Organisation Internationale de la Francophonie, and Secretaría General Ibero-Americana, in 2019, aims to accelerate reform in 100 countries and address the legal needs of over 50 million women and girls around the world.

During the period under review, UN Women supported some 509 legal initiatives to advance constitutional and comprehensive legal reforms across 90 countries. Approximately half of these sought to repeal discriminatory laws and half advanced the design of gender-responsive, inclusive of constitutional reforms. Out of 509 initiatives, 206 resulted in bills signed into law by the executive, representing a success rate of 40 percent. The breakdowns of the successful initiatives by thematic areas are shown in Table 1. Across these thematic areas, 24 attempts were made to prevent the enactment of legislation which would have resulted in the reversal of gains to the gender equality agenda. Of these, four were successfully prevented.

**TABLE 1 UN WOMEN'S SUCCESSFUL LEGAL REFORM INITIATIVES BY THEMATIC AREA, 2015 TO 2020**

Thematic Area	Successful initiatives
Violence against women	66
Equality in political and public life	35
Other laws <sup>6</sup>	35
Economic empowerment	25
Comprehensive reforms	16
Minimum age of marriage	14
Equality in family relations	11
Nationality rights	2
Sexual and Reproductive Health and Rights	2

Source: UN Women's internal assessment of annual reports from 2015 to 2020, compiled in April 2021.

UN Women country offices have pursued several strategies to advance legal reforms (more details are provided in Section IV), often in partnership with local women's organizations and other UN agencies. These strategies have included:

- Undertaking comprehensive reviews of national legislation and their applicability to international and regional standards.
- Supporting drafting of new bills, and providing expert advice and facilitation of expert group meetings with lawmakers and relevant actors.
- Increasing awareness and building political will amongst key stakeholders, through seminars and round tables, presentations to Parliament and consultations with different political actors such as congressmen, representatives of women's organizations, gender machineries.



- Awareness raising and campaigning for legal reform, such as during 16 Days of Activism, and through the roll out of the UN Secretary-General's global UNiTE to End Violence against Women campaign.
- Capacity-building of stakeholders, including parliamentarians, CSOs, ministry staff – often in coordination with partners.
- Encouraging cooperation and knowledge sharing through study tours between countries with similar legal systems and legal challenges.
- Supporting shifts in gender norms by mobilizing traditional and religious leaders, champions in sports, media, film, celebrities, entertainment and fashion to heighten awareness on the importance of addressing discrimination in laws, both broadly and in their own spheres.
- Supporting key civil society actors to gain access to legal reform processes and creating multi-stakeholder dialogue processes to bring civil society together with elected and appointed officials to discuss legal and policy frameworks.

In all the above, UN Women has pursued bottom-up and top-down approaches to advance gender equality in law, through social norms change, building awareness, political will, and partners' capacities. This has helped accelerate broader progress on gender equality to meet the Sustainable Development Goals (SDGs). It is important to document, share and learn from these experiences, to inform future efforts as UN Women begins the implementation of a new Strategic Plan and fast track change by 2030.



## SECTION I. INTRODUCTION

Laws that discriminate against women and girls entrench gender inequality and are a major barrier to the realization of women's human rights. Based on the most recent data available, an estimated 3.7 billion women and girls worldwide live in countries where discriminatory laws are in place or key protections are lacking.<sup>7</sup>

Important advances have been made in reforming constitutions, especially to increase standalone clauses on women's rights, women's political representation and sexual and reproductive rights. Yet gaps remain.

While 192 constitutions guarantee equality and non-discrimination, 12 constitutions do not apply this guarantee in matters of adoption, marriage, divorce, and inheritance. Of the 44 constitutional monarchies in existence, 27 are strictly patrilineal.<sup>8</sup> In many countries legal protections have been put in place to secure gender equality in the workplace. Major gaps however persist in several fields such as in equality in parenthood as well as in efforts to address child marriage: in 2021, contrary to international commitments, in 146 countries, the legal standard currently falls short of 18 years of age without exception for both men and women in line

with international standards.<sup>9</sup> The gaps are prominent in Africa and in the Americas and the Caribbean where respectively 41 out of 54 countries and 24 out of 34 countries are yet to reform their legal minimum age of marriage standards. More than 30 countries still lack laws prohibiting domestic violence, and an estimated 18 countries exempt perpetrators from prosecution from rape if they marry the survivor. These and other major legal gaps documented in Section III, underline that there is clearly still much to be done to ensure gender equality in law.

The launch of a Decade for Women at the United Nations first World Conference on Women in Mexico City in 1970, the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979 by the UN General Assembly, which inspired the adoption of the Beijing Declaration and Platform for Action in 1995, regular reporting to the Committee on the Elimination of Discrimination against Women (CEDAW Committee), all created better conditions for tackling gender-based discrimination and advance women's rights in the law. UN Women's establishment in 2010, five years before the adoption of the 2030 Agenda for Sustainable Development, also contributed to increased support to women and girls' empowerment around the world.

On its tenth anniversary, the goal of this report is to share UN Women's best practices and lessons learned in legal reforms with stakeholders within and outside the UN system, through diverse examples of interventions. It deploys a review of UN Women's internal Results Management System, existing qualitative and quantitative global datasets from actors, including the World Bank, the Organization for Economic Co-operation and Development (OECD), the UN Development System, State Party reports to human rights treaty bodies, and relevant concluding observations and recommendations emerging from such bodies.

Following a global summary of how the law treats women and girls (Sections II and III), the report reviews the state of play against the six pillars of the

UN Women-led *Equality in law for women and girls by 2030: A multistakeholder strategy for accelerated action* from 2019 (Section IV).<sup>10</sup> Section IV further outlines and assesses some achievements of UN Women's interventions to date. The focus here is on laws and legal reform, while recognizing that these are part of a larger puzzle for which multi-pronged efforts are always needed. Laws play an important symbolic role, not least because they are "an important means available to demonstrate that certain behaviours are unacceptable."<sup>11</sup> However, laws on the books are not enough. Measures must be taken to address gaps in implementation, limited access to justice, the persistence of adverse social norms and resource gaps, among other constraints.

How does legal change come about? Clearly the drivers will differ across settings, but evidence suggests three important factors often work together: commitment to international human rights norms and standards such as CEDAW, the growth of women's groups and collective action and, and windows of opportunity that come with significant shifts in the political landscape.

CEDAW provides a benchmark for women's groups and rights advocates rallying for change, and the CEDAW Committee's general recommendations and concluding observations hold States Parties to account and provide guidance to shape reforms.<sup>12</sup> One empirical research finds that eight years after ratifying CEDAW, countries are about 23 percent more likely to adopt full legal protections against violence.<sup>13</sup>

Many women's rights groups and mobilization efforts have successfully demanded legislative reforms, including recent movements like #MeToo globally, #Nirbhaya in India and #NiUnaMenos in Latin America.<sup>14</sup> Within this context, organizations like UN Women can play an important role in helping to support change, working at various levels.



## SECTION II. CONSTITUTIONAL REFORMS OVER TIME

Constitutions provide the legal basis for the social contract between the State and citizens, and new constitutions and constitutional amendments can reflect evolutions in the social contract, especially in the wake of conflict and/or during major political transitions.<sup>15</sup> In many countries, constitutional law is supreme law, meaning that ordinary legislation that does not comply with the letter and spirit of the constitution can be overturned. Constitutions can thus provide the strongest legal means of protecting and promoting gender equality including through entrenching the fundamental rights and freedoms of women.<sup>16</sup> When

gender equality is constitutionally enshrined, this sets expectations and provides a benchmark against which all laws can be assessed.

UN Women's tracking of constitutional reforms through its *Global Gender Equality Constitutional Database* (see Box 2.1) suggests that, in the past decade, constitutions have been reviewed and overhauled with greater frequency. As noted above, CEDAW has played a catalytic role, and constitutions adopted after the 1995 Beijing Declaration were more likely to guarantee rights and protections to women and

girls than those adopted earlier. Good practices in contemporary constitution-making are characterized by consultative processes and the incorporation

of human rights principles, which UN Women has supported as outlined in Section IV.

### BOX 2.1 UN WOMEN GLOBAL GENDER EQUALITY CONSTITUTIONAL DATABASE

The database is a repository of gender equality related provisions extracted manually from 194 constitutions from around the world. It is the first searchable database that presents constitutional provisions through a gender lens, and is designed to be a one-stop resource. Potential users include gender advocates, Constitutional Review Commissions, Committees, assemblies and other similar bodies, human rights bodies and public interest litigators, as well as civic educators, academic institutions and multilateral organizations.

Source: UN Women, [Global Gender Equality Constitutional Database](#)

Constitutional provisions on gender equality and women's rights are wide ranging. Gender-specific equality and non-discrimination clauses are the most common, as explicit guarantees of sex and/or gender equality or non-discrimination. Many recent constitutions also include standalone women's rights and affirmative action provisions, and specific provisions on women's political, social, and economic

rights, marriage and family, and property, inheritance, and land tenure (see Box 2.2 for examples).

A review of constitutional reforms between 2015 and 2020 suggests that 93 countries underwent constitutional reforms, of which nine have involved wholesale reviews<sup>17</sup> and at least 12 have led to new language on gender equality.<sup>18</sup> A regional breakdown is shown in Table 2.1.

**TABLE 2.1 REGIONAL BREAKDOWN OF CONSTITUTIONAL REFORMS BETWEEN 2015 AND 2020**

AFRICA	26 countries underwent constitutional reforms, and 7 countries adopted new constitutions
AMERICAS	13 countries underwent constitutional reforms, and 1 country adopted a new constitution
ASIA	27 countries underwent constitutional reforms, and 1 country adopted a new constitution
EUROPE	27 countries underwent constitutional reforms
OCEANIA	6 countries underwent constitutional reforms

Source: UN Women, [Global Gender Equality Constitutional Database](#)

Among gender equality constitutional inroads include the Constitutional Declaration of Sudan (2019), which represents one of the most comprehensive reforms in recent times. The Declaration reflects provisions on the creation of a national gender machinery, standalone

provisions on women's rights and the repeal of laws which discriminate against women among other provisions.<sup>19</sup> Furthermore, Cuba and Ireland recently introduced provisions on sexual and reproductive health and rights, by respectively lifting bans on

interruptions to pregnancy and permitting Parliament to legislate on abortion.<sup>20</sup> Additional inroads are seen in the strengthening or introduction of constitutional political quotas in Egypt, Mexico, Sudan, and Zambia; standalone provisions on women's rights in Cote d'Ivoire and Zambia; provisions on gender equality machineries in Congo and Sudan; and affirmative action provisions in Chad, Comoros, Gabon, and Thailand.

Different constitutional formats offer various avenues for advancing women's rights. For example, New

Zealand's "unwritten" constitution consists of statutes, conventions and protocols that define the rights of citizens and can be amended by a simple majority in Parliament. An estimated 40 percent of countries require a referendum to amend the constitution.<sup>21</sup> The culture around constitutional amendments can also shape opportunities. For example, the United States has shied away from constitutional amendments and often interprets new rights through judicial review, while the Indian constitution has been amended over 100 times in the past sixty years.<sup>22</sup>

## BOX 2.2 EXAMPLES OF RECENT AMENDMENTS TO ENSURE GENDER EQUALITY IN CONSTITUTIONS

**Armenia:** The 2020 constitutional amendment provides for parity in employment and encourages the promotion of women to positions of responsibility in public institutions and administrations as well as at the level of enterprises (Article 36).

**Azerbaijan:** In 2016, the constitution was amended following a referendum. Changes brought about by this amendment included guarantees of an adequate standard of living and legal equality before the state organs. Article 25 (5) provides that "Everyone shall be guaranteed equal rights in any proceeding before state authorities and bearers of public authority that decide on his or her rights and duties."

**Bangladesh:** A 2018 constitutional amendment increased the timeframe for a quota of 50 reserved seats for women in the national Parliament to 25 years.

**Cuba:** After a citizen consultation process and a 2019 constitutional referendum, a new constitution was adopted. It prohibits discrimination on the basis of gender identity and sexual orientation and guarantees reproductive rights.

**Egypt:** A 2019 constitutional amendment included the introduction of a quota of 25 per cent for women in the national House of Representatives (Article 102).

**Ireland:** Amended in 2018, the Irish Constitution of 1937 recognizes women's ability to access safe and legal abortion services. The reforms removed the constitutional requirement for a defined period of separation before a Court may grant a dissolution of marriage, and eased restrictions on the recognition of foreign divorces.

**Lesotho:** In 2018, a constitutional reform resulted in the amendment of Articles 40 and 41 of the constitution to provide for (1) equality between men and women in the transfer of citizenship through marriage, and (2) dual citizenship.

**Malawi:** A 2017 constitutional amendment succeeded in stipulating 18 years as the minimum age of marriage, to ensure consistency with the Marriage, Divorce and Family Relations Act of 2015.

**San Marino:** A constitutional amendment of 2019 enshrined equality before the law for all, without any distinction based on sexual orientation (Article 4).

**Sudan:** The 2019 Constitutional Charter for the Transitional Period provides for among others, the repeal of laws which discriminate against women; the promotion of women's rights in all social, political, and economic fields; equal rights between women and men to enjoy all civil, political, social, cultural, and economic rights, including the right to equal pay for equal work.

**Tajikistan:** The 1994 Constitution was amended in 2016 following a referendum, resulting in among other changes, the recognition of care work.

Source: UN Women, [Global Gender Equality Constitutional Database](#).

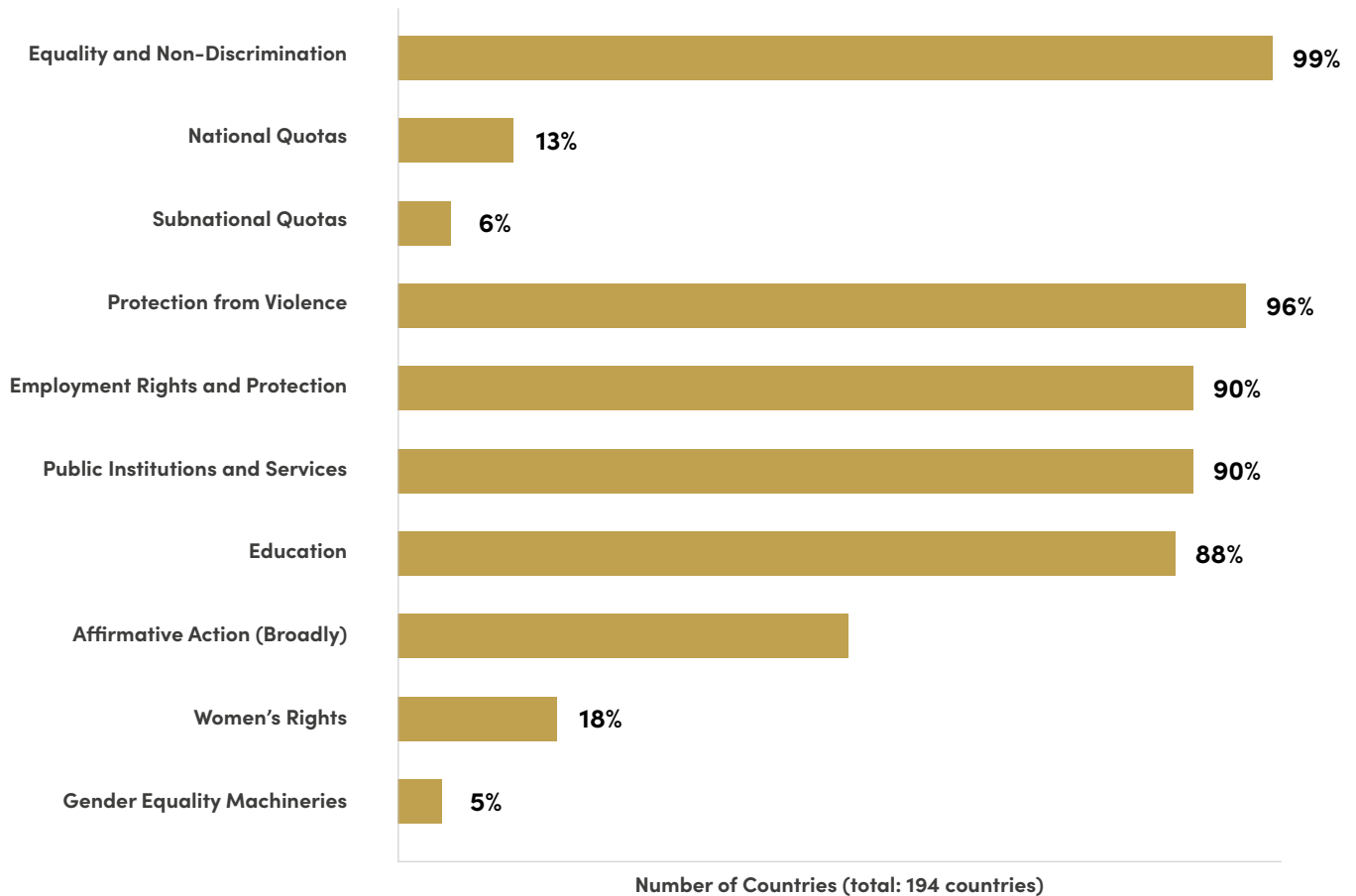
As noted earlier, a constellation of factors such as the widespread ratification of CEDAW, the adoption of the 1995 Beijing Declaration and Platform for Action and civil society activism played a catalytic role in normative shifts in constitutional review processes.<sup>23</sup> Constitutions adopted after the Beijing Declaration were more likely to guarantee rights and protections to women and girls than those adopted earlier. Good practices in contemporary constitution-making are characterized by consultative processes and a much greater focus on the integration of human rights commitments. UN Women has leveraged its mandate to influence such processes over the years.

Women's participation has been critical to advancing constitutional reforms to promote gender equality. Data generated by Inclusive Security on women's participation in 20 constitutional processes which took place between 1990 and 2015 found that, on average, 19 percent of members of formal constitution-

reforming bodies in these settings were women.<sup>24</sup> This is insufficient. But even in these limited numbers, women in constitutional processes, such as in Kenya and Ecuador, have helped push forward important gains, including to advance the rights of marginalized groups.<sup>25</sup> Women have also contributed to reconciliation in deeply divided societies, while also advancing consensus on constitutional issues, such as in Malawi where consensus was reached on 18 years as the minimum age of marriage for both women and men through a constitutional amendment in 2017.<sup>26</sup>

Figure 2.1 highlights the share of countries which reflect gender equality language based on selected categories and subcategories of the *Global Gender Equality Constitutional Database*. It demonstrates that a substantial number of countries recognize equality before the law and non-discrimination, protection from violence, access to education and access to other social services.

**FIGURE 2.1 SHARE OF COUNTRIES WITH CONSTITUTIONAL PROVISIONS TO ADVANCE GENDER EQUALITY, BY TYPE, AS OF 2021**



Source: UN Women, [Gender Equality Constitutional Database](#).

Gaps in gender-responsive constitutional reforms also persist. For instance, of the 44 constitutional monarchies in existence, 27 are strictly patrilineal according to their constitutions; and while 192 countries guarantee participation in the political affairs of the State, only 25 reference quotas to achieve gender equality in politics.

Furthermore, while 192 constitutions guarantee equality and non-discrimination, 12 do not apply this guarantee in matters of adoption, marriage, divorce, burial, and

inheritance.<sup>27</sup> These exceptions were typically found in countries where customary laws are recognized as a valid source of law under the constitution and therefore, not considered to violate the provisions on non-discrimination and equality.<sup>28</sup> This can undermine advances being made towards gender equality. Thus, it is important to harmonize conflicting laws to ensure conformity with regional and international human rights norms and standards. The different ways in which the constitutions of several countries approach customary law are illustrated in Box 2.3.



### BOX 2.3 DIFFERENT APPROACHES TO PLURALISM IN CONSTITUTIONS - SELECTED EXAMPLES

- Section 18 of the 1993 constitution of Lesotho recognizes customary law as an authority in matters of marriage, divorce, property, allowing gender discrimination in these areas of law. The constitutions of 11 other countries (Botswana, Gambia, Malaysia, Mauritius, Micronesia, Palau, Sierra Leone, Solomon Islands, Sri Lanka, Vanuatu and Zambia) contain similar provisions.
- The 1994 Ethiopian constitution recognizes customary marriages and allows customary law to be applied in the adjudication of disputes relating to personal and family law.
- In South Africa, marriages concluded under any tradition or systems of personal and family law under any tradition, are recognized by the 1996 constitution.
- While recognizing customary laws as a source of legislation, the constitutions of Ghana, Zambia and Namibia stipulate that customary law is null and void when inconsistent with the constitution.
- The 2009 Bolivian constitution is one of the most comprehensive constitutions in Latin America for the recognition of indigenous customary law and their institutions. The constitution states that indigenous authorities exercise jurisdiction in accordance with their own principles, cultural values and procedures, while imposing the need for indigenous jurisdictions to respect the rights enshrined in the constitution.
- The 1995 constitution of the Marshall Islands requires the codification of customary law by the Nitijela (Parliament). The Nitijela shall declare by Act, customary law, and it is not limited to pure declaration of customary law but may also supplement established rules of customary law.
- As in several Pacific Islands constitutions, the 1978 constitution of the Solomon Islands, as amended in 2018, defines discrimination and recognizes customary law as a vehicle for promoting cultural traditions.
- Several African and Pacific Islands constitutions also recognize customary institutions and their roles in political affairs, judicial affairs as well as in the general development of the State. Article 277 of the 1996 constitution of Ghana defines a “Chief” as “a person, who, hailing from the appropriate family and lineage, has been validly nominated, elected or selected and enstooled, enskinned or installed as a chief or queen mother in accordance with the relevant customary law and usage.”

Sources: UN Women, *Global Gender Equality Constitutional Database*; Cuskelly, K. (2011). *Customs and Constitutions: State recognition of customary law around the world*. IUCN: Bangkok. Last accessed on 31 July 2021, available at: <https://portals.iucn.org/library/efiles/documents/2011-101.pdf>; UN Women (2019). *Progress of the world's women 2019-2020: Families in a changing world*. UN Women: New York, p78. Last accessed on 31 July 2021, available at <https://www.unwomen.org/en/digital-library/progress-of-the-worlds-women>.



## SECTION III. TRENDS IN LEGAL DISCRIMINATION GLOBALLY

### GENERAL TRENDS

The most comprehensive tracking of legal discrimination against women over time is the World Bank's *Women, Business and the Law* database for which estimates are available for the period 1970–2020. While the picture does not cover every facet of women's rights, the eight indicators of the database are designed to capture key aspects of economic opportunities: mobility, the workplace, employment remuneration, marriage, parenthood, entrepreneurship, assets and pensions (see Appendix 2). This data has

also been used to estimate a summary Women, Business and the Law Index (WBL Index), in which higher scores indicate better performance.

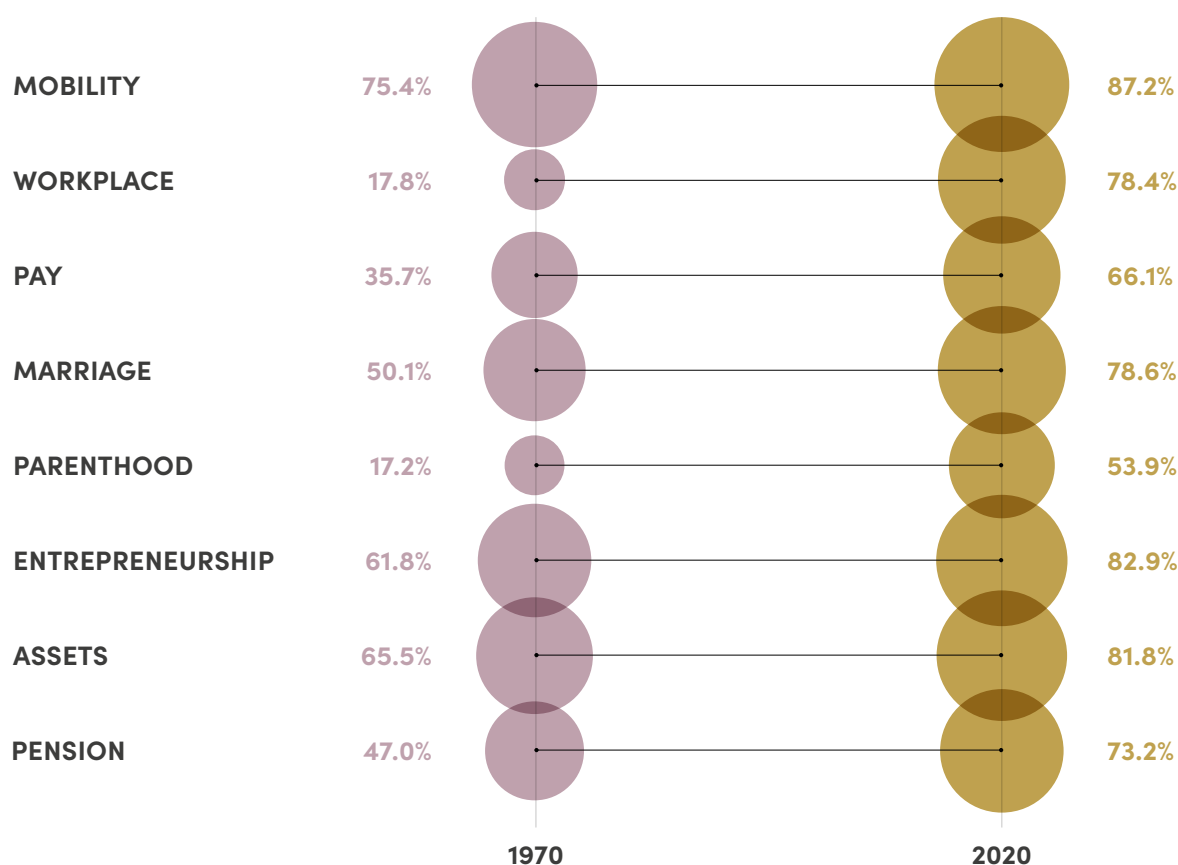
The World Bank estimates that at current rates of change, it will take at least 30 years to achieve legal gender parity in economic rights globally. Ten countries – Belgium, Canada, Denmark, France, Iceland, Ireland, Latvia, Luxembourg, Portugal, and Sweden – score 100 on the WBL index. Twenty countries – Afghanistan, Bangladesh, Congo, Egypt, Eswatini, Guinea-Bissau, Iran, Iraq, Jordan, Kuwait, Libya, Malaysia, Mauritania,

Oman, Palestine, Qatar, Somalia, Sudan, Syria, and Yemen<sup>29</sup> – score below 50 – meaning that about 279 million women currently have half or fewer economic rights than men.

As shown in Figure 3.1, gender equality has progressed in eight domains analyzed by the World Bank since 1970. The largest absolute improvements are evident in the workplace – from below 20 to almost 80 – on such questions as whether a woman can get a job

in the same way as a man. For example, in 2017, Tunisia prohibited discrimination against women in employment under the law on Elimination of Violence against Women.<sup>30</sup> Parenthood – which includes paid parental and paternal leave, as well as maternity leave – was also below 20 in 1970, increased by 36 points but even today only averages around 50. For instance, Switzerland granted 10 days of paid paternity leave in 2021 by amending its Civil Code.<sup>31</sup>

**FIGURE 3.1 GLOBAL AVERAGES BY LEGAL DOMAIN, 1970 AND 2020**



Source: World Bank (2021), *Women, Business and the Law*

Important regional distinctions remain. As highlighted in the regional study on *Gender Justice and the Law in the Arab States Region* by UNDP, UN Women, UNFPA, and ESCWA, none of the Arab States reviewed have penal codes that explicitly reference marital rape as a criminal offence.<sup>32</sup> For instance, in countries such as Egypt, Lebanon, and Syria, marital rape is expressly excluded from the definition of rape in the penal

code, while the legal position is ambiguous in Djibouti, Morocco, and Tunisia.<sup>33</sup> Figure 3.2 shows that while there have been a range of positive developments over the past two decades in the region, the extent of red and yellow in the color scheme of the regional study exposes the very large shortcomings in gender equality before the law, and the challenges ahead.

**FIGURE 3.2 GENDER EQUALITY BEFORE THE LAW IN THE ARAB STATES REGION, 2018**

		Algeria	Bahrain	Djibouti	Egypt	Iraq*	Jordan	Lebanon	Libya	Morocco	Oman	Palestine, State of	Qatar	Saudi Arabia	Somalia	Sudan	Syria	Tunisia	Yemen	
<b>CONSTITUTION</b>	Constitution refers to gender equality or non-discrimination	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
	CEDAW ratified without reservations	Yellow	Yellow	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Red	Red	Yellow	Yellow	Yellow	Yellow
<b>NATIONALITY LAW</b>	Equal rights to pass nationality to child	Green	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
	Equal rights to pass nationality to spouse	Green	Red	Green	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
<b>PENAL CODE</b>	Domestic violence legislation exists (stand-alone)	Yellow	Green	Red	Red	Red	Green	Green	Red	Yellow	Red	Red	Red	Green	Red	Red	Red	Green	Red	
	Rape is criminalized (except marital rape)	Green	Yellow	Green	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
	Marital rape is criminalized	Red	Yellow	Yellow	Red	Red	Red	Red	Red	Yellow	Red	Red	Red	Red	Red	Red	Red	Yellow	Red	Red
	Law does not allow mitigating circumstances for femicide	Red	Grey	Green	Red	Red	Yellow	Green	Red	Green	Green	Yellow	Red	Green	Red	Green	Green	Green	Green	Red
	Law does not include exoneration if offender marries his victim	Yellow	Red	Green	Red	Red	Red	Red	Red	Green	Green	Yellow	Red	Green	Red	Green	Yellow	Green	Green	Red
	Abortion is legal or not criminalized in the case of rape	Yellow	Red	Red	Yellow	Red	Red	Red	Red	Red	Red	Yellow	Red	Red	Red	Green	Red	Red	Green	Red
	Sexual harassment is criminalized	Green	Green	Yellow	Green	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Yellow
	Adultery is not criminalized	Red	Red	Green	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
	Comprehensive provisions (punitive, protective and preventive) on human trafficking	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Red
	Laws on FGM/C (if known to be practiced)	Grey	Green	Green	Green	Red	Grey	Grey	Grey	Grey	Yellow	Grey	Grey	Grey	Grey	Yellow	Yellow	Grey	Green	Yellow
	Sex work is not criminalized	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
	Consensual same-sex sexual conduct is not criminalized	Red	Yellow	Grey	Grey	Grey	Grey	Yellow	Red	Red	Red	Red	Red	Red	Red	Red	Red	Grey	Grey	Red
	<b>PERSONAL STATUS / FAMILY LAW</b>	Minimum age of marriage at 18 (with no exception for marriage below 16)	Yellow	Red	Yellow	Yellow	Yellow	Yellow	Red	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
No requirement for male marriage guardian for adult women		Yellow	Yellow	Yellow	Yellow	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Green	Yellow
Polygamy is prohibited		Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
Equal rights in marriage and divorce		Yellow	Yellow	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Yellow	Green	Red
Equal rights to guardianship of children		Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Grey	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Red
Equal rights to custody of children		Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Equal rights to inheritance	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	
<b>LABOUR LAW</b>	Women have the right to equal pay for the same work as men	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
	Women have the right to equal pay for work of equal value	Green	Red	Green	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
	Unlawful to dismiss worker based on her pregnancy or taking maternity leave	Green	Green	Green	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
	Maternity leave meets the ILO standard of 14 weeks	Green	Yellow	Green	Yellow	Green	Yellow	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Yellow
	Legal protections for domestic workers	Green	Yellow	Grey	Red	Green	Yellow	Red	Green	Yellow	Green	Green	Green	Green	Red	Green	Green	Green	Green	Red
	No gender-specific restrictions on women's work	Red	Grey	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red

\* Some laws in "Kurdistan Region of Iraq" are different to Iraq's.

**Green** YES  
The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

**Red** NO  
The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

**Yellow** PARTLY  
Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

**Grey** No available data or inadequate information.

Source: UNDP, UN Women, UNFPA, and ESCWA (2018), *Gender Justice and the Law in the Arab States Region*. Last accessed on 31 July 2021, available at [https://www.arabstates.undp.org/content/rbas/en/home/library/Dem\\_Gov/gender-justice-and-the-law-study.html](https://www.arabstates.undp.org/content/rbas/en/home/library/Dem_Gov/gender-justice-and-the-law-study.html)

It appears that areas of law that tend to defer to custom or religion, particularly family law, have been slower to reform. These include laws that reinforce women's subordination and recognize men's guardianship over women.<sup>34</sup> The right to equality and to not be discriminated against on the basis of sex is a fundamental human right. The right to culture and to freedom of religion while also human rights, cannot supersede a

person's right to equality and non-discrimination.<sup>35</sup> The UN Human Rights Committee has declared that the right to religion does not allow any State, group, or person to violate women's rights to equality and equal protection under the law.<sup>36</sup> Furthermore, the UN Working Group on discrimination against women and girls and the UN Special Rapporteur on freedom of religion and belief state:

**“Culture and religion are often invoked to justify discrimination and violent practices against women and girls. Women have often been viewed as objects rather than as equal participants with men in the creation and manifestation of cultural principles. Indeed, when culture and religion are invoked to justify different forms of discrimination against women, women are seen not as victims or survivors of such discrimination, but as persons who “violate” cultural rules and norms.”**

The UN Working Group on discrimination against women and girls<sup>37</sup>

**“[F]reedom of religion or belief can never be used to justify violations of the rights of women and girls, and [that] it can no longer be taboo to demand that women's rights take priority over intolerant beliefs used to justify gender discrimination.”**

The UN Special Rapporteur on freedom of religion and belief<sup>38</sup>

## USING THE LENS OF THE STRATEGY ON 'EQUALITY IN LAW FOR WOMEN AND GIRLS BY 2030'

UN Women's 2019 Strategy on *Equality in Law for Women and Girls by 2030* focuses on the repeal or revision of discriminatory laws as an important part of the broader legal reform agenda. It aims to accelerate the repeal of discriminatory laws in six thematic areas of law:

1. Comprehensive reforms;
2. Promoting women's economic empowerment;

3. Eliminating harmful and discriminatory minimum age of marriage provisions;
4. Ending gender discrimination in nationality laws;
5. Addressing discriminatory rape laws;
6. Promoting equality in family relations.

This subsection focuses on the status of formal laws and non-discrimination in each of the six areas, and does not address justice for women more broadly,

nor other critical aspects of legal protection, such as sexual and reproductive rights. The sources of information are publicly available databases – such as *Women, Business and the Law*, the *OECD’s Social and Gender Institutions Index*, findings under SDG indicator 5.1.1, the African Union’s *Compendium on the age of Marriage in Africa*,<sup>39</sup> *Girls Not Brides’ Atlas on child marriage*<sup>40</sup> and *Musawah’s Mapping on Muslim Family Laws*,<sup>41</sup> complemented by country assessments commissioned by UN Women.<sup>42</sup>

and regional norms and standards as benchmarks, and using such evaluations to determine a long-term legal reform agenda.

UN Women has commissioned such comprehensive legal assessments in 20 countries to date.<sup>43</sup> Box 3.1 highlights some of the findings emerging from assessments carried out in African countries. These legal assessments contribute to understanding the legal status of women globally from the perspective of the national level.

## COMPREHENSIVE REFORMS

Comprehensive reforms refer to steps taken by a country to comprehensively assess its laws, using global

### BOX 3.1 HIGHLIGHTS FROM RECENT COMPREHENSIVE LEGAL ASSESSMENTS ON CÔTE D’IVOIRE, ETHIOPIA, THE GAMBIA, KENYA AND RWANDA

**Côte d’Ivoire:** UN Women commissioned an inventory of legal texts highlighting discriminatory clauses, proposed redrafts of discriminatory provisions, and an advocacy plan published in 2020. This was undertaken with various focal points, including from the National Observatory for Equity and Gender, the Ministries of Justice and Human Rights and of Women, Family and Children, as well as the associations of Women Lawyers and of Women Magistrates. Issues covered and recommendations made address marital law, rural land ownership, military service among others.

**Ethiopia:** The assessment of Ethiopia offers a series of measures for reforming Ethiopian law to ensure that laws are gender sensitive and more effective at ensuring gender equality and non-discrimination. Most notable is that a total of five laws or provisions must be repealed in whole or in part; 26 laws must be revised or amended and two new laws must be enacted to bring Ethiopia’s legislative framework in line with its regional and international obligations on gender equality and women’s empowerment. The report also emphasizes the need to prioritize the implementation of national laws that comply with gender equality standards, and in this context, recommends one policy measure to ensure that laws fully deliver on women’s rights.

**The Gambia:** A legal review of The Gambia revealed that a total of 10 laws or provisions must be repealed in whole or in part; 19 laws must be revised or amended, and two new laws must be enacted to bring The Gambia’s legislative framework in line with its regional and international obligations on gender equality and women’s empowerment. This included the repeal of Section 33(5)(c) of the 1997 Constitution which gives primacy to personal law and permits discrimination in matters of adoption, marriage, and property distribution. The Attorney General’s Chambers and Ministry of Justice has tabled a Bill entitled *Women (Amendment of Discriminatory Laws) Bill* before the National Assembly.

**Kenya:** UN Women and the International Development Law Organization supported a desk review of the laws of Kenya from a gender perspective, highlighting implementation problems. The laws were assessed against CEDAW standards and CEDAW Committee's concluding observations to Kenya. The review concluded that numerous legal provisions in women-specific laws expressly or indirectly discriminate against women – in marriage and family; sexual and gender-based violence; economic empowerment; political empowerment, and nationality and citizenship. Among other recommendations, it concludes that the Succession Act needs to be amended by adding provisions on equality between spouses or partners irrespective of their religious or ethnic identity or community, in alignment with Article 27(1) of the Constitution.

**Rwanda:** UN Women supported the Legal Aid Forum to conduct a *Comprehensive Legal Analysis of Gender Compliance in Rwandan Laws*, with active engagement from Rwanda Women Parliamentary Forum. Over 230 Rwandan laws were reviewed, with key informant interviews and focus group discussions. The results showed that while progress in reforming the law has been made, gaps still exist – most notably in employment, sexual and reproductive health and rights, protection against sexual harassment at work and providing for parental leave by fathers. The study sparked interest among stakeholders including legislators and prompted reforms to repeal discriminatory articles governing persons and family, including amendments to the 2016 Family Law, which resulted in eliminating barriers to widows remarrying and facilitated child custody for mothers.

Sources: Government of The Gambia, UN Women, and Commonwealth (2020). *Mapping and Analysis of the Laws of The Gambia From a Gender Perspective: Towards Reversing Discrimination in Law*. UN Women: New York. Last accessed on 31 July 2021, available at <https://africa.unwomen.org/en/digital-library/publications/2020/08/mapping-and-analysis-of-the-laws-of-the-gambia>; Ministry of Women, Family and Children; Association des femmes juristes de Côte d'Ivoire (AFJCI); Prime Minister's Office, National Observatory of Equity and Gender Equality (2019). *Analysis And Proposals For Redrafting Legislative Texts That Are Discriminatory With A View To Achieving Gender Equality In Côte d'Ivoire*. UN Women. Unpublished; IDLO, UN Women (2020), *Discriminatory Laws Against Women and Girls in Kenya*. UN Women. Unpublished; Legal Aid Forum, UN Women (2020). *Fast Tracking Gender Equality in Rwanda: Comprehensive Legal Analysis of Gender Compliance in Rwandan Laws*. UN Women: Kigali. Last accessed 31 July 2021, available at <https://rwanda.un.org/en/138522-fast-tracking-gender-equality-law-rwanda-comprehensive-legal-analysis-gender-compliance>.

## ECONOMIC EMPOWERMENT

As highlighted above, there has been major progress in legal protections for gender equality in the workplace, but equality in provisions related to parenthood have generally lagged.

Equal remuneration for work of equal value is guided by the ILO's Equal Remuneration Convention, 1951 (No. 100). This is not the same as equal pay for equal work, which is limited to work undertaken by two individuals in the same area of activity and in the same enterprise. The concept of equal remuneration for work of equal value is broader and covers cases where men and women do different work. The value of different types of work can be assessed through job evaluations (see

the *ILO Equal Pay – An introductory guide*<sup>44</sup>). Some of the jobs that have been compared to evaluate equal pay for work of equal value include: caterers and cleaners (mostly women) with gardeners and drivers (mostly men).

More than half of countries – 98 of the 186 countries analyzed – do not have a legal mandate of equal remuneration for work of equal value. Regionally, the gaps are most marked in Asia – 33 out of 46 countries, and Africa – 28 out of 54; as well as in the Americas – 23 out of 35 countries lack this basic protection. Women have therefore been traditionally barred from working in a whole range of occupations and industries such as manufacturing, construction, energy, agriculture, water, and transportation. Restrictions on where

---

women can work persist in 72 countries: 27 countries in Africa, 9 in the Americas, 26 in Asia, 7 in Europe, and 3 in Oceania.

These types of restrictions are gradually being removed. For example, recent reforms in Australia, Switzerland, and United Kingdom allow women to apply for all categories of jobs in the armed forces.<sup>45</sup>

Many countries traditionally had lower retirement ages for women relative to men – this remains the case in 66 countries – of which, 10 are in Africa, 9 in the Americas, 30 in Asia and 17 in Europe. In Mozambique, for example, the General Statute for Civil Servants (public employment) and the Labour Law (covering the public and private sectors respectively), have mandatory retirement of women by age 55.<sup>46</sup> According to the 2021 *Women, Business and the Law* database, in nine countries, the age of retirement for women is currently as low as 50 years.<sup>47</sup>

Legal protections can help to address the disproportionate burden of unpaid care on women, and thereby enhance their potential for pursuing paid work. Most importantly, parental leave and paid leave for fathers signal an erosion of gender norms in the context of child care responsibilities.

In 78 countries, fathers do not have access to paid leave – and even when it is available, the duration is typically quite short: 57 out of 186 countries have paternity paid leave of or less than seven days. According to the 2021 *Women, Business and the Law* database, Iceland has the longest paternity paid leave in the world with 120 days, followed by Spain, Finland and the Netherlands (84, 76 and 42 days respectively). In 71 countries, women are not entitled to paid maternity leave of at least 14 weeks, which is the ILO standard. Of these, 23 countries are in Africa, 19 in the Americas, 20 countries in Asia, and 9 in Oceania.

Women's unpaid work, whether in the context of care or family-owned businesses can serve as a stumbling block to women's economic empowerment. When women's labour is unpaid, it affects their ability to claim alimony in

the event of dissolution of their marriage due to the lack of recognition of non-monetary contributions in marital property arrangements in 129 countries. Of these, 29 countries are in Africa, 32 in the Americas, 24 in Asia, 40 countries are in Europe and 4 in Oceania.

## MINIMUM AGE OF MARRIAGE

While the prevalence of child marriage has decreased worldwide – from one in four girls married a decade ago to approximately one in five, this harmful practice remains widespread. Before the COVID-19 pandemic, more than 100 million girls were expected to marry before their eighteenth birthday in the next decade. UNICEF (2021) estimates that up to 10 million more girls will be at risk of becoming child brides because of the pandemic.<sup>48</sup>

Since 2018, the UN has consistently urged States to adopt minimum age of marriage laws of 18 years and to ensure “coherence of these laws and policies at the local level” for the first time in 2018.<sup>49</sup> However, as at 2021, the legal standard in 146 countries is not 18 years of age for both men and women, without exception.<sup>50</sup> The gaps are largest in Africa (41 countries), then in the Americas (34 countries), Asia (39 countries), Europe (32 countries) and Oceania (10 countries). The largest numbers of girls being married by country, are in Afghanistan, Brazil, India, Indonesia, Mali, Nigeria and Pakistan.<sup>51</sup>

In an estimated one in four countries, the law allows girls to be married at a younger age than boys with parental consent and/or judicial authorization.<sup>52</sup> For example, in Morocco, the legal age was standardized at 18 years for girls and boys – but the 2004 Family Code still permits exceptions on various grounds. In recent years, there have been around 32,000 applications for exemptions annually, nearly all for girls, mainly residing in rural areas – and four out of five requests were granted.<sup>53</sup>

In Mali, the legal minimum age for marriage is 16 years for girls and 18 years for boys. The laws allow exceptions to marry at even lower ages with the father's consent. UNICEF reports that more than half – 54 percent – of



girls in Mali are married before the age of 18, and 16 percent before their fifteenth birthday. In 2018, two NGOs – the Association Pour le Progrès et la Défense des Droits des Femmes Maliennes and the Institute for Human Rights and Development in Africa – brought a case to the African Court on Peoples’ and Human Rights, challenging the compliance of domestic laws

with provisions of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol), the African Charter on the Rights and Welfare of the Child, and CEDAW. The court concluded that Mali violated regional and international standards and norms on the minimum age of marriage.<sup>54</sup>

### BOX 3.2. LEGAL PROBLEMS ON MINIMUM AGE OF MARRIAGE AROUND THE WORLD

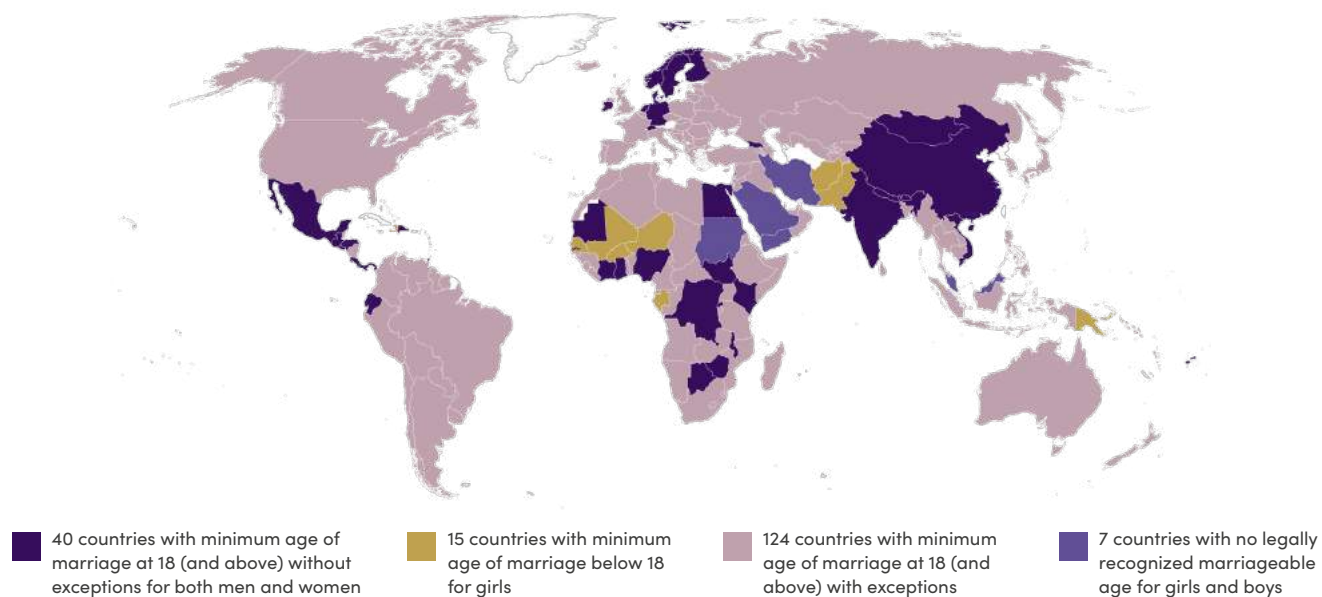
- Fifteen (15) countries – Afghanistan, Bahrain, Burkina Faso, Gabon, Haiti, Kuwait, Mali, Niger, Pakistan, Palau, Papua New Guinea, Qatar, Senegal, Timor-Leste, and Tonga – allow girls to legally marry below 18 years.
- Thirty-one (31) countries in all regions have lower marriageable ages for girls than boys.
- At least seven (7) countries do not have legally defined marriageable age for either girls or boys, including Brunei-Darussalam, Iran, Lebanon, Palestine, Saudi Arabia, Sudan, and Yemen.

Source: Information based on Women, Business and the Law information from 2019, crosschecked against Girls not Brides Atlas, and the latest State Party reports submitted to the Committee on the Rights of the Child and information from SDG indicator 5.1.1.

Laws prohibiting marriage under the age of 18, without exception based on religion, custom, tradition, parental or judicial consent, pregnancy or any other reason

are urgently needed. Figure 3.3 provides insights into legal provisions governing child marriage around the world, as of 2020.

**FIGURE 3.3 LEGAL PROVISIONS GOVERNING CHILD MARRIAGE AROUND THE WORLD, AS OF 2020**



Sources: Information based on Women, Business and the Law information from 2019, crosschecked against Girls not Brides Atlas, and the latest State reports submitted to the Committee on the Rights of the Child and data gathered from SDG indicator 5.1.1.

---

## NATIONALITY RIGHTS

Discriminatory nationality laws contravene international human rights conventions, including CEDAW (Box 3.3), the Convention on the Rights of the Child and the International Covenant on Civil and

Political Rights. However, in almost one in four countries around the world, women are excluded from conferring their nationality or citizenship to their children and/or spouses on an equal basis, perpetuating women's unequal status and statelessness.

### BOX 3.3 CEDAW'S EXPRESSION OF EQUAL NATIONALITY RIGHTS

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

Source: CEDAW, Article 9.

Specifically:

- Eighty-one (81) percent of countries reporting on SDG indicator 5.1.1 grant women and men equal rights to confer citizenship to their spouses and children. However, in 47 countries a married woman cannot pass on her nationality to her noncitizen spouse on the same basis as a married man. Twenty-one (21) of these countries are in Africa, 5 in the Americas, 19 in Asia and 2 countries are in Oceania.
- In 25 countries, women are still unable to pass on their nationality to their children in the same way as men. Of these, 8 countries are in Africa, 2 in the Americas, 14 countries in Asia, and 1 in Oceania.

For instance, Malaysia denies women the right to confer their nationality to their children born abroad, in contrast to Malaysian men. In 2021, Family Frontiers, an NGO along with six mothers affected by these discriminatory nationality laws, filed a lawsuit before the Kuala Lumpur High Court. The case sought a declaration from the court that women be allowed to confer citizenship to their foreign-born children on an equal basis as men, on the basis of equality mandated

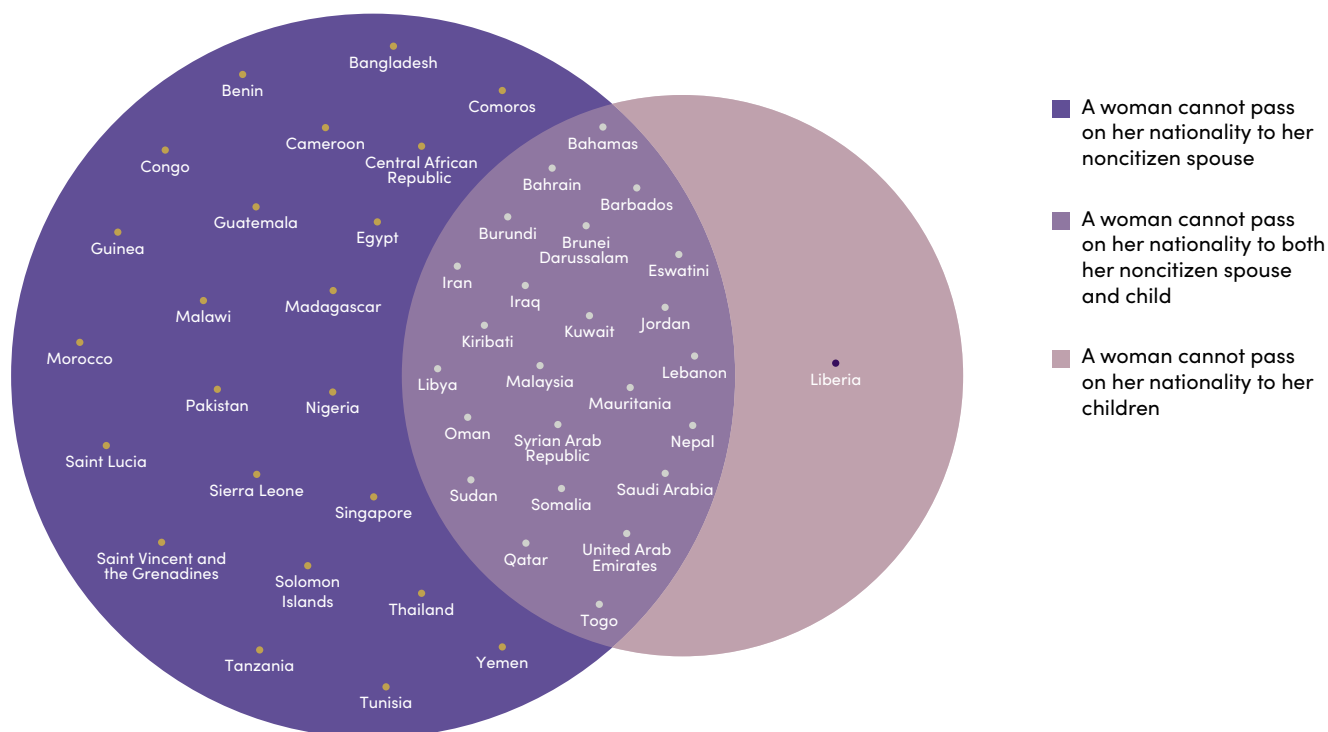
by the constitution.<sup>55</sup> Like the Bahamas, Malaysia law also denies men the right to pass on their nationality to children born out of wedlock, thereby undermining the principle of equal parenthood and frames children born out of wedlock as the sole responsibility of mothers. This situation, which results from a historic, patriarchal and discriminatory framework, is a major cause of statelessness in Malaysia, impacting women, girls, men and boys.

In Brunei Darussalam, the nationality law does not allow women to confer nationality to their children under any circumstances, while in Nepal, women can only confer nationality to their children when the father is unknown, even if the child was born in Nepal and resides in the country. Nigeria's nationality law upholds women's equal right to confer citizenship on children but not spouses. Among other countries, Saudi Arabia does not uphold a woman's right to pass citizenship to their children born inside or outside the country, except in rare circumstances when the father is "unknown or stateless." Despite propositions from several Shura Council members to reform the law to uphold women's right to confer citizenship to their children, advocacy efforts are yet to bear fruit.<sup>56</sup>

While five African States (Burundi, Eswatini, Liberia, Sudan, and Togo) have recently recognized the principle of gender equality in their constitutions, their nationality laws still discriminate against women in

conferring nationality to their noncitizen spouse or their children.<sup>57</sup> The governments of Eswatini and Nigeria have recently pledged to undertake legal reforms to recognize gender-equal nationality rights.<sup>58</sup>

**FIGURE 3.4 DISCRIMINATION IN NATIONALITY RIGHTS, AS OF 2021**



Sources: UNHCR (2021), Background Note on Gender Equality, Nationality Laws and Statelessness 2021. UNHCR: Geneva. Last accessed on 31 July 2021, available at <https://www.refworld.org/docid/604257d34.html>; Equality Now (2018), *The State We're In: Ending Sexism in Nationality Laws*. Equality Now: New York. Last accessed on 31 July 2021, available at [https://www.equalitynow.org/the\\_state\\_we\\_re\\_in\\_ending\\_sexism\\_in\\_nationality\\_laws?locale=en](https://www.equalitynow.org/the_state_we_re_in_ending_sexism_in_nationality_laws?locale=en)

Note: In 2010, the Palestinian Ministry of Interior issued an ordinance giving Palestinian women who are married to non-citizens the right to extend their citizenship to their children under the age of 16. However, in practice the population registry is controlled by Israel. See details in the country profile of Palestine from the regional study published by UN Women and al (2018)

When a State allows gender discrimination in its nationality laws, it implicitly endorses the notion of women as inferior, and possessing second-class citizenship. The impacts are wide-ranging on women and their 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.

Over the past decade, reforms have been undertaken in Bangladesh (2009), Kenya (2010), Tunisia (remaining gaps addressed in 2010), Yemen (2010), Monaco (2005, 2011), Senegal (2013), Suriname (2014), Madagascar (2017), Sierra Leone (2006, 2017), the United Arab Emirates (partial reforms in 2011 and 2017) and Iran (partial reform in 2019).<sup>59</sup> In many cases, the reform extended to women the right

to confer nationality on their children. In the United States, unmarried American fathers and mothers now have the same residency requirements in order to pass on citizenship to their children born abroad.<sup>60</sup>

## MARRY YOUR RAPIST LAWS

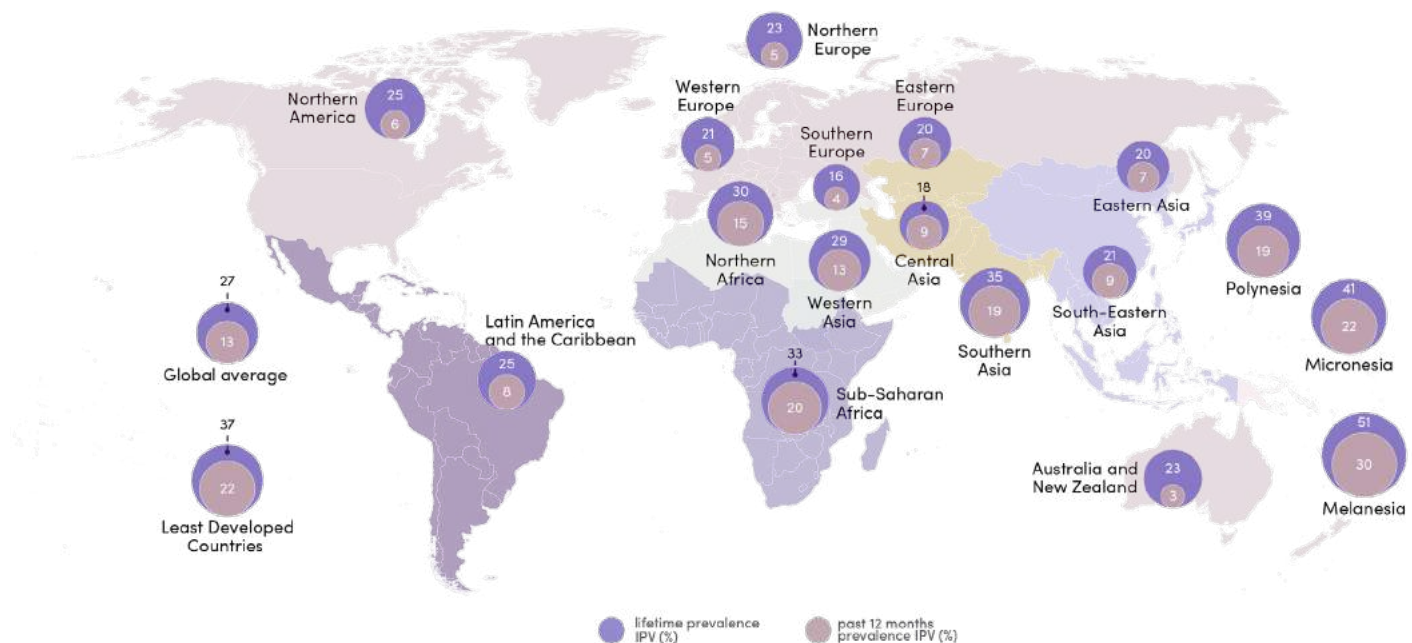
An estimated 18 countries exempt perpetrators from rape charges if they marry the survivor.<sup>61</sup> Laws allow men convicted of rape to have the verdict overturned if they marry the women they have assaulted in Algeria, Angola, Bahrain, Cameroon, Dominican Republic, Equatorial Guinea, Eritrea, Iraq, Kuwait, Libya, Philippines, Russia, Serbia, Syria, Tajikistan, Thailand, Tonga and Venezuela. For example, in Kuwait, if the perpetrator marries his victim with the permission of her guardian and the guardian requests that he is not punished, then the perpetrator will not be punished. In Russia, if the perpetrator is at least 18 years of age and commits statutory rape against a minor below 16, he is exempt from punishment if he marries the victim. And while there is no provision in law in Afghanistan, it is reported that in practice,

sexual assault prosecutions are dropped if marriage is offered by the perpetrator.<sup>62</sup>

In 2012, a 16-year-old Moroccan girl, Amina Filali, committed suicide when she was forced to marry her rapist. This caused an uproar in her country and in 2013 resulted in the abrogation of the clause in the penal code which had led to her death.<sup>63</sup> This tragedy triggered a wave of reforms through civil society activism elsewhere in the Arab States region, including Jordan, Lebanon, and Tunisia.<sup>64</sup>

Marry your rapist laws exist within the broader context of domestic violence. The most recent global estimates published by the World Health Organization (WHO) indicate that almost three in ten women worldwide have experienced either physical and/or sexual intimate partner violence in their lifetime. More than 736 million women – are subjected to violence at the hands of an intimate partner in their lifetime – equal to one in three women. Figure 3.5 shows the lifetime alongside the current prevalence rates, for different regions, with annual rates ranging as high as 30 percent in Melanesia.

**FIGURE 3.5 RATES OF INTIMATE PARTNER VIOLENCE, CURRENT AND LIFETIME, AS OF 2018**



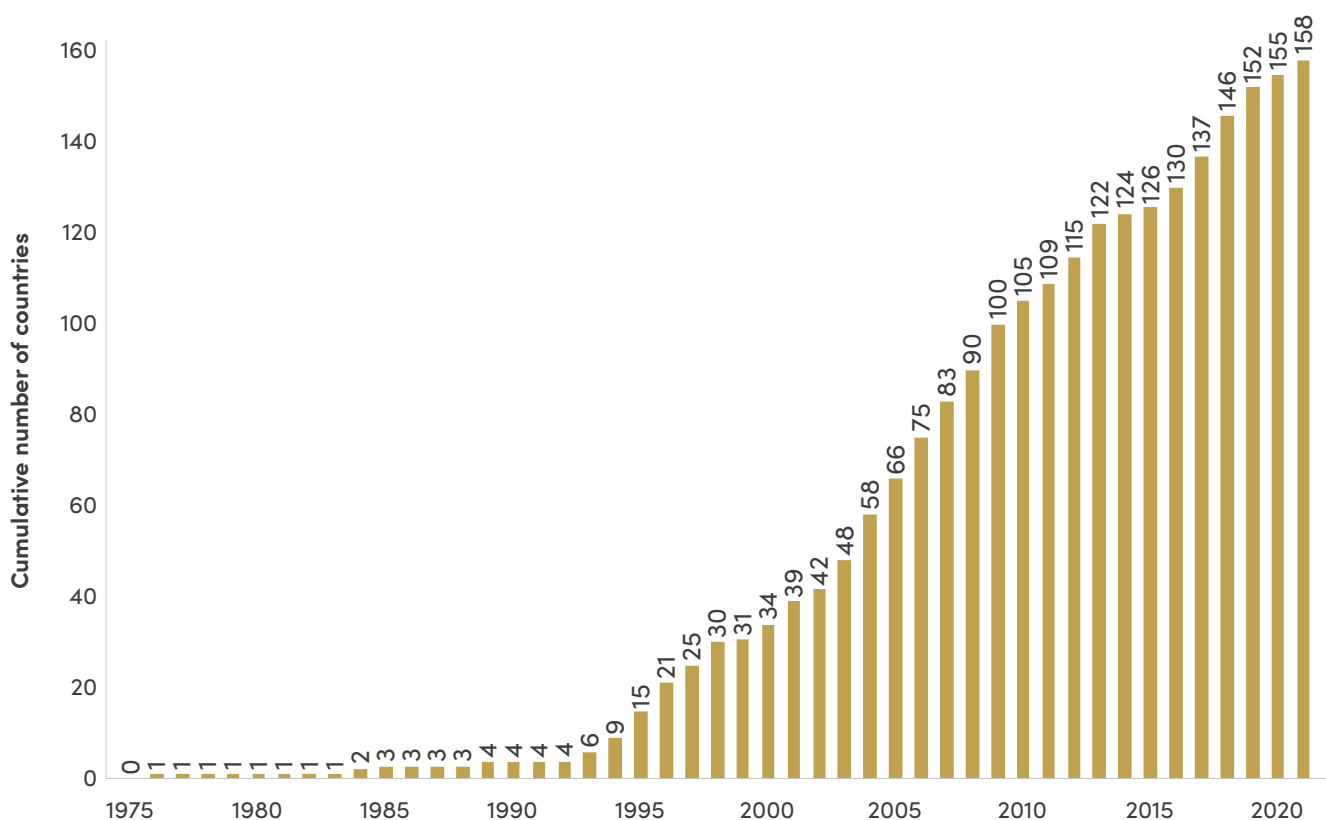
Source: WHO (2021), *Violence against women prevalence estimates, 2018: global, regional and national prevalence estimates for intimate partner violence against women and global and regional prevalence estimates for non-partner sexual violence against women*. World Health Organization: Geneva, pXIII. Last accessed on 31 July 2021, available at <https://www.who.int/publications/i/item/9789240022256>

A major driver of pervasive violence against women are the ways in which gendered norms have been accepted and condoned. This in turn is reflected in the many gaps and shortcomings in legal frameworks which seek to address violence.

On the positive side, there has been significant momentum around addressing intimate partner violence. Today, all but 32 of the 186 have legislation

specifically addressing domestic violence.<sup>65</sup> Figure 3.6 demonstrates significant legislative shifts over the past three decades with widespread adoption of national sanctions against violence in the home.<sup>66</sup> Yet, prior to the COVID-19 pandemic, over 240 million women and girls across the world were subjected to sexual or physical violence by an intimate partner in the previous 12 months.<sup>67</sup> This situation escalated with the onset of the pandemic.<sup>68</sup>

**FIGURE 3.6 NUMBER OF COUNTRIES WITH LAWS AGAINST DOMESTIC VIOLENCE, 1975 - 2020**



Source: World Bank (2021), Women, Business and the Law

It is important to underline that domestic violence legislation varies in scope and definitions, as well as sanctions. Notably, according to UNFPA, 43 countries do not prohibit marital rape.<sup>69</sup> Some countries have legal sanctions but no “provisions on criminal penalties. For example, Section 375 of the Indian Penal Code explicitly

allows a man to rape his wife as long as she is older than 15 years, resulting in one man out of three admitting they have already raped their spouse.<sup>70</sup> In Nigeria, the Penal Code permits a man to engage in “sexual intercourse” with his wife and it is not recognized as rape if she has attained puberty.<sup>71</sup>

---

## EQUALITY IN FAMILY RELATIONS

**“... [F]ailure to ensure the equality of women and girls within the family undermines any attempt to ensure their equality in all areas of society.**

**... equality in the private domain - the family - remains one of the biggest hurdles to achieving gender equality.”**

UN Working Group on discrimination against women and girls (2018)<sup>72</sup>

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 and exacerbate the situation of women and girls in situations of insecurity and humanitarian crisis. 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>73</sup>

Sex discrimination in marital status laws continue to subordinate women and girls in many aspects of family relations. While there has been some important progress in addressing discriminatory property and inheritance laws, as well as legitimate head of household laws, many inequalities persist.

Women still have less property rights than men in 19 countries – namely, Cameroon, Chad, Chile, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, Guinea-Bissau, Haiti, Kiribati, Marshall Islands, Mauritania, Micronesia, Niger, Palau, Philippines, South Sudan, Tonga and Vanuatu.

Women can still not legally head their household in 29 countries – including 21 countries in Africa,<sup>74</sup> one in the Americas,<sup>75</sup> six in Asia,<sup>76</sup> and one in Oceania.<sup>77</sup> There has been recent progress on this front in Nicaragua, Republic of Korea and Turkey, where men are no longer designated as the only eligible heads of family.<sup>78</sup>

**FIGURE 3.7 DISCRIMINATION IN INHERITANCE LAWS, AS OF 2021**



Source: World Bank (2021), Women, Business and the Law

- In 41 countries, daughters cannot inherit in the same way as their brothers. Of these, 18 countries are in Africa, 20 in Asia and 3 in Oceania.
- In 43 countries widows cannot inherit in the same way as widowers. Twenty (20) of these countries are in Africa, 20 in Asia and 3 in Oceania.



## SECTION IV. UN WOMEN'S LEGAL INTERVENTIONS

“All aspects of the law – constitutional, civil, criminal, labour and administrative – that discriminate against women and girls need urgent attention. The 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.”

UN Women, *Equality in law for women and girls by 2030: A multistakeholder strategy for accelerated action* (2019)<sup>79</sup>



## AN OVERVIEW OF ACHIEVEMENTS AND RESULTS

UN Women's Strategy on *Equality in Law for Women and Girls by 2030* aims to accelerate reform in 100 countries and address the legal needs of over 50 million women

and girls. An evaluation of the 2019 strategy will be conducted in 2024.

### BOX 4.1 TARGETS OF THE STRATEGY ON 'EQUALITY IN LAW FOR WOMEN AND GIRLS BY 2030'

1. Repeal discriminatory laws that directly and indirectly impact women and girls in 20 countries.
2. 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. 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. Uphold women's rights to equality in nationality and citizenship laws in 25 countries.
5. Revise provisions that exempt perpetrators from rape charges if they marry the survivor in 10 countries.
6. Repeal gender discriminatory personal status laws in one or more of the following - marriage, divorce, parental rights and inheritance - in 15 countries.

Source: UN Women, [Global Gender Equality Constitutional Database](#)

This section reviews achievements and emerging strategies and lessons learned from UN Women's legal reform activities for the period 2015-2020. This overview therefore uses a timeframe which pre-dates the Strategy and is based on a desk review of UN Women's Results Management System and presents a synthesis of responses received from 17 country<sup>80</sup> offices to a questionnaire (see Appendix 4) which was designed to elicit information on UN Women's legal reform interventions at country level.

Since the launch of the Strategy in 2019, UN Women has successfully engaged in 24 legal reform initiatives across a range of countries under the six areas of the Strategy, as summarized in Table 4.1.

Recent activities have focused on the economic front, followed by initiatives to support comprehensive reforms, and to reform minimum age of marriage laws.

**TABLE 4.1 UN WOMEN'S SUCCESSFUL ENGAGEMENT ON LEGAL REFORMS UNDER THE STRATEGY ON EQUALITY IN LAW, SINCE 2019**

Number of reforms by thematic area	Countries
Comprehensive reforms	China, Colombia, Kosovo, Uruguay
Economic empowerment	Bolivia, Chile, Colombia, Georgia, México, Paraguay, Vietnam
Minimum age of marriage	Ethiopia, Mexico, Mozambique
Nationality rights	Sudan
Protection from rape	Senegal
Equality in family relations	Cote d'Ivoire, Mozambique, Rwanda, Uganda

Source: UN Women's internal assessment of annual reports from 2015 to 2020, compiled in April 2021.

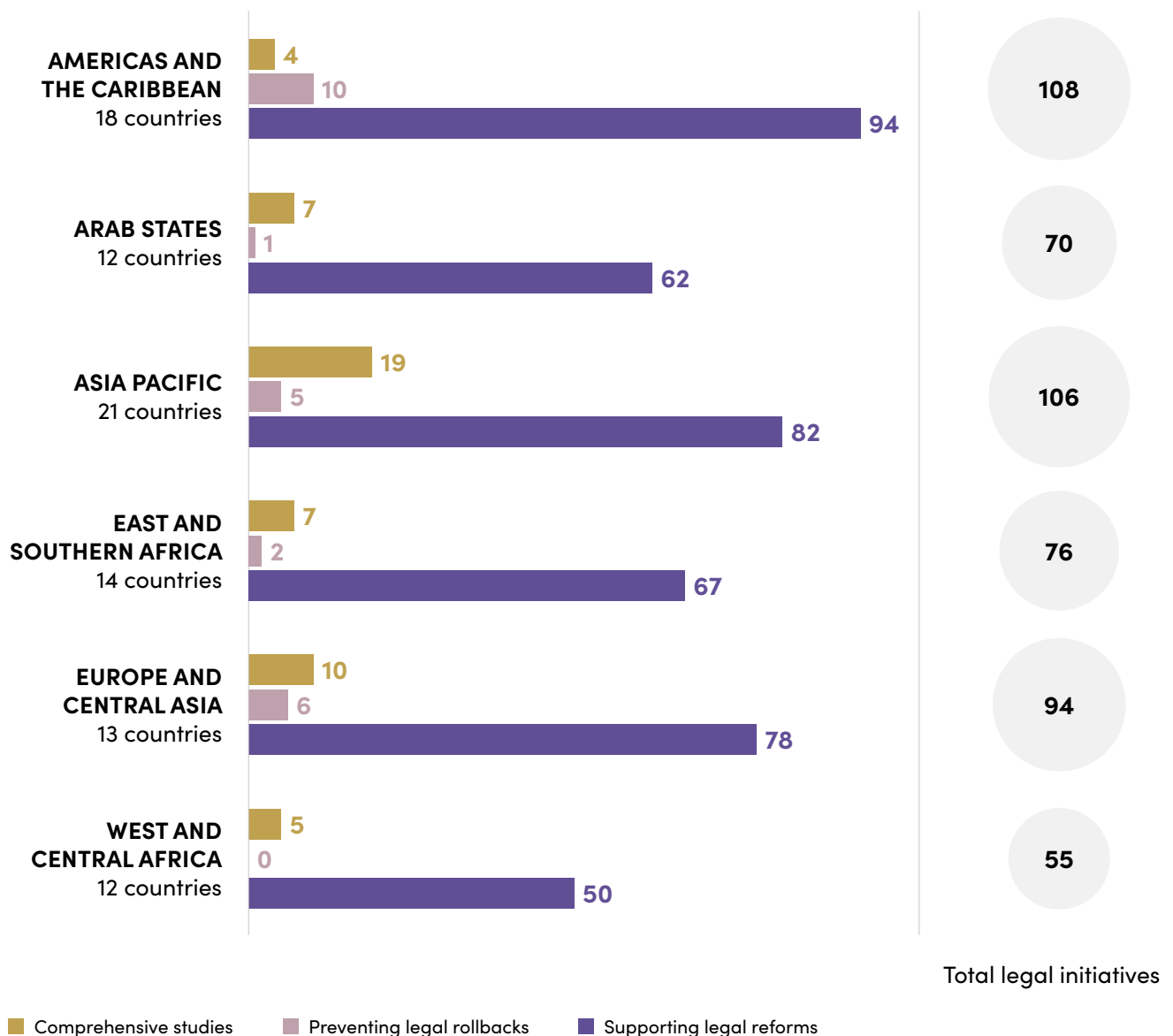
Over the period 2015–2020, UN Women supported some 509 legal initiatives, across 90 countries.<sup>81</sup> About half of these initiatives resulted in the repeal of discriminatory laws, while the remaining half advanced gender-responsive laws more broadly. These included 22 constitutional reforms. There were also a number of efforts – reportedly 24 – to prevent legislative rollbacks in existing protections. Among these, four initiatives were successfully overturned or removed, 13 are still at the stage of discussion or draft bill, and seven were adopted into retrogressive laws, despite UN Women's efforts.

During the COVID-19 crisis, UN Women continued to support governments to expand gender-responsive protections. For example, UN Women Chile, in collaboration with the ILO, presented arguments to the working committee of the Chamber of Deputies

to support legal changes to extend parental postnatal leave for women, and the Domestic Workers Law, which improved the labor rights of private home workers, and extended unemployment insurance.

It is useful to highlight the range and types of legal initiatives by region (as defined in Appendix 1), and to illustrate the extent to which success was achieved. This shows that behind the aggregate numbers, there are significant variations in UN Women's level of engagement in the area of legal reforms. The Country Office in Pakistan was most active, with 21 legal interventions while several countries – namely Fiji, Guinea-Bissau, Kuwait, Solomon Islands, Syria, Tonga, Turkmenistan, Vanuatu and Zambia – reported one legal initiative over the past 5 years (see Appendix 3 for details).

**FIGURE 4.1 NUMBER OF LEGAL INITIATIVES SUPPORTED BY UN WOMEN, BY REGION, 2015-2020**



Source: UN Women's internal assessment of annual reports from 2015 to 2020, compiled in April 2021.

Following the adoption of the 2030 Agenda for Sustainable Development, UN Women collaborated with the World Bank Group and OECD Development Centre to develop the methodology for 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”*. This involved commissioning analysis and convening experts, which led to an agreement on the areas of law to be covered,

that is, overarching legal frameworks and public life, violence against women, employment and economic benefits, marriage and family. Collecting data on SDG indicator 5.1.1 involved country engagement. A questionnaire was developed for Member States and pilot data was collected and verified with National Women’s Machineries and/or National Statistical Offices. The methodology was approved by the Inter-agency Expert Group on SDG Indicators in 2018. Data

---

on the indicator was reported in 2019 on 53 countries, and expanded to 95 countries in 2021, and is included in the UN Secretary-General's annual SDGs reports in 2019 and 2021, and available in the UNSD global database.<sup>82</sup> Tools to support countries, including the questionnaire, coding guidelines and list of good practices, have been finalized, and are available together with the data on the UN Women Data Hub.<sup>83</sup>

In 2021, UN Women published a report on *Good Practices based on the data under 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*. Based on data from SDG indicator 5.1.1 for 95 countries, the initial findings demonstrate that on average, countries score 71 per cent in the area of overarching legal frameworks and public life, 78 per cent in the area of violence against women, 77 per cent in the area of employment and economic benefits, and 79 per cent in the area of marriage and family. Some examples of good practices in legislation compiled by UN Women in this publication include:<sup>84</sup>

- In the area of law on *overarching legal frameworks and public life*, the Slovakian Act on Equal Treatment in Certain Areas and on Protection against Discrimination (2004) represents a good practice of a law prohibiting all forms of discrimination on the grounds of a wide range of factors including sex, gender, and sexual orientation. In Mexico, the 2014 General Law on Electoral Institutions and Procedures sets gender quotas for party lists in federal district elections at 50 per cent and requires that male and female candidates' alternate placement on the list. Concerning equality in nationality laws, the Ethiopian Proclamation on Nationality (2003) is considered good practice as it allows all Ethiopian nationals to pass citizenship to children and spouses, without distinction based on gender.
- In the area on *violence against women*, UN Women identified the Barbados 2016 Domestic Violence (Protection Orders) Act as an example of a good

practice. This law defines domestic violence as the willful infliction or threat of infliction of harm by one person in a domestic relationship upon another person in that relationship and includes child abuse, emotional, abuse, financial abuse, physical abuse and sexual abuse. The law provides for the availability of protection orders and enumerates the duties of members of the police force in responding to domestic violence complaints.

- Regarding *employment and economic benefits*, UN Women identified the laws in Australia<sup>85</sup> and Croatia<sup>86</sup> as good practices in mandating equal remuneration for work of equal value. Regarding maternity leave, the 1987 Labour Code of Bulgaria and the 2018 Paraguayan Law on the Promotion, Protection of Maternity and Support for Breastfeeding provide for the ILO standards of minimum of 14 weeks of maternity leave with at least two-thirds of the mother's previous earnings.
- Finally, under the area of *family and marriage*, good practices should provide for a minimum age at 18 for both men and women without exceptions. Furthermore, that women and men should have equal rights to choose a profession; and women and men should have equal rights to own, access and control marital property.

At the global level, important work on legal reforms is also being spearheaded under the Strategy on *Equality in Law for Women and Girls by 2030*, involving technical support to UN Women Country Offices and resource mobilization. These efforts are undertaken in close partnership with civil society coalitions, intergovernmental actors and other UN agencies, including within the framework of the UN Secretary General's *Call to Action on Human Rights*.<sup>87</sup>

At the regional level, activities have included the commissioning of reports and capacity development to facilitate legal reforms. Box 4.2 highlights recent activities in the Arab States region, supported by UN Women.

**BOX 4.2 UN WOMEN'S RULE OF LAW ACTIVITIES IN THE ARAB STATES**

In the Arab states region, multiple sources of law, the persistence of customary practices, the lack of coordination of the judicial and security sectors create barriers to achieving gender equality and the empowerment of all women and girls. There is also now major concern that COVID-19 and its impacts will set back fragile progress on gender equality, including in reversing discriminatory laws, delaying the enactment of new laws, and the broader progress needed to achieving justice for all.

Recent activities of UN Women's Regional Office for Arab States have included the updating and dissemination of the *Gender Justice and the Law* report for the Arab States; the development and finalization of a tool for the expanded questionnaire for the Gender Justice Dashboard incorporating 61 additional questions; coordination with UNDP and UNFPA to commission research on the legislative frameworks of Iraq, Jordan, Lebanon, Palestine and Syria.

The programme is characterized by strong UN partnerships with UNDP, UNFPA and ESCWA. The *Gender Justice and Equality before the Law assessment tool shows* how the "Delivering as One" approach, with different partners bringing their comparative advantage can achieve great results.

Source: UN Women internal reporting, 2021

Across the globe, the largest number of initiatives have sought to combat violence against women, including protection from rape (146 legal interventions), as seen in Table 4.2. The global Spotlight Initiative, launched in 2017, channels significant funding

and resources to address these issues. UN Women also often works on comprehensive legal reforms (75 legal interventions) and laws contributing to women's economic empowerment (57 legal interventions).

**TABLE 4.2 UN WOMEN'S LEGAL REFORM INITIATIVES BY THEMATIC AREA, 2015 TO 2020**

Thematic Area	No. of Legal Interventions
Comprehensive reforms	75
Economic empowerment	57
Minimum age of marriage	31
Nationality rights	4
Equality in family relations	35
Equality in political and public life	54
Sexual and Reproductive Health and Rights	9
Violence against women	146
Other laws	98
Total	509

Source: UN Women's internal assessment of annual reports from 2015 to 2020, compiled in April 2021.

Out of 509 interventions, 206 resulted in bills signed into law by the executive during the period 2015–2020, amounting to a success rate of about 40 percent – “success rate” here referring to the percentage of reforms supported by UN Women signed into law.

As shown in Table 4.3, the highest rates of success were for efforts supporting equality in political and public

life and nationality rights (around 65 and 50 percent respectively), while efforts to support comprehensive reforms (21 percent) and sexual and reproductive health and rights (22 percent) were less likely to be successful. About one in three (34 percent) efforts to repeal discriminatory laws were successful.

**TABLE 4.3 SUCCESS RATE OF LEGAL REFORMS ADOPTED (BILL INTO LAW) WITH UN WOMEN’S SUPPORT**

Thematic Area	Aggregate numbers	Success rate (%)
Comprehensive reforms	16/75	21
Economic empowerment	25/57	43
Minimum age of marriage	14/31	45
Nationality rights	2/4	50
Equality in family relations	11/35	29
Equality in political and public life	35/54	65
Sexual and Reproductive Health and Rights	2/9	22
Violence against women	66/146	45
Other <sup>88</sup>	35/98	35
Average success rate	206/509	40

Source: UN Women’s internal assessment of annual reports from 2015 to 2020, compiled in April 2021.

Between 2015 and 2020, UN Women successfully supported nine constitutional reforms, of which three were identified as comprehensive reforms; three advanced women’s economic empowerment; one related to the minimum age of marriage and two guaranteed equality in the political and public life.

The success rates vary by region, from 48 and 47 percent in the Americas and the Caribbean and East and Southern Africa respectively, down to 31 percent in Asia Pacific.

Additionally, UN Women engaged in 24 efforts to prevent rollback on gender equality in existing legislation. In 13 cases reported by UN Women Country Offices around the world, the proposed rollbacks are still pending, usually at the stage of discussions or

draft bill. In four cases, initiatives were successfully overturned or removed with the support of UN Women. Examples include:<sup>89</sup>

- In 2018, UN Women Burundi mobilized the UN Country Team and led an advocacy campaign against a discriminatory ministerial decision depriving pregnant girls and young mothers, as well as the boys involved in the pregnancy, of the right to be part of the formal education system. These actions contributed to the reversal of the ban.
- In Iraq, UN Women supported the women’s activist community to advocate for the withdrawal of amendments to the Personal Status Law (No. 188 of 1959) from the parliamentary agenda, which would have allowed religious judges to impose

discriminatory law on family matters. Its withdrawal in 2017 was a significant win for women's rights.

- In 2018, UN Women Guatemala helped to successfully mobilize women's groups to halt the adoption of "Initiative 5385" which would have commuted sentences related to sexual violence, exploitation, and trafficking offences. Similarly, in 2019, UN Women, together with UN agencies, civil society and other partners provided technical support to Parliament to analyze a proposed general amnesty for perpetrators of grave human rights violations during the civil war, which was already in the third and last plenary discussion in the Congress. The law's adoption was halted when the consequences of the amnesty on women's access to rights was better understood.
- Somalia's 2020 bill on Sexual Intercourse Related Crimes permitted child, early and forced marriage failed to adequately guarantee the protection of child victims, witnesses and accused. UN Women and partners successfully undertook collective advocacy for the adoption of an alternate Sexual Offences Bill, leading to the withdrawal of the 2020 bill from Parliament.

Over the period, there were also seven instances in which UN Women's efforts to curtail legislative rollbacks were unsuccessful: the Child Marriage Restraint Act of Bangladesh allowing girls under 18 years of age to marry in "special cases" with parental and court consent was approved in 2016; and in Brazil, a 2017 Labour Law curtailing the rights of women, including their working conditions and legal actions in case of disputes.<sup>90</sup>

UN Women Country Offices have pursued a range of strategies to advance legal reforms. These fall under several broad headings, and are often undertaken in partnership with local women's organizations and other UN agencies:<sup>91</sup>

- *Comprehensive legal reviews, evidence-based analysis, studies, evaluations and/or diagnostics of legislation against international and regional standards.* In addition to the examples provided in

Box 3.1. (Section III), UN Women Haiti conducted a review and analysis of laws affecting women, that led to the formulation of a national strategy for gender equality by 2030 validated through a multi-stakeholder workshop with the Ministry of Women's Affairs and Women's Rights, the Ministry of Justice and Public Security and the Citizen Protection Office.

- *Support to legislative drafting of bills and amendments, including through the provision of expert advice and the facilitation of specialized workshops with lawmakers and other relevant actors.* For example, UN Women Uruguay supported the passage of a bill on a "Comprehensive Law on Violence against Women" in 2017 through expert policy advice, by contributing to the drafting, and Parliamentary discussions.<sup>92</sup>
- *Lobbying with key stakeholders for the enactment of laws, through the organization of seminars and conferences, presentations to Parliament and consultations with different political actors – parliamentarians, representatives of women's organizations, and gender machineries.* For instance, the 2016 amendments to the Egyptian law on female genital mutilation were supported by UN Women's awareness raising among the Executive and Parliament. A UN Women-organized conference on the provision of integrated services to end gender-based violence in Egypt in 2015 contributed to triggering this legal reform through an Action Plan to advance change.
- *Awareness raising and campaigning for legal reform and/or the enactment of laws, through the organization of events as part of 16 Days of Activism and the UN Secretary-General's UNiTE to End Violence against Women campaign.* In Dominican Republic, UN Women organized in situ visits with different stakeholders within the framework of the UNiTE Campaign and to mobilize partners to advocate for legal reforms in the area of violence against women.
- *Capacity-building of stakeholders, including parliamentarians, CSOs, women's organizations,*

---

*ministry staff – often in coordination with partners.* For instance, in Paraguay, UN Women supported the adoption of Law 6338/19 on domestic work by providing capacity to parliamentarians and parliamentary staff, and the media, in partnership with the Regional Office of the High Commissioner for Human Rights, to support the establishment of a minimum legal wage for domestic work. In Cote d'Ivoire, the adoption of the 2019 Law on the Representation of Women in Elected Assemblies was supported through the organization of a workshop for parliamentarians, to develop a cross-party understanding of the draft and its implications.

- *Study tours to other countries which have passed best practice legislation, to encourage cooperation and learning.* For instance, to support the adoption of the 2014 Law on Combating and Preventing Violence against Women and Children in the Lao People's Democratic Republic, UN Women facilitated South-South cooperation by organizing study tours to the Philippines and to Vietnam.
- *Supporting gender norms change – by mobilizing champions in sports, media, film, celebrities, entertainment and fashion to heighten awareness on the importance of addressing discrimination in laws, both broadly and in their own spheres.* Amongst other countries, these approaches have been supported by UN Women Brazil and Paraguay in the field of domestic work.

- *Supporting key civil society actors to gain access to legal reform processes and creating multi-stakeholder dialogue processes to bring civil society together with elected and appointed officials to discuss legal and policy frameworks.* For instance, in Mozambique, UN Women facilitated and sponsored the participation of CSO representatives from provinces in meetings held with parliamentarians, for the adoption of the 2019 Law Against Early Unions.

## KEY EXAMPLES FROM UN WOMEN'S WORK IN THE FIELD<sup>93</sup>

### Constitution-making

UN Women has supported gender equality and women's rights in constitutional review processes through technical assistance and resources to a range of constitutional actors, including constitutional review bodies, parliamentary gender caucuses, law reform commissions, women's movements, national gender machineries, international NGOs and the UN system. UN Women has also directly supported gender equality advocates' efforts across all phases of constitutional review processes. Box 4.3 sheds light on some specific examples.



## **BOX 4.3 CONSULTING, NEGOTIATING, DESIGNING AND ADOPTING A CONSTITUTION**

### **Liberia's constitutional reform process through a common women's agenda**

Liberia initiated a constitution review process, beginning in 2012 through to 2021. To ensure women's collective voices were heard, UN Women and the Office of the Gender Advisor–United Nations Mission in Liberia, in partnership with the Ministry of Gender, Children and Social Protection, worked with a diverse group of women to develop a Minimum Agenda for Constitution Reform. This included a nation-wide consultation with nearly 5,000 women, men, youth, civil society, religious leaders, government officials, and traditional leaders. The Minimum Agenda covered equality and non-discrimination, women's rights in marriage, protection against all forms of violence, equal participation, affirmative action, and the use of gender-sensitive language in the constitution. It featured prominently in the review process, thanks to the technical and financial assistance provided to the Women Constitutional Review Taskforce, the Women's Legislative Caucus, and the media. About 85 percent of the demands were integrated into the draft constitution, which is still pending approval.

### **Building capacity, coalitions and a core set of demands in Libya**

In 2015, UNDP, United Nations Support Mission in Libya and UN WOMEN, as well as the International Foundation for Electoral Systems of Libya, worked with activists and women members of the Constitutional Drafting Assembly (CDA) to develop a core set of demands as well as an advocacy strategy to directly lobby the CDA to gain broader support. The demands were informed by regional legal experts, and activists and CDA members were provided capacity and knowledge on constitution-making and international good practices. UN Women brought together 35 activists to review and analyze the CDA's preliminary work on 12 proposed new constitutional chapters.

### **Engagement with key stakeholders in Grenada**

While the constitutional review process in Grenada between 2014 and 2016 did not result in a new constitution, the process raised awareness on women's rights. UN Women and UNDP delivered technical assistance to strengthen provisions in the Bill of Rights on non-discrimination and gender equality. Together with the Constitutional Reform Advisory Committee, they also held consultations with civil society and generated support for gender equality. UN Women developed communication and advocacy tools, such as infographics and radio spots, to raise public awareness on the Bill, gender equality, and links to sustainable development.

### **Constitutional reform process in Nigeria through technical expertise**

In 2020, UN Women Nigeria engaged the services of gender and constitutional reform experts to support the formulation and integration of gender-responsive recommendations in the constitutional review process. The experts conducted a thorough review of the constitution, highlighting gender discriminatory provisions, and made recommendations to address them. UN Women has thus far provided both technical expertise and funded the convenings of technical consultants supporting the National Assembly's Constitutional

---

Review Committee. UN Women's technical expert is serving as an invaluable resource to ensure that gender is mainstreamed throughout the work of the technical committee of the constitutional review process. Among other provisions, recommendations have been made to review sections on citizenship which discriminate against women in their ability to confer citizenship on a foreign-born spouse.

### Engagement with ethnic and religious groups in South Sudan's constitutional reform

The inclusion of all components of Sudanese society, especially ethnic and religious minorities and women is recognized by stakeholders as critical to the success of South Sudan's ongoing constitutional reform process. The parties have agreed to a minimum of 35 per cent representation for women on the constitution-making bodies: the Revitalized National Constitutional Review Commission, the Constitutional Drafting Committee, and the National Constitutional Conference. UN Women has provided a platform for political and technical dialogues for women and CSOs to facilitate broad based inclusion at all levels on developments related to constitutional making in South Sudan. Other areas of support have included defining advocacy strategies aimed at promoting women's participation at the subnational level to their inclusion in the key constitutional reform bodies tasked with completing the draft.

Source: UN Women's Results Based Management System, 2021.

## Supporting progressive change in legislation

This sub section compiles information from UN Women's Results Based Management System, Country Offices' annual reports from 2015 to 2020 and information received from Country Offices in response to the questionnaire sent in March 2021 on what has been achieved in the past five years in the six areas of the Strategy on *Equality in the Law for Women and Girls by 2030*. As UN Women's support to comprehensive reforms has been discussed in Section III, the focus here will therefore be on the five other priority areas of the Strategy.

Examples of positive legal developments supported by UN Women on women's economic empowerment include improvements to the overall legal framework – as in **Albania**, building on support to the National Gender Equality Strategy and Action Plan (2016–2020), UN Women partnered with a leading women's rights group, Center for Civic Legal Initiatives, to advance property rights, and provided financial support and technical expertise for drafting legal amendments.

Several legal reforms were the cumulative effect of the advocacy efforts and interventions by CSOs, UN Women, the German Society for International Cooperation, and other partners, including a 2018 Notary Law establishing clear procedures for the transfer of immovable property and requiring the notary to cite as purchaser/co-owner the non-present spouse. A new law on the Cadaster (111/2018) mandates joint registration of marital immovable property, with retroactive application.

In **Ecuador**, UN Women's technical assistance to the Ministry of Labour resulted inter alia, in an amendment to the Labour Justice Act of 2020, introducing protection against dismissal of pregnant women as well as for women union leaders. After an unfair dismissal, an employer may now be obligated to provide backpay with a 10 percent surcharge, reinstate the employee and/or provide compensation equivalent to one year's salary. UN Women provided guidance to the National Assembly's Commission on Workers' Rights in 2018 to prepare the draft Comprehensive Labour Code for the Legislative Administration Council, including a chapter on gender, sections on workplace violence

and harassment, women's workplace health, flexible work modalities, strengthening work-life balance through increased leave for parents, addressing unpaid care work, and norms to eliminate gender pay gaps. Workers' organizations were involved in the legal reform effort through a series of dialogues organized by the National Assembly with UN Women support. UN Women's partnership with the National Assembly, Ministry of Labour, Council of Tertiary Education, Ministry of Social Inclusion and the Central Bank led to the 2020 rollout of new regulations on the prevention and response to labour harassment, health and security in the workplace, and on unpaid care work.

Similarly in **Vietnam**, UN Women supported the passage of a new Labour Code in 2019 and associated decrees, which reduces the gender gap in the retirement age, ends bans on occupations for women, extends childcare, provides paternity leave, and requires workplaces to address sexual harassment.<sup>94</sup>

In **Ukraine**, UN Women contributed to legal reforms on women in the military through policy advice and technical assistance to the executive and legislature. UN Women helped amplify the voices of women veterans and women in active service to change norms and show women's leadership. Discriminatory provisions were repealed in 2018 by amendments which guaranteed women serving in the military the opportunity to advance their military careers and obtain higher ranks. Moreover, over 15,000 women who participated in military operations in the east of the country are now formally recognized as veterans and are entitled to social security benefits.

UN Women **Guatemala** supported four bills to advance women's economic empowerment. These include a 2018 bill which aims to promote and facilitate women's access to economic and productive resources and technology. Presented by the Central American Network of Rural, Indigenous and Peasant Women, the bill also proposes a fund to support women's initiatives, financed by alcohol and tobacco taxes. The Country Office also supported an initiative in 2015 to implement the ILO's Domestic Workers Convention, 2011 (No. 189) and an initiative to

reform the General Law on Cooperatives, including the inauguration of a Women's Cooperative Committee.

New draft laws on care work have been supported in **Bolivia, Mexico City, and Paraguay**. UN Women's technical assistance to Mexico City focused on the care economy, which was subsequently reflected in the city's 2016 constitutional revision with full recognition of unpaid care work as a human right. This in turn led to policy reforms and financial investments, including the development of 14 care cooperatives as part of the city's care policy. In November 2020, the National Commission on Constitutional Points of the Chamber of Deputies reformed the Political Constitution of the United Mexican States to set the foundation for a National Care System by recognizing the universal right to care and the responsibility of the State in promoting co-responsibility of care activities between men and women. This was grounded in technical advice and advocacy provided by UN Women.

UN Women's efforts to bring about laws to enact 18 years as the *minimum age of marriage without exceptions*, were successful in **El Salvador, Guatemala, Kyrgyzstan, Malawi, Mexico, Mozambique, and Pakistan's Punjab Province**. In **Pakistan**, the Sindh Child Marriages Restraint Act, passed in April 2014, fixes a minimum age at 18 years in Hindu and Sikh marriages. UN Women is supporting advocacy efforts to amend the law at the federal level and in the other three provinces to raise the age of marriage to 18. The national Senate passed a bill in 2019. Public debate led to the tabling of a similar bill in the provincial assemblies of Khyber Pakhtunkhwa and Punjab. UN Women has engaged in discussion with parliamentarians, academia, the development sector, government departments and religious scholars. UN Women's collective and inclusive advocacy in Punjab succeeded in consolidating three different bills into one, which was endorsed and signed by 200 parliamentarians. UN Women and partners continued advocacy efforts and communications campaigns during the COVID crisis. The multi-pronged strategy includes positive religious teachings discouraging child marriage in partnership with the Council for Islamic Ideology to change norms, collaboration with the

---

National Commission on Status of Women to produce the first study in Pakistan of the economic aspects of child marriage and expanding coverage to other key provinces.

In **Mexico**, through the interagency campaign “A to Z Campaign: Mexico with no Early Union and Marriage of Girls, by Law and in Practice”, UN Women worked for the elimination of child marriage laws. The campaign was widely supported by the government, as well as 12 UN agencies and civil society since its launch in 2015 to harmonize the minimum age of marriage laws in all 32 states with that of the federal law which stands at 18 years.

Ongoing efforts to raise the minimum legal age of marriage is also occurring in **Tanzania**, where UN Women has partnered with the Ministry of Constitutional and Legal Affairs to raise the age from 16 to 18 years. Strategies included:

- The provision of technical expertise to the Ministry of Justice; leveraging UN Women’s convening role to facilitate consultations among government ministries, traditional and religious leaders, CSOs and networks such as the Tanzania Ending Child Marriage Network, women rights organizations, youths and young women led initiatives, and the media.
- Technical support to the Msichana Initiative resulted in a successful public interest litigation in the Court of Appeal, declaring marriage of a child below 18 years as unconstitutional.
- Technical support and partnership with the women’s caucus of Parliament in Zanzibar in 2019, resulted in an amendment to the Kadhi Court Rules, changing the age of marriage from 16 to 18 years.

A case of positive developments on nationality rights is the new **Lebanon** Nationality Law which allows Lebanese women married to foreign spouses to confer their nationality to their spouses and children. This built on processes supported since 2017, including a study in

partnership with the National Commission for Lebanese Women, and a partnership with the NGO, Collective for Research and Training on Development-Action.

Examples of progressive reforms supported by UN Women leading to greater equality in family relations included the adoption of new family laws in **Bangladesh, Cote d’Ivoire, Democratic Republic of Congo, and Kazakhstan**, and support to efforts to codify the national family code at state and local levels in **Ethiopia**. New laws around equality between men and women in marriage/divorce were supported in **Rwanda and India**.

New laws on inheritance and succession were supported in **Albania, Mozambique, and Uganda**. In **Uganda**, UN Women supported the analysis of the Succession and Inheritance Bill and the Marriage and Divorce Bill to identify gender related provisions, created awareness on the bills among local communities; supported members of parliament to benchmark lessons learned from other countries like Kenya. UN Women and partners held consultations with stakeholders such as the Uganda Parliamentary Women’s Association (UWOPA) to discuss strategies for advancing amendments. An issues paper highlighting controversial clauses was drafted and shared with the Parliamentary committees on laws and land, the Law Reform Commission and the Administrator General’s office. In 2020, UN Women worked closely with UWOPA to lobby relevant parliamentary committees, coordinate with all other implementing partners supporting the bill and to engage the media in advocating for the bill’s passage into law.

UN Women supported measures to ensure greater gender equality in political and public life in over 50 countries, including quota laws in **Bolivia, Burundi, Cabo Verde, Colombia, Cote d’Ivoire, Democratic Republic of Congo, Ecuador, Guinea-Bissau, Kazakhstan, Liberia, Niger, Nigeria, Rwanda, Sudan, and Ukraine**. For example, in Cote d’Ivoire, UN Women contributed to the adoption of Law N.2019-870 in October 2019, which imposes a 30 per cent quota of women candidates in parliamentary elections, by facilitating the review of

the draft legislation on women's political participation, and through advocacy and capacity building of parliamentarians. Furthermore, in providing technical inputs on shared experiences, UN Women supported the 2020 legal reform to Colombia's Electoral Code, increasing the representation of women in nominations for public office from 30 percent to 50 percent. In 2020, UN Women led the drafting of a bill in response to the **Guatemalan** government's threat to end the mandate of the women's machinery. The Country Office analyzed proposals to promote the political participation of women that were presented to the Commission for the Electoral Update and Modernization.

In **Kosovo**, UN Women led the Security and Gender Group in Kosovo, a multi-stakeholder group consisting of international organizations and Kosovo civil society, to engage in advocacy which resulted in several legislative advances. For example, the 2015 Law on Gender Equality requires equal gender representation (50 per cent) in all legislative, executive and judiciary bodies and other public institutions, including their governing and decision-making bodies.

As noted above, significant support was provided to efforts to legally address *violence against women*, including more than 30 initiatives in the Asia-Pacific region and in the Americas and the Caribbean. The types of laws introduced with UN Women support include general laws on violence against women, as in **Afghanistan, Burundi, Nigeria, Sierra Leone, and Papua New Guinea**, and pending in **Cambodia and Somalia**. Laws on domestic violence were adopted in 14 countries with UN Women support – namely **Albania, Algeria, China, Indonesia, Kenya, Kazakhstan Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Myanmar, Morocco, Tunisia, and Ukraine**. In **Kosovo**, UN Women supported efforts leading to the 2019 revision of the Criminal Code to include domestic violence as

a separate criminal offense, defined in line with the Istanbul Convention. In 2020, the Istanbul Convention was added to the list of directly applicable international documents in the Kosovo Constitution.<sup>95</sup>

Several countries in Latin America and the Caribbean have recently recognized the crime of femicide, as in **Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay and Uruguay**. Through raising awareness in the media, UN Women **Chile** supported passage of the Gabriela Law in March 2020, which expanded the classification of femicide. The Country Office also had partnered with the European Union over several years to support civil society organizations promoting gender equality, supporting the Observatory Against Harassment to draft the Law on Sexual Harassment in Public Spaces which was passed in May 2019.

Laws on violence against women in politics were adopted with UN Women support in **Barbados and Bolivia**, and to protect against sexual harassment in **Bangladesh, China, India, and Pakistan**.

UN Women provided support to broaden the definition of rape in **Bangladesh, Pakistan and Senegal**. Since 2019, UN Women **Senegal** has been working with women's rights organizations to provide technical support to help harmonize domestic laws with international commitments under CEDAW and the Maputo Protocol, highlighting laws which discriminate against women (Article 111 of the Family Code on child marriage, Article 152 on marital power, Article 156 on paternal power, and others). In late 2019, the National Assembly unanimously adopted Penal Code reforms to criminalize rape and pedophilia. In 2020, the strategy was officially launched during 16 Days of Activism. Awareness raising was initiated by the Ministry of Women, Family, Gender and Child Protection, in collaboration with the Ministry of Justice, and the Association of Women Lawyers.



## SECTION V. CONCLUSION

Since its foundation in 2011, UN Women has prioritized support for legislative efforts to advance gender equality. On the tenth anniversary of UN Women's establishment, this report reviewed research and evidence to recap how laws around the world treat women and girls, highlighting gains as well as ongoing challenges. The examples of interventions from UN Women's work in the field illustrate the range of innovations, sustained efforts and partnerships needed to advance the rule of law agenda.

This review has documented how UN Women, working with governments and a broad range of stakeholders and partners, has supported change consistent with international commitments like CEDAW. UN Women often works in concert with women's rights movements, with coalitions playing an active role, sometimes over several years, to achieve change or fight threatened rollbacks of rights.

The goal of this report is to share UN Women's best practices and lessons learned with stakeholders within and outside the UN system to be able to further advance law reform between now and 2030. While progress over the period 2015–2020 has been encouraging, there is a long way to go. Sadly, many of the countries where rule of law problems loom largest are also settings where women are worst off, or at risk of reversal.

The rule of law agenda has intrinsic importance and can influence social norms in ways to accelerate broader progress on gender equality to meet the targets set in the 2030 Agenda for Sustainable Development. Fast tracking of legal reform to end discrimination is needed now to achieve the SDGs by 2030.

# REFERENCES

- African Union Commission, UN Women and Plan International (2019), *Marriage Laws in Africa - A Compendium from 55 African Union Member States*. UN Women: Addis Ababa. Last accessed on 31 July 2021, available at <https://africa.unwomen.org/en/digital-library/publications/2019/03/marriage-laws-in-africa>
- Batha, E. "Malaysian mothers fight government over 'sexist' citizenship law" (14 July 2021). Thomson Reuters Foundation News. Accessed on 31 July 2021, available at <https://news.trust.org/item/20210713231755-nwb1u/>
- Böckenförde M. (2017), *Constitutional Amendment Procedures*. International IDEA Constitution-Building Primer 10: Stockholm. Last accessed on 31 July 2021, available at <https://www.idea.int/sites/default/files/publications/constitutional-amendment-procedures-primer.pdf>
- Cuskelly, K. (2011) *Customs and Constitutions: State recognition of customary law around the world*. IUCN: Bangkok. <https://portals.iucn.org/library/efiles/documents/2011-101.pdf>
- Desilver, D. (2018), "Proposed amendments to the U.S. Constitution seldom go anywhere." *FactTank, Pew Research Center*. Last accessed on 31 July 2021, available at <https://www.pewresearch.org/fact-tank/2018/04/12/a-look-at-proposed-constitutional-amendments-and-how-seldom-they-go-anywhere/>
- Domingo P., Holmes R., O'Neil T., Jones N., Bird K., Larson A., Presler-Marshall E. and Valters C. (2015), *Women's voice and leadership in decision-making - Assessing the evidence*. London: Overseas Development Institute. Last accessed on 31 July 2021, available at <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9627.pdf>
- Duncan, B. (2017), *Why and How Constitutions Matter For Advancing Gender Equality: Gains, Gaps And Policy Implications*. UN Women: New York, Accessed on 31 July 2021, available at <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2017/why-and-how-constitutions-matter-en.pdf?la=en&vs=2422>
- Equality Now (2017a), "Not backing down against marry your rapist laws". Last accessed on 31 July 2021, available at [https://www.equalitynow.org/not\\_backing\\_down\\_against\\_marry\\_your\\_rapist\\_laws?locale=fr](https://www.equalitynow.org/not_backing_down_against_marry_your_rapist_laws?locale=fr)
- (2017b). *The Global Rape Epidemic*. Equality Now: New York. Last accessed on 31 July 2021, available at [https://d3n8a8pro7vhmx.cloudfront.net/equalitynow/pages/208/attachments/original/1527096293/EqualityNowRapeLawReport2017\\_Single\\_Pages.pdf?1527096293](https://d3n8a8pro7vhmx.cloudfront.net/equalitynow/pages/208/attachments/original/1527096293/EqualityNowRapeLawReport2017_Single_Pages.pdf?1527096293)
- (2018a), "Repealing marry-your-rapist laws". Last accessed on 31 July 2021, available at [https://www.equalitynow.org/repealing\\_marry\\_your\\_rapist\\_laws](https://www.equalitynow.org/repealing_marry_your_rapist_laws)
- (2018b), *The State We're in: Ending Sexism in Nationality Laws*. Equality Now: New York. Last accessed on 31 July 2021, available at [https://www.equalitynow.org/the\\_state\\_we\\_re\\_in\\_ending\\_sexism\\_in\\_nationality\\_laws?locale=en](https://www.equalitynow.org/the_state_we_re_in_ending_sexism_in_nationality_laws?locale=en)
- (2020a), "Switzerland - Federal Law supplementing the Swiss Civil Code of 30 March 1911". Last accessed 31 July 2021, available at [https://www.equalitynow.org/switzerland\\_federal\\_law\\_supplementing\\_swiss\\_civil\\_code\\_of\\_30\\_march\\_1911#:~:text=Update%3A%20Switzerland%20voted%20in%20a.all%20parents%20are%20treated%20equally](https://www.equalitynow.org/switzerland_federal_law_supplementing_swiss_civil_code_of_30_march_1911#:~:text=Update%3A%20Switzerland%20voted%20in%20a.all%20parents%20are%20treated%20equally)
- (2020b), *Words and Deeds: Holding Governments Accountable in the Beijing +25 Review Process*. Equality Now: New York. Last accessed on 31 July 2021, available at [https://www.equalitynow.org/words\\_and\\_deeds\\_beijing25\\_report](https://www.equalitynow.org/words_and_deeds_beijing25_report)
- Forster, C. (2017), *Global Good Practices in Advancing Gender Equality and Women's Empowerment in Constitutions*. New York: UNDP.
- Girls Not Brides, "Atlas on Child Marriage". Last accessed on 31 July 2021, available at <https://atlas.girlsnotbrides.org/map/>
- Government of The Gambia, UN Women, and Commonwealth (2020), *Mapping and Analysis of the Laws of The Gambia From a Gender Perspective: Towards Reversing Discrimination in Law*. UN Women: New York. Last accessed on 31 July 2021, available at <https://africa.unwomen.org/en/digital-library/publications/2020/08/mapping-and-analysis-of-the-laws-of-the-gambia/>
- IDLO, UN Women (2020), *Discriminatory Laws Against Women and Girls in Kenya*. UN Women. Unpublished.
- ILO (2013), *Equal Pay - An introductory guide*. ILO: Geneva. Last accessed on 31 July 2021, available at [https://www.ilo.org/global/publications/WCMS\\_216695/lang--en/index.htm](https://www.ilo.org/global/publications/WCMS_216695/lang--en/index.htm)
- Inter-agency and Expert Group on SDG Indicators website, last accessed on 31 July 2021, available at <https://unstats.un.org/sdgs/iaeg-sdgs/>
- International Justice Resource Center (2018), *African Court finds Mali's Family Law violates Human Rights obligations*. Last accessed on 31 July 2021, available at <https://ijrcenter.org/2018/05/29/african-court-finds-malis-family-law-violates-human-rights-obligations/#:~:text=Despite%20the%20State's%20argument%20that,for%20all%20women%20and%20children>
- Irving, H. (2010), *Where Have All the Women Gone? Gender and the Literature on Constitutional Design*. Sydney: The University of Sydney, Sydney Law School.
- Klugman et al (2020), *Beijing +25. Accelerating progress for women and girls*. Last accessed on 31 July 2021, available at <https://giwps.georgetown.edu/resource/beijing25-accelerating-progress-for-women-and-girls/>
- Legal Aid Forum, UN Women (2020) *Fast Tracking Gender Equality in Rwanda: Comprehensive Legal Analysis of Gender Compliance in Rwandan Laws*. UN Women: Kigali. Last accessed 31 July 2021, available at <https://rwanda.un.org/en/138522-fast-tracking-gender-equality-law-rwanda-comprehensive-legal-analysis-gender-compliance>
- Ministry of Women, Family and Children; Association des femmes juristes de Côte d'Ivoire (AFJCI); Prime Minister's Office, National Observatory of Equity and Gender Equality (2019), *Analysis And Proposals For Redrafting Legislative Texts That Are Discriminatory With A View To Achieving Gender Equality In Côte d'Ivoire*. UN Women: Abidjan. Unpublished.
- Musawah, n.d. *Mapping of Muslim Laws Globally*. Last accessed on 31 July 2021, available at <https://www.musawah.org/mapping-muslim-family-laws/>
- O'Reilly M. (2015), *Why Women? Inclusive Security and Peaceful Societies*. Washington, DC: Inclusive Security.
- Parliament of the Republic of Uruguay (2017). Law # 19.580. Last accessed on 31 July, available at <https://www.impo.com.uy/bases/leyes/19580-2017>
- Richards, D. and J. Haglund (2015). *Violence against women and the law*. Boulder, CO: Routledge-Paradigm.
- Tamaru N. and O'Reilly M. (2018), *How Women Influence Constitution Making After Conflict and Unrest*. Inclusive Security: Washington DC. Last accessed on 31 July 2021, available at <https://www.inclusivesecurity.org/wp-content/uploads/2018/02/How-Women-Influence-Constitution-Making.pdf>
- UN General Assembly (1979). *Convention on the Elimination of All Forms of Discrimination against Women*. United Nations Treaty Series Vol. 1249.
- (2019), Resolution adopted by the General Assembly on 17 December 2018. Last accessed on 31 July 2021, available at [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/73/153](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/153)

- UN Human Rights Committee (2000), *General Comment No. 28: Article 3 (The Equality of Rights between Men and Women)*. Last accessed on 31 July 2021, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F%2F21%2FRev.1%2FAdd.10&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F%2F21%2FRev.1%2FAdd.10&Lang=en)
- UN Human Rights Council (2015), *Report of the Working Group on the issue of discrimination against women in law and in practice*. A/HRC/29/40
- (2018a), *Report of the Special Rapporteur on freedom of religion and belief*. A/HRC/37/49.
- (2018b), *Report of the Working Group on the issue of discrimination against women in law and in practice*. A/HRC/38/46
- UN Statistics Division (2019), "SGD 5 report". Last accessed on 31 July 2021, available at <https://unstats.un.org/sdgs/report/2019/goal-05/>
- , "Geographic regions". Last accessed on 31 July 2021, available at <https://unstats.un.org/unsd/methodology/m49/>
- UN Women (2015). *A Framework to Underpin Action to Prevent Violence Against Women*. New York: UN Women. Last accessed on 31 July 2021, available at <http://www.unwomen.org/en/digital-library/publications/2015/11/prevention-framework#view>
- (2019a), *Progress of the world's women 2019-2020: Families in a Changing World*. UN Women: New York. Last accessed on 31 July 2021, available at <https://www.unwomen.org/en/digital-library/progress-of-the-worlds-women>
- (2019b). *Equality in law for women and girls by 2030: A multistakeholder strategy for accelerated action*. New York: UN Women. Last accessed on 31 July 2021, available at <https://www.unwomen.org/en/digital-library/publications/2019/03/equality-in-law-for-women-and-girls-by-2030>
- (2020a), *COVID-19 and ending violence against women and girls*. UN Women: New York. Last accessed on 31 July 2021, available at <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/issue-brief-covid-19-and-ending-violence-against-women-and-girls-en.pdf?la=en&vs=5006>
- (2020b), *Study for UN Women, Legal Profile – Gender –Morocco Preliminary Report*. Unpublished.
- (2020c), *The World for Women and Girls – Annual Report 2019-2020*. UN Women: New York. Last accessed on 31 July 2021, available at <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/un-women-annual-report-2019-2020-en.pdf?la=en&vs=3903>
- (2021a), *How Equal Are We Before The Law? An Assessment of Mozambique's Gender Discriminatory Legislative Framework*. UN Women: Harare. Unpublished.
- (2021b). *Good Practices based on the data under 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*. UN Women: New York. Last accessed on 31 July 2021, available at [https://data.unwomen.org/sites/default/files/modules/sdg-files/localdata/5\\_1\\_1\\_good\\_practices.pdf](https://data.unwomen.org/sites/default/files/modules/sdg-files/localdata/5_1_1_good_practices.pdf)
- , "Global Gender Equality Constitutional Database". Last accessed on 31 July 2021, available at <https://constitutions.unwomen.org/en>
- , "SDG Indicator Dashboard on SDG 5 (Gender Equality)". Last accessed on 31 July 2021, available at [https://data.unwomen.org/data-portal/sdg?tab=map&annex=Gender%20Equality&finic%5B%5D=SG\\_LGL\\_GENEQLFP&fiac%5BVC\\_VAW\\_MARR%5D%5B%5D=15-49&fiac%5BBSH\\_STA\\_FGMS%5D%5B%5D=15-49&fiac%5BBSL\\_DOM\\_TSPD%5D%5B%5D=ALLAGE&fiac%5BBSL\\_DOM\\_TSPD%5D%5B%5D=ALLAREA&fiac%5BBSL\\_DOM\\_TSPDCW%5D%5B%5D=ALLAGE&fiac%5BBSL\\_DOM\\_TSPDCW%5D%5B%5D=ALLAREA&fiac%5BBSL\\_DOM](https://data.unwomen.org/data-portal/sdg?tab=map&annex=Gender%20Equality&finic%5B%5D=SG_LGL_GENEQLFP&fiac%5BVC_VAW_MARR%5D%5B%5D=15-49&fiac%5BBSH_STA_FGMS%5D%5B%5D=15-49&fiac%5BBSL_DOM_TSPD%5D%5B%5D=ALLAGE&fiac%5BBSL_DOM_TSPD%5D%5B%5D=ALLAREA&fiac%5BBSL_DOM_TSPDCW%5D%5B%5D=ALLAGE&fiac%5BBSL_DOM_TSPDCW%5D%5B%5D=ALLAREA&fiac%5BBSL_DOM)
- TSPDDC%5D%5B%5D=ALLAGE&fiac%5BBSL\_DOM\_TSPDDC%5D%5B%5D=ALLAREA&fyr%5B%5D=Latest%20available&fsr=countries
- , Results Based Management System. Annual reporting (2015-2020).
- UNDP, UN Women, UNFPA, and ESCWA (2018), *Gender Justice and the Law in the Arab States Region*. UNDP: New York. Last accessed on 31 July 2021, available at [https://www.arabstates.undp.org/content/rbas/en/home/library/Dem\\_Gov/gender-justice-and-the-law-study.html](https://www.arabstates.undp.org/content/rbas/en/home/library/Dem_Gov/gender-justice-and-the-law-study.html)
- UNFPA (2021), *State of World Population 2021. My Body is My Own: Claiming the Right to Autonomy and Self-Determination*. UNFPA: New York. Last accessed on 31 July 2021, available at [https://www.unfpa.org/sites/default/files/pub-pdf/SoWP2021\\_Report\\_-\\_EN\\_web.3.21\\_0.pdf](https://www.unfpa.org/sites/default/files/pub-pdf/SoWP2021_Report_-_EN_web.3.21_0.pdf)
- UNHCR (2021), *Background Note on Gender Equality, Nationality Laws and Statelessness 2021*. UNHCR: Geneva. Last accessed on 31 July 2021, available at <https://www.refworld.org/docid/604257d34.html>
- UNICEF (2021), *COVID-19: A threat to progress against child marriage*. UNICEF, New York, 2021. Last accessed on 31 July 2021, available at <https://data.unicef.org/resources/covid-19-a-threat-to-progress-against-child-marriage/>
- , "Child marriage database". Last accessed on 31 July 2021, available at <https://data.unicef.org/topic/child-protection/child-marriage/>
- , "Child marriage". Last accessed on 31 July 2021, available at <https://www.unicef.org/protection/child-marriage>
- UNOHCHR (2020), "Committee on the Elimination of Discrimination Against Women." Last accessed on 31 July 2021, available at <https://www.ohchr.org/en/hrbodies/cedaw/pages/recommendations.aspx>
- , n.d. "UN Treaty Body Database." Last accessed on 31 July 2021, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=5](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=5)
- Weldon S. L. and Htun M. (2013), *Feminist mobilization and progressive policy change: why governments take action to combat violence against women*, *Gender & Development*, 21(2), 231-247. Last accessed on 31 July 2021, available at <https://www.tandfonline.com/doi/abs/10.1080/13552074.2013.802158>
- Weldon, S. L. (2004), *The dimensions and policy impact of feminist civil society democratic policymaking on violence against women in the fifty US States*. *International Feminist Journal of Politics*, 6(1), 1-28.
- World Bank (2021a), *Women, Business and the Law report*. Work Bank: Washington DC. Last accessed on 31 July 2021, available at [https://wbl.worldbank.org/en/data/exploretopics/wbl\\_gm](https://wbl.worldbank.org/en/data/exploretopics/wbl_gm)
- (2021b), *Women Business and the Law report*. Work Bank: Washington DC. Last accessed on 31 July 2021, available at <https://wbl.worldbank.org/en/wbl>
- WORLD Policy Analysis Center (2019), "Data on Marriage". Last accessed on 31 July 2021, available at <https://www.worldpolicycenter.org/policies/under-what-circumstances-can-girls-be-married/under-what-circumstances-can-13-year-old-girls-be-married>



# APPENDICES

## Appendix 1: UN Women regional country classifications

### **Americas and Caribbean:**

Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Paraguay, Peru, Trinidad and Tobago, and Uruguay.

### **Arab States:**

Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia, and Yemen.

### **Asia and the Pacific:**

Afghanistan, Bangladesh, Cambodia, China, Fiji, India, Indonesia, Lao People's Democratic Republic, Myanmar, Nepal, Pakistan, Philippines, PNG, Samoa, Solomon Islands, Sri Lanka, Thailand, Timor Leste, Tonga, Vanuatu, and Vietnam.

### **East and Southern Africa:**

Burundi, Ethiopia, Kenya, Malawi, Mozambique, Rwanda, Somalia, South Africa, South Sudan, Sudan, Tanzania, Uganda, Zambia, and Zimbabwe.

### **Europe and Central Asia:**

Albania, Bosnia and Herzegovina, Georgia, Kazakhstan, Kosovo, Kyrgyzstan, Moldova, North Macedonia, Serbia, Tajikistan, Turkey, Turkmenistan, and Ukraine.

### **West and Central Africa:**

Cameroon, Cabo Verde, Central African Republic, Cote d'Ivoire, Democratic Republic of Congo, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, and Sierra Leone.

## Appendix 2: Women, Business and the Law – What is measured

MOBILITY	
1	Can a woman choose where to live in the same way as a man?
2	Can a woman travel outside her home in the same way as a man?
3	Can a woman apply for a passport in the same way as a man?
4	Can a woman travel outside the country in the same way as a man?
WORKPLACE	
1	Can a woman get a job in the same way as a man?
2	Does the law prohibit discrimination in employment based on gender?
3	Is there legislation on sexual harassment in employment?
4	Are there criminal penalties or civil remedies for sexual harassment in employment?
PAY	
1	Does the law mandate equal remuneration for work of equal value?
2	Can a woman work at night in the same way as a man?
3	Can a woman work in a job deemed dangerous in the same way as a man?
4	Can a woman work in an industrial job in the same way as a man?
MARRIAGE	
1	Is there no legal provision that requires a married woman to obey her husband?
2	Can a woman be head of household in the same way as a man?
3	Is there legislation specifically addressing domestic violence?
4	Can a woman obtain a judgment of divorce in the same way as a man?
5	Does a woman have the same rights to remarry as a man?
PARENTHOOD	
1	Is paid leave of at least 14 weeks available to mothers?
2	Does the government administer 100% of maternity leave benefits?
3	Is paid leave available to fathers?
4	Is there paid parental leave?
5	Is dismissal of pregnant workers prohibited?
ENTREPRENEURSHIP	
1	Does the law prohibit discrimination in access to credit based on gender?
2	Can a woman sign a contract in the same way as a man?
3	Can a woman register a business in the same way as a man?
4	Can a woman open a bank account in the same way as a man?
ASSETS	
1	Do men and women have equal ownership rights to immovable property?
2	Do sons and daughters have equal rights to inherit assets from their parents?
3	Do male and female surviving spouses have equal rights to inherit assets?
4	Does the law grant spouses equal administrative authority over assets during marriage?
5	Does the law provide for the valuation of nonmonetary contributions?
PENSION	
1	Is the age at which men and women can retire with full pension benefits the same?
2	Is the age at which men and women can retire with partial pension benefits the same?
3	Is the mandatory retirement age for men and women the same?
4	Are periods of absence due to childcare accounted for in pension benefits?

Source: World Bank (2021), Women, Business and the Law

**Appendix 3: Number of interventions on legal reforms by UN Women Country Office, 2015-2020**

Country Office	Number of interventions
Pakistan	21
Moldova   Morocco   Tunisia	15
Guatemala   Mexico	14
Albania   Colombia	13
Ukraine   Vietnam	12
Liberia   North Macedonia   Uganda	9
Bangladesh   Brazil   Chile   Ecuador   Egypt   India   Kazakhstan   Lebanon   Nigeria   Serbia   Somalia	8
Burundi   Georgia   Paraguay   Philippines   Rwanda   Tanzania   Timor Leste   Uruguay	7
Bolivia   Indonesia   Mozambique   Nepal   Sudan   Turkey   Zimbabwe	6
Algeria   Central African Republic   Democratic Republic of Congo   Haiti   Jordan   Kosovo   Malawi   Mali   Sierra Leone   Tajikistan   Thailand	5
Afghanistan   Cabo Verde   Cameroon   China   Cote d'Ivoire   El Salvador   Ethiopia   Iraq   Kenya   Occupied Palestinian Territories   South Sudan	4
Argentina   Barbados   Cambodia   Dominican Republic   Honduras   Kyrgyzstan   Papua New Guinea   Senegal	3
Bosnia and Herzegovina   Lao People's Democratic Republic   Libya   Myanmar   Niger   Peru   Samoa   South Africa   Sri Lanka   Yemen	2
Fiji   Guinea-Bissau   Kuwait   Solomon Islands   Syria   Tonga   Turkmenistan   Vanuatu   Zambia	1

---

#### Appendix 4: Questionnaire to Country Offices about their work on legal reforms, sent in April 2021.

Within the framework of Equality in Law for Women and Girls by 2030, the Leadership and Governance Section is initiating a report on **Shaping the Law for Women and Girls: Experiences and Lessons from UN Women's Interventions in the past five years**. The report aims at highlighting key areas of discrimination in law as well as examples of legal reform interventions from UN Women's work, including partnerships, strategies which have worked and not worked, lessons learned as well as expenditures and human resources spent on legal reforms in the past five years.

Country offices are therefore encouraged to share information on what has been achieved in the past five years in the areas listed below:

- *Promoting women's economic empowerment*: Repeal laws that undermine equal pay i.e., standards of equal remuneration for work of equal value as adopted by the International Labour Organization, recognition of unpaid care work, protection of domestic workers, parental leave, pensions, and freedom of choice of employment.
- *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.
- *Ending gender discrimination in nationality laws*: Uphold women's rights to equality in nationality and citizenship laws.
- *Addressing discriminatory rape laws*: Revise provisions that exempt perpetrators from rape charges if they marry the survivor.
- *Promoting equality in family relations*: Repeal gender discriminatory personal status laws (one or more of the following: marriage, divorce, parental rights, and inheritance).
- Other reforms falling outside of the above.

# ENDNOTES

- 1 UN Women (2019). Equality in law for women and girls by 2030: A multistakeholder strategy for accelerated action. New York: UN Women, p8. Last accessed on 31 July 2021, available at <https://www.unwomen.org/en/digital-library/publications/2019/03/equality-in-law-for-women-and-girls-by-2030>
- 2 The author estimate is based on number of women and girls living in countries which have at least one discriminatory law in place, or key protection absent, according to the World Bank's Women, Business and the Law 2021.
- 3 This data was generated from UN Women Global Gender Equality Constitutional Database. Last accessed on 31 July 2021, available at <https://constitutions.unwomen.org/en>
- 4 This estimate is based on Women, Business and the Law 2019, crosschecked against 2021 updated Girls not Brides Atlas, and the latest State reports submitted to the Committee on the Rights of the Child and reporting on SDG indicator 5.1.1.
- 5 UN Women (2019). Equality in law for women and girls by 2030: A multistakeholder strategy for accelerated action. New York: UN Women. Last accessed on 31 July 2021, available at <https://www.unwomen.org/en/digital-library/publications/2019/03/equality-in-law-for-women-and-girls-by-2030>
- 6 This category reflects interventions on legal reforms that do not fit into any of the other thematic areas. These legal processes relate to education, land rights, migration, human trafficking, access to justice, special groups such as people with disabilities.
- 7 The author estimate is based on number of women and girls living in countries which have at least one discriminatory law in place, or key protection absent, according to the World Bank's Women Business and the Law.
- 8 This data was generated from UN Women Global Gender Equality Constitutional Database. Last accessed on 31 July 2021, available at <https://constitutions.unwomen.org/en>
- 9 This estimate is based on Women, Business and the Law 2019, crosschecked against 2021 updated Girls not Brides Atlas, and the latest State reports submitted to the Committee on the Rights of the Child and reporting on SDG indicator 5.1.1.
- 10 UN Women (2019). Equality in law for women and girls by 2030: A multistakeholder strategy for accelerated action. New York: UN Women. Last accessed on 31 July 2021, available at <https://www.unwomen.org/en/digital-library/publications/2019/03/equality-in-law-for-women-and-girls-by-2030>
- 11 UN Women (2015). A Framework to Underpin Action to Prevent Violence Against Women. New York: UN Women, page 21 [385]. Last accessed on 31 July 2021, available at <http://www.unwomen.org/en/digital-library/publications/2015/11/prevention-framework#view>
- 12 UN OHCHR. n.d. "UN Treaty Body Database." Last accessed on 31 July 2021, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=5](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=5); UNOHCHR (2020), "Committee on the Elimination of Discrimination Against Women." Last accessed on 31 July 2021, available at <https://www.ohchr.org/en/hrbodies/cedaw/pages/recommendations.aspx>
- 13 Richards, D. and J. Haglund (2015). Violence against women and the law. Boulder, CO: Routledge-Paradigm.
- 14 Weldon S. L. & Htun M. (2013), Feminist mobilization and progressive policy change: why governments take action to combat violence against women, *Gender & Development*, 21:2, 231-247. Last accessed on 31 July 2021, available at <https://www.tandfonline.com/doi/abs/10.1080/13552074.2013.802158>; Weldon, S. L. (2004), The dimensions and policy impact of feminist civil society democratic policymaking on violence against women in the fifty US States. *International Feminist Journal of Politics*, 6(1), 1-28.; and Domingo P., Holmes R., O'Neil T., Jones N., Bird K., Larson A., Presler-Marshall E. and Valters C. (2015), Women's voice and leadership in decision-making - Assessing the evidence. London: Overseas Development Institute, p87 [471]. Last accessed on 31 July 2021, available at <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9627.pdf>
- 15 Forster, C. (2017). Global Good Practices in Advancing Gender Equality and Women's Empowerment in Constitutions. New York: UNDP, p4.
- 16 Irving, H. (2010). Where Have All the Women Gone? Gender and the Literature on Constitutional Design. Sydney: The University of Sydney, Sydney Law School.
- 17 Algeria, Armenia, Central African Republic, Chad, Comoros, Dominican Republic, Republic of Congo, Sudan, and Thailand adopted new constitutions between 2015 and 2020.
- 18 These countries are: Algeria, Armenia, Azerbaijan, Bangladesh, Cuba, Egypt, Ireland, Lesotho, Malawi, San Marino, Sudan, and Tajikistan. In addition, at least 4 countries in Eastern and Central Asia outlawed same-sex marriages, defining marriage only between a man and a woman. These countries are Kyrgyzstan (2016), Latvia (2006), North Macedonia (2015) and Russia (2020).
- 19 See Articles 38 (gender machinery), 42, 47 (equality and nondiscrimination) and 48 (women's rights) of the Constitutional Charter for the Transitional Period of Sudan 2019.
- 20 See Article 40 of Constitution of the Republic of Ireland.
- 21 Böckenförde M. (2017). Constitutional Amendment Procedures. International IDEA Constitution-Building Primer 10, p 8. Last accessed on 31 July 2021, available at <https://www.idea.int/sites/default/files/publications/constitutional-amendment-procedures-primer.pdf>
- 22 See Constitution of India 2019; Desilver, D. (2018). "Proposed amendments to the U.S. Constitution seldom go anywhere." FactTank, Pew Research Center. Last accessed on 31 July 2021, available at <https://www.pewresearch.org/fact-tank/2018/04/12/a-look-at-proposed-constitutional-amendments-and-how-seldom-they-go-anywhere/>
- 23 Duncan, B. (2017). Why and How Constitutions Matter For Advancing Gender Equality: Gains, Gaps And Policy Implications. UN Women: New York, p2. Accessed on 31 July 2021, available at <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2017/why-and-how-constitutions-matter-en.pdf?la=en&vs=2422>
- 24 Tamaru N. and O'Reilly M. (2018), How Women Influence Constitution Making After Conflict and Unrest. Inclusive Security: Washington DC, p1. Last accessed on 31 July 2021, available at <https://www.inclusivesecurity.org/wp-content/uploads/2018/02/How-Women-Influence-Constitution-Making.pdf>
- 25 See Sections 21, 56, 63, 91, and 100 of the Constitution of Kenya and Articles 2, 6, 7, 10, 56, 57, 59, 60, and 171 of the Constitution of Ecuador.
- 26 Tamaru N. and O'Reilly M. (2018), How Women Influence Constitution Making After Conflict and Unrest. Washington, DC: Inclusive Security; O'Reilly M. (2015), Why Women? Inclusive Security and Peaceful Societies. Washington, DC: Inclusive Security.
- 27 Countries where customary law supersedes constitutional provisions on equality and non-discrimination are: Botswana, Gambia, Lesotho, Malaysia, Mauritius, Micronesia, Palau, Sierra Leone, Solomon Islands, Sri Lanka, Vanuatu and Zambia. UN Women, "Global Gender Equality Constitutional Database". Last accessed on 31 July 2021, available at <https://constitutions.unwomen.org/en>
- 28 The countries are: Botswana, Gambia, Lesotho, Malaysia, Mauritius, Micronesia, Palau, Sierra Leone, Solomon Islands, Sri Lanka, Vanuatu and Zambia. These same countries do not apply this guarantee in matters of adoption, marriage, divorce, burial, and devolution of property upon death. UN Women, "Global Gender Equality Constitutional Database". Last accessed on 31 July 2021, available at <https://constitutions.unwomen.org/en>
- 29 Referenced as "West Bank and Gaza" in the World Bank's Women, Business and the Law.
- 30 UNDP, UN Women, UNFPA, and ESCWA (2018), Gender Justice and the Law in the Arab States Region. Tunisia: Country profile. UNDP: Washington DC. Last accessed on 31 July 2021, available at: [https://www.arabstates.undp.org/content/rbas/en/home/library/Dem\\_Gov/gender-justice-and-the-law-study.html](https://www.arabstates.undp.org/content/rbas/en/home/library/Dem_Gov/gender-justice-and-the-law-study.html). The Law on Eliminating Violence against Women addresses economic violence in the context of

- employment and includes the following provisions related to women's employment rights. It is illegal to commit discrimination or economic violence on the basis of sex if it results in the deprivation or control of women's economic resources; to discriminate in remuneration for work of equal value; to discriminate in terms of occupation, including in refusing promotion and grade of employment
- 31 Equality Now (2020). "Switzerland - Federal Law supplementing the Swiss Civil Code of 30 March 1911". Last accessed 31 July 2021, available at [https://www.equalitynow.org/switzerland\\_federal\\_law\\_supplementing\\_swiss\\_civil\\_code\\_of\\_30\\_march\\_1911#:~:text=Update%3A%20Switzerland%20voted%20in%20a,all%20parents%20are%20treated%20equally.](https://www.equalitynow.org/switzerland_federal_law_supplementing_swiss_civil_code_of_30_march_1911#:~:text=Update%3A%20Switzerland%20voted%20in%20a,all%20parents%20are%20treated%20equally.)
  - 32 UNDP, UN Women, UNFPA, and ESCWA (2018). Gender Justice and the Law in the Arab States Region. UNDP: New York. Last accessed on 31 July 2021, available at [https://www.arabstates.undp.org/content/rbas/en/home/library/Dem\\_Gov/gender-justice-and-the-law-study.html](https://www.arabstates.undp.org/content/rbas/en/home/library/Dem_Gov/gender-justice-and-the-law-study.html)
  - 33 Ibid.
  - 34 Equality Now (2020). *Words and Deeds: Holding Governments Accountable in the Beijing +25 Review Process*. Equality Now: New York, P9-11. Last accessed on 31 July 2021, available at [https://www.equalitynow.org/words\\_and\\_deeds\\_beijing25\\_report](https://www.equalitynow.org/words_and_deeds_beijing25_report)
  - 35 UN Human Rights Council (2015). Report of the Working Group on the issue of discrimination against women in law and in practice. A/HRC/29/40, para. 16 and 17.
  - 36 UN Human Rights Committee (2000). General Comment No. 28: Article 3 (The Equality of Rights between Men and Women). Last accessed on 31 July 2021, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F21%2FRev.1%2FAdd.10&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F21%2FRev.1%2FAdd.10&Lang=en)
  - 37 UN Human Rights Council (2015). Report of the Working Group on the issue of discrimination against women in law and in practice. A/HRC/29/40, para. 16 and 17.
  - 38 UN Human Rights Council (2018). Report of the Special Rapporteur on freedom of religion and belief. A/HRC/37/49, para. 42.
  - 39 African Union Commission, UN Women and Plan International (2019). *Marriage Laws in Africa - A Compendium from 55 African Union Member States*. UN Women: Addis Ababa. Last accessed on 31 July 2021, available at <https://africa.unwomen.org/en/digital-library/publications/2019/03/marriage-laws-in-africa>
  - 40 Girls Not Brides, "Atlas on Child Marriage". Last accessed on 31 July 2021, available at <https://atlas.girlsnotbrides.org/map/>
  - 41 Musawah, n.d. Mapping of Muslim Laws Globally. Last accessed on 31 July 2021, available at <https://www.musawah.org/mapping-muslim-family-laws/>
  - 42 Regions are consistent with the UN Statistics Division's, "Geographic regions". Last accessed on 31 July 2021, available at <https://unstats.un.org/unsd/methodology/m49/>. These sources have been compiled into a comprehensive background database available as a spreadsheet covering 186 countries, that is available upon request. However, eight countries, namely Andorra, Cuba, Liechtenstein, Monaco, Nauru, North Korea, Tuvalu, and the Vatican were not included in the analysis due to lack of data.
  - 43 These are: Burundi, Central African Republic, Côte d'Ivoire, Ethiopia, The Gambia, Haiti, Malawi, Morocco, Mozambique, Nigeria, Rwanda, South Africa, South Sudan, Sudan, Tunisia, and Zimbabwe. In partnership with the International Development Law Organization, assessments are underway in Kenya, Mali, Philippines, and Sierra Leone.
  - 44 ILO (2013). *Equal Pay - An introductory guide*. ILO: Geneva. Last accessed on 31 July 2021, available at [https://www.ilo.org/global/publications/WCMS\\_216695/lang--en/index.htm](https://www.ilo.org/global/publications/WCMS_216695/lang--en/index.htm)
  - 45 Equality Now (2020). *Words and Deeds: Holding Governments Accountable in the Beijing +25 Review Process*. Equality Now: New York, P54. Last accessed on 31 July 2021, available at [https://www.equalitynow.org/words\\_and\\_deeds\\_beijing25\\_report](https://www.equalitynow.org/words_and_deeds_beijing25_report)
  - 46 UN Women (2021). *How Equal Are We Before The Law? An Assessment of Mozambique's Gender Discriminatory Legislative Framework*. UN Women: Harare. Unpublished.
  - 47 Bolivia, China, Kiribati, Kuwait, Sri Lanka, Malawi, Nigeria, Solomon Islands and Eswatini.
  - 48 UNICEF, "Child marriage". Last accessed on 31 July 2021, available at <https://www.unicef.org/protection/child-marriage>; UNICEF (2021). *COVID-19: A threat to progress against child marriage*. UNICEF, New York, 2021. Last accessed on 31 July 2021, available at <https://data.unicef.org/resources/covid-19-a-threat-to-progress-against-child-marriage/>
  - 49 UN General Assembly (2019). Resolution adopted by the General Assembly on 17 December 2018. Last accessed on 31 July 2021, available at [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/73/153](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/153)
  - 50 This estimate is based on Women, Business and the Law information from 2019, crosschecked against 2021 updated Girls not Brides Atlas, and the latest State reports submitted to the Committee on the Rights of the Child and information from SDG indicator 5.1.1.
  - 51 UNICEF, "Child marriage database". Last accessed on 31 July 2021, available at <https://data.unicef.org/topic/child-protection/child-marriage/>
  - 52 WORLD Policy Analysis Center (2019), "Data on Marriage". Last accessed on 31 July 2021, available at <https://www.worldpolicycenter.org/policies/under-what-circumstances-can-girls-be-married/under-what-circumstances-can-13-year-old-girls-be-married>
  - 53 UN Women (2020). Study for UN Women, Legal Profile - Gender -Morocco Preliminary Report. Unpublished.
  - 54 International Justice Resource Center (2018). African Court finds Mali's Family Law violates Human Rights obligations. Last accessed on 31 July 2021, available at <https://ijrcenter.org/2018/05/29/african-court-finds-malis-family-law-violates-human-rights-obligations/#:~:text=Despite%20the%20State's%20argument%20that,for%20all%20women%20and%20children>
  - 55 Batha, E. "Malaysian mothers fight government over 'sexist' citizenship law" (14 July 2021). Thomson Reuters Foundation News. Accessed on 31 July 2021, available at <https://news.trust.org/item/20210713231755-nwblu/>
  - 56 Information shared by the Global Campaign on Equal Nationality Rights (2021).
  - 57 UNHCR (2021). Background Note on Gender Equality, Nationality Laws and Statelessness 2021. UNHCR: Geneva, p9. Last accessed on 31 July 2021, available at: <https://www.refworld.org/docid/604257d34.html>
  - 58 These pledges were made at the UN Human Rights Council High Level Segment on Statelessness in October 2019 in Geneva, Switzerland. See <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>
  - 59 UNHCR (2021). Background Note on Gender Equality, Nationality Laws and Statelessness 2021. UNHCR: Geneva, p9. Last accessed on 31 July 2021, available at: <https://www.refworld.org/docid/604257d34.html>
  - 60 Equality Now (2018). *The State We're in: Ending Sexism in Nationality Laws*. Equality Now: New York. Last accessed on 31 July 2021, available at [https://www.equalitynow.org/the\\_state\\_we\\_re\\_in\\_ending\\_sexism\\_in\\_nationality\\_laws?locale=en](https://www.equalitynow.org/the_state_we_re_in_ending_sexism_in_nationality_laws?locale=en)
  - 61 UNFPA (2021). *State of World Population 2021. My Body is My Own: Claiming the Right to Autonomy and Self-Determination*. UNFPA: New York, p48. Last accessed on 31 July 2021, available at [https://www.unfpa.org/sites/default/files/pub-pdf/SoWP2021\\_Report\\_-\\_EN\\_web.3.21\\_0.pdf](https://www.unfpa.org/sites/default/files/pub-pdf/SoWP2021_Report_-_EN_web.3.21_0.pdf)
  - 62 Equality Now (2017). *The Global Rape Epidemic*. Equality Now: New York, p19. Last accessed on 31 July 2021, available at [https://d3n8a8pro7vnmx.cloudfront.net/equalitynow/pages/208/attachments/original/1527096293/EqualityNowRapeLawReport2017\\_Single\\_Pages.pdf?1527096293](https://d3n8a8pro7vnmx.cloudfront.net/equalitynow/pages/208/attachments/original/1527096293/EqualityNowRapeLawReport2017_Single_Pages.pdf?1527096293)
  - 63 UN Women (2020). Study for UN Women, Legal Profile - Gender -Morocco Preliminary Report. Unpublished.
  - 64 Equality Now (2018). "Repealing marry-your-rapist laws". Last accessed on 31 July 2021, available at [https://www.equalitynow.org/repealing\\_marry\\_your\\_rapist\\_laws](https://www.equalitynow.org/repealing_marry_your_rapist_laws); Equality Now (2017). "Not backing down against marry your rapist laws". Last accessed on 31 July 2021, available at [https://www.equalitynow.org/not\\_backing\\_down\\_against\\_marry\\_your\\_rapist\\_laws?locale=fr](https://www.equalitynow.org/not_backing_down_against_marry_your_rapist_laws?locale=fr)
  - 65 World Bank (2021). "Women, Business and the Law". Last accessed on 31 July 2021, available at [https://wbi.worldbank.org/en/data/exploretopics/wbl\\_gm](https://wbi.worldbank.org/en/data/exploretopics/wbl_gm)



UN Women is the UN organization dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide.

UN Women supports UN Member States as they set global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programmes and services needed to ensure that the standards are effectively implemented and truly benefit women and girls worldwide. It works globally to make the vision of the Sustainable Development Goals a reality for women and girls and stands behind women's equal participation in all aspects of life, focusing on four strategic priorities: Women lead, participate in and benefit equally from governance systems; Women have income security, decent work and economic autonomy; All women and girls live a life free from all forms of violence; Women and girls contribute to and have greater influence in building sustainable peace and resilience, and benefit equally from the prevention of natural disasters and conflicts and humanitarian action. UN Women also coordinates and promotes the UN system's work in advancing gender equality.



220 East 42nd Street  
New York, NY 10017, USA

Tel: 646-781-4400

Fax: 646-781-4444

[www.unwomen.org](http://www.unwomen.org)

[www.facebook.com/unwomen](https://www.facebook.com/unwomen)

[www.twitter.com/un\\_women](https://www.twitter.com/un_women)

[www.youtube.com/unwomen](https://www.youtube.com/unwomen)

[www.flickr.com/unwomen](https://www.flickr.com/unwomen)

[www.instagram.com/unwomen](https://www.instagram.com/unwomen)