

WORDS & DEEDS

Holding Governments Accountable to the Beijing +30 Review Process



Sex Discrimination in Economic Status Laws

CONTENTS

3 ECONOMIC STATUS

- 3 What is the issue?
- 3 What is the impact on women and girls?
- 4 What needs to change?


6 ECONOMIC STATUS LAWS - RIPE FOR REFORM


- 6 Inheritance and Property
- 6 Employment

About Equality Now

Since 1992, Equality Now has worked to protect and promote the rights of women and girls around the world by combining grassroots activism with international, regional, and national legal advocacy. We campaign to achieve legal and systemic change that benefits all women and girls and work to ensure that governments enact and enforce laws and policies that uphold their rights. Our campaigns center on four program areas: Legal Equality, End Sexual Violence, End Harmful Practices, and End Sexual Exploitation, with a cross-cutting focus on the unique needs of adolescent girls.


Our advocacy has resulted in the repeal or amendment of over 50 sex discriminatory laws, including recently in Syria, Switzerland, Lebanon, and Jordan. We have been instrumental in the enactment of laws against all forms of violence against women, including rape, sex trafficking, and harmful practices such as child marriage, “honor” crimes, and female genital mutilation. As a global organization, Equality Now has offices in the USA (New York), Africa (Nairobi), Europe (London), and MENA (Beirut), and partners and members all around the world.

 info@equalitynow.org

 equalitynow.org

 facebook.com/equalitynoworg

 instagram.com/equalitynoworg

 [@equalitynow](https://twitter.com/equalitynow)

About Words and Deeds

The 4th UN Conference on Women in 1995 was the birth of The Beijing Platform for Action, the most progressive blueprint ever for advancing women’s rights. Governments around the world pledged to change or remove their existing unfair laws and make legal equality a reality. But that goal is far from being realized.

Only 12 out of 190 economies surveyed by the World Bank in 2022 had achieved legal equality and a typical economy only grants women 75% of the same rights as men - If we don’t act now, the UN predicts it will take 286 years to end discrimination in the law.

Income inequality and gender inequalities are intimately linked, and it’s not an exaggeration to say that inequality kills. During the COVID-19 pandemic, perpetrators, enabled by sexist laws and gender stereotypes, committed even greater physical domestic violence and economic violence against women. To reverse COVID exacerbated inequality, States must put both gender and income equality first and get rid of all discriminatory laws.

Every five years since 1999 Equality Now has highlighted explicitly sex discriminatory laws that need to be reformed in our *Words & Deeds* report. As we approach 30 years since adoption of The Beijing Platform for Action, this is the second in a series of focus briefs and it explores the impact of sex discrimination in laws related to violence and what still needs to change.

ECONOMIC STATUS

What is the issue?

Sex discrimination in economic status laws restricts women from being economically independent, limiting access to inheritance and property ownership as well as to employment opportunities, thereby reinforcing gender stereotypes and roles.

According to the [Women, Business and the Law 2022](#) report of the World Bank on 190 economies:



Useful maps and further break-down of economic data, particularly on how countries deal with sexual harassment, can be found at [WORLD Policy Analysis Center](#).

What is the impact on women and girls?

Sex discriminatory labor laws (e.g. types of jobs and hours), and property, inheritance, retirement, and parental leave laws inhibit women's full social and economic participation and opportunities, hurting them – including by making them more vulnerable to exploitation - their families, communities, and society as a whole.

In addition to inheritance and marital property laws, discriminatory family laws - addressing the rights of women and men entering into marriage, divorce, custody, guardianship of children, the right of a spouse to choose their profession and occupation, independent of the other - also have a severe economic impact on women, girls and their families. Conversely, **researchers have found** that “egalitarian reform of family law may be the most crucial

precondition to empower women economically,” benefiting everyone.

From record rates of unemployment to interruptions in the supply chain and lower demand for goods and services, COVID-19 has battered the global economy. While these shocks were felt by nearly every industry and community, women bore a disproportionate burden through both job loss and increased care-giving. Stopping run-away inflation and a global recession now - though complicated and politically fraught - must take into account and promote gender equality in the law.

Unfortunately, “The global social protection and jobs response has been largely blind to women's rights and needs.” The social and economic consequences are enormous. As [UNODC](#) has noted, for example, the COVID-19

induced fragile economic state will “result in more people at risk of trafficking”. Victims of sexual exploitation are targeted because they are vulnerable.

Governments need to address the whole ecosystem of legal protections to make sure women are not the ones who always end up in the lowest paid or unregulated jobs, or are effectively forced to leave the workforce to take up (unpaid) caring responsibilities and then do not have equal access to pensions on the same basis as men. As countries focus on rebuilding in the wake of the pandemic, reforming or repealing all types of sex-discriminatory laws, and putting in place positive policy measures such as support for child and elder care and equal parental leave, must be prioritized. Once progressive laws, such as equal pay for equal work, are adopted governments must then robustly implement them.

The **transformational change** possible through the work of the MENA Family Law Network (“Hurra Coalition”), including young women activists who have launched campaigns on the fair distribution of matrimonial wealth in divorce, custody of children by divorced mothers and child marriage in Algeria, Egypt, Iraq, Jordan, Lebanon, Morocco, the State of Palestine and Tunisia, has been recognized by UN Women in the [Generation Equality Accountability Report 2022](#).

The [Global Campaign for Equality in Family Law](#) is calling for amendment or repeal of all discriminatory family laws to be a **global priority** and advocates for equality for women, girls and other marginalized groups under laws, policies and practices relating to families in all their diversity, regardless of religion and culture.

What needs to change?

The Beijing Platform for Action, agreed to by 189 UN member states in 1995, clearly lays out what all governments must do to ensure equality and non-discrimination under the law and promote women’s economic rights.

These actions are still relevant today and will also result in progress towards achieving the UN Sustainable Development Goals (SDGs) by 2030 to ensure that “no one is left behind”.

Strategic objective 1.2. Ensure equality and non-discrimination under the law and in practice

Actions to be taken by Governments:

232(d) – Review national laws, including customary laws and legal practices in the areas of family, civil, penal, **labour and commercial law** in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments by means of national legislation, **revoke any remaining laws that discriminate on the basis of sex** and remove gender bias in the administration of justice;

232(b) – provide constitutional guarantees and/or enact appropriate legislation to prohibit discrimination on the basis of sex for all women and girls of all ages and assure women of all ages equal rights and their full enjoyment;

Strategic objective F.1. Promote women’s economic rights and independence, including access to employment, appropriate working conditions and control over economic resources

Actions to be taken by Governments:

165(b) – Adopt and implement laws against discrimination based on sex in the labour market, especially considering older women workers, hiring and promotion, the extension of employment benefits and social security, and working conditions;

165(e) – **Undertake legislation and administrative reforms to give women equal rights with men to economic resources**, including access to ownership and control over land and other forms of property, credit, inheritance, natural resources and appropriate **new technology**.



In terms of rights under the law to the economic resource of **new digital technology**, as the United Nations undertakes the development of an international Global Digital Compact by September 2024, The Alliance for Universal Digital Rights (AUDRI) has proposed nine intersectional, feminist digital principles to secure our human rights, including this one:

Everyone has a right to access the digital realm and to be free to participate in digital life.

*The full realization of human potential requires universal rights to education, to freedom of expression and information, to assembly and association, and to **full participation in and enjoyment of economic, social, cultural, civil, and political life.***

To participate fully in the modern world, everyone requires equal access to the internet and digital technologies. However, around 3.7 billion people – comprising nearly half of the world’s population – do not enjoy such access. People living in rural and remote areas are less likely to use the internet than those in more urban areas, and people who face intersectional inequalities are more likely to be excluded from using digital technologies and services.

*This is an issue that particularly affects women, girls, and other discriminated-against groups and marginalized people, who are more vulnerable to coercive control and unequal power relationships. **On average, women’s access to digital and mobile technology is about 85% of the level for men, while globally, about 327 million fewer women than men have a smartphone and access to mobile internet.***

The ability to freely engage with the digital world is negatively affected by factors including misogyny, hate speech, identity theft, defamation, online sexual exploitation and harassment – all of which disproportionately affect women, girls, and other discriminated-against groups and marginalized people.

What Governments must guarantee

- *Everyone has the right to participate in the digital realm and to access, regardless of their geographical location, universally available internet services and digital technology at an affordable price.*
- **States should enact policies promoting universal and equal access to the internet, including recognizing and addressing existing gender and intersectional inequalities.**
- *States should enact policies prohibiting the arbitrary and deliberate slowing and/or cutting off of the internet on any grounds, including public order or national security grounds.*
- *Interfaces, content, and applications must be designed inclusively to ensure accessibility for all, including people with physical, sensory, or cognitive disabilities, people who are not literate, and people who speak minority languages. The principle of inclusive design and the use of assistive technologies must be promoted and supported to allow persons with disabilities to benefit fully and on equal terms.*

ECONOMIC STATUS LAWS - RIPE FOR REFORM

In addition to adopting positive, new laws guaranteeing economic rights, below are **examples** of laws that remain to be amended or repealed since highlighted as non-compliant with international law in our 2020 report, *Words & Deeds: Holding Governments Accountable in the Beijing +25 Review Process*.

Additional examples of laws ripe for reform that have an economic impact on women, girls and their families can be found in our *Words & Deeds: Sex Discrimination in Marital Status Laws policy brief* (Oct. 2022) and our *Words & Deeds: Sex Discrimination in Violence Laws policy brief* (Nov. 2022).

Inheritance and Property



CAMEROON: Articles 1421 and 1428 of the Civil Code allow the husband to administer and dispose of his wife's property.



CHILE: Article 1749 of Chile's Civil Code establishes the legal presumption that husbands head the household and control marital property, as well as property owned by their wives.



SRI LANKA: Section 6 of Sri Lanka's Matrimonial Rights and Inheritance Ordinance (Jaffna), Ordinance No. 1 of 1911 restricts a married woman from disposing of and dealing with her own immovable property, such as land, without the written consent of her husband.



TUNISIA: Section 103 of Tunisia's Personal Status Code limits daughters' inheritance rights and provides that any sons inherit twice as much as daughters.

Inheritance Law - Halima's story

In Tunisia, Halima struggles to feed her children and sick husband while her brothers use her father's inheritance for vacations. Initially she'd received half but, in a common practice, was pressured by her family to give up her smaller share entirely. As she told the press, "I feel helpless and bitter. After receiving all our father's inheritance, my brothers only care about their own families. They travel. And they've forgotten they have sisters."

Sex discrimination in inheritance laws threatens women and their families around the world.



UNITED ARAB EMIRATES: Article 334 of the Federal Law No. 28 of 2005 of the UAE Personal Affairs Law prescribes that males inherit twice as much as females where there are both male and female heirs.

Employment



BRAZIL: Article 51 of Brazil's Law No. 8213 of July 24 1991 providing for the Social Security Benefit Plans and other measures has a lower compulsory retirement age for women as opposed to men.



CAMEROON: Article 74 of Cameroon's Civil Status Registration provides that a husband may object to his wife's exercise of a trade different from him in the interest of their marriage or children.



CHINA: Chapter VII, Section 59 of China's Labor Act (1994) automatically bars all women from engaging in mining, other forms of intense physical labor that the State specifies or other work that female workers "should avoid."



IRELAND: Section 6 of the Paternity Leave and Benefit Act 2016 only provides 2 weeks of paternity leave. Previously, section 47(5) of Ireland's Social Welfare Consolidation Act 2005 (No. 26 of 2005) provided that a father could only obtain additional parental financial support if the mother died within a certain time period after giving birth.



MADAGASCAR: Article 85 of Madagascar's Labor Code (Law No. 2003-44 of July 28 2004) forbids the employment of women in night work except in family establishments.



RUSSIAN FEDERATION: Amended – Resolution No. 162 lists 456 types of work women may not engage in. In July 2019, the Ministry of Labour and Social Protection passed Order 512H which liberalized the list – but there are still 100 types of works and positions which women may not engage in, including in the production or use of yellow phosphorus, to drive self-propelled vehicles in open-cast mining, or to prepare brown mud manually. The list entered into force on January 1, 2021.



SWITZERLAND: Progress! Switzerland voted in a referendum on September 27 2020 which resulted in the approval of 10 days of paternity leave to begin in January 2021. We encouraged the government to continue to review the issue and consider additional paid paternity leave so that all parents are treated equally. The President of Switzerland replying to our letter encouraging further reform also stated that, *“In addition, the Government is elaborating a national strategy for equality between women and men. Finally, the Government will undertake a general review of inequalities between women and men in Swiss federal law.”* Switzerland’s Federal Law supplementing the Swiss Civil Code of March 30 1911 provided that women were entitled to 14 weeks of paid maternity leave, but there was no requirement to provide paternity leave for men.



UNITED STATES OF AMERICA: Reversed! On January 25, 2021, President Biden effectively reversed this directive by Executive Order. The United States’ Department of Defense Directive-type Memorandum (DTM)-19-004 – Military Service by Transgender Persons and Persons with Gender Dysphoria dated March 12, 2019 banned transgender persons from serving in the military. This exclusionary law discriminated against transgender persons, excluded them from employment opportunities within the military and stigmatized their very identity.

Note: Although Section 1 of the 14th Amendment to the United States Constitution theoretically provides every person “equal protection of the laws,” the US Constitution does not explicitly prohibit discrimination on the basis of sex.

The Equal Rights Amendment (ERA), which prohibits the denial of equality of rights under the law on account of sex was passed by the United States Congress in 1972 and ratified by the requisite number of states in 2020 but is yet to be incorporated into the Constitution, in violation of international law.

On January 10, 2022, Equality Now and organizations that fight for equality around the world* filed a brief as amici curiae in *Commonwealth of Virginia et al v. Ferriero* in support of the Plaintiff-Appellants’ appeal to the United States Court of Appeals for the District Court of Columbia Circuit. The Plaintiff-Appellants – the latest states to ratify the Equal Rights Amendment (ERA) – are demanding that the Government finally certify and incorporate the ERA into the US Constitution. Our brief also supports the work of the ERA Coalition and asserts that the vast majority of countries around the world recognize the concrete and particularized harm arising from sex inequality and the need for express constitutional guarantees of equality on the basis of sex, including to address legal inequality; the US is required to adopt the ERA to comply with its treaty commitments; and the US should adopt the ERA to comply with international law and human rights standards. As of January 5 2023, the case is still pending.

*The brief, joined by WORLD Policy Analysis Center, the Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM), the Equal Rights Trust, the European Women’s Lobby (EWL), FEMNET, the Arab Women Organization (AWO), and the Sisterhood is Global Institute, was filed with the pro-bono assistance of law firm Davis Polk & Wardwell LLP.

Links to the full texts of the laws mentioned above can be found on our Website, www.equalitynow.org

WORDS & DEEDS

AMERICAS OFFICE

NEW YORK | USA

PO Box 7160
New York, 10008-7160
USA
Phone: +1-212-586-0906
Fax: +1-212-586-1611
Email: info@equalitynow.org

AFRICA OFFICE

NAIROBI | KENYA

Bishops Garden Towers, 1st Floor
Bishops Road, Nairobi
KENYA
Phone: +254-20-271-9913/9832
Fax: +254-20-271-9868
Email: equalitynownairobi@equalitynow.org

EUROPE/EURASIA OFFICE

LONDON | UK

PO Box 560
DARTFORD, DA1 9WP
United Kingdom
Phone: +44 (0)7445 699 371
Email: ukinfo@equalitynow.org

MENA OFFICE

BEIRUT | LEBANON

Qubic Square Business Center, Sin el Fil
Daoud Ammoun Street, Office 5 E
Beirut
LEBANON
Phone: 00961-81-405 346
Email: menainfo@equalitynow.org