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UN WORKING GROUP ON THE DISCRIMINATION AGAINST WOMEN IN LAW AND PRACTICE REPORT

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1. INTRODUCTION

Law is the fundamental expression of government policy. Governments which allow sex discriminatory laws to remain in force endorse and promote inequality and deny women recourse when they face discrimination which can affect all aspects of their lives including security, bodily integrity, family life, community status, and political, economic and social prospects.

2. MAKING, AND BREAKING, PLEDGES

Governments have made repeated pledges to repeal all sex discriminatory laws, including at the UN Fourth World Conference on Women in Beijing in 1995. Equality Now has been campaigning to hold governments to their pledges in this and other fora, including by producing regular reports which highlight a representative sampling of sex discriminatory laws still in force across the world and in all types of legal system. The latest report can be accessed here: <http://www.equalitynow.org/node/370#foreward>

Despite governments at the Beijing +5 review meeting in 2000 setting a target date of 2005 for the elimination of all sex discriminatory laws, the pace of change has been very slow. Equality Now's reports make the clear case that much work remains to be done.

When the 2005 target date was not met, Equality Now proposed that the UN's Commission on the Status of Women designate a Special Rapporteur to focus on the *global elimination of sex discriminatory laws*.

3. GOVERNMENT SUPPORT

The governments of Rwanda and the Philippines took up the challenge at the Beijing +10 review meeting in 2005 to lead the push for a resolution creating this new mandate. They secured approval for a UN report on the advisability of such a post, a call reinforced with particular support from the government of Slovenia the following year.

With review of the UN Human Rights Commission already underway in Geneva with the aim also to consolidate the UN's human rights work, the idea for a new mechanism moved to the newly-formed Human Rights Council. Equality Now formed a large coalition of interested groups which lobbied directly at the UN and individually with specific governments to support the initiative.

4. NEW WORKING GROUP

After several further discussions among UN member states as well as additional studies and consultations on the issue, including with the Committee on the Elimination of Discrimination against Women (CEDAW Committee), the governments of Mexico and Colombia, supported by several co-sponsors, succeeded on 1 October 2010 in having a resolution adopted by consensus of the Human Rights Council which created a new Working Group to focus on discrimination against women in law and in practice.

This would not have happened without the support of many governments particularly from the African region which had been lobbied hard by Equality Now's Nairobi office and its partners in Africa over the period of the campaign.

The mandate of the new Working Group "is to identify, promote and exchange views, in consultation with States and other actors, on good practices related to the elimination of laws that discriminate against women.

"The Group is also tasked with developing a dialogue with States and other actors on laws that have a discriminatory impact where women are concerned. It is also mandated to prepare a compendium of best practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact as well as to undertake a study on the way and means it can cooperate with States to fulfil their commitments in that regard."
<http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/Overview.aspx>

5. GLOBAL MEMBERSHIP

One expert from each of the five geographical areas of the Human Rights Council was appointed by the Council in March 2011 so that the Working Group will benefit from expertise from different jurisdictions and backgrounds.

Equality Now in partnership with other international, regional and national human rights and women's rights groups drew up a list of proposed criteria in the selection of the candidates which was shared with the President of the Council and the Consultative Group of designated ambassadors from each of the five regions charged with recommending Working Group members.

The members assumed their functions on 1 May 2011. To aid the Working Group in its mandate, Equality Now prepared a [report](#) for the Working Group's first session in June 2011 compiling and analysing the CEDAW Committee's Concluding Observations which have referenced discrimination against women in law in 137 countries since 2005 and attempting to categorise these to reflect patterns of discrimination prevalent across the world.

The analysis does not claim to give an exact picture of the issues which most affect women, rather to give a picture both of the extent of discrimination around the

world and also of the similarities of abuse everywhere in the hope that this understanding could accelerate change in a number of areas.

6. APPROACH

Following its June meeting, the Working Group has set out its general thematic approach:

“The Working Group seeks to develop knowledge and tools on best practices employed by States, by national, regional and international human rights mechanisms, by NGOs and by UN agencies to achieve the respect, protection and fulfilment of women’s right to equality, including:

- in the elimination of laws and regulations that are both directly and indirectly discriminatory to women, such as through constitutional guarantees, judicial review, legislative reform, litigation and case law, political action, religious or cultural hermeneutic projects;
- in processes which have led to introduction of equality provisions in constitutions, laws and policies; and,
- in access to justice, including through measures to prevent, prosecute, punish, and redress violations of women’s human rights, transitional justice processes, and specialised national mechanisms or machineries on women’s rights.

Thematically, the Working Group will focus on the issue of discrimination against women in law and practice in the following sectors:

- public life and citizenship (eg nationality and citizenship laws; political representation for women);
- economic life (eg employment laws; wage gaps; access to goods and services; economic exploitation of women’s sexuality in trafficking and pornography; policies, practices and codes related to business, transnational corporations and natural resource management);
- family life (eg religious and customary personal law; forced marriage; child marriages); and
- health and safety (eg reproductive rights; violence against women; women in detention; maternal mortality).”

<http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/FirstsessionWG.aspx>

Equality Now aims to support the Working Group’s work moving forward in whichever way we can. We also intend to give additional support to women’s NGOs worldwide (including all of the partners with whom we already work) engaging directly with the Working Group.