



**Input from Equality Now to the High Level Political Forum on Sustainable Development 2019:
“Empowering People and Ensuring Inclusiveness and Equality”**

Equality Now, an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, commends all Member States participating in the meeting of the high-level political forum on sustainable development held from 9 July to 18 July 2019 (“HLPF”), and their demonstrated commitment to tracking and reviewing progress on the Sustainable Development Goals (“SDGs”) adopted in the 2030 Agenda for Sustainable Development (“Agenda 2030”). We especially commend the 47 countries who have volunteered to present their national reviews to the HLPF.

Issues of concern to Equality Now include ending discrimination in the law and promoting legal equality; ending harmful practices including FGM and child marriage; ending sexual violence; ending sex trafficking and sexual exploitation; and all other forms of violence and discrimination against women and girls. Equality Now’s membership base is comprised of individuals and organizations in over 190 countries. Equality Now combines grassroots activism with international, regional and national legal advocacy to achieve legal and systemic change to benefit women and girls, and works to ensure that governments enact and enforce laws and policies that uphold their rights.

Due to the upcoming HLPF’s theme of “*Empowering People and Ensuring Inclusiveness and Equality*”, an objective only possible in a world where all women and girls have the same rights as men and boys, and in light of the HLPF’s focus in 2019 on of Goals 4 (“Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”), 8 (“Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”), 10 (“Reduce inequality within and among countries”), and 16 (“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”) in the set of goals to be reviewed in depth, Equality Now would like to take this opportunity to provide input into how implementation of the 2030 Agenda can be achieved and accelerated through a commitment to gender equality both in and through the law and to call on all governments to comprehensively review and amend as necessary all of their laws, policies and procedures to ensure the human, civil, political, economic, social and cultural rights of all women and girls.

We particularly welcome Targets **4.5** (“By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations”); **8.7** (“Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”); **10.3** (“Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard”); **16.1** (“Significantly reduce all forms of violence and related deaths everywhere”); **16.2** (“End abuse, exploitation, trafficking and all forms of violence against and torture of children”); and **16.3** (“Promote the rule of law at the national and international levels and ensure equal access to justice for all”).

Equality Now believes that the achievement of all of the SDGs requires a commitment to gender equality and an appreciation of their intersectional nature. In this light, below we outline several recommendations to Member States which would in turn ensure the robust implementation of SDGs 4, 8, 10, and 16, in particular. We encourage and welcome further discussion with Member States and other stakeholders on how ensuring the rights of all women and girls is necessary to achieving the world envisioned by Agenda 2030.

4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations

Sexual Violence

Access to education for many adolescent girls may be curtailed due to sexual violence and the consequences of such violence, such as policies that bar pregnant girls from continuing their education, as is the case currently in Sierra Leone and Tanzania.¹ These barriers to education are a human rights violation, as underscored by the Human Rights Council.¹ In addition to being a human rights violation, denial of education or an education sensitive to the needs of a girl or young mother is counter to any development proposal aiming to improve society. Moreover, education is key to eliminating poverty, and thus empowering women and adolescent girls. We call on Member States to ensure that all school settings are free from sexual violence and that governments ensure holistic programming to prevent and address sexual violence as outlined in the Global Guidance to Address School Related Gender Based Violence.²

10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

Equality Now would like to take the opportunity to emphasize that the perpetuation of sex discriminatory laws and policies prevents the realization of the SDGs and increases the vulnerability of women and girls to trafficking, sexual exploitation, harmful practices such as child, early and forced marriage, and can impede women's and girls' ability to complete their education and participate fully in the economic sphere. Accordingly, to overcome inequality, and to empower women and adolescent girls, we urge all Member States to prioritise the elimination of all discrimination on the basis of sex to comply with their international legal obligations, as well as their own national obligations and to fulfil their commitments under the SDGs and ensure equality.

Child, Early and Forced Marriage

Child, early and forced marriage is a phenomenon with severe and long-lasting consequences that affects approximately 12 million girls each year in both the developed and the developing world. We call on governments to take a comprehensive approach to ending child marriage, including by raising the minimum age of marriage for women to 18, without exception. Such steps are necessary to eradicate poverty and ensure prosperity: when a young girl is married and gives birth, the vicious cycle of poverty, poor health, curtailed education, violence, instability, disregard for rule of law and legal and other discrimination often continues into the next generation, especially for any daughter she may have. Child

¹ Human Rights Council Report A/HRC/35/11, "Realization of the equal enjoyment of the right to education by every girl," available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/11.

² UNESCO and UN Women, "Global Guidance on Addressing School-Related Gender-Based Violence," (2016), available at <http://www.unwomen.org/en/digital-library/publications/2016/12/global-guidance-on-addressing-school-related-gender-based-violence>

marriage affects girls' ability to complete their education, health and physical and emotional well-being,³ and these effects are far-reaching, going beyond the individual and affecting the entire community, and even national and global development.⁴ There is a direct correlation between higher minimum age of marriage laws and a lower incidence of child marriage⁵. We call on Member States to enact, enforce, and raise public awareness of legislation that sets 18 as the minimum legal age for marriage, including by asserting the primacy of national law over other forms of law such as religious or customary laws, and to sign, ratify, uphold and implement international and regional human rights standards to address child, early and forced marriage.⁶

As noted in Equality Now's 2015 report, *Words & Deeds: Holding Governments Accountable in the Beijing +20 Review Process*,⁷ although there has been great progress made around the world to eliminate laws that discriminate against women and girls, far too many laws and policies still remain in effect that are insufficient, inconsistent and not systematically enforced, and sometimes, even promote violence against women and girls. Laws and policies that discriminate against women and girls, such as laws that ban pregnant girls from attending school or allow harmful practices like female genital mutilation and child marriage to occur, can have long-term impacts, including on women's ability to complete their education and obtain employment.

Societies that treat women as equals are more peaceful and prosperous. However, although the vast majority of countries assert equality and non-discrimination in their constitutions, almost every country in the world has laws that treat women and girls as second-class citizens. To name just one example, *de jure* sex discrimination persists in nationality and citizenship laws in over 50 countries around the world, despite national and international commitments to eliminate such discrimination under the law.⁸ Such discrimination has a direct impact on girls' and women's access to services, housing, education, health and other human rights.

16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all and 16.B Promote and enforce non-discriminatory laws and policies for sustainable development

³ This is well documented. For example, in the United States (where a 2011 study estimated that over 9.4 million U.S. women had married at the age of 16 or younger), women who marry before the age of 19 are 50 percent more likely to drop out of high school, four times less likely to graduate from college and 31 percent more likely to live in poverty when she is older. See Tahirih Justice Center, "Child Marriage in the United States: A Serious Problem With a Simple First-Step Solution," (2016), p. 2, available at: <http://www.tahirih.org/wp-content/uploads/2016/11/Tahirih-Child-Marriage-Background-1.pdf> (citing Gordon B. Dahl, "Early Teen Marriage and Future Poverty," *Demography*, Vol. 47(3), (2010), p. 689-718). In low- and middle- income countries, complications from early pregnancy and childbirth are the leading cause of death in girls aged 15-19 years. See World Health Organization, "Adolescent Pregnancy: Fact Sheet," (2014), available at http://apps.who.int/iris/bitstream/10665/112320/1/WHO_RHR_14.08_eng.pdf. Without concerted effort to end early, child and forced "marriage", Targets 3.1 (reducing global maternal mortality ratio) and 3.2 (reducing neonatal mortality), as well as Targets 4.1 and 4.3 (ensuring universal completion of secondary education and equal access to tertiary education, respectively) and Target 4.5 (eliminating gender disparities in education) will all remain elusive.

⁴ Studies show that girls and women who are educated and marry later are more likely to earn an income. UNFPA, "Marrying Too Young, End Child Marriage," (2012), p. 13, available at <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2012/MarryingTooYoung.pdf>. Women invest that income into healthcare, food, education, childcare, and household durables – directly contributing to their country's economy and development.

⁵ See UN Women, "2011-2012 Progress of the World's Women, In Pursuit of Justice Report," (2011), p. 29, available at <http://progress.unwomen.org/>

⁶ For further recommendations on how governments can end child, early and forced "marriage", see Equality Now, "Protecting the Girl Child: Using the law to end child, early and forced marriage and related human rights violations," (2014), pgs. 51-52, available at www.equalitynow.org/sites/default/files/Protecting_the_Girl_Child.pdf

⁷ Equality Now, "Words & Deeds: Holding Governments Accountable in the Beijing +20 Review Process" (2015): https://d3n8a8pro7vnmx.cloudfront.net/equalitynow/pages/297/attachments/original/1527597065/B_20_Report_EN.pdf?1527597065

⁸ Equality Now, "The State We're In: Ending Sexism in Nationality Laws" (2016): https://www.equalitynow.org/sites/default/files/NationalityReport_EN.pdf

In order for a society to empower people and ensure inclusiveness and equality, a country must promote gender equality and the empowerment of women and girls. This requires States to ensure that laws that prevent all forms of violence against women and girls, ensure legal equality, and bar practices that are harmful to women and girls, such as child marriage, female genital mutilation, and sex trafficking, are not only enacted, but enforced through a strong rule of law.

Even when laws are in place to protect the rights of women and girls, there are still barriers that can prevent them from fully realizing their rights and accessing justice, especially in cases related to sexual violence. As noted in Equality Now's Report, *Learning From Cases of Girls' Rights*,⁹ adolescent girls are disproportionately vulnerable to human rights abuses. At the same time, girls generally lack a support system through which they can protest abuses and attempt to access justice. For example, girls who are victims of sexual violence are often at risk of being re-victimized through the legal system, such as in cases where they are met with dismissive and sexist attitudes from police, medical examiners, prosecutors, and judges. Delays in the legal system can also serve as a barrier for women and girls moving on with their lives. Equality Now has had cases where girls have waited for years to receive a final verdict, sometimes for over half of their lives. Another challenge can be found in rural areas, when the nearest criminal court is not always easily accessible to adolescent girls. We therefore urge all Member States to work to ensure that women and girls have access to legal systems to seek justice and obtain redress for human rights violations.

16.1 Significantly reduce all forms of violence and related deaths everywhere

Sexual violence

Over a lifetime, one in three women will experience physical or sexual violence seriously impeding their ability to participate meaningfully in society and contribute economically.

Around the world, rape and sexual abuse, specifically, are everyday violent occurrences – affecting close to a billion women and girls over their lifetimes. In Equality Now's report, *The World's Shame: The Global Rape Epidemic. How Laws Around the World are Failing to Protect Women and Girls from Sexual Violence*¹⁰, we identified seven key general gaps in laws on rape and sexual assault. From a sampling of 82 jurisdictions from around the globe, our report shows that laws on sexual violence are insufficient, inconsistent, not systematically enforced and, sometimes, promote violence. The findings illustrate that countries still have a long way to go to transform their laws, policies and practices into instruments to: prevent sexual violence; provide better access to justice for victims (including specialised services); and effectively punish sexual violence crimes. Laws, for instance, should not provide lesser penalties for rape and sexual abuse of adolescent girls. In Lebanon for example, although Article 522 of the Penal Code which had allowed rapists and other sexual abusers who married their victims to enjoy impunity for their crimes was repealed in 2017, (Bahrain, Kuwait and Iraq currently still have this provision), Article 518 of the Lebanese Penal Code currently still allows prosecutions to be stopped or sentences to be suspended for men who go on to marry virgin girls they had initially “seduced” with promises of marriage. In addition, Article 505 currently allows for the marriage of minors who are 15 years old and Article 519 allows the consideration of a minor's (over 15) “consent” in sexual harassment cases. We call on all Member States to conduct thorough legislative and policy review and reform to

⁹ Equality Now, “Learning from Cases of Girls' Rights”:

https://d3n8a8pro7vhm.cloudfront.net/equalitynow/pages/309/attachments/original/1527599205/Learning_From_Cases_of_Girls_Rights_v2.pdf?1527599205

¹⁰ Equality Now, “The World's Shame: The Global Rape Epidemic. How Laws Around the World are Failing to Protect Women and Girls from Sexual Violence,” (2017), available at <http://www.equalitynow.org/campaigns/rape-laws-report>.

promote strong laws and policies that protect women and girls from sexual violence and to make sure that the justice system works, with proper investigation, for the prosecution and punishment of offenders and for the support and protection of survivors.

Female genital mutilation

We encourage Member States to enact and support the implementation of laws that protect girls and criminalize the practice of female genital mutilation (FGM), including clearly prohibiting the medicalization of FGM and enforcing penalties against those medical practitioners who perform FGM, including suspension or withdrawal of their medical licenses. FGM constitutes a form of gender based violence and discrimination against women and girls, and as such, must be eliminated as a practice.

16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children / 8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking ...

We urge Member States to continue to push for progress towards Target 16.2 and 8.7's call for the end to human trafficking. We call for implementation of strategies that seek to address all and often interconnected aspects of human trafficking and exploitation, and ensuring that ending sex trafficking is a priority issue for Member States.

The commercial sex trade into which the majority of women and girls are trafficked operates on the market principles of supply and demand. The demand is created by buyers (mostly men) who pay for commercial sex, ensuring that sexual exploitation and trafficking continues. Traffickers, pimps and facilitators profit from this demand by supplying women and girls (predominantly) who are brutally exploited on a daily basis. Although the majority of female victims are adult, the demand for younger and younger victims worldwide is a worrying trend in the sex trafficking of girls, who now account for 20% of all trafficking victims.

Discrimination and inequality that is rooted in gender norms, laws and practices results in women and girls having limited access to education, services, opportunities and resources. Poverty, which disproportionately affects women and girls, is a compelling factor in human trafficking. Women and girls experiencing extreme poverty are especially vulnerable due to their circumstances and their family's desperation. Traffickers manipulate their desire to escape poverty. They are subsequently preyed upon by manipulative traffickers offering false promises of employment and education opportunities, remuneration in addition to a better life condition. In reality, the trafficker does not follow through on any of the promises. The victims are then forced to do other work and/or exploited in the commercial sex industry.

Therefore, we urge Member States to include in their efforts a focus on commercial sexual exploitation broadly, and particularly in eliminating prostitution, of both women and girls who have been trafficked for sexual exploitation and those who are in prostitution but do not identify or are not identified as victims of trafficking. Laws addressing prostitution should not criminalize those who are bought or otherwise subject them to criminal or administrative penalties. However, at the same time, those exploiting people in prostitution, including traffickers, pimps, brothel keepers and those who buy sex acts, should be criminalized so they are held accountable for exploitation and for driving trafficking of women and girls.

We also urge the implementation of strategies that put girls and women at risk of sex trafficking and commercial sexual exploitation and survivors at the centre, by investing in social and economic rights and support (including access to justice and legal redress) and promoting gender equality to reduce their

vulnerabilities. Special emphasis must be placed on protection for adolescent girls who face unique vulnerabilities, especially in the context of gender inequality, exploitation and inadequate protection.

Conclusion

Equality Now reiterates its commendation of all Member States participating in the HLPF, and especially those 47 countries who have volunteered to present their voluntary reviews to the HLPF. We commend the demonstrated commitment to tracking and reviewing progress on the SDGs, and urge all Member States to recognize that universal achievement of the SDGs depends on attendant commitment to achieving gender equality, including, but not limited to, focus on the above-outlined areas. Implementation of a strong legal framework that protects and advancing the human rights of all women and girls at the national level, alongside a broad effort to transform gender relations, is central to achieving sustainable development.