



## Global Campaign for Equality in Family Law March 2021

### Goal

The overarching goal of the Global Campaign for Equality in Family Law is equality for women and men under the law in all matters relating to the family,<sup>1</sup> regardless of religion and culture.

### Objectives

The objectives of this Global Campaign for Equality in Family Law are:

1. To mobilise international action to achieve progressive family law reform around the world and to draw global attention and build global support for the urgent necessity for equality in family law.
2. To bring together civil society actors spearheading campaigns for family law reform at the national level, academics, UN agencies and government allies to create and implement a global campaign to end discrimination against women in family laws.
3. To strengthen advocacy for reform at the national level through developing knowledge resources and providing technical assistance to share good practices and lessons learnt.

This Campaign addresses family law as a body of statutes, rules and regulations, court procedures and customary and uncodified laws and practices that govern relationships within family units. It includes, but is not limited to, areas of marriage and family relations which fall under Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) such as rights of women and men entering into marriage, divorce, custody and guardianship of children, property rights, as well as equal rights to inheritance. This Campaign brings together advocates for family law reform to build a global voice demanding equality in the family. This Campaign uses the various spaces opening up at the regional and global levels, such as the Commission on the Status of Women, Generation Equality Forum, and the UN General Assembly, to galvanise international action to build momentum from among civil society actors, governments and the UN system on the urgent necessity for family law reform.

### Context

Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognises equality between women and men in marriage and family relations, and calls on all States parties to “take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations...” In addition, in the Beijing Platform for Action adopted in 1995, States declared that laws which discriminate against women undermine equality and pledged to “revoke any remaining laws that discriminate on the basis of sex.”

Family law reform today remains the most intractable area of law reform, not least because most family laws are based on religion, culture and tradition. Over 60 percent of the 440 reservations entered against

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<sup>1</sup> Note re definition of “family” - the Global Campaign for Equality in Family Law supports gender equality for all and families in all their diverse forms.



CEDAW are based on religion,<sup>2</sup> and the most reserved article of all UN human rights treaties is article 16 of CEDAW. States often misuse religion and culture to justify such reservations and other violations of international and constitutional rights to equality and non-discrimination and to resist civil society's demands for reform.

Research shows that many countries at the bottom of various gender equality surveys are those whose family laws discriminate against women.<sup>3</sup> This has led to gender gaps in indicators such as educational attainment, economic participation and opportunity, health and survival, and political empowerment.<sup>4</sup> In fact, a recent comprehensive cross-country study drew the conclusion that “egalitarian reform of family law may be the most crucial precondition for empowering women economically”.<sup>5</sup> Yet, family law reform continues to move at a glacial pace and in some countries it has in fact regressed over the past two decades.

The UN Working Group on discrimination against women and girls (formerly the UN Working Group on the issue of discrimination against women in law and in practice) has emphasized that failure to ensure the equality of women and girls within the family undermines any attempt to ensure their equality in all areas of society. In its 2018 report to the Human Rights Council, it highlighted that “equality in the private domain — the family — remains one of the biggest hurdles to achieving gender equality.”<sup>6</sup> Following consultations in 2019, facilitated in part by Equality Now’s MENA Regional Director and Human Rights Attorney based in the Americas, the Special Rapporteur on Freedom of Religion and Belief recommended in his report to the Human Rights Council in March 2020 that States:

(ii) Review their laws and practices and ensure that all uphold the principles of universality of human rights and respect the right to equality and non-discrimination and do not create, perpetrate, or reinforce gender-based violence, discrimination or inequalities;

(v) Repeal discriminatory laws, including those enacted with reference to religious considerations, that ... facilitate religious practices that violate human rights; ([See A/HRC/43/48, para. 77\(a\)](#)) (Advance Unedited Version)

In May 2020, the European Parliament Think Tank produced an in-depth analysis of [Discriminatory Laws Undermining Women's Rights](#), detailing the ways that legal reforms have taken place with the aim of accelerating gender equality in the law around the world. It highlighted the new Global Campaign for Equality in Family Law and encouraged support for such campaigns.

Research findings are clear: Gender equality is good for the family, for society, for the economy, for a country’s prosperity and well-being. What is needed now is the political will and political courage to push for reform in an area of law that has entrenched male power and privilege within the most important social unit in society.

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<sup>2</sup> See Basak Cali and Mariana Montoya (2017), [The March of Universality: Religion-based reservations to the Core UN Human Rights Treaties](#), Universal Rights Group. p.3

<sup>3</sup> Only 10 countries in a 2021 [survey by the World Bank](#) have achieved legal equality, including in family law.

<sup>4</sup> See World Economic Forum, *The Global Gender Gap Report* (2018), and World Bank, *Women, Law and Business* (2019).

<sup>5</sup> Mala Htun, Francesca R Jensenius, Jamic Nelson-Nunez (2018), *Gender Discriminatory Laws and Women's Economic Agency*, in *Social Politics: International Studies in Gender, State & Society*, <https://doi.org/10.1093/sp/jxy042>, p. 3.

<sup>6</sup> See A/HRC/38/46, para 27.



## The time for reform is now.

A window of opportunity for global mobilisation towards ending discrimination against women in family law is opening with the upcoming Generation Equality Forum as well as Beijing +30 and the SDGs in 2025. SDG Indicator 5.1.1 has already identified family law as one of the four legal frameworks that must be reformed to accelerate progress to achieve gender equality and empower all women and girls (SDG5). UN Women's [Equality in Law for Women and Girls by 2030: a multistakeholder strategy for accelerated action](#) identified promoting equality in family relations as one of the six areas of focus to accelerate action towards gender equality. In its 2019-2020 flagship report on Progress of the World's Women, which focusses on [Families in a Changing World](#), the top recommendation made is the need to establish family laws that recognize diversity and promote equality and non-discrimination.

All UN member states have committed themselves to achieving the Sustainable Development Goals. Ensuring that families are places of equality and are free from discrimination is essential to this. Governments must be held accountable for law reform to promote equality in the family.

## Coordination Committee and Campaign members<sup>7</sup>

The Coordination Committee for the Global Campaign includes:

- Act Church of Sweden
- CLADEM
- Equality Now
- Musawah
- Muslims for Progressive Values
- Solidarity for African Women's Rights (SOAWR) represented by FEMNET
- Women's Learning Partnership
- UN Women

## Potential Activities

The following activities are envisaged as part of this Campaign. These activities will be carried out by a Global Campaign Manager and members of the Coordination Committee of the Global Campaign with the coordination and support of the Campaign Manager.

**Core Activities:** These activities will form the core of the Campaign's work in its first two years:

- **Build a Coalition:** The Campaign Manager (to be hired), with guidance from the Coordination Committee, will build a wider coalition of interested stakeholders including UN agencies,

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<sup>7</sup> For example: In **Equality Now's** advocacy reports, *Words and Deeds — Holding Governments Accountable in the Beijing + Review Process*, published in 1999, 2004, 2010 and 2015, and March 2020 (with a special focus on family law), Equality Now highlights a sampling of explicitly discriminatory laws affecting women and girls over the course of their lives, including on family law: marital status (marriage, divorce, polygamy, wife obedience); personal status (citizenship, weight of court testimony, travel, prostitution) economic status (inheritance, property, employment, and now retirement, pension, sexual harassment as well) and violence.; In addition to **UN Women's** Equality in Law [Equality in Law for Women and Girls by 2030: a multistakeholder strategy for accelerated action](#), their [Progress of the World's Women 2019: Families in a Changing World](#) was launched on 25 June 2019. This edition of UN Women's flagship report explores how laws, policies and public action can support families in ways that enable women's rights to resources, bodily integrity and voice.



academics and civil society actors such as international, regional and local NGOs and faith based organisations. Terms of reference inclusive of roles and responsibilities have been developed for the Coordination Committee and will be developed for the broader coalition. This component will build on the globally coordinated launch of the Global Campaign and Coalition via webinar on 25 March 2020, which drew over 100 engaged participants from around the world.

- **Global Advocacy Strategy:** A global advocacy strategy, including to support national level advocacy in priority countries, will be developed. This will include advocacy targeted at key government missions at the UN and national governments, including mobilizing relevant governments to undertake reforms and make pledges leading to and at the UNGA Beijing +30 event in September 2025; providing information to relevant UN Treaty Body and special mechanisms; and mobilizing additional UN and civil society actors to engage through the UN peer review mechanisms. Through a joint letter writing and advocacy initiative, Campaign members will encourage relevant governments to reform discriminatory family laws and commit to making time-bound pledges leading to and at the Beijing +30 event. Implementation of these pledges will form the on-going work of the Campaign. Events at various inter-governmental fora, such as CSW, the High Level Political Forum, UNGA etc., as well as other spaces, focusing on the need to remove discriminatory legislative provisions from family laws will also be held.
- **Advocacy & Movement Building – Prioritization of Target Countries<sup>8</sup>:** The Coordination Committee and Campaign Manager, with guidance from the Campaign members, will identify priority countries that maintain gender discrimination in their family laws. These countries will be selected on the basis of an analysis of the degree of gender discrimination in their family laws, as well as the impacts and the prospects for law reform which exist in the country. Desk research will be conducted and active outreach activities undertaken to develop relationships with local, national and regional NGOs, human rights and women’s rights civil society organizations, human rights commissions, faith actors and other government and non-governmental entities in countries that maintain discrimination, to identify priority targets and potential entry points for promoting change. Regional Coordination Committees may be considered and useful.
- **National Advocacy Strategy:** In consultation with regional, national and local organizations, national advocacy strategies for law reform in each of the priority countries will be developed. This would include: encouraging participation of local NGOs and civil society partners in the Campaign and developing country-based advocacy strategies for pledges leading to and at the UN General Assembly Beijing +30 event (please see above); identification and support of national and local NGO, civil society and government partners engaging in national advocacy efforts; targeted and field-based technical, legal and advocacy exchange with local partners to enhance advocacy and increase chances of successful reform of discriminatory family laws; linking local civil society, NGO, and government partners into wider family law reform networks.
- **Compelling Communications and Development of a Campaign Website:** The Global

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<sup>8</sup> For example: Musawah will focus on the Muslim countries and also minority Muslim contexts it has good documentation and analysis of the discriminatory laws from its CEDAW interventions in 31 countries over the past 7 years. UN Women’s Equality in Law strategy focuses on 25 countries with reservations to CEDAW on Art. 16. Equality Now will highlight a small sample of discriminatory family laws in its Beijing +25 campaign.



Advocacy Strategy will be complemented by the design of compelling and innovative communications strategies, particularly with the advent of COVID-19, including jointly with local organizations throughout the project to engage multiple stakeholders and audiences. The Campaign Website will be the repository for all information about the campaign, its goals, members, background material, activities and sharing of resources (including information on the relevant international and regional treaty bodies, their work on this issue as well as associated state reporting and individual complaints procedures). It will highlight the programmes and efforts of individual members as well as provide opportunities for other Campaign Members and supporters to join in advocacy efforts. The Campaign Website may be housed as a micro-site on an existing website. It will be developed and updated by the Campaign Manager and a Communications Officer in consultation with the Coordination Committee (please refer to the Resources section below).

**Supporting Activities:** these activities would support the implementation of the core activities during the first two years of the Campaign:

- **Research:** Research will be carried out to strengthen the advocacy campaigns at national and global level, as well as to develop the technical capacity of NGOs in priority countries. This may include: additional research to make the case for urgent necessity and possibility of reform in family law towards equality and justice; research in countries that have recently reformed their family laws to share good practice examples and to assess levels of implementation (including through the collection of testimonies); desk and field research for the development of an advocacy training tool kit.
- **Technical Assistance to Local Partners:** Training, technical assistance and advocacy support will be provided to local civil society actors such as women’s groups, faith-based actors, human rights organizations and governments to support their efforts at promoting reform in family laws. Grassroots mobilization is deemed vital in securing changes in family laws that still discriminate on the basis of gender.
- **Identify “Champion” Countries and “Ambassadors”:** Identify countries and religious and customary communities that have recently reformed their family laws to remove gender discrimination who could be “champions” in their region and/or internationally and encourage other countries to follow suit. Identify high profile individuals who could serve as “ambassadors” for the cause of removing gender discrimination from family laws.
- Establishment of regional networks of advocates for family law reform.

## Resources

This Campaign will be reliant on external funding. The funding will ideally cover the following initial elements of the campaign, for a period of four years commencing in 2021:

- Recruitment and salary of a full-time Campaign Manager and a part-time Communications Officer;



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- Development and running costs of a Campaign Website;
- Resources to support research effort(s) as detailed above;
- Resources to support the provision of training and technical assistance to local women's organizations and human rights groups working on the issue in target countries including resources to develop training materials;
- Resources to support preparatory lobbying for, a panel session at, and follow-up to, Beijing +30 pledging event and for the global advocacy campaign; and
- Resources to support ongoing and future national advocacy efforts.