

Combating discrimination against women

Gender equality is essential for the achievement of human rights for all. Yet discriminatory laws against women persist in every corner of the globe and new discriminatory laws are enacted. In all legal traditions many laws continue to institutionalize second class status for women and girls with regard to nationality and citizenship, health, education, marital rights, employment rights, parental rights, inheritance and property rights. These forms of discrimination against women are incompatible with women's empowerment.

Women form the majority of the world's poorest people and the number of women living in rural poverty has increased by 50% since 1975. Women work two-thirds of the world's working hours and produce half of the world's food, yet they earn only 10% of the world's income and own less than 1% of the world's property¹. Violence against women throughout the world and in all cultures prevails on an unimaginable scale, and women's access to justice is often paired with discriminatory obstacles – in law as well as in practice. Multiple forms of discrimination based on gender and other factors such as race, ethnicity, caste, disability, persons affected by HIV/AIDS, sexual orientation or gender identity further compounds the risk of economic hardship, exclusion and violence against women.

In some countries women, unlike men, cannot dress as they like, drive, work at night, inherit property or give evidence in Court. The vast majority of expressly discriminatory laws in force relate to family life, including limiting a woman's right to marry (or the right not to marry in cases of early forced marriages), divorce and remarry, thus allowing for sex discriminatory marital practices such as wife obedience and polygamy. Laws explicitly mandating "wife obedience" still govern marital relations in many States.

International human rights law prohibits discrimination on the basis of sex and includes guarantees for men and women to enjoy their civil, cultural, economic, political and social rights equally. While the human rights machinery reaffirm the principles of non-discrimination and equality, Article 15 (1) of the Convention on the Elimination of All Forms of Discrimination against Women explicitly provides that States who have ratified the Convention shall accord to women equality with men and article 2 commits States who have ratified the Convention "to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women."

Thirty years since the Convention's entry into force, the recognition and enjoyment of equal rights with men still remains elusive for large sections of women around the world. CEDAW has been ratified by 186 States yet has the record number of reservations to core articles such as articles 2 and 6 which impact upon young girls and women's personal and family life.

Despite CEDAW requiring State who have ratified the Convention to eliminate discrimination against women "by all appropriate means and without delay", too many States still pervasively retain their discriminatory laws which indicates that the pace of reform is too slow for women. Consequently, at the 12th session of the Human Rights Council, a resolution titled "Elimination of discrimination against women" was adopted requesting the Office of the High Commissioner for Human Rights to prepare a thematic study on discrimination against women in law and practice on how the issue is addressed through the UN, in consultation with all relevant stakeholders, in particular, the Commission on the Status of Women. The thematic study will be addressed at the 15th session and a half day discussion will be held to consider taking further action at that session.

Activities of the UN human rights office

Supports the activities of Committee on the Elimination of Discrimination against Women. The

Committee oversees implementation of the Convention on the Elimination of All Forms of Discrimination against Women. The Convention sets out, in legally binding form, internationally accepted principles on the rights of women.

Assists the Special Rapporteur on Violence against Women. The Special Rapporteur, who is an independent expert, publishes annual reports on violence against women, receives urgent appeals from individuals and undertakes fact-finding country visits.

Assists the Independent Expert on Trafficking. Acknowledging that women in all regions of the world continue to be the victims of traffickers in order to be sexually exploited or exploited for their work force, the Independent Expert address these human rights violations.

Through its Women's Rights and Gender Unit, furthers the struggle against discrimination against women. The unit builds national capacity to eliminate gender discrimination through advisory services, conducts research and analysis, services intergovernmental and expert mechanisms addressing the situation of discrimination of women, and engages with the Human Rights Council and the wider community forging partnerships, raising awareness and mobilizing support for anti-discrimination measures, such as legislation, policies and programmes.

In March 2008, the Women's Right and Gender Unit published a commissioned report on laws that discriminate against women.