

# ELIMINATING DISCRIMINATORY LAWS: ACHIEVING GENDER EQUALITY ON PAPER AND IN PRACTICE DURING CHALLENGING TIMES

Wednesday, 24 March 2021, 14:00-15:30 Rome time

*Zoom webinar*

Opening remarks

Good morning, good afternoon, and good evening,

I am Jan Beagle, Director-General of the International Development Law Organization.

A warm welcome to you all. It is a pleasure to open this event on *Eliminating Discriminatory Laws: Achieving Gender Equality on Paper and in Practice during Challenging Times*.

I would like to thank our partners, the Permanent Mission of the Philippines to the United Nations, the World Bank and the International Fund for Agricultural Development.

I am speaking to you from Rome, the headquarters of IDLO. It is a pity we could not meet in person, but every cloud has a silver lining and I am pleased that so many have joined us from around the globe.

I am also delighted to have two excellent and distinguished panels today. We could not have a better group of people to discuss such a critical issue.

Over 189 States have ratified CEDAW's call in 1979 to condemn and eradicate all discrimination against women without delay, but after several decades legal barriers continue to hold back women and girls around the world.

According to the World Bank, on average women only have three-quarters of the legal rights afforded to men globally.

In some countries, women are still legally required to secure the consent of their husband or male relatives to sign a contract, start a business, or obtain a passport.

Laws continue to deny women the right to pass their nationality to their children or assume that husbands and fathers are heads of families.

In 50 countries women's freedom of movement is restricted.

In 90 countries women are prevented from entering certain professions.

And only 42% of countries grant women equal rights to own property in law and in practice.

In total, discriminatory laws and policies affect a staggering 2.5 billion women and girls around the world.

The impact of pre-existing legal inequality is now being exacerbated by the COVID-19 pandemic. IDLO's report *Justice for Women Amidst Covid-19* developed with partners including UN Women, UNODC, UNDP, the World Bank and The Elders, shows how despite women's enormous

contributions to mitigating the impacts of the pandemic, the crisis is threatening to roll back decades of hard won gains on gender equality.

For instance, women are more likely to work in sectors such as hospitality, tourism and small-scale agriculture that are often lightly regulated or ignored by the law, offering little job security or protection from the economic fallout of the crisis.

Coupled with the increased burden of unpaid childcare and domestic work – which has fallen on women and girls – this means that women's employment has been disproportionately affected.

Data from around the world show that a record number of women are dropping out of the labour force, with working mothers hardest hit.

Or take discriminatory laws around property ownership and inheritance.

Widows, daughters, and divorced women are already barred, in law or in practice, from claiming their ownership rights in the case of death or dissolution of marriage.

Upon the death of a spouse in these countries, women typically lose access to and control over property and for many women, the home is also their place of work – meaning that the death of a husband or father during the pandemic, directly impacts women's right to housing, shelter and security.

These are just two examples of how discriminatory laws not only violate human rights but hold back the development potential of countries around the world by blocking the tremendous contribution women and girls can make.

In 2019, OECD estimated the annual output losses associated with current levels of gender discrimination at up to US\$12 trillion, or 16 percent of global GDP.

So how do we bring about widespread change, and end discriminatory laws around the world?

IDLO's works at the intersection of SDG 16 on peace, justice and inclusions and SDG 5 on gender equality. Our experience promoting legal reform and gender equality around the world suggests three key elements for success:

Legal reviews are key to identifying discriminatory laws and policies and the first step in the process towards law reform.

It requires working with law reform commissions, judiciaries, ministries of justice, parliaments as well as other stakeholders.

Together with UN women and national partners, we are working in countries including the Philippines, Kenya, Mali and Sierra Leone to undertake comprehensive reviews of legislation aimed at repealing discriminatory laws.

This work is not only about repealing discriminatory legislation, but ensuring there are policies, institutions and practices which are responsive to women's needs.

But to turn these recommendations into action, we will need to mobilise political will for change.

Research suggests the most powerful force driving progressive policy change on gender-based violence has been feminist action and women's rights movements.

Women's groups are uniquely placed to play a transformational role in advancing law reform, by educating women and girls about their rights, encouraging participation, and fostering the political impetus for change.

We must build a strong multistakeholder coalition for change across society and make men and boys partners in the effort to achieve gender equality.

The third and final part is strengthening national institutions, so they have the capacity to implement change, coupled with measures which allow women to claim and enforce their rights.

It is also crucial that law reforms are combined with investment in justice areas which matter to women most, including family courts, legal aid for family proceedings, and small claims tribunals.

IDLO has partnered with Kenya over the last decade to help realise the provisions on gender equality in the 2010 Constitution and continues to support the development of gender responsive policies through a combination of technical assistance, capacity building and implementation support.

We are currently supporting the development of laws and policies including the Children's Bill, Matrimonial Property Rules and the Judiciary Gender Policy – to name just a few.

All three elements are essential in ensuring gender equality is achieved not just on paper, but also in practice.

While the challenge ahead may seem vast, history shows us that the moral arc of the universe bends towards justice and that with enough determination, even the most entrenched discrimination can be overturned.

I would like to end on a quote from the Egyptian feminist and writer, Nawal El Saadawi, who passed away earlier this week. She said: *"Solidarity between women can be a powerful force of change, and can influence future development in ways favourable not only to women but also to men."*

There is a huge scope for us to learn from experiences and expertise across the world and use this knowledge as a catalyst for change in more and more countries.

It is in this spirit of both urgency and optimism that I look forward to the panel discussion.

I am pleased to hand over to our moderator, Ilaria.