

Call for governments to repeal personal status laws that discriminate against women

Sex-discriminatory personal status laws are limiting women's rights to travel freely, participate in public life & pass citizenship to their children & spouses.

NEW YORK, NEW YORK , USA, May 4, 2023 /EINPresswire.com/ -- Women around the world continue to face huge difficulties because of sex discrimination written into personal status laws that govern some of the most intimate aspects of family relationships. A new policy brief by human rights organization [Equality Now](#) - Words & Deeds: Holding Governments Accountable to the Beijing +30 Review Process – [Sex Discrimination in Personal Status Laws](#) - highlights examples of discriminatory laws and calls on governments to make long-overdue legal reforms.



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Antonia Kirkland, Equality Now

Personal status laws encompass legal regulations that govern the rights of all women and men in family matters. Sex discrimination in these laws can limit the rights of women to travel freely, participate in public life, or pass their citizenship on to their children and husbands. They also govern areas such as marriage, divorce, child custody, inheritance, and property ownership.

In many countries, personal status laws are rooted in gender-discriminatory traditions that prioritize the rights of men and boys over women and girls and have proven to be one of the most intractable areas of legal reform. Women and girls who face additional intersectional

discrimination due to race, ethnicity, sexuality, disability, and other types of identity, can

experience even more extreme forms of legal discrimination, marginalization, and lack of access to justice.

SEX-DISCRIMINATORY LAWS

In almost a quarter of countries, women are excluded from passing their nationality or citizenship to their children and or spouse on an equal basis with men. Some examples of nations that do not grant women the same nationality rights as men include Bahrain, Brunei, Estawani, Monaco, and Togo.



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Men, including in nationality laws in the United States of America, are also sometimes discriminated against due to harmful gender stereotypes that can have negative repercussions.

Access to basic services and opportunities can be hindered, resulting in economic and social hardship for those without citizenship, who can be prohibited from employment in certain jobs and barred from membership of professional associations or unions.

Their freedom of movement and ability to participate equally in public and political life can be curtailed, and they may be denied full access to financial resources, property ownership, housing, and public services such as healthcare and education.

Women's freedom of movement is limited in close to a third of countries, according to the World Bank. In some States, women are required to have the permission of their male guardian to travel by themselves or for their child to travel with them.

One such country is Yemen, where the law not only mandates a wife's obedience to her husband by restricting her movements outside the marital home but also requires her to have sexual intercourse with him.

A similar statute exists in Saudi Arabia, where personal status laws were codified for the first time in 2022, providing greater clarity on what is legally permissible. Disappointingly, explicit examples of sex discrimination were included, such as in Articles 45 and 55, which state that if a woman refuses without a "legitimate excuse" to have sex or travel with her husband, she loses her right to spousal maintenance.

UNITED NATIONS 4TH WORLD CONFERENCE ON WOMEN

In 1995, at the UN's 4th World Conference on Women in Beijing, 189 governments agreed on a comprehensive roadmap to advance rights for women and girls and achieve gender equality. One of the commitments made by States was that they would "revoke any remaining laws that

discriminate on the basis of sex.”

According to the Women, Business and the Law 2023 report by the World Bank, women globally still have only three-quarters of the legal rights of men, and nearly 2.4 billion women of working age still do not have the same legal rights as men. Alarming, progress toward gender equality in the law has decelerated to its slowest pace in 20 years.

To keep countries accountable to the plan outlined in the Beijing Platform for Action, Equality Now tracks representative laws and conducts periodic reviews on sexist legislation around the world. An [assessment report from 2020](#) found that almost every country is failing to live up to the pledges made to eradicate explicitly sex-discriminatory laws, and analysis since then reveals that women’s status in law and practice has stagnated or significantly worsened in some places, especially with regard to personal status laws.

Of particular concern is Afghanistan, where women’s rights to movement, expression, education, culture, and a life with dignity is being systematically and institutionally eroded by the Taliban regime since it took control of the government in 2021.

In Iran too, women are subjected to considerable discrimination within the penal code, with devastating consequences for women like Mahsa (Jina) Amini who died whilst in police custody for wearing the hijab improperly. In addition to imprisonment or fines for failure to wear prescribed Islamic dress (hejab-e-shar’i), or in cases of adultery and other sexual activity, the testimony of a woman is only worth half that of a man.

Pakistan is another country where women’s testimony is worth half that of men in certain civil matters.

GOVERNMENTS MUST AMEND OR REPEAL SEX-DISCRIMINATORY LAWS

To comprehensively achieve legal equality, Equality Now is calling on governments to fully implement the Beijing Platform for Action and amend or repeal any sex-discriminatory laws - not just personal status laws but the whole ecosystem of legal protections.

These legal reforms must be accompanied by a multi-sectoral approach that involves all stakeholders in full, effective implementation of legal changes, reflected in related policies and institutions.

In the USA, women’s rights activists and lawmakers are campaigning for greater legal protection. Many Americans believe that equal rights for men and women are guaranteed in the US Constitution, but this is not the case - the Constitution does not explicitly prohibit discrimination on the basis of sex.

Of the 193 countries that are members of the United Nations, 85% have constitutions that

prohibit discrimination on the basis of sex and or gender. The US remains one of the few nations that does not and this is in violation of international law.

Advocates in the US are urging Congress to affirm the validity of the Equal Rights Amendment (ERA). This would be the 28th Amendment to the Constitution and would modify it to guarantee equality of rights under the law for all citizens regardless of sex.

Antonia Kirkland, a human rights lawyer and Equality Now's Global Lead on Legal Equality, reflects: "Sex discrimination in personal status laws restrict the choices of women and girls by denying them equal rights and protections under the law. We cannot achieve gender equality without eradicating discriminatory personal status laws that hold women and girls back and prevent their rights from being respected, protected, and fulfilled."

"We must hold governments accountable for enacting legal changes that ensure everyone is treated equally under the law, and this needs to be underpinned by constitutional guarantees of non-discrimination on the basis of sex without exceptions for culture, tradition, and religion."

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ABOUT: Equality Now is an international human rights organization that works to protect and promote the rights of women and girls around the world by combining activism with international, regional, and national legal advocacy. For more details, go to www.equalitynow.org.

With our international network of lawyers, activists, and supporters, we achieve legal and systemic change by holding governments responsible and providing them support for enacting and enforcing laws and policies that end legal inequality, sex trafficking and online sexual exploitation, sexual violence, and harmful practices like female genital mutilation and child marriage.

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