



Economic and Social Council

Distr.: General
23 November 2019

English only

Commission on the Status of Women

Sixty-fourth session

9–20 March 2020

**Follow-up to the Fourth World Conference on Women and to
the twenty-third special session of the General Assembly
entitled “Women 2000: gender equality, development and
peace for the twenty-first century”**

Statement submitted by Center for Egyptian Women’s Legal Assistance, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.



Statement

Access to justice starts from the family

For decades, family laws have been rigid in many regions around the world. Several claims have been made that family is a sacred unit in a nation and that family laws are somehow divine. In most countries, the absence of state of law contributes to the suffering of women when it comes to accessing justice or economic empowerment. As the juristic and police institutions are both governed by patriarchal system, the procedures women have to follow are usually complicated to access their rights. Despite that the laws grant women certain rights in most countries, implementing and translating the legal texts into actions can be limiting to women. While the Beijing Declaration and Platform for Action did not include a main thematic area on access to justice, it still can be considered a cross cutting theme. Without achieving gender equality in the family, violence and discrimination against women and girls will increase in both domestic and public spheres.

The Beijing Declaration and Platform for Action and the Convention on Eliminating all Forms of Discrimination Against Women are inter-related. Violence against women and human rights of women are main themes of the Beijing Declaration and Platform for Action that are also reflected in articles 3, 5, 15, and 16 of the Convention on Eliminating all Forms of Discrimination Against Women. In fact, the Beijing Declaration and Platform for Action can be considered as the action plan translation of the Convention on Eliminating all Forms of Discrimination Against Women. However, most countries failed to achieve gender equality or correctly implement the Convention on Eliminating all Forms of Discrimination Against Women despite their constant affirmation. The link between violence against women and family law is direct. Whenever discrimination is manifested in a family law, violence against women and children increase in the family.

For example, men are given a unilateral right for divorce in many countries, while women have to seek courts or other options for the same right. Such discrimination in the practice is a clear violation of the Beijing Declaration and Platform for Action and the Convention on Eliminating all Forms of Discrimination Against Women provisions, which ensure equality for men and women before the law. Moreover, in contexts where verbal divorce is permitted, we find that there is a complete absence for the state in regulating this matter. The problems of verbal divorce are manifested in the case the divorce was not documented at the registrar's office. In this case, women find themselves in a dilemma, as she is divorced according to religion or customs, yet married before the law. In such situations, women carry the burden of proving divorce while facing lack of entitlement to any financial rights after a divorce. Furthermore, women are not entitled to post-divorce rights, leaving them more prone to poverty, trafficking, and violence.

Another example is age of marriage. This is a crucial issue that violates the rights of girl child in several countries that tend to turn a blind eye to this issue. In most countries, minimum age of marriage is 18, yet we find that many families marry off their girls before that age, violating national and international laws. In Egypt, for instance, according to the gender index, almost 15 per cent of girls were married off before they turned 18. Early marriage affects girls' access to education and subjects them to health risks. Early marriage is the number one cause of complications in pregnancy leading to death of mother. In addition, almost 50 per cent of children born to child mothers are more likely to die or be a stillborn.

When it comes to violence against women, family laws play an important role in affecting the rates of violence. According to the head of the United Nations Entity

for Gender Equality and the Empowerment of Women (UN-Women) in June 2019, “family laws are the slowest to change”. Research published by the United Nations on June 25, 2019, showed that only four in 10 countries criminalize marital rape and nearly one in five women aged 15–49 globally experienced sexual or physical abuses from a former or current partner. The same research also document that almost 60 per cent of female victims of intentional homicide were killed by a family member. Regardless of such facts, domestic violence in certain contexts is neither criminalized nor recognized in the law, which allows the culture of impunity and violence to flourish.

From all the above, reforming family laws in accordance with human rights and international treaties standards is not a luxury. In order to tackle the 12 thematic areas of concerns of the Beijing Declaration and Platform for Action to achieve equality, we have to start from the core itself – from the family. As long as the laws regulating family relations are discriminatory against women, women will never be able to achieve economic empowerment, financial independence, or access to justice. The states should abide by their international obligations towards achieving gender equality to eradicate all forms of discrimination against women.

Therefore, the Center for Egyptian Women’s Legal Assistance calls on the Commission on Status of Women to consider reforming family laws as part and parcel of achieving gender equality and access to justice processes. Ensuring that men and women have equal positions in the family is key to reducing discrimination within the family.

Also, Center for Egyptian Women’s Legal Assistance calls all Member States to lift their reservations on the Convention on Eliminating all Forms of Discrimination Against Women and work to reflect its provision in their national laws to fulfill their duties towards gender equality and parity.

Moreover, Center for Egyptian Women’s Legal Assistance calls all Member States to produce and issue legal and social mechanisms to combat against violence against women and family members. These mechanisms should include accountability mechanisms in both penal and family laws, follow up systems, and rehabilitation systems, among other measurements.

In conclusion, 25 years have passed since the Beijing Declaration and Platform for Action. Progress has been made around the world, yet it is still not enough. The private sphere and public sphere are linked and intertwined, We, therefore, must work from within the family to ensure women’s empowerment at the public level as well.
