



**Input from Equality Now to the High Level Political Forum on Sustainable Development 2017: *Legal Reforms and Implementation To Protect and Advance the Human Rights of Women and Girls - Necessary Steps Towards "Eradicating Poverty and Promoting Prosperity in a Changing World"***

Equality Now, an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, commends all Member States participating in the meeting of the high-level political forum on sustainable development held from 10 July to 19 July 2017 (“HLPF” or “meeting”), and their demonstrated commitment to tracking and reviewing progress on the Sustainable Development Goals (“SDGs”) adopted in the 2030 Agenda for Sustainable Development (“Agenda 2030”). We especially commend those 44 countries who have volunteered to present their voluntary reviews to the HLPF.

Issues of concern to Equality Now include ending discrimination in the law and promoting legal equality, ending harmful practices including FGM and child “marriage”, ending sexual violence, ending sex trafficking and sexual exploitation and all other forms of violence and discrimination against women and girls. Equality Now’s membership base, the Equality Action Network, is comprised of individuals and organizations in over 190 countries. Equality Now combines grassroots activism with international, regional and national legal advocacy to achieve legal and systemic change to benefit women and girls, and works to ensure that governments enact and enforce laws and policies that uphold their rights.

Due to the upcoming HLPF’s theme of “*eradicating poverty and promoting prosperity in a changing world,*” an objective only possible in a world where women and girls have the same rights as men and boys, and in light of the meeting’s inclusion of Goal 5 (“Achieve gender equality and empower all women and girls”) in the set of goals to be reviewed in depth, Equality Now welcomes the opportunity to provide input into how implementation of the 2030 Agenda can be achieved and accelerated through a commitment to gender equality both in and through the law. Specifically, we echo Target 5.c - “Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels”. Thus, we call on all governments to comprehensively review and amend as necessary all of their laws, policies and procedures related to the human, civil, political, economic, social and cultural rights of women and girls. Below, we have outlined several recommendations to Member States on the robust implementation of related targets under SDG 5.<sup>1</sup>

***5.1 End all forms of discrimination against all women and girls everywhere***

Societies that treat women as equals are more peaceful and prosperous. However, though 192 countries assert equality and non-discrimination in their constitutions, almost every country in the world has laws that treat women and girls as second-class citizens. To name just one example, *de jure* sex discrimination persists in nationality and citizenship laws in over 50 countries around the world, despite national and international commitments to eliminate such discrimination under the law.

Sex discriminatory laws prevent the realization of the SDGs and increase the vulnerability of women and girls to trafficking, sexual exploitation, harmful practices such as child and forced “marriage,” and can

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<sup>1</sup> While this document focuses on a selection of Targets under Goal 5, Equality Now maintains the view that achievement of all of the SDGs requires a commitment to gender equality. We encourage and welcome further discussion with Member States and other stakeholders on how ensuring the rights of women and girls is necessary to achieving the world envisioned by Agenda 2030.

impede women's ability to participate in the political and economic spheres. As detailed below, these outcomes pose significant barriers to poverty eradication. Target 10.3 also calls on all governments to "[e]nsure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws...." Accordingly, to overcome inequality and the associated poverty governments should prioritise elimination of all discrimination on the basis of sex, to comply with their international legal obligations, as well as their own national obligations, to fulfil their commitments under the SDGs and ensure equality.

## ***5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation***

### *Sexual violence*

Over a lifetime, one in three women will experience physical or sexual violence seriously impeding their ability to participate meaningfully in society and contribute economically.

Around the world, rape and sexual abuse, specifically, are everyday violent occurrences – affecting close to a billion women and girls over their lifetimes. In Equality Now's report, *The World's Shame: The Global Rape Epidemic. How Laws Around the World are Failing to Protect Women and Girls from Sexual Violence*<sup>2</sup>, we identify seven key general gaps in laws on rape and sexual assault. From a sampling of 82 jurisdictions from around the globe, our report shows that laws on sexual violence are insufficient, inconsistent, not systematically enforced and, sometimes, promote violence. The findings illustrate that countries still have a long way to go to transform their laws, policies and practices into instruments to: prevent sexual violence; provide better access to justice for victims (including specialised services); and effectively punish sexual violence crimes. Additionally, laws should not provide lesser penalties for rape of adolescent girls. We call on Member States to conduct thorough legislative and policy review and reform to promote strong laws and policies that protect women and girls from sexual violence and to make sure that the justice system works, with proper investigation, for the prosecution and punishment of offenders and for the support and protection of survivors.

Moreover, access to education for many adolescent girls is curtailed due to sexual violence and the consequences of such violence, such as pregnancy and forced motherhood. These barriers to education are a human rights violation, as recently underscored by the Human Rights Council in their recent report, "Realization of the equal enjoyment of the right to education by every girl".<sup>3</sup> In addition to being a human rights violation, denial of education is counter to any development proposal aiming to improve society. Moreover, education is key to eliminating poverty. We call on Member States to ensure that all school settings are free from sexual violence and that governments ensure holistic programming to prevent and address sexual violence as outlined in the Global Guidance to Address School Related Gender Based Violence.<sup>4</sup>

### *Sex trafficking, sexual exploitation and prostitution*

We welcome Member States' progress towards achieving Target 5.2's call to eliminate "trafficking and sexual and other types of exploitation", Target 16.2's call for the end of the "abuse, exploitation, [and] trafficking" of children and Target 8.7's call to "eradicate forced labor, end modern slavery and human

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<sup>2</sup> Equality Now, "The World's Shame: The Global Rape Epidemic. How Laws Around the World are Failing to Protect Women and Girls from Sexual Violence," (2017), available at <http://www.equalitynow.org/campaigns/rape-laws-report>.

<sup>3</sup> Human Rights Council Report A/HRC/35/11, "Realization of the equal enjoyment of the right to education by every girl," available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/35/11](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/11).

<sup>4</sup> UNESCO and UN Women, "Global Guidance on Addressing School-Related Gender-Based Violence," (2016), available at <http://www.unwomen.org/en/digital-library/publications/2016/12/global-guidance-on-addressing-school-related-gender-based-violence>.

trafficking and secure the prohibition and elimination of the worst forms of child labor, including recruitment and use of child soldiers, and by 2025 end child labor in all its forms”. We call for implementation of strategies that seek to address all and often interconnected aspects of human trafficking and exploitation, and ensuring that sex trafficking is a priority issue for Member States.

The commercial sex trade into which the majority of women and girls are trafficked operates on the market principles of supply and demand. The demand is created by buyers (mostly men) who pay for commercial sex, ensuring that sexual exploitation and trafficking continues. Traffickers, pimps and facilitators profit from this demand by supplying women and girls (predominantly) who are brutally exploited on a daily basis. Although the majority of female victims are adult, the demand for younger and younger victims worldwide is a worrying trend in the sex trafficking of girls, who now account for 20% of all trafficking victims.

Discrimination and inequality that is rooted in gender norms, laws and practices results in women and girls having limited access to education, services, opportunities and resources. Poverty, which disproportionately affects women and girls, is a compelling factor in human trafficking. Women and girls experiencing extreme poverty are especially vulnerable due to their circumstances and family desperation. Traffickers manipulate their desire to escape poverty. They are subsequently preyed upon by manipulative traffickers offering false promises of employment and education opportunities, remuneration in addition to a better life condition. In reality, the trafficker does not follow through on any of the promises. The victims are then forced to do other work and/or exploited in the commercial sex industry.

Therefore we urge Member States to include in their efforts a focus on commercial sexual exploitation broadly, and particularly in eliminating prostitution, of both women and girls who have been trafficked for sexual exploitation and those who are in prostitution but do not identify or are not identified as victims of trafficking. Laws addressing prostitution should not criminalize those who are bought or otherwise subject them to criminal or administrative penalties. However, at the same time, those exploiting people in prostitution, including traffickers, pimps, brothel keepers and those who buy sex acts, should be criminalized so they are held accountable for exploitation and for driving trafficking of women and girls.

We also urge the implementation of strategies that put girls and women at risk sex trafficking and commercial sexual exploitation and survivors at the centre, by investing in social and economic rights and support (including access to justice and legal redress) and promoting gender equality to reduce their vulnerabilities. Special emphasis must be placed on protection for adolescent girls who face unique vulnerabilities, especially in the context of gender inequality, exploitation and inadequate protection.

### ***5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation***

#### *Female genital mutilation*

We encourage Member States to enact and support the implementation of laws that protect girls and criminalize the practice, including clearly prohibiting the medicalization of female genital mutilation (FGM), and enforcing penalties against those medical practitioners who perform FGM, including suspension or withdrawal of their medical licenses. Equality Now is encouraged by the fact that Target 5.3 applies to all countries, including the United States and the United Kingdom, and welcomes the global effort towards achieving this Target. FGM poses a huge barrier to economic development and poverty eradication. In addition to imposing substantial costs on health systems due to the obstetric and other complications that result from the practice,<sup>5</sup> the practice inhibits women and girl’s full participation the productive sectors.

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<sup>5</sup> For a study presenting these costs in several countries, see Adam T, Bathija H, Bishai D, Bonnenfant IT, Darwish M, Huntington D, et al. “Estimating the obstetric costs of female genital mutilation in six African countries,”

### *Child early or forced “marriage”*

Child early or forced “marriage” is a phenomenon with severe and long-lasting consequences that affects nearly 15 million girls each year in both the developed and the developing world. We call on governments to take a comprehensive approach to ending child marriage, including by raising the minimum age of marriage for women to 18, without exception. Such steps are necessary to eradicate poverty and ensure prosperity: when a young girl is married and gives birth, the vicious cycle of poverty, poor health, curtailed education, violence, instability, disregard for rule of law and legal and other discrimination often continues into the next generation, especially for any daughter she may have. Child “marriage” affects girls’ education, health and physical and emotional well-being,<sup>6</sup> and these effects are far-reaching, going beyond the individual and affecting the entire community, and even national and global development.<sup>7</sup> There is a direct correlation between higher minimum age of marriage laws and a lower incidence of child marriage<sup>8</sup>. We call on Member States to enact, enforce, and raise public awareness of legislation that sets 18 as the minimum legal age for marriage, including by asserting the primacy of national law over other forms of law such as religious or customary laws, and to sign, ratify, uphold and implement international and regional human rights standards to address child, early and forced “marriage”.<sup>9</sup>

### *Other harmful practices*

Member States should ensure that actions to reforms laws and policies to end harmful practices are not limited to addressing FGM and child early and forced “marriages”, but aim to address all harmful practices, including, for example, force feeding and breast ironing.<sup>10</sup> Like child marriage, these practices are often perpetuated as a result of parents’ desires to secure a future for their girl child in environments where their opportunities are limited by poverty and by gender inequality and discrimination. Thus, in addition to passing, implementing and enforcing laws that outlaw such harmful practices, we encourage Member States to ensure that their efforts to address the poverty and vulnerability of families are done

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*Bulletin World Health Organization*, (2010), available at: <http://www.who.int/bulletin/volumes/88/4/09-064808.pdf?ua=1>

<sup>6</sup> This is well documented. For example, in the United States (where a 2011 study estimated that over 9.4 million U.S. women had married at the age of 16 or younger) women who marry before the age of 19 are 50 percent more likely to drop out of high school, four times less likely to graduate from college and 31 percent more likely to live in poverty when she is older. See Tahirih Justice Center, “Child Marriage in the United States: A Serious Problem With a Simple First-Step Solution,” (2016), p. 2, available at: <http://www.tahirih.org/wp-content/uploads/2016/11/Tahirih-Child-Marriage-Backgrounder-1.pdf> (citing Gordon B. Dahl, “Early Teen Marriage and Future Poverty,” *Demography*, Vol. 47(3), (2010), p. 689-718). In low- and middle- income countries, complications from early pregnancy and childbirth are the leading cause of death in girls aged 15-19 years. See World Health Organization, “Adolescent Pregnancy: Fact Sheet,” (2014), available at [http://apps.who.int/iris/bitstream/10665/112320/1/WHO\\_RHR\\_14.08\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/112320/1/WHO_RHR_14.08_eng.pdf). Without concerted effort to end early, child and forced “marriage”, Targets 3.1 (reducing global maternal mortality ratio) and 3.2 (reducing neonatal mortality), as well as Targets 4.1 and 4.3 (ensuring universal completion of secondary education and equal access to tertiary education, respectively) and Target 4.5 (eliminating gender disparities in education) will all remain elusive.

<sup>7</sup> Studies show that girls and women who are educated and marry later are more likely to earn an income. UNFPA, “Marrying Too Young, End Child Marriage,” (2012), p. 13, available at <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2012/MarryingTooYoung.pdf>. Women invest that income into healthcare, food, education, childcare, and household durables – directly contributing to their country’s economy and development.

<sup>8</sup> See UN Women, “2011-2012 Progress of the World’s Women, In Pursuit of Justice Report,” (2011), p. 29, available at <http://progress.unwomen.org/>.

<sup>9</sup> For further recommendations on how governments can end child, early and forced “marriage”, see Equality Now, “Protecting the Girl Child: Using the law to end child, early and forced marriage and related human rights violations,” (2014), pgs. 51-52, available at [www.equalitynow.org/sites/default/files/Protecting\\_the\\_Girl\\_Child.pdf](http://www.equalitynow.org/sites/default/files/Protecting_the_Girl_Child.pdf)

<sup>10</sup> See *id.*

from a gender perspective and include the support and protection of impoverished women and girls by ensuring that women and girls maintain equal access to economic resources and opportunities, in accordance with Target 5.a (undertake reforms to give women equal rights to economic resources, including, *inter alia*, land and property ownership, inheritance, and financial services) and Target 1.4 (ensure equal access to such resources).

### **Conclusion**

Equality Now reiterates its commendation of all Member States participating in the HLPF, and especially those 44 countries who have volunteered to present their voluntary reviews to the HLPF. We commend the demonstrated commitment to tracking and reviewing progress on the SDGs, and urge all Member States to recognize that universal achievement of the SDGs depends on attendant commitment to achieving gender equality, including, but not limited to, focus on the above-outlined areas. Implementation of a strong legal framework that protects and advancing the human rights of women and girls at the national level, alongside a broad effort to transform gender relations, is central to sustainable development.

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