

BIARRITZ PARTNERSHIP FOR GENDER EQUALITY



FRANCE
BIARRITZ
2019

Recommendations of the Gender Equality
Advisory Council for advancing gender
equality and the empowerment of
girls and women and Call to Action

The presidency of the G7 in 2019 is held by France, which has chosen “fighting against inequality” as the key focus area of its presidency. In order to bring the fight against gender inequality into the framework, the President of the French Republic has decided to extend and renew the Gender Equality Advisory Council established under the Canadian presidency of the G7. The 35 members of the Advisory Council¹, with diverse expertise and origins, have provided input and contributions in their areas of expertise towards this document entitled *Recommendations of the Gender Equality Advisory Council for advancing gender equality and the empowerment of girls and women*.

Last year, the inaugural G7 Gender Equality Advisory Council developed comprehensive and evidence-based recommendations to “Make Gender Inequality History”. These laid out a framework of policy recommendations for G7 Leaders to take actions to ensure that gender equality and girls’ and women’s empowerment becomes the norm and not the exception.

Drawing on this previous work and on its members’ expertise, this year’s Gender Equality Advisory Council to the G7 Presidency presents a call for action, outlines a concrete set of legislative principles, illustrative laws and policies to advance gender equality and girls’ and women’s empowerment, and to provide recommendations for the *Biarritz Partnership for Gender Equality*.

Call to Action

Girls and women are powerful agents of change but cannot realize their full potential due to the discrimination and violence they face worldwide. The Council expresses great concern about the persistent, and even growing, threats and backlash against girls’ and women’s rights in many countries, and condemns the serious responsibility of some political leaders in this step backwards.

At the same time, the action of brave girls and women has broken the silence and highlighted the urgent need for strong and determined action. G7 countries have a particular responsibility and the capacity to use the power of influence to advance girls’ and women’s rights

in the interest of humankind. This is not a women’s issue; it is everyone’s issue. The Council urges G7 Leaders to be as brave as girls and women are every day.

Legislation is a powerful instrument for change as long as it is comprehensive, implemented, funded and monitored with sanctions and incentives. Building on the work of the 2018 Gender Equality Advisory Council, the 2019 Council has worked on a legislative package. It calls on all countries, especially G7 members, to improve their legislative frameworks and assure the conditions for their implementation in order to make gender inequality history.

In addition, the Council urges States to ratify all relevant gender equality standards, including the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, the *Istanbul Convention*, the *ILO Violence and Harassment Convention*, adopted in June 2019, and to withdraw all potential reservations to these instruments.

The Council also invites G7 Leaders to ensure that gender equality and girls’ and women’s empowerment be a stand-alone theme in all G7 deliberations and be integrated into all areas of discussion and deliberation. It calls on them to use their fiscal and political power to strengthen their international cooperation to further gender equality, and place it at the heart of the global and domestic agenda, including through donor approaches to humanitarian aid and international development.

The Council calls on G7 States to establish a feminist foreign policy, and make gender equality a priority of their foreign policy and official development assistance, as well as national contributions to multilateral organizations. The Council also calls on the G7 to increase financial resources dedicated to gender equality as well as to women’s groups and civil society organizations in their domestic budgets and in their development assistance, and to live up to their promises to commit to

1. The Council is an independent body. Government representatives recognize the inherent challenge of both advocating and receiving recommendations in their dual roles as members of the Council and the G7, and do not take this report to be a government document of endorsed recommendations.

spending 0.7% of gross national income (GNI) on Official Development Assistance.

As the G7 has identified Africa as a strategic partner, the Council calls on the Leaders of the G7 countries to strongly support girls and women in Africa. The Council calls on the G7 to prioritize the inclusion and economic empowerment of women in development assistance by increasing support for girls' and women's health, learning, and inclusion in the financial system. This will take more than words – it will take a commitment to work with all governments and citizens, to design laws, remove barriers and deliver programmes designed with girls' and women's access in mind.

The Council urges the Leaders to financially support women's rights organizations, and conduct meaningful consultation with girls and women, including feminist and grassroots organizations. No legislative framework should be developed, implemented, and evaluated without meaningful consultation.

The Council calls on all countries, especially G7 members, to:

- 1 Identify and abolish discriminatory laws, and / or amend clauses that are discriminatory, including in the G7 countries where they still exist.**
- 2 Enact and implement progressive legislative frameworks that advance gender equality. The Council invites G7 Leaders and non-G7 countries to commit to adopting and implementing at least one, but preferably several laws in their own countries, to strengthening existing laws, and to beginning this legislative process before the next G7 Presidency.**
- 3 Guarantee necessary financing to implement those legislative frameworks. Invest in strong accountability and governance mechanisms, including support for civil society.**
- 4 Measure and report on progress through time-bound, agreed indicators.**

The Council also calls on the G7 to define an accountability framework with clear indicators that continuously

track, and report annually, on G7 performance on gender equality actions and commitments, as well as achieving gender parity in G7 country, ministerial, and representative delegations by 2025.

The Council recommends that Leaders adopt accountability frameworks for all G7 commitments on gender, at home and abroad, in order to measure, adjust, and assess public policies and their effects on girls and women. All measures taken during the G7 should be integrated into these accountability frameworks. Furthermore, G7 countries should report progress on and hold themselves accountable to their commitments to girls' and women's rights and gender equality, as articulated in UN and other multilateral forums. Regarding the commitments on law in the framework of the Biarritz Partnership, the Council recommends creating synergies with the monitoring of SDG Indicator 5.1.1, which monitors progress in this area through an independent expert review process.

About the recommendations:

The *Recommendations of the Gender Equality Advisory Council for advancing gender equality and the empowerment of girls and women* presents a package of laws that are fundamental to advancing the rights of girls and women in the G7 countries, and the world at large. The evidence is clear, and extensive: when girls and women thrive, when they are empowered, safe, educated, heard, healthy, and have control of their bodies and lives, everyone benefits. Still, gender inequality persists in every society, and progress for girls and women remains too slow, uneven, and subject to reversal. This needs to change, particularly as we are approaching the year 2020, which marks the ten-year countdown to achieve the Sustainable Development Goals, and when progress in implementing the Beijing Declaration and Platform for Action over the last 25 years will be reviewed.

Challenges are particularly stark for those on the margins—for girls and women living in poverty, from indigenous and ethnic communities, LGBTQIA+, girls and women, girls and women living with disabilities, and refugees and migrant girls and women. Their empowerment requires specific approaches that take into account the multiple and intersecting discriminations they face.

Human rights are inalienable rights, linked to every girl and woman. The Advisory Council calls on the G7 countries to reaffirm their shared commitment for all countries to safeguard human rights and advance gender equality, and strengthen international development and humanitarian action as conferred through the following international tools – the *2030 Agenda for Sustainable Development* (2015); the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW, 1979); the *Convention on the Rights of the Child* (1989); the *Beijing Declaration and Platform for Action* (1995); the *International Conference on Population and Development (ICPD) Programme of Action* (1994); the *United Nations Declaration on the Rights of Indigenous Peoples* (2007); the *United Nations Convention on the Rights of Persons with Disabilities* (2007); the *United Nations Resolution on Universal Health Coverage* (2012), the *Convention Against Discrimination in Education* (CADE, 1960), and the “*Women, Peace and Security*” resolutions adopted by the Security Council of the United Nations, the *ILO Violence and Harassment Convention* (2019), amongst others.

Why focus on legislative reform?

Equality and accountability before the law is essential to achieving gender equality. Laws promoting gender equality can produce multiple dividends. For example, among other potential benefits, a law that enables women to inherit on an equal basis with men empowers families to invest in the education of their daughters. This increases women’s average age of marriage, because girls who stay in school are less likely to be married early.

On the other hand, lower levels of gender equality in national laws are associated with ill health, fewer girls being enrolled in primary and secondary education, fewer women in skilled work, fewer women owning land, fewer women accessing financial and health services, and more girls and women facing domestic, family and sexual violence.

Over 2.5 billion girls and women around the world are affected in multiple ways by discriminatory laws and the lack of legal protections. Such laws reinforce and perpetuate gender inequality and constitute a major obstacle to women’s ability to enjoy their human rights.

Regardless of legal traditions, numerous legislations continue to institutionalize the inferior status of girls and women in terms of nationality and citizenship, health, education, employment, matrimonial rights, parental rights, and inheritance and property rights.

In 1995, in the *Beijing Platform for Action*, States pledged to revoke any remaining laws that discriminate on the basis of sex and gender. In 2000, during the five-year review of *Beijing Platform for Action*, States committed to reviewing legislation with a view to removing discriminatory provisions against women as soon as possible, preferably by 2005. This target has not been achieved. The *2030 Agenda for Sustainable Development* requires that all countries examine their laws to eliminate gender-based discrimination. The Biarritz Partnership provides a strategic opportunity to make a significant move towards equality in law, with emphasis on gender equality in the design, enforcement, and implementation of the law.

What makes an effective gender equality law?

Legislative reforms to achieve gender equality need to take a comprehensive and holistic approach and, in order to be effective, should be coupled with the elimination of discriminatory laws, including removing legal loopholes that might promote negative practices.

Gender equality laws should also be comprehensive, and aim for systemic and inclusive approaches, encompassing all components of a given subject, and using all available means. While examples below on specific areas may cover only a specific sub-area of the broader theme, commitments to the Biarritz Partnership (“the Partnership”) should endeavour to adopt comprehensive laws that address multiple issues, even under one overarching area (for example ending violence against women) in a holistic manner.

Laws must also be effectively enforced. Today, too many laws remain a reality on paper only. To this end, mechanisms for financing, monitoring, and verifying their proper implementation must be provided.

Efforts under the Partnership will help achieve Sustainable Development Goal 5 on gender equality and the empowerment of girls and women, in particular, Target 5.1 to

end all forms of discrimination against all girls and women everywhere. SDG Indicator 5.1.1 focuses on whether or not legal frameworks are in place to promote, enforce and monitor the implementation of principles of equality and non-discrimination on the basis of sex. The indicator measures Government efforts to put in place legal frameworks that promote, enforce and monitor gender equality, including repealing discriminatory laws, according to a number of agreed criteria.

The proposals presented in this document encompass a range of illustrative laws and policies and initiatives to ensure implementation, which advance gender equality in key thematic areas and could inform new legislative commitments from countries.

Scope of the recommendations on illustrative legislations:

The recommendations highlight gender-responsive and inclusive laws from around the world. A law that, in a country, succeeds in changing the status of girls and women and in advancing gender equality can be a source of inspiration for other countries, even if it has to be adapted to the specific contexts in question. Without taking the laws entirely out of their national context, the Advisory Council invites the G7 to analyse the factors that have enabled progress towards gender equality in certain countries, and held it back in others.

The Council draws attention to 79 legislative measures put in place by countries around the world, which support the achievement of gender equality and girls' and women's empowerment. The 2019 Council was able to draw on more than 100 recommendations proposed by the 2018 Council and recognized in Charlevoix by all G7 Leaders: more than half of these propositions (57%) focus on the three priority themes of the G7 French Presidency, and a quarter are legislative measures. The legislative measures have been identified based on several inputs: work done by international organizations to identify effective gender equality laws through desk reviews and analyses of conclusions of relevant bodies, such as the CEDAW Committee; input from diplomatic representations in the proposed countries; and input from members of the Council, drawing on their diverse expertise.

Limitations:

Laws can act as either a facilitator of or an impediment to equality. Some laws actively prevent girls and women from being equal; but even with the 'best' laws and policies on paper, implementation is contingent upon a conducive environment, financing, and a consideration of the root causes of inequality being addressed (such as negative norms, attitudes and behaviours).

The Council recognizes that there is no one-size-fits-all, and that context is key. Additionally, the process through which laws are developed is a critical factor in how effectively they might be implemented. If developed through an inclusive, consultative process – which accounts for the views, concerns, and realities of all groups, and builds consensus around the key principles – then it is more likely to be accepted and respected. Dissemination and appropriation by actors, key enabling factors for implementation, are also facilitated if there has been a national debate building up to the promulgation of the law.

It is a major challenge that strong laws in principle do not always lead to change in practice, and that progress is likely to vary across different social and cultural divides, due to social and cultural differences. More also needs to be done at the grassroots level to ensure citizens hold governments accountable in funding, domesticating, harmonizing and implementing laws. This requires gender-responsive budgets, strong institutions, and political will.

Bearing these factors in mind, and given the numerous challenges in the world still faced by girls and women, the document does not aim to offer an exhaustive scrutiny of laws that support gender equality. Likewise, it does not pretend to provide ready-made solutions. It proposes avenues for reflection and action in order to engage in a process that moves towards greater freedom and equality for girls and women.

The Advisory Council invites G7 Leaders to adopt and implement at least one of the laws listed below as examples and, preferably, several others, to strengthen existing laws and begin these legislative processes before the next G7 Summit. It urges them to define an accountability mechanism with clear indicators that will make it possible to continuously monitor the results of G7 actions and commitments in the field of gender equality.

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SECTION 1

ENDING GENDER-BASED VIOLENCE



Gender-based violence against girls and women is a manifestation of historically unequal power relations between women and men which have led to domination over, and discrimination against, girls and women by men, and to the prevention of the full advancement of women.

Gender-based violence against girls and women is rooted in gender inequality, including factors such as the ideology of men's entitlement and privilege over women; negative social norms regarding masculinity; the conscious or unconscious assertion of male control, privilege or power; the enforcement of dominant gender roles; the prevention, discouragement or punishment of what is considered to be an unacceptable female behaviour; and the broad social acceptance, or at least silence, about multiple forms of violence.

Despite the adoption of several international treaties and conventions², gender-based violence against girls and women is still a human rights violation of pandemic proportions that spares no part of the world or any economic cultural or social category. Gender-based violence against girls and women is one of the most common forms of discrimination and is a severe violation of human rights around the world.

According to the United Nations, one in three women has been, or will become, a survivor of physical or sexual violence in their lifetime³. In 2017, 87,000 women were victims of femicides, 58% of them killed by intimate partners or family members, meaning that on average, 137 women around the world are killed by a member of their own family every day⁴. Girls and women account for 71% of victims of trafficking. Nearly three out of every four trafficked girls and women are trafficked for the purpose of sexual exploitation⁵. Roughly 650 million girls and women worldwide were married before the age of 18⁶. At least 200 million girls and women alive today have suffered female genital mutilation in the 30 countries with substantial data on prevalence⁷.

Violence perpetrated against girls and women comprises a broad spectrum of acts in both public and private spaces. This violence takes many forms: physical, sexual,

psychological, economic and cultural violence, political and institutional violence, harassment, including sexual harassment, femicide, rape, sexual assault and abuse, female genital mutilation and cutting, inter-personal violence, forced and child marriages, as well as domestic and intimate partner violence, online violence, doxing, trolling, revenge porn and human trafficking. Girls and women continue to be denied autonomy over their own bodies, sexuality, and life choices.

Violence against girls and women must be understood as a continuum that recognizes the commonalities and connections between manifestations of violence in different contexts. Violence experienced by girls and women takes multiple forms that may reinforce each other and overlap. For example, girls who are married as children are more susceptible to intimate partner violence. Additionally, while trafficking for sexual exploitation is the most predominant form of trafficking, women who are trafficked for forced labour are also commonly exposed to sexual violence as a means of coercion and control. More so, girls and women within the LGBTQIA+ spectrum such as trans women, queer women, lesbian, bisexual, and pansexual women are further subjected to violence and discrimination.

Armed conflicts disproportionately affect girls and women. They exacerbate existing gender inequalities, causing women to have greater exposure to different forms of sexual and gender-based violence committed by state and non-state actors. To discourage and prevent sexual violence, it is essential that those who commit it be prosecuted and convicted. The idea that sexual

2. See introduction, page 4.

3. UN Women data and as indicated by recommendation number 7 of the Canadian GEAC report, "Addressing the root causes of violence through the increased political, economic and social empowerment of girls and women"

4. UN Women Data.

5. Ibidem.

6. UNICEF (2018). "Child Marriage: Latest Trends and Future Prospects", p. 2-4; and UNICEF (2017). "Is every child counted? Status of Data for Children in the SDGs", p. 54.

7. UNICEF (2016). "Female Genital Mutilation/Cutting: A Global Concern"; and United Nations (2018). "Intensifying Global Efforts for the Elimination of Female Genital Mutilation, Report of the Secretary-General", p. 18.

violence is a cultural phenomenon, an inevitable consequence of war, or a minor crime must be challenged. Rape and other forms of sexual violence may constitute a war crime, a crime against humanity, or a constituent element of the crime of genocide. Rape is de facto a tactic of war in conflict areas, and must be prosecuted as an international crime.

The collapse of rule of law institutions and local protection mechanisms in areas affected by widespread violence and insecurity is an additional factor that favours the occurrence of different types of violence against girls and women. The implementation of a survivor-centred approach to shape prevention and response strategies to sexual and gender-based violence in conflict situations is critical to empower girls and women and promote their resilience, and to diminish the risk of ostracism, rejection, stigma, and reprisals. Ensuring access to comprehensive quality services, including medical care, sexual and reproductive health care, psycho-social support and mental health services, legal advice and livelihood assistance for survivors is therefore needed to mitigate and break this cycle of violence against girls and women.

Sexual violence in conflict situations mainly affects girls and women because it is closely linked to broader issues of gender inequality and discrimination. Prevention must therefore be based on the promotion of women's rights and gender equality in all areas before, during, and after conflicts, including by ensuring the full and effective participation of women in political, economic, and social life, and the establishment of accessible and appropriate justice and security institutions.

The interlinkages between different forms of violence against girls and women are due to the same root cause – gender inequality. Gender inequality is deeply embedded in the structures and institutions that organize and reinforce an unequal distribution of economic, social, and political power and resources. It is also reinforced by discriminatory social norms and gender stereotypes that dictate the conduct, roles, interests and contributions expected from women and men in public and private life, and by the practices, behaviours and daily actions that reinforce men's power over girls and women.

It results from the ways we have raised boys to be men, by the efforts by some men to maintain their power and control but, also, paradoxically, as a result of the impossibility of men living up to the gendered expectations of manhood: thus the use of violence by too many men is a mechanism to compensate for the vulnerabilities men experience within a male-dominated society. This is not an excuse for individual acts of men's violence; but understanding the paradoxical reasons for its use is critical for developing effective strategies for change.

Social media platforms have made it easy and efficient for multiple feminist organizations to connect and support each other through means of the internet. Multiple global campaigns have taken place online such as the movements #BringBackOurGirls, Ni Una Menos, #FeministsCount, #Metoo, TIME'S UP and more. The #MeToo movement has underlined that sexual harassment is a form of violence and discrimination rooted in historic power imbalances, and a male dominated culture, and which is prevalent in all walks of life. It has led to a wide-scale mobilisation around the world that demonstrates the urgent need to improve the protection of women from violence. Civil society has made an important contribution by breaking the silence about discrimination and violence against women. It is now lawmakers' turn to take action.

1. Key elements to combatting violence

Combatting violence against women cannot be realised without a set of mechanisms beyond the simple criminal conviction of violence. The Advisory Council believes that national authorities should implement a comprehensive array of mechanisms and measures in order to efficiently prevent and combat gender-based violence against girls and women, which include:

- Adopting a comprehensive approach to gender-based violence against women, in order to effectively address the needs of girls and women, and to sustainably address the root causes of violence.
- Ensuring quality and timely access to essential services for survivors. This must include immediate and long-term health care, including psycho-social counselling, police and justice responses, as well as safe accommodation⁸.
- Addressing the root causes of violence against girls and women, which are gender-based discrimination and inequalities, and their manifestations, by addressing discriminatory social norms, gender roles and stereotypes.
- Empowering girls and women, in the economic, political and social sectors, to build their skills and resources so that relationships between men and women can be positively transformed.
- Allocating budgets, creating accountability and data collection tools.
- Actively engaging men and boys in work to end gender-based violence, to redefine the ideals of manhood and how to raise boys to be men, and to encourage the majority of men who do not commit acts of violence against women to end their silence about this violence.
- Developing approaches which take into account the cross-discrimination girls and women face, and ensuring the universality of human rights, which are too often disputed in the name of respect for cultures or religions.
- In cases of sexual violence in conflict areas, ensure the effective prosecution and conviction of perpetrators of violence through the establishment of accessible and appropriate justice and security institutions, in order to allow effective investigation and prosecution, and to protect survivors who testify from stigmatization and fear of reprisals.

Law is an essential tool and must play a role in every stage of this continuum of actions. Combatting gender-based violence against women requires a comprehensive legislative approach, including provisions for effective implementation, evaluation and monitoring.

The legislative frameworks addressing gender-based violence should encompass prevention of violence, accountability (holding those who commit violence responsible), and support and justice for survivors.

The laws must be comprehensive, and provide a solid basis for an effective and coordinated response to address violence against girls and women. To this end, they must target and sanction the different forms of violence with appropriate penalties. Perpetrators of sexual violence, including in times of conflict, must be prosecuted, and sanctions must be effectively implemented. It is also essential to ensure that other laws provide for gender equality in a range of areas, such as family law. Together, these provide a solid framework for responding to violence against girls and women, and gender-based violence in general.

The laws should be tools for protecting and supporting survivors. Protecting women involves the establishment of a package of measures and specialized assistance services for survivors and their children⁹, of raising awareness and providing training for the various service providers and national actors concerned: the judiciary, the police, prosecutors, health workers, social services, faith communities, coordination and oversight bodies, the Parliaments and the national, regional and local authorities.

8. As indicated in recommendation number 4 of the Canadian GEAC report, "Invest in multi-sectoral support for victims of sexual violence and gender-based violence"; 5. "Increase access to justice"

9. UN Women, "Essential package for girls and women subject to violence"

The laws – as well as policies and programmes associated with the laws – must aim to change attitudes, negative social norms and stereotypes, and address mindsets as root causes of violence against women, in line with Article 5 of the Convention on the Elimination of All Forms of Discrimination Against Women.¹⁰ Policymakers, educators, faith leaders, businesses, media, and citizens alike must work to abolish the structural inequalities between men and women, and the harmful gender norms and stereotypes which bring about a social and societal tolerance of this violence.

Legislative frameworks should include the following elements, in line with SDG Indicator 5.1.1, to effectively address violence against girls and women¹¹:

- Providing for the elaboration of rules, regulations, and protocols necessary for the law’s full and effective implementation;
- Requiring the training of all relevant officials and first responders, such as police and health care professionals;
- Mandating the creation of specialized institutions and officials to implement legislation on violence against women;
- Prioritizing prevention and providing for a range of measures to be undertaken to this end, including awareness-raising campaigns, sensitization of the communications media, and inclusion of material on violence against women and women’s human rights in educational curricula;
- Enacting legislative provisions that ensure survivors’ access to comprehensive and integrated support services and assistance;
- Preventing the secondary victimization of the survivor throughout the legal process (evidentiary rules, the collection of evidence, legal procedure, and the rights of victims / survivors during legal proceedings).

More specifically, the Council considers that the following legislative elements are essential to effectively address violence against girls and women:

- A perspective on domestic and intimate partner violence that includes physical violence, sexual violence, psychological / emotional violence, and financial / economic violence;
- No provisions exempting perpetrators from facing charges for rape if the perpetrator marries the survivor after the crime;

- No provisions reducing penalties in cases of so-called honour crimes;
- Definition of rape based on absence of consent, without requiring proof of physical force or resistance or penetration, and the provision in law of an affirmative consent standard;
- Clear criminalization of marital rape;
- Provisions guaranteeing the rights of immigrant women who are survivors of violence;
- Provisions specifically addressing sexual harassment.

They should also enforce and monitor:

- Existence of budgetary commitments by government entities for the implementation of legislation addressing violence against women by:
 - creating an obligation on the part of government to provide a budget or allocation of funding for the implementation of relevant programmes or activities, or
 - allocating a specific budget, funding and / or incentives to support non-governmental organizations for activities to address violence against women
- Existence of a national action plan or policy to address violence against women that includes specific targets and benchmarks, and that is overseen by a national mechanism with the mandate to monitor and review implementation.

10. Article 5 of CEDAW: States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

11. See UN Women Handbook for Legislation on Violence Against Women

2. Illustrative laws

General laws on violence

In 2004, **Spain**¹² was a pioneer in Europe in adopting an organic act on comprehensive protection against gender-based violence. Among other provisions, the text created specialized courts and prosecutors' offices to deal with violence against women. Protection measures have also been strengthened, including the possibility to expel the violent partner from the home, and protection orders that impose a minimum distance from the victim's home to be respected. Since 2004, the Spanish feminist movement has remained strongly mobilized to obtain a budget dedicated to women's rights and an effective implementation of the 2004 law, including through the training of judges attached to specialized courts.

Uruguay¹³ adopted a comprehensive legal framework to combat gender-based violence against women in December 2017. The law creates a dedicated entity responsible for handling gender-based violence cases and proposes inter-institutional directives in the field of public policy. It also introduces a multidisciplinary response. Article 34 creates a network of services aimed at women survivors of violence (psycho-social services, health services, and mobile units for rural women with mobility problems). In addition, it prohibits mediation and conciliation, and extends the measures for protecting survivors for a period of 180 days.

These laws were chosen by the Advisory Council because they earmark for the creation of a legal entity dedicated to combatting violence, the establishment of social service networks with various vocations, and they ensure support over the long term. Finally, special attention is paid to supporting survivors of violence through increased time periods for the protection measures granted.

Protection from all sexual violence

In combatting gender-based violence against women, the concept of consent is key to tackling sexist representations and stereotypes. The question of the absence or existence of consent, although dealt with in terms and approaches that differ according to national legislation, constitutes a central point in the legal characterization of the facts for the survivors of sexual violence and rape.

Canada introduced a change of perspective regarding consent as early as 1992. The Canadian Criminal Code states that "consent consists, (...), in the complainant's voluntary agreement to sexual activity"¹⁴. Conduct that does not involve a voluntary agreement to engage in sexual activity does not constitute consent in law. Canada also amended its existing "rape shield laws", banning a complainant's sexual history or medical records from being used as evidence that she was likely to have consented to sex or that she was unreliable, to now include sexual texts, emails, pictures and videos¹⁵.

Canadian law effectively results in a conviction rate for rape and sexual assault that is higher than in most other countries. Of the sexual assaults reported to the police from 2009 to 2014 in Canada, adult and youth courts have settled 26,078 cases of sexual assault in the Canadian criminal justice system, and almost half (45%) of these cases resulted in a guilty verdict¹⁶.

12. Organic Act 1/2004 on Integrated Protection Measures against Gender Violence

13. Ley de violencia hacia las mujeres basada en genero, no. 19580, 22 December 2017

14. Criminal Code (R.S.C., 1985, c. C-46)

15. Bill C-51, amending the Criminal Code and the Department of Justice Act

16. See Recommendation 5 ("Increasing Access to Justice") of the 2018 Advisory Council

Sweden: In 2018, Sweden adopted a new law on sexual assaults and rape¹⁷, moving from the 'No means No' model towards 'Yes means Yes'. The new law says a person must give clear verbal or physical consent, thus recognizing sex without consent as rape. Prosecutors will no longer need to prove violence, or that the survivor of violence was in a vulnerable situation, in order to establish rape.

In the wake of the #metoo movement, the Council re-emphasizes the right of all women to safe spaces, free from sexual violence, and the importance of placing consent at the heart of legal arrangements. The consent principle is a key premise to effective sexual assault legislations. Under the majority of current laws, it has to be proven by the survivor that the perpetrator used force, threats, or was taking advantage of a person in a vulnerable situation. Such reform, which states that consent to sexual activity must be affirmative and ongoing, will bring a major social change, and may also become an additional legal tool in the fight against sexual exploitation of women.

Address conflict-related sexual violence and effective access to justice

Colombia has implemented multiple laws and orders to protect girls and women from conflict-related sexual violence and ensure they have access to justice. Law #1257, the "Gender Equality Law" established that women who have experienced sexual violence have the right to access free and immediate specialized counselling, legal advice, and technical assistance. The Attorney General's Order of 2008, "Auto 092" protects the rights of displaced women, recognizing their heightened vulnerability to sexual violence by analysing the extent and causes of sexual violence, and accelerating legal procedures and open investigations into conflict-related violence cases. Law #1719, "Access to Justice for Victims of Sexual Violence in Colombia" of 2014, guarantees, in particular for victims of conflict-related sexual violence, amongst other elements: (i) privacy and confidentiality for victims; (ii) non-discrimination based on sexual identity; (iii) no requirement for the victim to confront the aggressor nor submit themselves for repetitive tests; (iv) being seen in

accessible and safe locations; and (vi) the provision of legal assistance throughout the entire process; (vii) an immediate start of the investigation after submitting a claim; and (viii) access to protection services for the victim and their family members, to free health services, and to redress mechanisms. to free health services, and to redress mechanisms.

These laws were drafted in collaboration with women's groups and rights organizations to ensure the laws adequately address the needs of survivors of sexual violence. The laws and order have clear accountability mechanisms, as they specify the responsibilities of each entity. For example, the Attorney General's Office is responsible for referring cases of sexual violence to the Ombudsman's Office, which is responsible for guiding survivors to the necessary assistance programmes.

Condemn marital rape

Namibia: The *Combating of Rape Act 8 of 2000* establishes that marriage, or any other form of relationship, does not constitute a mitigating circumstance in the case of rape. Prior to this new law, it was not possible to denounce a rape within the framework of a marriage, regardless of the situation¹⁸. In 1998, two years before the law was enacted, a study showed that 35% of married women had suffered a rape without being able to report it. Rape was subsequently integrated into the 2003 law on domestic violence.

Today, in too many parts of the world, rape has quasi-impunity due to the inability to pursue the crime through to conviction. There cannot be mitigating circumstances with sexual violence. The existence of an intimate relationship between perpetrator and survivor can under no circumstances impede the penalization of sexual and gender-based violence, and marital rape must be explicitly targeted.

17. Brotttsbalk (1962:700)

18. Namibia: Domestic violence, including state protection, services and recourse available to victims, Canada: Immigration and Refugee Board of Canada, 3 August 2012

Eliminate female genital mutilation/cutting¹⁹

The eradication of the practice of female genital mutilation / cutting requires the enforcement of relevant laws that define, condemn and establish fines and / or prison sentences. The Council encourages countries where this harmful practice is still too widespread to draw inspiration from **Kenya**, which adopted a new law in 2011²⁰ (the previous law was in 2001) that provides a precise definition, involving penalisation for direct or indirect participation, including cross-border participation. The law criminalizes this practice without consideration of the woman's age or status. The penalty incurred is a prison sentence ranging from 3 to 7 years, and when the offence results in the death of the women undergoing FGM, the penalty can be life imprisonment²¹. Since the entry into force of this law, the number of young girls and women having suffered genital mutilation went down from 27% in 2008 to 21% in 2019²².

The Advisory Council invites all countries that have not yet made any provisions in this regard to commit to an outright ban of the practice of female genital mutilation / cutting. It constitutes a serious violation of the physical integrity of girls and women. Laws to that effect should include strong implementation mechanisms and exclusion of any mitigating conditions or circumstances.

Eliminate child, early and forced marriage, and marriage as a reparation for rape

Child marriage has a considerable impact on girls' education. The **African Union** has made the fight against child marriage one of their key commitments, reiterated in November 2018. 22 AU countries endorsed this campaign. ECOWAS has adopted a strategic framework in order to strengthen local systems protecting children in West African countries. It also has a roadmap to eliminate child marriage.

The Council encourages countries where this harmful practice is still too widespread to draw inspiration from **Malawi**,

where the *Marriage, Divorce and Family Relations Act (Marriage Act)* was adopted in 2015, establishing 18 as the minimum age for marriage without legal exception. The law is supplemented by the 2016 constitutional review process, which led to the amendment of the constitution on two specific provisions, on the age of the child (from 16 to 18 years), and marriage (from 15 to 18 years).

Ghana's Children's Act of 1998 establishes the minimum age for marriage at 18 and, anticipating the possibility of parents or guardians promising a child for future marriage, states that no one can force a child to be married, betrothed or the subject of a dowry. In most countries, child marriage is prohibited by national law, yet many countries still allow girls to be married before the age of 18 if their parents or judicial bodies give their consent. Ghana's law is more protective in this regard and its Criminal Code makes it a misdemeanour to cause a person, using duress, to marry against his or her will.²³

Southern African Development Community (SADC) has developed a *Model Law on Eradicating Child Marriage* that sets a pathway for governments to end child marriage. It shows leaders how to develop legislation, policies and programmes that will help them address the problem of child marriage in their country, and in doing so, free girls and women from harm. Although it has been developed specifically for the SADC region, the model law has many lessons that will be useful for other countries and regions as they commit to developing robust legal and policy responses to end child marriage.

19. As indicated in recommendation number 3 of the Canadian GEAC report, "Put an end to harmful practices, child marriages, early marriages and forced marriages, as well as female genital mutilation and cutting".

20. Prohibition of Female Genital Mutilation Act No. 32 of 2011

21. Data from *Excision parlons-en*

22. "Kenya: enforce FGM and 'child marriage' laws", Equality now (1 February 2018, updated 6 February 2019) "In addition, the law holds that consent cannot be cited as an excuse for conducting FGM. Since this legislation was passed the country has witnessed a decline in the number of girls who are cut, with law enforcers and other duty bearers working to end this practice. Kenya's FGM prevalence currently stands at 21 percent having declined from 27 percent in 2008."

23. *The Contributions of Laws to Change the Practice of Child Marriage in Africa* (Girls not Brides 2013)

The Advisory Council invites all countries that have not yet made any provisions in this regard to commit to banning child, early, and forced marriage. They constitute serious violations of the human rights of girls and women, including their physical integrity. A key lesson learnt from the Malawi law lays in the importance of harmonizing legislative and constitutional processes to ensure consistency across all legal frameworks.

Combat trafficking and end sexual exploitation

The 1949 *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* recognises that “prostitution and trafficking in human beings for the purpose of prostitution are incompatible with the dignity and worth of the human person”. The *CEDAW Convention* requires States to “suppress all forms of traffic in women and exploitation of prostitution of women²⁴”. The *UN Palermo Protocol* urges States to “discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking²⁵”. According to some studies, the number of survivors of trafficking in women for sexual exploitation and exploitation of prostitution for women is incomparably lower in States adopting the “Nordic model”. By prohibiting the purchase of sexual acts, these States also recognize that sexual exploitation is part of the continuum of sexual and gender-based violence.

In February 2014, the European Parliament stated that prostitution is incompatible with the principle of equality between women and men enshrined in the *European Charter of Fundamental Rights* and encouraged States to adopt the “Nordic model²⁶”. The Parliamentary Assembly of the Council of Europe has done the same in April 2014. Both assemblies also highlighted that criminalizing the demand for paid sex is the most effective way to reduce profit-driven trafficking in human beings. The ILO considers that trafficking in human beings is one of the most lucrative forms of organized crime in the world. It generates \$150 billion a year for traffickers. 66% of this profit comes from sexual exploitation.

In 1999, with the adoption of its “*Peace for Women*” Act, **Sweden** became the first country in the world to no longer criminalize the selling of sex but only the purchase of sex. A few years later, **Iceland** and **Norway** adopted the same legislation, soon to be known as the “Nordic model”.

It is worth noting that these three States, ranked every year among the top 5 of the World Economic Forum’s Index for Equality between Women and Men, have made these laws a crucial component of their gender equality policies.

In April 2016, **France** adopted similar legislation and added several protective provisions, in particular access to residency permits for foreign survivors of trafficking, access to financial assistance for social and professional integration, improving procedural safeguards for victims and witnesses, and training of social action professionals on the realities of prostitution.

Some members of the GEAC highlight that, while there is a broad consensus outside and inside the Council on the need to combat trafficking and sexual exploitation, and to universally decriminalize its victims, there are different views on the issue of public policies on prostitution, and particularly the issue of criminalization of the purchase of sex.

24. Article 6 of CEDAW Convention.

25. Article 9 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

26. European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality

End sexual harassment and discrimination in public spaces²⁷

Women must be protected from sexual harassment and violence in public spaces, as well as in the world of work, educational institutions, public spaces, online, etc. The ILO *Violence and Harassment Convention*, adopted in June 2019, provides some core principles to promote an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work.²⁸ The Council calls on the Leaders to adopt this Convention.

Laws addressing harassment should provide options for criminal, civil and administrative remedies and compensatory provisions, along with providing for accessible, effective and timely complaint and investigations processes, and ensuring that complainants are not further victimized for filing a complaint.

In **India**, the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act* (2013) seeks to provide a safe and secure environment for women at the workplace. The Act covers all women, irrespective of their age or employment status, and protects them against sexual harassment in all workplaces, both in public and private sector, whether organized or unorganized. Domestic workers are also covered by this law. The law provides for a mechanism in the form of an Internal and Local Complaints Committee to provide redress in cases of sexual harassment. It also creates a duty for employers to carry out awareness programmes and workshops for employees²⁹.

The Council also encourages the countries without laws on street harassment to draw inspiration from the law adopted in **France** to improve combating sexual and sexist violence ("*Law strengthening the fight against sexual and gender-based violence*" adopted on 3 August 2018) and establishing an offence for sexist abuse. Over the first 6 months, 447 fines for sexist abuse were issued. While the law is new, and as such its impact is still unclear, it is an interesting approach for consideration.

Countries are also encouraged to adopt strong and effective policies to prevent and respond to sexual harassment, intimidation and any other form of violence against women

in politics, which constitutes a major impediment to women's full, equal, and effective participation in society, as well as economic and political life³⁰.

As per the UNGA Resolution 73/148, on highlighting barriers to women's political rights caused by gender-based violence, **Bolivia** has taken measures to address the violence encountered by women going into politics. Bolivia's law No. 243, 2012³¹ differentiates between and classifies acts of political violence and harassment against women as any acts that shorten, impede or restrict a woman's political right or duty as a representative.

Bolivia is the only country with a specific law criminalizing violence against women in politics.

Protect from domestic and intimate partner violence

In **Brazil**, the Maria da Penha Law no. 11.340 of August 7, 2006 recognises all forms of violence (physical, emotional, sexual and economic) and provides for criminal sanctions for acts of domestic violence. It prescribes protection orders for the survivors, whether married or not. "The law calls for the expansion of police stations administered by women and the dissemination of units against domestic violence within the non-specialized police. The law equally authorizes judges to order the presumed perpetrators of violence to stay away from a woman's house and not to communicate with her or her family, amongst other protection measures."³²

27. Recommendation number 2. of the Canadian GEAC report, put an end to sexual harassment in the world of work and public and private spaces.

28. Convention concerning the elimination of violence and harassment in the world of work, ILO 2019.

29. *Towards an end to sexual harassment: the urgency and nature of change in the era of #metoo*. UN Women (2018) (page 15)

30. UN General Assembly resolution A/RES/73/148 Intensification of efforts to prevent and eliminate all forms of violence against girls and women: sexual harassment (2018) and UN GA A/73/301 Report of the Special Rapporteur on violence against women, its causes and consequences on violence against women in politics (2018)

31. The UN Special Rapporteur on violence against women report on violence against women in politics can be listed as the reference.

32. « Brazil : Domestic Violence Victims Denied Justice », Human Rights Watch, 2017

Women must be protected in the public sphere as much as in the private sphere, and the law must guarantee this protection. Too few States expressly recognize all of the types of violence, including in particular, psychological and economic violence. Specialized structures with agents who are trained to receive and support survivors of violence should be established.

Offer paid leave to victims and survivors of violence

The Domestic Violence-Victims' Protection Act of 2018 of **New Zealand** provides for 10 days violence leave for women who are survivors of violence. Furthermore, several provinces in **Canada** have enacted laws that define domestic violence as a workplace health and safety issue, which thus requires employers to enact policies and conduct training in relation to the impact of domestic violence on the workplace. In **Italy**³³, the law provides for paid leave for women who are victims of violence for up to three months.

The support and care of survivors must be provided for in the laws in order to be able to ensure the economic and social reintegration of women who have suffered violence. The Advisory Council considers with interest in that regard the provisions proposed in the ILO Violence and Harassment Convention. The Advisory Council supports the adoption of this Convention as a positive step to end harassment in the workplace.

Combat sexual harassment online

In **Germany**, the Act for the Application of Law on Networks (NetzDG) requires social media networks with more than 2 million users in Germany to remove content in the event that it is evidently illegal for reasons related to privacy, defamation, or insults, harmful or dangerous acts, sexual content, terrorist or unconstitutional content, hate speech or political extremism, or violence. If the reported

content is not removed within 24 hours, a fine of up to 50 million Euros can be applied. (Netzwerkdurchsetzungsgesetz, adopted on 30 June 2017)

This law provides for penalizing sexist behaviour in the public sphere and fostering addressing inequalities between women and men with regard to the use of public spaces and in the workplace. The Council emphasizes the importance of holistic laws on gender-based cyber violence.

Address revenge porn

The publishing of sexually explicit images or videos of a person without his or her consent, known as revenge porn, is a violation of privacy that disproportionately affects women, and has dramatic consequences for the victims. It often results in emotional, physical and financial distress, and in additional sexual harassment. Laws against revenge porn should ensure that perpetrators are held accountable and that victims can pursue damages. The law should provide the necessary tools for the content to be quickly removed from the internet. Under the **Australian** laws strengthened by the Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Act of 2018, not only do perpetrators face criminal charges and penalties, but also corporations can also face penalties in case they fail to comply with the obligation of withdrawing the content. This law should be enforced, and its impact closely evaluated.

Some G7 countries, such as the United States, through the SHIELD (Stopping Harmful Image Exploitation and Limiting Distribution) Act, are currently reviewing the possibility of improving their laws on revenge porn. The Council calls on the Leaders to address this crucial matter by integrating the most ambitious provisions to protect the victims, hold the perpetrators accountable, and remove the content.

33. "Art. 24, decreto legislativo no. 80", 15 June 2015

SECTION 2

ENSURING INCLUSIVE, EQUITABLE, AND QUALITY EDUCATION AND HEALTH



The 2018 G7 Gender Equality Advisory Council, in its *“Make Gender Inequality History”* report pointed to clear evidence: when girls and women are educated, healthy, included, and can make decisions about their own lives and bodies, there is a ripple effect that benefits not only the individual but families, communities and countries.³⁴ Inclusive, equitable and quality education and health are fundamental rights, enshrined in the *Universal Declaration of Human Rights* as well as in the *United Nations Convention on the Rights of the Child*, *CEDAW* (including General Comment 36 on education) and many other international and regional treaties. They are also a central element of gender equality and women’s economic empowerment, as well as economic growth and prosperity for a society.

The *2030 Agenda* placed education, health, and gender equality at the centre of the development discourse and the World Bank established education and health as the very root of human capital.³⁵ Almost 60 years ago the legally-binding Convention against Discrimination in Education (CADE) outlined the principles that now serve to underpin SDG4 and, similarly, close to 25 years ago, the *Beijing Declaration and Platform for Action* called on governments to address gender inequalities and bias within health systems. In addition, the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* specifically addresses the rights of girls and women, including their full realization of health and health-related rights. The *2030 Agenda* provides a comprehensive prioritizing for women’s health, with specific targets under SDG 3 and SDG 5, for ensuring universal access to sexual and reproductive health services and rights.

Girls’ education is a central issue in empowering them to achieve full citizenship and economic empowerment, which will ensure their survival and that of their children. The rapid pace of technological change, both in terms of ecological and digital transition, the accelerated transformation of jobs and production methods, and globalization that is disrupting previously limited employment areas, requires that education enable them to rise to these new challenges and acquire the knowledge needed for tomorrow’s economy. The ethical challenges

associated with these upheavals and various crises in terms of governance require that they develop a critical, independent, and respectful attitude towards others.

Health is a cornerstone of gender equality, sustainable development and resilient populations. In order for girls and women to be educated and empowered, they must be able to access and enjoy their rights to health services, information, and the ability to make decisions about their health. Each year more than 3 billion people do not receive the health services they need, and 800 million people face financial challenges while accessing health services.³⁶ While many countries continue to face obstacles to reach Health for All, there are laws, policies, and investments that help break down these barriers.

The relationship between health and education is strong and bi-directional. Across the board, investments in education create a ripple effect that yields improvements in girls’ and women’s health, rights, and wellbeing and that of the next generation. Education and information are the primary means of delivery of knowledge of health and respect for the body. School must be a safe place of learning for girls, where the respect for their bodies is guaranteed and they can access reliable information with regard to their health. Insecurity on journeys to school, gender stereotyping, and the lack of health facilities equally represent obstacles to safe and protected access to health for girls. In addition, addressing gender norms and gender inequality in comprehensive sexuality education is critical to improving health outcomes; for example, sexuality and HIV education programmes that include discussions about gender and power dynamics are five times more effective in preventing sexually transmitted infections or unintended pregnancy than those that do not.³⁷

34. Recommendations from the Gender Equality Advisory Council for Canada’s G7 Presidency (2018)

35. Human Capital Project and Index, World Bank.

36. “Tracking Universal Health Coverage: 2017 Global Monitoring Report” World Health Organization and the International Bank for Reconstruction and Development / the World Bank, 2017.

37. Nicole A. Haberland, “The case for addressing gender and power in sexuality and HIV education: a comprehensive review of evaluation studies”, *International Perspectives on Sexual and Reproductive Health*, vol. 41, No. 1 (March 2015)

Conversely, harmful gender norms, stigma, lack of agency, unintended pregnancy, gender-based violence, sexuality transmitted infections and HIV/AIDS, and ill health in general, including lack of access to sexual and reproductive health information and services, keep girls out of school (exclusion of pregnant women and / or menstruating pupils), or lead to early drop-out. Provision of health services, comprehensive sexuality education, and upholding girls' sexual and reproductive rights increase school attendance and completion by improving the health of children and adolescents. They also create safe and inclusive school environments by addressing sexual diversity, gender identity and expression, and tackling gender-based violence.

While great strides have been made in these areas, there is still a long way to go to make sure that all girls and women are educated and healthy.

- With regard to education, two thirds of the world's illiterate population are women, and in total, 262 million - one in every five - children, adolescents and youth are out of school,³⁸ with many millions more *in* school but *not* learning. Girls are still 1.5 times more likely than boys to be excluded from primary school, and the inequality of opportunity is particularly pronounced in developing countries; with less than two thirds of girls completing primary education, and only one in three completing lower secondary school in low-income countries. More than 130 million girls do not attend school at all³⁹. For instance, at the global level, almost 15 million girls under the age of 18 are married each year,⁴⁰ most often sacrificing their schooling. The challenges equally remain for girls attending school, but who are still denied the opportunity to learn and thrive: education reproducing gender stereotypes, inequalities in opportunities, lack of adapted infrastructures, lack of qualified teachers (including contexts where there is a dearth of female teachers), negative norms and restriction of the right to a quality education on an equal footing.
- With regard to health, 214 million women of reproductive age who want to avoid pregnancy are not using a modern form of contraception. Roughly 300,000 women still die due to pregnancy-related complications every year⁴¹, with maternal mortality being one of the

leading causes of death for 15-19 year-old women. New HIV infections among young women (aged 15-24 years) are approximately 44% higher than they are among young men.⁴² Unipolar depression, which is expected to be the second leading cause of global disability burden by 2020, is twice as common in women.⁴³ Ill health is not only hampering development at large, but also very specifically holding back girls and women, and whole communities and economies.

There are however means to overcome these obstacles: countries can act at legislative, policy and programmatic levels to promote access for girls to inclusive, equitable and quality education and health. Numerous laws have enabled progress on the education and health of girls and women. If the ratification of international and regional treaties relating to the rights of girls and women represents a major step forward (which still needs to be promoted, as many states still have not done it), the adoption and implementation of laws at the national level enables tangible and directly applicable progress.

38. Data from UNESCO UIS.

39. Ibidem.

40. Fact sheet "Gender equality: why it matters", United Nations

41. Alkema, Leontine. "Global, regional, and national levels and trends in maternal mortality between 1990 and 2015, with scenario-based projections to 2030: a systematic analysis by the UN Maternal Mortality Estimation Inter-Agency Group." *The Lancet* 387:10017 (2016), pp. 462-74; Fact Sheet: *Adding It Up: Investing in Contraception and Maternal and Newborn Health*, 2017. Guttmacher Institute, 2017

42. UNAIDS Data 2017

43. *Gender disparities in mental health*, World Health Organization, Department of Mental Health and Substance Dependence

1. Key elements to guarantee inclusive, equitable, and quality education and health

The Council highlights the importance of the following core principles and approaches in order to ensure inclusive, equitable, and quality education and health:

Comprehensive Approach

Equality and accountability before the law

- Adopt a holistic approach by encompassing not only laws, but also practices, programmes, action plans, policies, and monitoring and reporting mechanisms for an optimal application of laws.
- Adopt, pursue, and support a systems approach to education and health solutions, ensuring transformative and sustainable change at all levels (international, national, community, individual) and combatting inequality in health and education.
- Recognize that gender equality requires a rights-based approach that ensures all children are healthy, gain access to and complete education cycles, and are empowered equally in and through education.
- Ensure cross-sectoral, inter-ministerial, multi-disciplinary and collaborative working; with policies and programmes that recognize that the education and health of girls and women are essential rights and leverage the relationships between these and other sectors to improve education and health outcomes and build more sustainable societies overall.

Legislative Principles

- Commit to universal ratification, domestication and harmonization (where legislatively viable) between different laws (statutory, customary, religious), of existing legal provisions for gender equality and for reporting through existing accountability mechanisms, such as Committee on the Rights of the Child and CEDAW - working, where possible, in partnership with regional bodies.

- Embed equitable access to health and education in national legislation, particularly for vulnerable, at-risk and marginalized populations.
- Ensure health-related legislation is grounded in human rights and based on evidence-based medical guidelines and best practices.

Strategic Implementation

- Prioritize those most in need; allocation and use of resources should be prioritized to focus on increasing inclusion and equitable access to health and education, and support the most marginalized populations, including women and children affected by conflict.
- Integrate gender-responsive budgeting and auditing throughout policy development and implementation in governments and funding practices for donors. Donors need to put the girl at the centre, ensuring their aid programmes support cross-sector interventions.
- Mandate the creation of implementation frameworks for each law, including allocation of budgets, training of all relevant health practitioners, and the creation of necessary regulations, guidelines, specialized institutions, and national plans of action.

The Council also considers that national frameworks should include the following elements:

Education and Health

- Ensure data disaggregation based on sex, age, location, disability, family status and other relevant indicators on all elements of both health and education.
- Initiate citizen-led, online platforms at domestic and global levels on access to equal rights that allows girls and women to anonymously self-report on why they are unable / able to exercise their rights, facilitating compilation

of the necessary data for improved understanding of obstructions to the application of the laws.

Education

- Adopt / support and finance the development and implementation of gender-responsive and inclusive education sector plans (GRESA) to ensure gender equality is centrally embedded into education planning design and delivery, monitoring and accountability - and is responsive to unique country challenges.
- Ensure that a set of general equality indicators in education are integrated into the results framework of the sector plan, with qualitative and quantitative measures of success.
- Improve the availability, monitoring, transparency, and use of financing data, disaggregated by education subsectors, including data on the scale and nature of household costs of education.
- Support and fund a global teachers drive to ensure the supply of quality teachers (with a focus on female teachers where contextually relevant) to catalyse long-term gender equality.
- Increase public funding for education to meet the internationally recommended benchmarks of 15 to 20% of public expenditure, and 4 to 6% of gross domestic product (GDP) allocated to education.
- Finance awareness campaigns on girls' rights to a quality free education for 12 years in the countries concerned, including the need for measures to reduce indirect cost-barriers (to advance implementation of the G7 Gender Equality Advisory Council recommendation from 2018)⁴⁴.
- Support initiatives that end violence in and through schools and provide gender-friendly, safe, and protective learning environments so that girls can access and remain in school.
- Ensure safe and supportive learning environments by putting in place preventive measures through a 'whole-school approach' such as codes of conduct, effective referral mechanisms, protective staff, parent and children committees, including dedicated safe spaces and clubs for girls in school, providing resources to increase the knowledge, capacity and skills of school staff; increasing safety on the way to and from school.
- Guarantee universal accessibility to school with safe and gender-segregated latrines, access to safe drinking water,

sanitation, and access to menstrual hygiene information for both boys and girls.

- Actively engage male educators, fathers, community and religious leaders to support girls' education.
- Strengthen initiatives that seek to reinforce girls' success and empowerment, both in and outside school, through girls' clubs, mentoring, and peer tutoring, access to female role models, gender-responsive pedagogies for teachers, and development of curricula that a) tackle gender stereotypes and negative social norms and b) skills building – adapted to emphasize gender dimensions – in order to develop functional, transferable, and job-specific skills at a young age. Civil society should be engaged in these processes, including gender actors and youth groups.

Health

- Increased funding for gender-responsive health system strengthening and Universal Health Coverage, with a focus on sexual and reproductive health;
- Support comprehensive sexuality education to support young women and adolescent girls for gaining knowledge and information on their sexual and reproductive health and rights;
- Build capacity of health workers, and address health-worker shortages, including providing training and education for health workers, including gender-based violence training, stigma-free services, and youth-friendly services;
- Collect and disseminate evidence of the impact of girl- and woman-centred care across all ages;
- Include girls, young people, and women in the design and implementation of health programmes;
- Set and meet national targets across girls' and women's health needs, including sexual and reproductive health, and non-communicable diseases;
- Include all aspects of gender-responsive health care in state-provided healthcare coverage; such as Universal Health Coverage / Primary Health Care;
- Enact legislation and dedicate funding that ensures the availability, accessibility, acceptability, and quality of essential

44. "Provide policy and funding support to developing and conflict-affected countries to improve access to a minimum of 12 years of free, safe, quality, and gender-responsive education across all age groups, from early years through adolescence and into adulthood." Recommendations of the 2018 Gender Equality Advisory Council

health care services, including sexual and reproductive health care services – also for marginalized groups and young people. Per the World Bank’s Human Capital Project, governments should be investing approximately \$90 USD per person, per year, into health, to provide essential health services⁴⁵;

- Encourage accountability systems in the delivery of Universal Health Coverage that leverage girls’ and women’s voices; and

- Invest in addressing barriers that prevent women from knowing and exercising their rights. For example, unequal social norms and attitudes regarding the sexual and reproductive health and reproductive rights of women can prevent women from seeking out and claiming vital and life-saving health services.

45. Human Capital Index, World Bank.

2. Illustrative laws

The Advisory Council has identified some laws and practices from different countries that have recorded a positive change in girls’ and women’s education and health, and helped advance their equality in these spheres. Coupled with proper application, these measures are representative of genuine levers of action and of the firm commitments that States are strongly encouraged to adopt. We should, however, apply caution. For example, school fees are only part of the costs of education to families, with indirect / opportunity costs being a key barrier (uniforms, transport, loss of girls’ labour for sibling care, domestic chores, etc.). As well, caution is needed to avoid criminalization of families who do not send their children to school when poverty not perversity is the obstacle. Reducing indirect as well as direct cost barriers is a key part of the solution for girls.

Make 12 years of education free and compulsory for all

Hong Kong has adopted a policy making primary and secondary school free for 12 years, and has put a special emphasis on STEM (science, technology, engineering and mathematics) in its education policies.

This law meets the recommendations of the 2018 Council to implement the international standard of 12 years of free schooling for all, and Hong Kong is one of the few places to have done so. In addition to the number of years of schooling, the focus on STEM subjects recognizes the current gender bias in learning and helps prepare students to be empowered within the future job market.

Nigeria⁴⁶ made the right to a free and compulsory primary and lower-secondary education applicable in its Constitution in 2004. Federal and national governments must provide sufficient funds to guarantee that education is free. This measure has had a positive impact: the level of girls in primary schools went from 79% to 92.3% between 2008 and 2013.

46. Nigerian Constitution, Chapter III, section 18.

The conflict-affected context of the country makes education for all a significant challenge, as well as reaching the recommended 20% expenditure rate of GDP. However, failure by any arm of government to fund free primary and junior secondary education constitutes a breach of the Constitution. The legal right to education is supported by a 'National Policy Framework on Violence-Free Basic Education' that includes: sensitization of teachers and students; training of education managers; capacity building of education stakeholders (school management committees, parent-teacher associations); institutionalization of counselling units in all schools; and monitoring and evaluation.

Increase rights-based, age-appropriate and gender-responsive learning and skills development opportunities

Skills development is cumulative from early childhood through adolescence to adulthood. At every age, every learner should be offered multiple opportunities to learn and fulfil their potential. This includes options such as strengthening the integration of skills development within national policies and plans, curricula frameworks, as well as strong coordination and partnership frameworks.

The **Tunisia** curriculum reform is part of an ongoing national education reform led by the Ministry of Education in collaboration with UNICEF.

It recognizes the cumulative impact of skills development starting at an early age, and that different levels of skills development need to be defined across the different learning stages (pre-primary, basic and post-basic education) to target learning, empowerment, citizenship, and employability outcomes. Furthermore, it recognizes that life skills are not specific to any subject area, but can be developed through

their integration within curricular disciplines (language, math, science, etc.) The reform addresses effective pedagogical and student-centred approaches by introducing them into the curriculum, and by supporting teachers to implement those approaches.

Combat discrimination and promote gender equality at school

Discrimination based on gender and / or sex is still too present in the education systems of numerous countries. In 2013, **Kenya** adopted a law⁴⁷ anchoring the principle of non-discrimination in the education system and demands a balance between women and men in education committees and councils. Under Kenya's *Sexual Offences Act* (2006), offences by people in positions of authority / trust within education settings are against the law, liable upon conviction to imprisonment for a term of not less than 10 years.⁴⁸ On the same principle, in 2010, **Sweden**⁴⁹ adopted legislative provisions requiring teachers to involve their pupils in non-stereotypical activities.

Kenya has achieved gender parity in primary education.⁵⁰ The law set out within the Children's Act is complemented by other laws which address the common barriers to girls' education such as child marriage, sexual exploitation, and trafficking. Strong policies accompany legislative provisions, facilitating their implementation with recognition of the furthest behind. This includes the Gender Policy in Education (2007), which sets out gender-responsive education at all levels, and the Return to School Guidelines, which include targeted support programmes for girls re-entering school after birth, and recommended counselling when coming back to school.

47. Basic Education Act, Kenya, 2013

48. Sexual Offences Act, Kenya, 2006

49. New Education Act, Sweden, 2010 (2010:800).

50. See Global Gender Gap Report, 2018.

Combat school-related gender-based violence

The law must enable a response to the scourge of gender-based violence, particularly in schools: in **Ireland**⁵¹ a law prohibits and criminalizes sexual harassment in the education system.

According to UNICEF⁵², girls are more exposed to sexual harassment (twice as much as boys). This law makes explicit the need for school to be a safe and protective environment for people of all genders.

Prohibit misinformation on safe abortion

The law must prohibit misinformation on abortion when it aims to intentionally mislead women on abortion. In **France**, the law of 20 March 2017⁵³ extends the offence to misinformation websites.

Misinformation on abortion is largely spread on the internet and intentionally misleads women on their right to choose whether or not to have an abortion. Comprehensive information on abortion services can be life-saving for women. Accurate knowledge can reduce the number of unsafe abortions that take place, and in turn reduce maternal deaths. This law was chosen as an example of a specific law that understands the value of accurate information regarding abortion in a time when their countries actively obstruct access to life-saving reproductive health information.

Provide a comprehensive sexuality education

Girls and boys must be aware of their rights, and of the risks related to their sexual health. School can and must be a source of increased awareness of these rights, and sexual and reproductive health. In the **United Kingdom**⁵⁴,

the law requires the Ministry of Education to provide courses on interpersonal relationship education for primary school pupils, and courses on sex and healthy relationship education for secondary school pupils in England.

This law follows the United Nations' 2018 International Technical Guidance on Sexuality Education, good practice of making the curriculum a mandatory part of primary and secondary school education and include topics such as relationships, FGM/C and gender-based violence.

In **Colombia**⁵⁵, the law makes sexual education compulsory, and directs the curriculum to be delivered based on the psychological, physical and emotional needs of students according to their age. The curriculum includes promotion of sexual health, and prevention of sexually transmitted infections in addition to covering topics of autonomy, self-esteem, and violence, amongst others.

This law was selected, as it is comprehensive, and has supporting frameworks to ensure its implementation. These include a National Policy on Sexual and Reproductive Health that defines the role of the education sector in strengthening sexuality education programmes, a teacher's education strategy, and a National System for Coexistence in Schools and Formation for the Exercise of Human Rights, Sexuality Education, and the Prevention and Mitigation of School Violence, which created operational guidelines to deliver the curriculum.

51. Equal Status Act, Ireland, 2000, consolidated until 2004, Sections 11 (1) (c), 11 (2) and 43.

52. Data from UNICEF. See : « Inégalités filles-garçons : des maux en tous genres », November 2018.

53. Loi n° 2017-347 relative à l'extension du délit d'entrave à l'interruption volontaire de grossesse

54. Children and Social Work Act, United Kingdom, 2017

55. Law 115 (1994); Law 1620 (2013); Law 1098 (2006); Law 1146 (2007)

Provide access to modern contraception

Every girl and woman should be able to access safe, affordable, and acceptable methods of contraception, free of coercion or discrimination. To achieve this, progressive policies must recognize and protect the provision of free contraception and a wide range of contraceptive methods in steady supply to girls and women, regardless of parental or spousal consent.⁵⁶

The law in **Paraguay**⁵⁷ provides the right for all women to obtain a means of contraception free of charge and without any age limit.

Ensuring all girls and women have access to family planning and contraception services involves removing barriers that prohibit young girls and unmarried women from accessing services, and from choosing from a range of contraception opportunities. The law in Paraguay does not discriminate based on age, provides services free of charge, and has various strategies that take into account marginalized populations.

National Health Service (Family Planning) Act 1967 guides the **United Kingdom's** family planning and contraception programmes, and empowers Local Health Authorities to give birth control advice, regardless of marital status, using the mechanisms of voluntary organizations. Scotland's Health Services and Public Health Act 1968 made the same provisions for Scotland. Northern Ireland's Health and Personal Social Services Order of 1972 enabled the Department of Health and Social Services to provide family planning services in Northern Ireland.

The UK provides about 15 types of contraception free of charge to all girls and women. While not written into law, the UK provides a wide range of contraceptive choices through the National Health Services (NHS). The law, however, places the onus on the health professional to determine competency

and, once established, a young person (i.e. under the age of 16) may access service independently. The NHS guidelines state that the only time a professional might want to tell someone else is if they believe a young adult is at risk of harm, such as abuse. The risk would need to be serious, and they would usually discuss this with the young adult first.

Right to choose and right to have a safe abortion

Access to safe abortion is a fundamental right, as it falls within the right of every person to have the freedom of decision over, and respect for, their own body. At the national level, **Canada**⁵⁸ protects the lives, freedom, and safety of women by allowing abortion by law without specific legal specifications on gestational limits. It is available upon request of a woman of any age, and is covered by insurance in hospitals.

Abortion in Canada is decriminalized; hence it is accessible to girls and women as a general medical service. Lack of legal specifications on gestational limits and parental consent make it accessible and available to all girls and women. Treating abortion as any other medical procedure rather than a legal process is progressive as per WHO guidelines on safe abortion and other key research.

Sweden's Abortion Act⁵⁹ allows women to request abortions up to 18 weeks of pregnancy. Under special circumstances, women can request an abortion up to 22 weeks, and abortion is allowed after week 22 to save a patient's life or health.

56. "Accelerate progress – sexual and reproductive health and rights for all: report of the Guttmacher-Lancet Commission", Ann M. Starrs et al., *The Lancet Commissions*, vol. 391, issue 10140, p. 2642-2692, 30 June 2018.

57. "Ley No 4313", Paraguay, 2011

58. No law itself, Supreme Court case striking down abortion restrictions.

59. Sweden's Abortion Act, 1974

The law regulates abortion but does not present unnecessary barriers to young girls and women seeking abortion services. It also establishes that the National Board of Health and Welfare must review all cases of abortions that have been denied as a mechanism to ensure the delivery of essential services to women is upheld.

Ensure women and people of all genders are included in Clinical Trials

Women are often under-represented in clinical trials, leading to detrimental health outcomes due to inadequate diagnosis and treatment of diseases. The **United States** has a combination of laws enacted at the federal level to specifically ensure the inclusion of women in clinical research. The key piece of legislation, "Public Law 103-43" of 1993, requires the National Institutes of Health to ensure that women are included as subjects in research, that the Office of Research on Women's Health conducts or supports outreach programmes to recruit women, establishes related guidelines, and mandates the generation of reports including key data to monitor implementation of the law. It was amended in 2016 by the "Public Law 114-25", to establish a task force on research specific to pregnant women and lactating women.

This law, and its subsequent amendments, showcase how laws can drive accountability through mandated reporting, allocation of responsibilities, and generation of workforces. Additionally, laws that established the Office of Research on Women's Health (US Code 287d) and the establishment of data collection, storage, analysis, retrieval, and dissemination of information regarding women's health (US Code 287d) are in place to help with monitoring and implementation of law. Finally, the law is complemented by other national laws that specifically request the inclusion of women in all types of research, including basic, biomedical, clinical trials, and others, such as those related to autoimmune diseases, cardiovascular diseases, and ageing.

SECTION 3

PROMOTE THE ECONOMIC EMPOWERMENT OF WOMEN



In its 2018 report *“Make Gender Inequality History”*, the Advisory Council reiterated that women’s economic empowerment and financial inclusion are prerequisites for inclusive and equitable growth. All countries must eliminate barriers to women’s access to economic opportunities, and to their benefit from economic gains.

While there has been some progress in achieving gender equality in employment and economic benefits, globally, the gender wage gap is still an average of 20%.⁶⁰ Globally, 64% of women participate in the labour market, versus 94% of men.⁶¹ Major gender gaps still exist, as does continuing discrimination against women in the workplace. There has also been regression in some cases. Achievement of gender

equality and women’s empowerment will be unlikely if inequality at work and in relation to economic benefits continues. Studies show that fully closing gender gaps in workplaces could add up to \$28 trillion in annual GDP by 2025.⁶²

60. UN Women, Report on the implementation of sustainable development Objectives, 2018. From p. 23: *“The weighted global estimates range from about 16 percent (in the case of mean hourly wages) to 22 percent (in the case of median monthly wages), depending on which measure is used. Looking at all the different estimates, one conclusion is that, on average, women are paid approximately 20 percent less than men across the world.”*

61. *“A Quantum Leap for Gender Equality: For a Better Future of Work for All”*. ILO, 2019.

62. *“The Power of Parity: How Advancing Women’s Equality Can Add \$12 Trillion to Global Growth”*, McKinsey & Company, McKinsey Global Institute, Sept. 2015.

1. Key elements for the promotion of the economic empowerment of women

Women’s economic empowerment is a transformational process, achieved through the development of their employability through both initial and continuing training, through establishing working conditions that allow work-life balance and good time management, by developing a culture of equality based on the disruption of gender stereotypes and gendered power dynamics, and an access to true job diversity, both in the different sectors and in governance positions, and finally, through support in terms of public services, and in particular childcare. The challenge is to enable women to access all possible fields and create a space where they can make their voices heard and make economic and social decisions. Laws must help, not act as a barrier to their full and equal participation in social and economic life, and equal access to income and resources such as capital, land and property.

The Council highlights several obstacles that require urgent attention:

Legislation and women’s economic empowerment

The World Bank report, *“Women, Business and the Law”*⁶³ (2019), shows that the discriminatory laws that prevent women from having the same opportunities as men, from having access to the labour markets or entrepreneurship, and from being protected in their workplace, are obstacles to their economic empowerment. The repeal or enactment

63. *“Women, Business and the Law”*, World Bank, 2018.

of legislation plays a very key role in addressing barriers, and in fact, is at the core of SDG Indicator 5.1.1. Particularly, in areas where discriminatory laws already exist that create and entrench barriers to women's economic and social empowerment, the focus must be on repealing these laws and replacing them with progressive and equitable legislation. The development of regulatory frameworks is one of the seven drivers of change identified by the 'High-level Panel of the Secretary of the United Nations on the Economic Empowerment of Women' in its 2016 report.⁶⁴ For example, over 2.7 billion women cannot access the same jobs as men in the world. In 18 countries, husbands can legally forbid their wives to work.

Laws, if implemented through public policies aimed at the elimination of structural obstacles and cultural gender bias, can be powerful tools of change in favour of women's economic empowerment.

Recognizing, Reducing, and Redistributing Unpaid Care Work

Women tend to face barriers towards complete economic empowerment as they take on the role of mothers, especially with young children. Between 2005 and 2015, there was a 38.4% gap in employment rate between mothers of young children and women without children of that age. Furthermore, mothers of young children have lowest participation rates in managerial and leadership positions (25.1%) compared with their male counterparts (i.e., fathers of young children) (74.9%).⁶⁵

Unpaid care work is one of the main reasons for women remaining outside the formal labour market. Globally, 606 million working-age women (or 21.7 percent) perform unpaid care work on a full-time basis, compared to 41 million men (or 1.5 per cent). If there are no concerted efforts made to address this difference, closing the gender gap in time spent providing unpaid care will take an estimated 209 years.⁶⁶ The 2018 Advisory Council called on the G7 to '*recognize, reduce, and redistribute domestic and unpaid care work*' in line with the International Labour Organization's recommendations. Countries must recognize care work as a formal economic activity, reducing the burden through, for example, financial support for childcare, or paid leave to care

for children, elderly or infirm relatives. Another challenge is redistributing, through gender-transformative legislation and policies like mandating or incentivizing men to also take parental leave. Specifically, it is critical that countries work towards the goal of men doing 50 percent of care work, including childcare and housework. It is vital to implement comprehensive policies on maternity, paternity and parental leave, so they can be flexible in timing, and a portion of parental leave should be designated for men, and be non-transferrable, in order to increase the uptake from male parents. Parental leave should also be equally available for same-sex parents and adoptive parents, as well as self-employed and part-time workers.

Women's leadership

Women's economic empowerment also requires cultivating female leadership in the public and private sectors. With increased representation, women have the opportunity to advocate for gender-responsive policies and socio-economic reforms that account for the specific needs and challenges of women, young people, and other marginalized groups. Similarly, in the corporate sector, women's representation at the directorate and management levels can help address barriers to women's economic empowerment, such as pay gaps and inequitable leave policies.⁶⁷

Promoting Financial Inclusion

Financial inclusion is another important part of this picture, whereby women are excluded from economic activity because they are legally prevented access to a bank account or from obtaining formal identification or digital financial services. In fact, 1.7 billion adults still have no bank account — and most of them are women. Globally, 72 percent of men and 65 percent of women have an account, a gender gap of 7 percentage points. In developing economies, this gender gap

64. High-level Panel of the Secretary of the United Nations on the Economic Empowerment of Women, 2016.

65. Ibidem.

66. A Quantum Leap for Gender Equality: For a Better Future of Work for All. ILO, 2019.

67. "Women's Economic Empowerment through responsible Business Conduct in G7 Countries", We Empower, United Nations Entity for Gender Equality and the Empowerment of Women, 2018.

is 9 percentage points on average (67 percent of men, but only 59 percent of women) while there is no statistically significant gender gap in high-income economies. Overall, gender gaps are basically unchanged since 2011.⁶⁸

Eliminating Male Marital Permission

Laws that require a husband's permission for a number of activities, including opening a bank account, getting an ID card, registering a birth or getting a loan, act as major barriers to economic and other forms of empowerment. In 11 countries⁶⁹, married women cannot get an ID card in the same way as men, which hinders their ability to access financial and banking services, find employment, or even obtain a cell phone.

In 17 countries, married women cannot travel outside the home in the same way as men, meaning they face difficulties travelling to work, banks or other service providers⁷⁰. It restricts their ability to find and attend work, or to live in a place that offers economic opportunities for them. Restrictions on driving can have similar impacts.

Improving Access to Capital and Property

The ability to build up capital and own assets like property and land is essential to women's economic empowerment. Property or assets allow women to access financial services, obtain loans or credit, and start or register their business, for example. A number of discriminatory laws and social norms currently prevent women from building up this capital. These include unequal divorce laws, where unpaid care work is not recognized as a household contribution, and so the marital assets are not split equally, leaving the woman at a significant disadvantage. Inequitable inheritance laws that favour boys and men over girls and women also have the same effect of depriving girls and women of their fair share of property and capital. These laws perpetuate inter-generational poverty and discrimination. They are exacerbated by 'head of household' laws that exist in 31 countries⁷¹, which designate a man in charge of property, decisions, and family assets. These laws can mean a woman is not entitled to receive any government financial support, or cannot be allocated land, for example. Similarly, lack of land rights for women is a major barrier to accruing assets and property that financially empower them.

The Advisory Council has identified some examples of such laws, covering these aforementioned elements, from different parts of the world. The Heads of State and Government should draw inspiration from these examples, based on the recommendations of the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW)⁷², and encourages the States to adopt, ratify, and implement the ILO Conventions.

At a minimum, the Council considers that laws on employment and economic benefits should include the following elements:

- Mandate non-discrimination on the basis of gender in employment;
- Mandate equal remuneration for work of equal value;
- Allow women to work in the same sectors, jobs and functions as men; whether these jobs are rewarding or deemed hazardous or painful (night work) and perform the same tasks at work as men, even if the role of States and companies is to provide decent jobs for all men and women;
- Provide for paid maternity or parental leave available to mothers in accordance with the ILO standards;
- Provide for paid paternity or parental leave available to fathers or partners;
- Guarantee equal rights to legal capacity, including to be recognized as head of household or head of family;
- Guarantee equal rights to legal capacity, including choosing a profession;
- Guarantee equal rights to own, access and control marital property including upon divorce.

They should also enforce and monitor the existence or implementation of a public entity that can receive complaints on gender discrimination at work.

68. "GSMA Connected Women, Bridging the Gender Gap: Mobile Access and Usage in Low- and Middle-Income Countries", 2015.

Demirgüç-Kunt, Asli, et al. The Global Findex Database 2014: "Measuring Financial Inclusion Around the World", World Bank Group, 2015.

69. "Women, Business and the Law", World Bank, 2018.

70. Ibidem.

71. Ibidem.

72. CEDAW, General recommendation no. 17: Measurement and quantification of the unremunerated domestic activities of women and their recognition in the gross national product. General recommendation no. 16: Women working without remuneration in family businesses, and General recommendation no. 13: Equal pay for work of equal value

2. Illustrative laws

Address workplace discrimination

In **Fiji**⁷³, a 2007 law prohibits employee or future employee discrimination based on gender, marital status, pregnancy or family responsibilities, for recruitment, training, promotion and employment. Similarly, in **Tunisia**⁷⁴, the law prohibits economic discrimination, and discrimination in the world of work.

By prohibiting discrimination based on gender in the world of work, the law can establish a fundamental principle which constitutes a first step in guaranteeing equality. The possibility of condemning and punishing gender-based discriminatory practices ensues from this principle.

Ensure equal pay for work of equal value

Iceland⁷⁵ has established a law in this area which obliges companies or institutions with more than 25 persons to prove that they accord equal pay for work of equal value, punishable by fine. An external audit determines the procurement of a certification once every three years and a public whistleblowing system exists. **France**⁷⁶ has just passed a law introducing an obligation of result in terms of equal pay: companies must calculate and publish an index composed of five indicators (average pay gaps, average promotion rate, increase rate, including for women returning from maternity leave, place of women in the top 10 highest paid employees). A penalty of up to 1% of the wage bill is applied if the score is less than 75 out of 100 after a period of 3 years.

Legislation is critical to ensure equality in pay, especially given the perpetuation of a gender gap in earnings between women and men.

Fight harassment in the world of work

In 2018, **Canada**⁷⁷ adopted modifications to existing laws to better protect Parliamentary employees from harassment and violence at work at the federal level with three priorities: prevention, quick and efficient response, and support to victims. In **Ontario, Canada**, the Human Rights Code⁷⁸ prohibits sexual harassment in the workplace, and defines which behaviours constitute sexual harassment, such as “a sexual solicitation or advance” or “a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance”. It also establishes that the perpetrator of such acts “is guilty of an offence and on conviction is liable to a fine of not more than \$25,000”. Finally, it makes civil remedies available for victims of sexual harassment, including monetary compensation, and restitution to the victim, including for “for injury to dignity, feelings, and self-respect”.

Other G7 countries, like **France**⁷⁹, have implemented similar policies for public servants and employees in the private sector, by defining the notion of sexism at work in line with the recent definition of sexism by the Council of Europe. Law no. 2018-703 of 3 August 2018 strengthening the fight against sexual and sexist violence contains provisions relating to sexual and moral harassment, as well as provisions relating to repressing sexist content.

73. Law on Employment Relations, Promulgation in 2007.

74. Loi organique n° 2017-58 du 11 août 2017, relative à l'élimination de la violence à l'égard des femmes

75. Equal Pay Act 1961, supplemented by the Act on Equal Status and Equal Rights of Women and Men No. 10/2008 (amended in 2018)

76. Decree 2019-15, 8 January 2019 to eliminate the gender pay gap.

77. Bill C-65, Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1.

78. Ontario Human Rights Code, Sec. 7(2) and (3) (1990), 9, 46.1 and 46.2 (2006).

79. Loi n° 2018-703 du 3 août 2018 renforçant la lutte contre les violences sexuelles et sexistes.

Studies show that in many countries a majority of women struggles with harassment at work. In 2018, the Advisory Council called to end sexual harassment in the world of work and in public and private spheres. To be effective, the fight against harassment should be part of a comprehensive strategy to fight gender-based violence. The G7 countries should lead by example by implementing a zero-tolerance objective in the private and public spheres.

Protect female domestic workers and women workers in the informal sector

In 2013, **Argentina**⁸⁰ adopted a law aimed at formalizing the work of persons employed by private individuals by way of special contracts. This formalization of domestic work has allowed a large number of women to access their social security and pension rights. Argentina has continued along this path by obliging employers to insure their domestic workers.

In numerous countries, women continue to be over-represented in the informal sector and in domestic work. As such, they are not benefitting from the same protection and rights.

Ensure paid parental leave

Sweden⁸¹ currently offers 480 days of subsidized leave per child, much of which parents can share as they wish, with 390 days paid for by the government, at a rate of about 80 percent of their salary. At least three months of that leave is allocated to each parent on a "use it or lose it" basis.

Japan enacted the "Act on Childcare Support" in May 2019, under which the government provides the cost of nurseries and kindergarten for all children between the ages of 3 and 5.

Germany passed parental allowance legislation in 2007 and added flexibility mechanisms for both parents in 2015 (Parental Allowance Plus), which also includes financial incentives if both parents share parental leave and work

periods simultaneously. Parental allowance is paid up to 14 months (12 months if only one parent and an additional two months, if both parents take parental leave). It subsidizes 67% of net income (max. 1800 Euros). With the introduction of Parental Allowance Plus in 2015, Germany extended the maximum time-period (allowing a split of 1 month into 2) and also added a partnership-bonus of possible extra four months if both parents work 25-30 hours per week. Since 2007, the share of fathers who take parental leave (with a minimum of two months) has thus increased in Germany from 7 to 36%.

In Latin American, **Paraguay**⁸² has had a law since 2015 ensuring 18 weeks of fully paid maternity leave. The use of parental leave shared with the other parent must become a universal objective.

As breastfeeding one's child should not be an obstacle for women at work, **Norway**⁸³ guarantees the right to take paid breaks for breastfeeding (up to one paid hour per day) for every woman working seven or more hours a day who has a baby under the age of one.

The economic empowerment of women requires that men take care of 50 percent of childcare and domestic work, but women bear the brunt of unpaid work and childcare, limiting their ability to participate in the work force, become economically independent, and ascend to leadership positions. Paid parental - maternity and paternity - leave mitigate the opportunity cost of having a child, and make up an essential lever for the economic empowerment of women, as well as for breaking negative gender stereotypes.

80. Act No. 26.844 of 2013

81. Introduction of "parental insurance" in 1974 (SFS 1974:473), amended version of 2016

82. Act No. 5508 of October 2015

83. Labour Code, Article 12(8)

Improve equal participation in economic governance bodies by transitional quota

In **France**⁸⁴, the imposition by law of a quota of 40% for administrative and supervisory boards of large companies, or companies with 500 employees and a turnover of €50 million, combined with penalties in the event of non-compliance, such as the nullity of appointments not conforming with the objective of parity, and the suspension of the payment of attendance fees, has led to an acceleration of feminization in Boards and governing bodies. This law is in line with legislation in **Norway**⁸⁵, which in 2004 instituted a quota of 33% in executive boards – raised to 40% in 2008, with a legal possibility of dissolving the company in cases of non-compliance with the quota.

Experience shows that the establishment of quotas is a necessary measure to give women the opportunity to serve on large company governance bodies. The Council recommends that countries adopt quotas for the administrative and supervisory boards of large companies without delay.

Promote women's participation in the formal economy through the recognition of unpaid care work

Women bear the burden of unpaid care, limiting their participation in the formal employment sector. To understand how these dynamics affect women's economic empowerment, States must first recognize and value unpaid care. In **Colombia**, the Law on the Economy of Care (L1413 of 2010) incorporates unpaid care and unpaid work around the house into national statistics regarding the economy⁸⁶. The law mandates the National Statistics Department to collect pertinent data at least every three years.

The continuous collection of unpaid work data is the first step in recognizing, revaluing, and redistributing unpaid work. To promote implementation, the law sets clear timelines for the collection of data, assigns responsibilities to various governmental departments, and mandates the

Presidential High-level Advisor on Gender Equality coordinate the process. The data collected and subsequent analysis have led to addressing care needs through public policies, such as the creation of a National Care System and the expansion of the government's early childhood development programme.

Family-friendly policies also encourage women to return to the workforce after having children. **Sweden** accomplishes this through a combination of laws⁸⁷, including the provision of monthly child allowances from birth to age 16, public childcare, free education for children ages 1-6, and allowances for parents who stay home from work to look

Sweden is an example of multiple mutually reinforcing laws that exist within one country that work together to promote women's economic empowerment and address different care needs. While Sweden is a model, it is important to note that these services are funded or subsidized through taxation.

Create initiatives to enable young girls and women to gain confidence and overcome the barriers that prevent them from fully participating in the workforce

Gender gaps in labour market outcomes persist, despite girls' and young women's gains in education. Female youth are three times more likely than male youth to be outside of the labour force, and not participating in education (8% versus 24%). The NEET rate, which measures the proportion of youth not in education, employment or training, is twice as high for female youth than for male

84. Act No. 2011-103 of 27 January 2011 (Copé-Zimmerman)

85. Public Companies Act, Section 6-15, amended in 2004

86. For more information, see *Data2X Colombia: Time use surveys and Policy Case Study*

87. See Population Europe Resource Finder and Archive (PERFAR), "Family Policies, Sweden".

youth (at 31% and 16%, respectively)⁸⁸. A proper response to address the gender gap in the labour market also entails providing the poorest girls, and single and young mothers, with financial incentives to stay in school or to participate in youth employment or skills development programmes. It means empowering, motivating, encouraging and creating the space for girls and young women to consider careers in the growing digital world of work, as well as increase girls' participation in Science, Technology, Engineering and Math (STEM) learning.

The **United States** enacted the INSPIRE Women Act in 2017, which directs the Administrator of the National Aeronautics and Space Administration (NASA) to encourage girls and women to study science, technology, engineering and mathematics (STEM), pursue careers in aerospace, and advance U.S. space science and exploration efforts through support of three programmatic initiatives. The Act also directs NASA to submit to Congress a specified plan on how NASA can best facilitate and support both current and retired astronauts, scientists, engineers, and innovators, including early career female astronauts, scientists, engineers, and innovators, to engage with K-12 female STEM students and inspire the next generation of women to consider participating in STEM fields, and to pursue careers in aerospace.

Mentorship and outreach are crucial in recruiting girls and women into STEM, yet it has been noted that these policies fail without adequate funding to sponsor girls and women in these fields.

Promote entrepreneurship and women's economic empowerment in Official Development Aid (ODA)

In 2018, women only captured 2.2 percent of funds from investment funds around the world. For example, in France, the ten largest French investment funds invested only 2.5% of funds raised in companies co-founded by women over the past five years. This inequality is both a moral issue and a strategic mistake. Gender diversity maintains better collective intelligence, which itself

produces more innovative businesses, a fairer world, and better financial returns.

In addition to strengthening existing laws, systemic action is needed to achieve change. First, venture capital investors need greater awareness of gender-related biases, and need to include more women on their investment-making teams. Secondly, it will be necessary to focus investing on seed-to-scale companies that have women in the executive management in a broad range of sectors. Thirdly, companies also need to invest in the data and analytics tools that will allow them to monitor themselves and embed gender diversity into every process. Increasingly, investors are using environmental, social, and governance (ESG) data as part of their analyses. Providing them with standardized metrics empowers them to include gender diversity in their investment strategies.

The economic empowerment of women must equally be an objective as regards official development assistance. In 2018, the **United States** strengthened women's access to entrepreneurship and the employment objective in its development programmes through the "Women's Entrepreneurship and Economic Empowerment (WEEE) Act". The law, however, is new and untested, but is an interesting example to be tracked and monitored.

The G7 should set women's economic empowerment as a key objective of their ODA. The Council calls on G7 countries to ensure that at least 85% of their ODA in volume terms incorporates gender as a significant or main objective by 2025, of which at least 20% is dedicated to projects with gender equality as a main objective. The G7 countries should also ensure that 100% of their ODA is rated via the OECD gender marker.

88. International Labour Organization and United Nations Children's Fund, *GirlForce: Skills, Education and Training for Girls Now*, ILO and UNICEF, Geneva and New York, 2018. A skilled Girl Force is a global effort, led by UNICEF and ILO, to attract attention and investment to equipping girls and young women with knowledge and skills needed for work, so they can successfully transition into employment.

Promote women's entrepreneurship through the diversification of suppliers

The **United States** passed the "Women-Owned Small Businesses / Small Business Act", which helped public contracts going to women-owned companies to increase from 15.4 billion USD in 2013 to 20.8 billion USD in 2017.⁸⁹

Canada is taking steps to increase supplier diversity, and aims to double the number of women-owned businesses by 2025⁹⁰.

In **Kenya**, the *Public Procurement and Asset Disposal Act* came into force on 7 January 2016. The Act, under Part XII, provides for promotion of different forms of preference and reservation in public procurement. It focuses on disadvantaged groups (women, youth and persons living with disabilities); instructing Accounting Officers to reserve no less than 30% of their procurement spend to the disadvantaged groups.

Only 1% of contacts for goods and services⁹¹ of large companies and governments are going to businesses owned by women⁹². The Gender Equality Advisory Council in 2018 recommended supporting projects where private sector engagement can scale up new markets that can benefit people living in poverty, and small and medium-sized enterprises, among which enterprises led by women. Public contracts represent 9,500 billion dollars, but women entrepreneurs lack access. Public procurement can be a strong tool to improve women's economic empowerment.

Ensure equality of access to land and equal rights to inheritance

In **Rwanda**, Organic Law no. 08/2005 of July 2005, determining the use and management of land guarantees equal rights on land tenure for women and men, and forbids all discrimination on access to property. In 2017, 22% of land was owned by women, 12.6% was

owned by men and 35.3% was owned by couples⁹³. Access to land contributes to 38% of women's access to loans.

In **Malawi**, the 1994 Constitution, amended in 2017, guarantees gender equality in law. Article 20 enshrines the principles of non-discrimination, equal protection, and positive measures to combat gender inequality. Article 28 specifically guarantees women's right to property, and the revised *'Deceased Estates: Wills, Inheritance and Protection Act'* provides women equality in inheritance under the law, so that men and women are able to inherit property equally under the law (and did away with the customary notion of a male inheritor of property).

In **Namibia**, there is a positive legal framework on women's land rights, enshrined in the Constitution. In addition, the national land policy, the *Communal Land Agrarian Reform Act*, and recent government initiatives, aim to promote gender equality in the area of property rights and economic opportunities. The Namibian Constitution is also one of the few to use gender-neutral language⁹⁴.

Unequal access to land tenure and the lack of land tenure are often directly linked to human rights violations such as hunger, inadequate housing, and poverty. Women are discriminated against in their right to inheritance and access to land in many countries. Access to land and property is nonetheless a prerequisite for women's economic empowerment. Without access to resources, in particular land, women cannot access credit, and have limited opportunities to benefit from funding to expand their companies.

89. For more information, see the Small Business Administration website.

90. Source: Government of Canada – *Women Entrepreneurship Strategy*

91. *How to Buy From Women and Change Our World*, Elizabeth A. Vazquez, Andrew J. Sherman, 2013.

92. When 51% or more are managed by at least one woman.

93. Source: National Institute of Statistics of Rwanda, *Statistical Yearbook 2017*

94. See: *Social institutions & Gender index*, Namibia np (nd)

Address the underlying drivers of women's economic exclusion - equality in family law

In **Ethiopia**, Family Code no. 213/2000⁹⁵ has annulled all of the provisions that gave authority to the husband over the couple's assets, and whether his wife can work outside of the home. Spouses are henceforth equal with regard to the administration of assets, and the husband cannot unilaterally prevent his wife from working. The World Bank estimates that this law has enabled an increase in the participation rate of women in productive sectors⁹⁶.

In **India**, the 2005 law⁹⁷ reforms discriminatory inheritance practices and establishes equality in land inheritance between unmarried girls and unmarried boys. World Bank studies have shown the impact of this law on the decrease of the marriage of girls, as well as on the duration of their education.

Côte d'Ivoire reformed its family law to equalize the rights of married women. Previously, only husbands could decide on the family residence, and they could legally stop their wives from working if they deemed that the work was not in the interests of the family. Husbands were also the legal heads of household. A reform allowed both spouses to choose the family residence, and the position of head of household was removed. Côte d'Ivoire also no longer requires all married women to provide a marriage certificate when applying for a passport, a barrier to free movement when many marriages are not formalized.

Togo reformed its family law to equalize the rights of married women. Previously, husbands could legally object to their wives working if they felt it was not in the interests of the family. Now, both spouses have this right. It also removed the designation of "chef de famille" or head of household, which was previously only granted to husbands. Additionally, both spouses can now jointly choose the family home, whereas previously only husbands could do so.

Gender Equality in Family Law is a driver of women's economic empowerment. Where discrimination persists, it is critical that countries repeal all discriminatory provisions in the law.

Address the underlying drivers of women's economic exclusion - equal access to financial services

The **Democratic Republic of the Congo** reformed to allow women to register their business, open bank accounts and sign contracts in the same way as men. It also prohibited gender discrimination in access to credit, as did 23 other economies. Reforms prohibiting gender discrimination in access to credit are implemented through a variety of legislation, ranging from non-discrimination and gender equality laws, to credit and consumer protection acts.

Financial inclusion is an important driver for women's economic empowerment, and countries should ensure that women are not excluded from economic activity because they are legally prevented from access to a bank account, or from obtaining formal identification or digital financial services.

95. Revised Family Code, 2000, Federal Democratic Republic of Ethiopia.

96. See: *Empowering Women, Legal Rights and Economic Opportunities in Africa*, Mary Hallward-Driemeier and Tazeen Hasan, AFD, World Bank

97. Hindu Succession (Amendment) Act, 2005

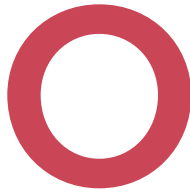
SECTION 4

COMBATING DISCRIMINATION, ENSURING FULL GENDER EQUALITY IN POLICIES AND IN PUBLIC LIFE



SECTION 4

COMBATING DISCRIMINATION, ENSURING FULL GENDER EQUALITY IN POLICIES AND IN PUBLIC LIFE



One of the areas where gender equality progress is especially slow is the participation and representation of women in decision-making, political and public life. Today, women represent 6.6% of Heads of State, 5.2% of Heads of Government and 24.3% of parliamentarians worldwide⁹⁸. The representation of women in political functions is progressing too slowly.

These inequalities are rooted in discrimination, women's disproportionate responsibility for care work, experiences of harassment in public life, and gender stereotyping which exacerbates economic hardship, risks of exclusion and violence towards women.

International frameworks⁹⁹ prohibit gender-based discrimination, and provide for guarantees for women and men in order that they benefit equally from their civil, cultural, economic, political, and social rights. The UN resolutions have made a significant contribution to the reduction of discrimination in political and social fields.

The 1995 Beijing Declaration and Platform for Action drew attention to the persisting inequality between men and women in decision-making, and set forth governments' commitments to enhance "women's equal participation in decision-making, as not only a demand for justice or democracy, but as a necessary condition for women's interests to be taken into account" and "ensure women's equal access to and full participation in power structures and decision-making". It also called for "Governments [to] commit themselves to gender balance [...] in all government-appointed committees, boards and other relevant official bodies, as appropriate, as well as in all international bodies, institutions and organizations" (paragraph 299).

The Convention on the Elimination of All Forms of Discrimination Against Women, in its Article 7, called upon States parties "to take all appropriate measures to eliminate discrimination against women in the political and public life of the country". At its sixteenth session (1997), the Committee on the Elimination of Discrimination against Women adopted general recommendation 23 regarding the participation of women in political and

public life. It emphasized that States parties should ensure that their constitutions and legislation complied with the principles of the Convention, and that they were under obligation to take all necessary measures, including temporary special measures, to achieve the equal representation of women in political and public life.

In its resolution 1325 (2000) on women, peace and security, the Security Council reaffirmed the important role of women in the prevention and resolution of conflicts, and in peace building, and stressed the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, as well as the need to increase their role in decision-making.

This is why the 2018 Advisory Council, in its "Make Gender Inequality History" report, has expressly recommended that the G7 States implement policies that encourage the leadership of women and the increase of their participation in politics and economic life, promote improved sharing of domestic duties between sexes, invest in social protection systems adapted to gender, and integrate gender budgeting in elaboration of all policies.

98. 2019, Women in Politics IPU/UN Women

99. Universal Declaration on Human Rights, International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Discrimination Against Women.

1. Key elements to combat discrimination, ensure full gender equality in policies, and the effective participation of women in public life

In accordance with UN General Assembly Resolution 66/130 on Women and political participation of 2011, and 73/148 on Intensification of efforts to prevent and eliminate all forms of violence against girls and women: sexual harassment of 2018, the Council urges the States to address the root causes of discrimination and inequality. This implies the establishment of laws and measures specific to combating gender stereotyping, and the transformation of cultural norms and burdens, which should be accompanied with courageous policies and ambitious means.

The Council recommends that, at a minimum, the following elements should be included in legislative frameworks to ensure non-discrimination on the basis of gender, in accordance with SDG Indicator 5.1.1, and especially under two areas of law (overarching legal frameworks, including constitutions, and public life and marriage and the family). This implies not only the removal of discriminatory laws, but also putting in place legal frameworks that promote, enforce, and monitor gender equality, including policies/plans, enforcement and monitoring mechanisms, and allocation of financial resources:

Promotion of non-discrimination:

- Customary and personal laws are invalid if they violate constitutional provisions on equality or non-discrimination;
- Countries need anti-discrimination laws that prohibit

direct and indirect discrimination against girls and women;

- Women and men must be ensured equal rights and access to hold public and political office (legislature, executive, judiciary);
- Active measures are required, such as transitional quotas for women (reserved seats) in national parliaments and in candidate lists for national parliaments;
- Women and men must be ensured equal rights to confer citizenship to their spouses and their children;
- 18 should be set as the minimum age of marriage, with no legal exceptions, for both women and men;
- Women and men require equal rights to enter into marriage (i.e. consent) and to initiate divorce;
- Women and men must have equal rights to be legal guardian of their children during and after marriage;
- Women and men must be guaranteed equal rights to legal capacity, including to choose where to live, to choose a profession, to obtain an identity card, and to apply for passports; and
- Women and men require equal rights to own, access, and control marital property including upon divorce.

Enforcement and monitoring:

- Countries need specialized independent bodies tasked with receiving complaints of discrimination based on gender (e.g., national human rights institution, women's commission, ombudsperson);
- It is essential to mandate legal aid in criminal, civil, and family matters;

- A woman's testimony should have the same evidentiary weight in court as a man's;
- Laws are needed that require the production and / or dissemination of gender statistics;
- Sanctions are required for non-compliance with mandated quotas for women or incentives to include women on candidate lists for national parliamentary elections;
- Marriage under the legal age should be void or voidable;
- Dedicated and specialized family courts are critical.

2. Illustrative laws

The Advisory Council has chosen 15 laws and norms that can constitute good practices, and contain provisions or mechanisms that enable a structural change of the situation regarding the fight against discrimination, the full integration of gender equality in policies, and an effective participation of women in political and public life.

Combat discrimination against girls and women

The **Philippines** has had a Magna Carta for Women¹⁰⁰ since 2009, which is exemplary in terms of alignment with the Convention on the Elimination of All Forms of Discrimination Against Women. Notably, the charter covers combatting violence against women, the obligation to reform discriminatory legislation measures, the establishment of training for public agents on gender, private sector tax incentives for access for women to positions of responsibility, the practise of the feminisation of management and the improvement of conditions for women's access to the armed forces and the police.

In this Magna Carta for Women, the Philippine government is devoted to the CEDAW, ratified in 1981 by the country. Some stipulations in Republic Act 9710 include the increase of women in third-level government positions for a 50–50 balance, leave benefits with full pay,

non-discrimination in the military, police, or associated services, equal access and discrimination elimination in the domains of "education, scholarships, and training," and portrayal of women in mass media. In addition to guaranteeing substantive rights, the MCW establishes the responsibility of the government to take actions in order to end discrimination against women. It provides that the Philippines government must "ensure the substantive equality of men and women", and mandates the State to take steps to review, amend, or repeal existing laws that are discriminatory towards women.¹⁰¹

The inclusion of gender equality in a country's constitution demonstrates that it is a fundamental right for citizens. The Council wishes to highlight the significant step taken by **Tunisia**, which enshrined the principle of the equality of citizens without discrimination in the preamble to its Constitution in 2014¹⁰², and includes a specific Article on women's rights.

100. "Magna Carta of Women. Implementing rules and regulations", Philippine Commission on Women, 2010

101. Ibidem.

102. Tunisian Constitution.

Tunisia's 2014 constitution codified equality for women. Laws criminalizing domestic violence and eliminating the rape loophole (where rapists could marry their victims) are rooted in the constitution's Article 21, which provides equal rights and equal protection under the law. Article 46 goes a step further than those in many established democracies in its commitment to promote and develop women's rights, to include a "guarantee of equality of opportunity" and aims "to achieve equal representation...in elected councils." Consistent with this commitment, women are better represented in the Tunisian Parliament, at 31 percent, than in legislative bodies in the United States, Britain, and Canada. Perhaps more significantly, Tunisian women exceed 35.9 percent representation in the economic and foreign affairs committees, and 34 percent in the power committees, arguably the most influential legislative committees.¹⁰³

The Council recommends another good practice, that of enshrining in the law the creation of independent bodies dedicated to gender equality, like **Finland** and its 1987 law on equality (supplemented in 1995 and in 2005)¹⁰⁴. It creates four structures attached to the Ministry of Social Affairs and Health, responsible for the promotion of gender equality: the Equality Unit (in charge of the creation of governmental action and national legislation), the Mediator (Ombudsman) for Equality (responsible for the verification of law enforcement and taking action on cases relating to discrimination), the Commission for Equality, a jurisdictional body able to impose penalties (fines, prohibitions) and the Equality Council (forum in which women's associations can participate).

This law covers gender discrimination in a comprehensive way, from promotion of gender equality to mediation, enforcement and monitoring.

Good practice anti-discrimination laws reinforce the equal rights of men and women, and prohibit direct and indirect sex discrimination, such as **Australia's** Sex Discrimination Act 1984¹⁰⁵ as amended to 2017.¹⁰⁶ The Act specifically prohibits both direct and indirect discrimination, as well as sexual harassment, with a separate provision articulating a "reasonableness test" for indirect discrimination. It identifies a range of grounds of discrimination, including sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, and / or family responsibilities, and covers areas including employment, accommodation, education, the provision of goods, facilities and services, the disposal of land, the activities of clubs, and the administration of laws and programmes.

Promote gender-responsive budgeting

The normative framework of the fight against discrimination is only efficient if accompanied by specific measures and means. In this sense, the adoption of laws on gender-responsive budgeting in public finances as a tool for the realisation of the rights of women is essential. An integrated approach to gender equality should be applied to the financial aspect of public policies, both in collection (taxes, service payments, etc.) and distribution of financial resources (subsidies paid to associations, investment in equipment, operation of services, etc.).

If the G7 countries have effectively used a broad range of fiscal and non-fiscal policies in order to reduce gender inequality, the establishment of efficient gender-sensitive finance management tools has generally progressed more slowly, according to the "Gender Budgeting in G7 countries" report prepared by the IMF for the Italian presidency of the G7 in 2017.

103. "How legal reform can drive social change for women in Tunisia", Andrea Taylor and Elissa Miller, Atlantic Council, 8 March 2018

104. Act on Equality between Women and Men, Finland

105. Sex Discrimination Act, 1984.

106. Sex Discrimination Act 1984 (Cth) ss5, 5A, 5A, 5C, 6, 7, 7AA, 7A, 7B, Australia

SECTION 4

COMBATING DISCRIMINATION, ENSURING FULL GENDER EQUALITY IN POLICIES AND IN PUBLIC LIFE

In 1995, **Canada** was the first of the G7 countries to commit to using gender-based analysis (GBA) to advance gender equality in Canada as part of the endorsement of the Beijing Platform for Action, and reaffirmed its commitment to support the implementation of GBA in all federal departments and agencies.

In the G7, **Canada, France** and **Japan** have the distinction of presenting a dedicated gender budget¹⁰⁷. In 2018, Canada tabled its budget titled "Equality + Growth: A Strong Middle Class". This budget recognizes that gender equality is a driver of economic growth, and contains over 20 measures targeting women and gender equality. In 2018, the Canadian Gender Budgeting Act was passed by Parliament, aiming at considering gender equality and diversity in the budget process¹⁰⁸. As another example, the Canadian government supported the CodeCan programme in Budget 2018, a programme to teach coding to youth, and designed to reach traditionally under-represented groups in the fields of Science, Technology, Engineering and technology and Mathematics (STEM). To date, CodeCan has reached approximately 350,000 girls, more than 68,000 Aboriginal students, more than 100,000 at-risk youth and 34,000 newcomers to Canada.¹⁰⁹

Among many initiatives taken or implemented by member countries, but also beyond the G7 countries, these laws are good examples of the effective application of Gender Budgeting.

Uganda, through its 2015 Public Finance Management Law¹¹⁰, makes gender-responsive budgeting mandatory in every sector and for all Ministries, departments, and State agencies. An Equal Opportunities Commission notes the budgets presented. The Ministry of Finance presents the certified annual budget to the Parliament.

Gender and Equity provisions of the Public Finance Management Act, 2015 oblige Ministries, Departments and Agencies to address gender and equity concerns in the budget so that all sections of the population, including women, people with disabilities, youth and children, older persons and ethnic minorities are included in the national development process.

Thanks to close cooperation between central ministries of government, non-governmental organizations, and donors, the country has achieved some success in addressing gender-oriented goals in education and health, and in strengthening justice, law, and order to attend to women's needs through budgeting initiatives at the national and local levels.¹¹¹

In **Morocco**, the 2015 Organic Finance Law¹¹² was promulgated following a gender-responsive budgeting experimentation. The law puts in place a mid-year exchange mechanism between the government and Parliament on the state of progress of the implementation of the Finance Law. In terms of gender-responsive results-based management, the organic law introduces a three-year strategic plan through medium-term expenditure Frameworks and promotes the alignment of budgets on public policies. Each Ministry must present a performance programme.

Ongoing efforts have resulted in the Gender-Responsive Budget being progressively anchored in Morocco's budget reform process. Experience with results-based and gender-responsive public finance management for more than 10 years in Morocco resulted in the adoption of the new organic law of finance by the Council of Government, which legally institutionalizes gender equality throughout budget processes. Taking the GRB processes a step forward, the legislation explicitly mentions that gender equality must be taken

107. IMF, Gender Budgeting in G7 Countries, 2017.

108. Canadian Gender Budgeting Act/S.C. 2018, c. 27, s. 314/

109. See Recommendation 33 ("Integrating gender-based analysis, gender-responsive budgeting and gender auditing at each stage of gender development and implementation") of the 2018 Gender Equality Advisory Council.

110. Uganda Public Finance Management Act, 2015

111. Uganda government response to the IMF questionnaire, unpublished, 2015.

112. Moroccan financial law no. 130-13, 2015

into account in the definition of objectives, results, and indicators of performance of the budget line items. The new organic law also institutionalizes the Gender Report as an official document that is part of the annual Finance Bill, which is an important achievement.¹¹³

Promote gender auditing

Kenya enacted the "National Gender and Equality Commission Act" in 2011 to establish a Commission that is mandated to promote gender equality and freedom from discrimination; coordinate and facilitate mainstreaming of issues of gender in national development; conduct audits on the status of special interest groups including women; among other responsibilities. The Commission is required to submit the reports to the State body after performing an audit or investigation, and can submit the report to Parliament if the recommendations of the Commission are not implemented within a specified time frame. The Commission's activities follow the 2017-2022 Strategic Plan, which is aligned with Kenya's development agenda.

The creation of a specific body designated to mainstream gender throughout public policies and development programmes is an innovative way to keep the government accountable. Furthermore, this law contains efforts to ensure implementation of gender-related recommendations by granting the Commission the power to take reports to Parliament. In the 2016-2017 time period, the Commission successfully reviewed 17 bills, submitted edits to 14 laws, issued 13 advisories, and has helped develop gender-responsive budgeting guidelines. These successes highlight the impact these types of laws can have in driving gender equality forward.

Foster gender mainstreaming through feminist diplomacy

The question of how to take gender into account at each stage of the development of an international aid policy (funding, evaluation criteria, monitoring) is central to feminist diplomacy. Gender budgeting is a tool for assisting governments and civil servants in collecting and analysing data in support of policies, plans and budgets to assess how they respond to gender gaps and the specific priorities and needs of girls and women.

Since 2017, **Canada** has deployed feminist diplomacy. One of the pillars of Canadian feminist diplomacy was the establishment of an international aid policy that sets specific objectives related to gender equality, with a goal of 95% of projects targeting or integrating these objectives by 2021-2022. In addition, Canada also launched the "Elsie" Initiative to increase women's participation in peace operations in 2017. At the domestic level, Canada's goal is to increase the proportion of women in the Canadian military by 1% per year, from 15% currently to 25% by 2026.

Canada's feminist diplomacy is a cross-cutting public policy with several fields of action. Thanks to legislative measures and different policies (training, action plans, quantified commitments) deployed in the relevant ministries, and adapted to the specificities of the international policy of each of the G7 partners, feminist diplomacy and gender mainstreaming can make it possible to implement Sustainable Development Goal 5 - "Achieve gender equality and empower all girls and women".

113. See "Morocco's successful case in implementing gender responsive budgets", UN Women.

Promote the participation of women in politics, including through adopting temporary special measures (TSM)

According to the Inter-Parliamentary Union in its report, *Women in parliament in 2018: The year in review*¹¹⁴, over 130 countries have adopted quota policies at state or party levels. The countries with gender parity quotas have elected a greater number of women to parliament than those without. The Inter-Parliamentary Union equally indicates that quota policies are effective in significantly increasing women's representation in parliaments when they also provide for sanctions or placement mechanisms.

The Council therefore encourages the States to adopt TSMs in the form of quotas and conducive electoral systems that eliminate all legal obstacles preventing women from having access to elected office and an equal participation in political life. **Bolivia's** constitution and electoral law¹¹⁵ as of 2010, for example, require 50% parity of women and men, alternately placed, on electoral lists. In the event of non-compliance, the electoral list is rejected, and the party has 72 hours to make a new proposal.

Though considered temporary special measures, the Advisory Council recognizes the significant results of quota policies around the world. The case in Bolivia shows the important impact of gender quotas, in the first election after a constitutional amendment in 2010 requiring half of all candidates to be women, female representation in the Chamber of Deputies jumped from 25% to 53%. Furthermore, the introduction of this law immediately resulted in a greater presence of women on the ballots and in local governments. After the 2015 elections, women occupied 47% of positions in municipal councils across Bolivia. Since then, women have remained in the majority, with Bolivia's quota having the most radical ranking requirements. Parties' candidate lists must be drawn up so as to alternate by gender (called the "zipper system"). This means that one in

every two candidates that ends up winning a seat has to be a woman. This rigorous "zipper" system is known as the most effective mechanism to ensure that quotas get more women elected.

In **Rwanda**, the law No. 27/2010 of 19 June 2010 on elections stipulates that at least 30% of parliamentary election candidates on political party lists must be women¹¹⁶. The country remains in first position in world rankings – a position it has held since 2003 – with 61.3% of women parliamentarians, 24 years after a devastating genocide. Mechanisms that enable high levels of women's representation in decision-making in the country include a Ministry of Gender endowed with a substantial mandate, women's councils elected at the grassroots level and represented at the national level, a national electoral ballot reserved for women, the political parties adopting their own voluntary quotas for women candidates on party lists, and strong gender equality provisions in the constitution elaborated by women leaders in government and civil society.

The implementation of an electoral gender quota in Rwanda carved out the space necessary to allow more women to enter into politics. Numerous factors created the enabling environment necessary for the quota to be effective: challenging the hierarchical gender relations in post-genocide Rwanda; the existence of political will on the part of the government to engender politics; the role of national structures in monitoring and pressing for gender-sensitive national policies, as well as the strategic mobilisation of female parliamentarians that was backed by the progressive new 2003 Rwandan constitution setting a 30 percent quota for women in elected positions, and political parties adopting their own voluntary quotas for women candidates on party lists.

114. *Women in Parliament in 2018*, Inter-Parliamentary Union, 2018.

115. "Ley 026 Régimen Electoral" (30/06/2010), Bolivia

116. "Law relating to election" no. 27/2010 of 19/06/2010, Rwanda

Promote equality of participation in peace and security

The **United States** enacted the “Women, Peace, and Security Act” of 2017 to strengthen efforts to prevent, mitigate, and resolve conflict by increasing women’s participation in negotiation and mediation processes. It recognizes that women are under-represented in conflict prevention, resolution, and peace-building efforts; and the benefits of having women participate in peace negotiations. The Act ensures meaningful participation of women in these areas by integrating the perspectives and interests of the women affected, encouraging partner governments to improve women’s participation in peace and security efforts, promoting women’s safety, ensuring equal access of women to aid distribution services, among other elements.

The “Women, Peace, and Security Act” of 2017 was landmark legislation, as the United States was the first country to establish a comprehensive law recognizing women’s essential contributions to efforts that promote peace, maintain security, and prevent conflict. It also recognizes the role States have in setting global examples for other countries. Finally, this Act has built-in accountability mechanisms, such as the requirement to establish a single government wide “Women, Peace and Security Strategy” no later than one year after the legislation is enacted. The strategy is required to describe how the United States will achieve the implementation of the Act with specific and measurable goals, metrics, and timetables. It must also have a plan on how the US will support other governments in their efforts to improve meaningful participation of women in peace and security efforts.

differential impacts of climate change on men, women, and children. It mandates the formulation of the National Climate Change Action Plan and Framework to ensure implementation of the Act. It promotes gender-mainstreaming throughout the “climate strategy” and it mandates states to incorporate gender-sensitive perspectives in all climate change and renewable energy efforts.

There is upfront recognition of the differential impact of climate change on women, and an implementation strategy, and the legislation incorporates women’s perspectives into all efforts.

Address gender-mainstreaming in relation to climate change

The **Philippines** has actively integrated gender into their climate change policy. The “Climate Change Act of 2009” (Republic Act No. 9792), calls for the identification of

The Council seeks to ensure the full and effective participation of girls and women in decision-making, in the G7 processes, and beyond.

To this end, the Council calls on the G7 and other countries to make individual commitments towards improving the legal and policy frameworks, with a view toward creating a global coalition committed to the full empowerment of girls and women through the implementation of laws that protect and promote equality and women's and girls' rights.

It also invites States – G7 and others – to fully integrate the goal of gender equality into all of their policies, from education to health, through social affairs or employment policies, science, and efforts to create sustainable economies.

The Advisory Council invites G7 leaders and non-G7-countries to commit to adopting, implementing and strengthening at least one law in their own countries, but preferably several.

At the same time, discriminatory laws that are currently in place should be repealed, including closing any related legal loopholes that enable negative practices.

The Council urges States to devote the necessary financial and human resources to implement this ambitious, but achievable, goal, such as through dedicated gender-sensitive and inclusive budgeting and sector plans.

In addition, the Council calls on States to support civil society – NGOs, feminist groups, and grassroots organizations – which are essential to achieving gender equality.

Resources are also needed for data collection and analysis to inform the response.

Finally, the Council strongly recommends that G7 leaders define an accountability framework, with clear indicators that continuously track and report on G7 performance on gender equality actions and commitments, and encourages that the States begin these processes before the next G7.

> Proposal of the Advisory Council on a G7 Accountability Framework

The G7 countries commit, through the Biarritz Partnership, to ensure that legislative frameworks, and their related implementation, are inclusive, gender-sensitive and promote the achievement of gender equality and women's rights. Accountability plays a

crucial role in meeting this commitment. The 2019 Gender Equality Advisory Council (GEAC) urges the G7 countries and other countries committed to Partnership to adopt the proposed accountability framework in the form of an eight-point action plan.

ACTION	PROPOSED TIMEFRAME
1. Conduct gender analyses of existing and prospective legislative frameworks and policies to ensure the advancement gender equality by leveraging existing information and pulling in additional expertise as needed. While doing so: <ul style="list-style-type: none"> (i) identify existing legislation which is inconsistent with international human rights obligations and opportunities to institute new legislation to promote gender equality; and (ii) include civil society and women's groups in these gender analyses. 	Q3 2019- Q4 2020
2. Abolish or reform discriminatory legislative frameworks and/or close legal loopholes of a particular legislation that enable negative practices with regard to gender equality.	Initiate in 2020 with clear milestones. Progress reported annually.
3. Reform or create progressive legislative frameworks, in line with the 2019 GEAC Recommendations. While doing so: <ul style="list-style-type: none"> (i) integrate relevant benchmarks or standards from international conventions into the chosen legislation; (ii) reconcile statutory laws with any customary or traditional laws and practices to ensure the girls' and women's rights are upheld; and (iii) develop legislative frameworks comprehensively on specific issues. 	Initiate in 2020 with clear milestones. Progress reported annually.
4. Engage in and facilitate peer learning and exchange on good practices .	2020 onwards
5. Establish national plans with targeted, time-bound, objectives to monitor and report on progress in implementing selected legislative frameworks and its effect on gender equality. Institute mechanisms to address gaps or slow implementation in case targets are not met, with the support of civil society.	2021 (as laws and reforms are passed) onwards

6. Cost out and designate sufficient resources (financial and human) to implement new legislative frameworks through gender-sensitive budgeting and ensuring budgets are publically available. Develop comprehensive programs that would support the implementation of the frameworks.	2021 (in accordance to national plans) onwards
7. Monitor and track the implementation of the legislative frameworks periodically, through disaggregated data, including by sex, gender, and disability, and make reporting publically available, on an annual basis. Ensure social accountability mechanisms are widely available for civil society to help drive accountability.	2021 (as laws and reforms are passed) onwards
8. Prioritize impact evaluations of the implementation of the selected legislative frameworks to scale up effective gender initiatives to understand which approaches have the highest impact.	2023 onwards

Broader ODA Financing Asks:

In addition, the GEAC calls for the G7 to live up to their promises of spending 0.7% of gross national income on official development assistance (ODA).

The G7 leaders must ensure that at least 85% of the entirety of their ODA, in terms of volume, integrates gender equality as a significant or main objective by 2025, of which at least 20% dedicated to projects with gender equality as their main objective.

These commitments will be monitored and published through the existing reporting against the DAC Gender Equality Policy Marker in the OECD DAC's Creditor Reporting System.

Monitoring and Reporting Process

Commitments to the Biarritz Partnership by the G7 and other countries will be publicly announced during the G7 Summit in Biarritz in August 2019. Additional countries will be invited to join the Partnership and make their commitments at the UN General Assembly High-Level week in September 2019 and throughout the year.

A dedicated webpage will be launched and regularly updated to publish and monitor commitments.

UN Women and the Organization for Economic Co-operation and Development (OECD) will work in partnership to provide support to the implementation, monitoring and

reporting process, leveraging existing mechanisms. This will include:

- Capacity for overall coordination and to provide technical support to countries in implementing their commitments, particularly non-G7 low-income countries;
- Publicizing the partnership and creating opportunities for reviews and peer exchanges as part of existing mechanisms and events (see below);
- Publication of an annual report to highlight progress, gaps, trends and presentation of the report at G7 meetings, including summits and in other relevant fora;
- Engagement of civil society, academia and other stakeholders for enhanced advocacy and support for the Partnership.

While the signatories of the Biarritz Partnership will self-report, UN Women and the OECD will cross-check data and information with other available information and mechanisms, and incorporate this in their own reporting. They will rely on information such as, but not limited to:

- Reporting on SDG indicator 5.1.1;
- The OECD Gender Initiative; the Women's Entrepreneurship Initiative and the implementation of the OECD Recommendation on Gender Equality in Public Life;
- The OECD Social Institutions and Gender Index (SIGI);
- DAC Gender Equality Policy Marker and the implementation of the DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance;

- Data from UN Women’s strategy to end discriminatory laws;
- Reports for the Convention of the Elimination of All Forms of Discrimination Against Women.

The following events/mechanisms will be leveraged to highlight progress on the Partnership and allow for peer exchange:

- G7 and G20 summits and Sherpa meetings;
- Annual meeting of the G7 Gender Equality Advisory Council
- UN General Assembly week;
- Annual session of the Commission on the Status of Women;
- OECD week (Forum and Ministerial);

- The OECD DAC Network on Gender Equality (GenderNet) meetings;
- The SIGI network and the OECD Working Party on Gender Mainstreaming and Governance.

A more detailed proposal will be developed upon confirmation of interest by the G7 Presidency or other G7 countries.

Budget and Funding

The below budget provides an annual minimum estimate of funds required to provide support for the Partnership’s monitoring and evaluation. A more specific and accurate budget will be put together based on the availability of funds and specific needs.

Description	Annual Estimated Cost (USD)
<ul style="list-style-type: none"> • Overall coordination • Technical support to partner countries in implementing their commitments • Outreach to new countries • Coordination of the annual report, including substance and production • Administrative support 	\$340,000 (for human resources capacity in the form of one specialist and one administrative assistant)
Production of annual report	\$32,400
Webpage production and maintenance	\$43,200
Annual event during the United Nations General Assembly week	\$20,000
Civil society engagement and mobilization	\$50,000
Peer learning and awareness-raising platforms	\$10,000 (per event)
Civil society engagement and mobilization	\$50,000
TOTAL	\$495,600

Financing for this budget can be provided through a variety of ways, including:

- Commitment by France or together with a group of other G7 countries to fund this proposal;
- Agreement for the rotating G7 Presidency to cover related costs;

- “Membership fee”, whereby Partners provide a set contribution in support of the Partnership alongside their commitment;

- Separate fundraising efforts with private sector, foundations, etc.

> Members of the Gender Equality Advisory Council



Alice ALBRIGHT (USA)
Chief executive officer, Global Partnership for Education



Lisa AZUELOS (France)
French film producer and women's rights activist



Bochra BELHAJ HMIDA (Tunisia)
Lawyer and politician



Assia BENZIANE (France)
Deputy Mayor of Fontenay-sous-Bois, in charge of gender equality. Founder of schools for illiterate women, co-lead of the network *SNCF au Féminin*



Wided BOUCHAMAOU (Tunisia)
Businesswoman and former president of the Tunisian Confederation of Industry, Trade and Handicrafts, which won the Nobel Peace Prize in 2015 along with three other civil society organisations (Quartet)



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Director of the emergency accommodation and social rehabilitation centre « FIT – Une femme un toit »



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Writer, editor, film director



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Vanessa MOUNGAR
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Director of the Gender, Women and Civil Society Department, African Development Bank



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Gynecologist, human rights activist, awarded the 2018 Nobel Peace Prize



Nadia MURAD (Iraq)
Iraqi Yazidi human rights activist, awarded the 2018 Nobel Peace Prize



Irene NATIVIDAD
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Phumzile MLAMBO-NGCUKA
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Former Deputy President of South Africa, Under-Secretary-General of the United Nations and Executive Director of UN Women



Alexandra PALT
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Chief corporate responsibility officer at L'Oréal, executive vice-president of the L'Oréal Foundation



Natalia PONCE DE LEÓN (Colombia)
Businesswoman and founder of Foundation Natalia Ponce de León, active in the field of human rights



Kareen RISPAL
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