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Committee on Economic, Social and Cultural Rights (CESCR)

Human Rights Treaties Division (HRTD)

Office of the United Nations High Commissioner for Human Rights (OHCHR)

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Via E-mail: cescr-article7@ohchr.org

Re: General discussion on just and favourable conditions of work

22 May 2015

Dear Distinguished Committee Members,

Thank you for this opportunity to contribute to the General discussion on just and favourable conditions of work and the draft General Comment on Article 7 of the International Covenant on Economic, Social and Cultural Rights (the Covenant). I am writing on behalf of Equality Now, an international human rights organization, with ECOSOC status, working for the protection and promotion of the rights of women and girls worldwide. Equality Now's membership base, the Equality Action Network, is comprised of individuals and organizations in over 190 countries. Issues of concern to Equality Now include discrimination in law and all other forms of violence and discrimination against women and girls.

We have read the current draft of the General Comment and note with appreciation references throughout to the obligation of States Parties to ensure non-discrimination in the law. Of particular focus to Equality Now within this broader context are a) laws that explicitly discriminate against women by limiting their right to apply for or undertake certain jobs and b) laws that discriminate against women passing their nationality to their children and their foreign spouses on the same basis as men. In this latter case, such discrimination frequently has as a consequence the inability of those adult children and spouses to access jobs in the same way as children and spouses who rely on the rights of men to pass on nationality. This causes severe hardship and vulnerability to the individuals involved and can result in them being unable to access other rights guaranteed under the Covenant.

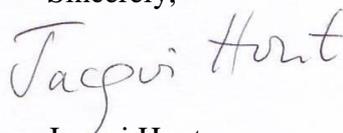
To reinforce the principle of non-discrimination in the law, we would respectfully request the Committee to consider highlighting specifically in the Core Obligations section of the General Comment the need for governments to repeal or amend sex discriminatory laws relating to employment and nationality, perhaps along the lines of: "Amend or repeal all sex discriminatory laws, including employment and nationality laws, which limit women's access to employment opportunities and that of their foreign spouses and adult children". We believe the right of everyone to the enjoyment of just and favourable conditions of work cannot be fulfilled without the fundamental and foundational step of governments guaranteeing gender equality under the law, including by repealing or amending existing sex discriminatory laws.

We are pleased to enclose for your general information Equality Now's advocacy report, *Words & Deeds – Holding Governments in the Beijing+20 Review Process*¹. *De jure* sex discrimination in economic status laws still exists in many countries around the world and restricts women from being economically independent, as well as to employment opportunities, thereby reinforcing gender stereotypes. Examples of these laws in our report include a husband being able to object to his wife's employment; prohibition of women being employed in particular occupations and at certain times of the day; and restrictions on paternity leave. These sex discriminatory laws prohibit women from enjoying their rights under Article 7 on an equal basis with men by restricting their access to employment itself and to just and favourable conditions of work.

Sex discriminatory citizenship laws², one type of personal status law, do not allow a woman the same rights as a man to confer her nationality on her children or foreign spouse, which often has negative implications for her spouse's employment and that of her adult children in her country of origin and their country of residence. Our report, *Campaign to End Sex Discrimination in Nationality and Citizenship Laws*³, (also enclosed) illustrates through case studies from local partner organizations in several countries in different regions of the world the economic and human exploitation that can result from sex discriminatory nationality laws and the deleterious effect on the family. Often, lack of citizenship results in a family having to pay school and healthcare fees as well as work permit fees. In some cases, children cannot even be registered for school without the spouse having a valid work permit. This limits their education and consequently employment opportunities. While we appreciate that governments do not have an obligation to provide access to all services and facilities to all people on their territory, they do have an obligation to remove discrimination which differentiates between what rights can be accessed through a man and a similarly situated woman. Sex discriminatory nationality laws should be amended as soon as possible to remove the discrimination and allow families to better enjoy the rights under the Covenant.

Thank you for this opportunity to contribute to the General discussion on just and favourable conditions of work and the draft General Comment on Article 7 of the Covenant. Please do not hesitate to contact me should you need any further information. We very much look forward to the publication of the General Comment.

Sincerely,



Jacqui Hunt
Director, London office

¹ Available at <http://www.equalitynow.org/Beijing20> in English, French, Spanish and Arabic

² Equality Now is a steering committee member of the Global Campaign for Equal Nationality Rights, together with the Office of the UN High Commissioner for Refugees (UNHCR), Equal Rights Trust, the Institute on Statelessness and Inclusion, and Women's Refugee Commission.

³ Available at http://www.equalitynow.org/nationality_report in English, French, Spanish and Arabic