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From Discrimination to Justice:

Reforming Family Laws to Achieve Gender Equality

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A. Background

The earliest family law concepts appeared in ancient civilizations, such as the Code of Hammurabi in Mesopotamia. Thereafter, Ancient Roman law significantly influenced modern family law through concepts like *patria potestas* (paternal authority) and detailed marriage regulations. Religious traditions have also profoundly shaped family law across cultures. Canon law in medieval Europe governed marriage as a sacrament, establishing concepts like indissolubility of marriage and specific grounds for annulment, while Islamic law (based on *Shari'ah*²) developed comprehensive family regulations covering marriage contracts. In modern times, every country has some form of law or practice that regulates critical phases of family relationships: entry into marriage and unions, during marriage and unions, to the time of dissolution of marriage and unions.³

The term 'family law' is used in reference to codified and uncodified laws and practices that govern family relationships. Codified family laws include enacted legislation, statutes, rules and regulations, and court procedures, while uncodified laws and practices can exist in the form of long-standing customs or traditions. While family laws have a universal presence, their wording and application is varied. They can take the form of civil and secular laws, religious laws based on particular faiths or denominations, and/or customary laws rooted in the traditions of specific tribes and communities.⁴

Many countries operate under pluralistic legal systems where different family laws apply to individuals from different communities, creating a complex landscape of overlapping jurisdictions and varying rights. Examples of gender inequality in violation of international law, and issues that can arise at the time of entry into marriage and unions, include child marriage, the lack of provisions to obtain consent of brides, and/or women requiring a male guardian to marry. During marriage and unions, these can include unequal rights and responsibilities of spouses and partners, disparate financial entitlements, and polygamous practices sanctioned under various religious family law frameworks. Upon dissolution of marriage and unions, gender-based discrimination typically surfaces through unequal divorce procedures, restricted maternal custody and guardianship rights, and limited access to matrimonial property distribution for women.

Evidence shows that many countries at the bottom of various gender equality surveys are those whose family laws discriminate against women.⁵ This has led to gender gaps in indicators such as educational attainment, economic participation and opportunity, health and survival, and political empowerment. Discriminatory legal provisions bar women and girls from accessing their fundamental human rights and opportunities, which eventually bar their equal participation in the family, society, and economy.

² Comprehensive body of Islamic principles and jurisprudence derived from the Quran and *Sunnah* (the teachings and practices of the Prophet Muhammad).

³ See Equality Now. *Words & Deeds: Holding Governments Accountable in the Beijing +30 Review Process 2025*. <https://equalitynow.org/resource/reports/words-deeds-beijing30-report/>

⁴ Global Campaign for Equality in Family Law. "The Issue." <https://equalfamilylaws.org/the-issue/>

⁵ World Economic Forum. (2025). *Global Gender Gap Report 2025*. World Economic Forum. https://reports.weforum.org/docs/WEF_GGGR_2025.pdf

Families today are representative of diverse forms of partnership⁶, with archaic laws unable to address the changing global trends and trajectories of marriage, unions and families.

International and Regional Human Rights Law and Frameworks

Article 16 of the Universal Declaration of Human Rights, Article 23 of the International Covenant of Civil and Political Rights, Article 10 of the International Covenant on Economic, Social and Cultural Rights and the Beijing Platform for Action all make reference to and require equality within the family.

Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is particularly significant as it calls upon States Parties to “take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.” Furthermore, it outlines rights concerning marriage and family, including: the right to marry and select one's partner freely; equal rights and duties within marriage and upon its end; parental rights and responsibilities; reproductive autonomy regarding family planning decisions; guardianship and adoption rights; personal freedoms like selecting surnames and careers; and property rights encompassing ownership and management of assets.

Additionally, CEDAW General Recommendation 21 highlights equality in marriage in reference to CEDAW article 9 on equal rights with regard to nationality and article 15 on equality before the law.⁷ CEDAW General Recommendation 29 also highlights the economic rights of women and within families, and emphasises equal rights to enter into contracts and administer property, equitable distribution of marital property rights and inheritance. It also recognises economic abuse as a form of discrimination and violence against women and notes that discriminatory laws restricting women's economic autonomy within marriage violate CEDAW.⁸

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, or ‘Maputo Protocol,’ is a progressive regional framework that addresses various aspects of family law calling for equal rights in marriage and divorce. Article 7(d), for example, specifically urges States to enact legislation ensuring women and men have the same rights in cases of separation, divorce, or annulment. This includes property rights, inheritance, and other aspects of family law.⁹

⁶ UN Women (2019). *Progress of the world's women 2019–2020: Families in a changing world* [Flagship report]. UN Women. <https://www.unwomen.org/default/files/Headquarters/Attachments/Sections/Library/Publications/2019/Progress-of-the-worlds-women-2019-2020-en.pdf>

⁷ United Nations. (1979). *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*. Office of the High Commissioner for Human Rights. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

⁸ Committee on the Elimination of Discrimination against Women. (2013). *General Recommendation No. 29 on Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic consequences of marriage, family relations and their dissolution)* (CEDAW/C/GC/29)

⁹ African Commission on Human and Peoples' Rights. (2020, March 4). *General Comment No. 6 on the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol): The Right to Property During Separation, Divorce or Annulment of Marriage*. AfricanLII. <https://africanlii.org/akn/aa-au/doc/general-comment/achpr/2020-03/general-comment-no-6-on-the-protocol-to-the-african-charter-on-human-and-peoples-right-on-the-rights-of-women-in-africa-maputo-protocol-the-right-to-property-during-separation-divorce-or-annulment-of-marriage/eng@2020-03-04/source>

B. Embedded patriarchy in the guise of religion and culture

Around the world, patriarchal structures are deeply embedded within families through social norms often justified in the name of culture and religion, which work in conjunction with discriminatory family laws to perpetuate violence, discrimination and harmful traditional practices. These interconnected systems of legal and social control create a comprehensive framework that limits women's autonomy and economic capacity, and reinforces gender-based inequality across generations. The result is a global pattern where family laws, regardless of their cultural or religious origins, consistently undermine women's rights, including financial independence and economic security, sexual and reproductive health and rights.

Globally, we see the implementation of religion-based family laws such as Muslim, Hindu and Christian family laws, and numerous other legal frameworks with roots in religion, tradition or customs, that govern family relationships according to interpretation of doctrinal principles. In addition to religious and cultural influences, family and personal status laws in a majority of countries in the Middle East and North Africa (MENA), Asia and Africa are colonial legacy laws and reflect the patriarchal values of the colonial era, as well as the policies of the the colonisers of the time, which separated the administration of family laws according to religion.

According to Musawah's repository on Muslim family laws in over 45 countries¹⁰, primarily in MENA, Asia and Africa, a majority of these laws incorporate patriarchal interpretations of *Shari'ah*, which emphasise "complementarity" of spousal rights, rather than egalitarian values of partnership. Men are considered the head of households, and the primary protectors and providers, in return for women playing a subservient role. The impact of this binary interpretation of gender roles has resulted in provisions and procedures in family laws that subject women and girls to male guardianship throughout their lives.

Despite the fact that no two Muslim family laws in the world are exactly the same, a majority of these laws do not recognise women's full autonomy to choose their own partners and enter into marriage without male guardians. Divorce rights are often unequal, with women having to carry the burden of proof for initiating a divorce, or needing to pay monetary compensation, while men can divorce at will.

Equal inheritance rights are not recognised under Muslim family laws, such as in the MENA region¹¹, where daughters are typically allocated half the share of parental property in comparison to sons, and only very few countries with Muslim family laws recognise marital property rights and non-financial contribution of women within marriage and unions. Widows may receive only a fraction of their late husband's estate. A report by Human Rights Watch further found that family and personal status laws also impose male guardianship rules to travel within their country, to obtain a passport, and to travel abroad.¹²

¹⁰ Musawah (2023). *Global Repository on Muslim Family Laws*. <https://campaignforjustice.musawah.org/>

¹¹ United Nations Development Programme, United Nations Entity for Gender Equality and the Empowerment of Women, United Nations Population Fund, & United Nations Economic and Social Commission for Western Asia. (2019). *Gender justice & equality before the law: Analysis of progress and challenges in the Arab States region*. UN Women Arab States. <https://arabstates.unwomen.org/sites/default/files/Field%20Office%20Arab%20States/Attachments/Publications/2019/12/Gender%20Justice%20report%20update%202019/Full%20report/RegionalReportEng.pdf>

¹² Human Rights Watch. (2023, July). *Trapped: How male guardianship policies restrict women's travel and mobility in the Middle East and North Africa*. <https://www.hrw.org/report/2023/07/18/trapped/how-male-guardianship-policies-restrict-womens-travel-and-mobility-middle>

Across 15 countries in the MENA region, legal frameworks mandate that women must either comply with their husbands' authority or maintain residence in the marital home. Under these laws, women who leave the family home, pursue employment or travel without obtaining their husbands' permission are legally classified as being 'disobedient' and in violation of their marital duties.¹³

In South Asia, where specific family laws are in force for specific religious communities recognized in law, scholars note that such laws receive "wide deference by citizens and government officials, even when they reflect discriminatory traditional and patriarchal norms that contradict national constitutional protections of gender equality and non-discrimination."¹⁴ Afghanistan is currently exhibiting extreme gender inequality, where women have been systematically excluded from public life, education, healthcare and employment, with the Taliban denying fundamental rights and enforcing strict control over women's bodies, liberties and mobility.¹⁵ The impact of such repression has caused widespread psychological, social, physical and economic harm and challenges for women and their families.¹⁶

Case study: Sri Lanka - Family law renders Muslim women as second class citizens¹⁷

The [Sri Lankan Marriage and Divorce Act \(MMDA\)](#) of 1951, which governs marriages of minority Muslim communities, does not mandate women be physically present or sign their own marriage documents. The Act does not have a minimum age of marriage for Muslims. It allows for polygamy without any conditions, has a different, lengthy and disadvantageous process for women to obtain a divorce, and does not recognise marital property rights nor grant equitable financial rights for women at the time of divorce. Women are also prohibited from administrative positions in the Quazi system. Additionally, a clawback provision in the Sri Lankan Constitution, Article 16 (1), allows for laws prior to the 1978 Constitution like the MMDA to be valid and operative even if they violate fundamental rights.

Despite a strong Muslim women-led reform movement and numerous attempts by the governments in power to reform the MMDA over the past few decades, the process has been blocked, delayed and stalled by conservative groups and religious institutions. An attempt in 2023 by some Muslim Members of Parliament to bring in regressive amendments to the MMDA draft reform bill garnered widespread criticism among pro-reform groups, with even the UN Working Group on discrimination against women and girls together with three UN Special Rapporteurs issuing a communication¹⁸ to the Sri Lankan government raising concern regarding the move.

¹³ Ibid

¹⁴ Centre for Reproductive Rights (2014). *Child Marriage and Personal Laws in South Asia*.

https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/ChildMarriage_PersonalLaw_7.7.14.pdf

¹⁵ Human Rights Watch (2025). Afghanistan. In *World Report 2025*.

<https://www.hrw.org/world-report/2025/country-chapters/afghanistan>

¹⁶ The Afghan Times (2025, March). *Thousands of women denied pension rights under Taliban rule, families suffer severe hardship*. The Afghan Times.

<https://theafghantimes.com/thousands-of-women-denied-pension-rights-under-taliban-rule-families-suffer-severe-hardship/>

¹⁷ Hamin, H., & Isadeen, H. C. (2016). Unequal citizens: Muslim women's struggle for justice and equality in Sri Lanka. Muslim Personal Law Reform Action Group. <https://www.mmdasilanka.org/unequal-citizens-study/>

¹⁸ See UN Working Group on discrimination against women and girls. (23 October 2023). *Information received concerning a Draft Bill for the Amendment of the Muslim Marriage and Divorce Act No.13 of 1951 (MMDA), which, would it be adopted, would be contrary to international human rights norms*. (OL LKA 8/2023). Office of the High Commissioner for Human Rights. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28377>

In its recent concluding observations¹⁹ to the Sri Lankan government in February 2025, the CEDAW Committee recommended that as priority follow-up issues, to ensure equality of women and men in all aspects of marital and family relationships, explicit prohibition of child marriage, polygamy and gender discriminatory customary practices, equal right to inheritance and property, land ownership and equal parental rights and responsibilities. Additionally, it called upon the government to ensure Muslim women's right to choose to marry under the general law through amendments to the General Marriage Registration Ordinance, and to remove barriers to women's eligibility for administrative positions in the Quazi system.

As of October 2025, MMDA reforms are still pending under Sri Lanka's new government, which came to power with a mandate to advance social and economic justice.

Various forms of discrimination also exist in some minority Christian family laws in Asia and MENA. In the Philippines, for example, divorce is illegal, an impact of the strong influence of Catholicism which considers marriage as an indissoluble sacrament.²⁰ As a result, women in violent or unhappy marriages do not have a legal recourse to divorce which can leave them trapped in abusive and vulnerable situations.

A study by the Act Church of Sweden on '*Faith and family law: How Christian personal status laws shape women's rights in Bangladesh, India, Myanmar and Pakistan*'²¹ found that in all four countries, family laws were inherited from colonial rule dating back more than 100 years to the late 19th and early 20th centuries, and have not been substantially reformed since the countries gained independence. Similarly in India, a set of colonial legacy laws govern Hindu marriages. To date, the Hindu Marriage Act of 1955 carries an explicit provision of 'Restitution of Conjugal Rights,' which is "an archaic legal remedy under English law in which an unwilling wife could be forced by the might of the state to cohabit with her husband due to his right to marital conjugality and consortium".²² Under the Hindu Minority and Guardianship Act (1956), fathers are still the natural guardians of "a boy or an unmarried daughter".²³

Africa's family laws reflect a rich diversity of ethnic, linguistic, and religious communities, each historically governed by customary legal systems. Equality Now's report, '*Gender Inequality In Family Laws in Africa*'²⁴ which analyses 20 countries in the region and their compliance with regional and international law, noted that while colonial influence introduced European legal frameworks, religious and customary traditions create a complex legal pluralism where customary, religious, and statutory laws coexist and sometimes clash. Civil law often conflicts with customary and religious traditions, including

¹⁹ Committee on the Elimination of Discrimination against Women. (2025, March 10). *Concluding observations on the ninth periodic report of Sri Lanka (CEDAW/C/LKA/CO/9)*. United Nations. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FLKA%2FCO%2F9&Lang=en

²⁰ Walden, M (2024, September 21). *Why Filipinos are campaigning to legalise divorce*. ABC News.

<https://www.abc.net.au/news/2024-09-21/why-filipinos-are-campaigning-to-legalise-divorce/104331936>

²¹ Act Church of Sweden (2025). *Faith and family law: How Christian personal status laws shape women's rights in Bangladesh, India, Myanmar and Pakistan*. <https://www.svenskakyrkan.se/filer/4584a99e-0a0c-4f26-95ec-7d65273e3c9b.pdf>

²² Uma, S. (2022). *Lesser than equal? A feminist analysis of Hindu family law in India*. The African Journal of Gender and Religion, 28(2), 1-28. <https://pure.jgu.edu.in/id/eprint/6113/1/Lesser%20than%20equal.pdf>

²³ Ibid

²⁴ Equality Now. (2024). *Report: Gender inequality in family laws in Africa: An overview of key trends in select countries*. <https://equalitynow.org/resource/reports/family-law-africa-report/>

Islamic and Christian Canon law. While civil marriage registration is legally mandated across most African nations, women in customary and religious marriages face heightened discrimination risks due to weaker legal protections compared to civil marriages. Same-sex couples encounter similar challenges, as marriage and civil union rights remain predominantly restricted to heterosexual partnerships.

Laws allow polygamy for a man in countries like Cameroon, Egypt, Senegal, and South Sudan. Despite statutory monogamy laws in Côte d'Ivoire, Mozambique, Kenya and South Africa, customary and religious practices continue to recognise polygamous unions without sufficient safeguards for women. Additional harmful traditional practices like widow inheritance²⁵ perpetuate the treatment of women as property.

In Eurasia, child marriage is still prevalent in Armenia, Azerbaijan, Georgia, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan, and abduction for forced marriage still occurs in Armenia, Azerbaijan, Kyrgyzstan, Russia, and Georgia.²⁶ Legal frameworks in the region continue to have multiple protection gaps, exacerbated by other contributing factors like lack of public awareness, economic and social inequalities (especially in rural areas) and gender discriminatory legal and justice measures. In a recent report by Equality Now - “deeply ingrained gender norms, notions of family honor, the emphasis on female virginity and obedience, and societal pressure and stigma surrounding unmarried women and girls”, are reported as common drivers of child and forced marriage in the region.²⁷

C. Intersecting impacts on key issues of gender equality

Impact on Women's Economic Rights

Evidence from multiple contexts across the global south reveals a troubling pattern: women's financial rights face restrictions across every area of family law and practice. Family laws in many jurisdictions grant husbands and male family members significant control over women's economic participation. From the initial denial of autonomous consent when entering into marriage to the subsequent restrictions imposed during marriage, family law frameworks frequently enable husbands to curtail their wives' fundamental rights, including freedom of movement, employment opportunities, and financial autonomy, such as the ability to maintain independent bank accounts and control their assets.

According to the *Women, Business and the Law 2024*²⁸ report - women in 18 economies are legally required to obey their husband, and in 28 economies a woman cannot be the “head of household.” For example, Article 1749 of Chile’s Civil Code establishes the legal presumption that husbands head the household and control marital property, as well as property owned by their wives in their own right, with only some limitations. In Cameroon, a husband can also legally administer and dispose of his wife’s

²⁵ "Widow inheritance" or levirate marriage is a practice where a widow is required to marry a male relative of her late husband, such as his brother.

²⁶ Equality Now. (2024, October). *Breaking barriers: Addressing child, early and forced marriage in Eurasia*. Equality Now. <https://equalitynow.org/resource/reports/breaking-barriers-addressing-child-early-and-forced-marriage-in-eurasia/>

²⁷ *ibid*

²⁸ World Bank - Women, Business and the Law. *Women, Business and the Law - Gender Equality, Women Economic Empowerment 2024*. <https://wbl.worldbank.org/en/wbl>

property. Studies²⁹ have shown that the removal of such restrictions can influence the distribution of bargaining power in favor of women and influence their decision to enter the labor force and to engage in entrepreneurial activity.³⁰ It is noted that where men - husbands and fathers - are considered to be the 'head of household' / 'head of family' and primary decision makers, the struggle for economic equality for women is heightened. When women have less bargaining power at home, their capacity to pursue professional roles outside their household is constrained, as gender inequality within families is reciprocally related to gender inequality in the paid workplace.³¹

Upon marital dissolution, significant gaps remain in legal frameworks globally, with a majority of countries³² lacking adequate provisions for spousal maintenance and equitable distribution of matrimonial property. These inequities are particularly pronounced given that unpaid care work continues to lack recognition as a substantive, non-monetary contribution within the majority of family law systems worldwide. Care responsibilities can prevent women from engaging in paid work, which has the potential to limit their career progression and reduce income generation. Many women may end up in insecure, low-paid, and unregulated jobs, which further fuels the gender pay gap.³³

Being landless and lacking economic assets is among the main predictors of poverty. Laws related to women's rights to inheritance, immovable property, and marital regimes are a predictor of women's likelihood to own housing in both urban and rural areas.³⁴ In 42 countries, daughters are prevented from inheriting the same portion of assets as sons, and widows do not have the same inheritance rights as widowers in 43 countries.³⁵ Discriminatory inheritance laws thus affect 258 million women - a quarter of a billion women worldwide.

Widows are a particularly marginalised group and are frequently denied inheritance of property of deceased spouses due to limited legal recourse, familial pressure to give it up, legal loopholes, and bureaucratic obstacles. This lack of financial support leaves many widows in precarious economic situations, struggling to provide for themselves and their children, for example in Tanzania.³⁶ If marriages are unregistered, such as under some customary laws which allow informal unions, women lack marriage certificates and are unable to legally obtain marital property. In Nepal, a new Civil Code was enacted in 2017, replacing the former Muluki Civil Code, and some regressive provisions relating to property rights

²⁹ Harari, M. (2019). *Women's Inheritance Rights and Bargaining Power: Evidence from Kenya*. Economic Development and Cultural Change, University of Chicago Press, vol. 68(1), pages 189-238.

https://faculty.wharton.upenn.edu/wp-content/uploads/2018/11/Harari_Inheritance_Kenya.pdf

³⁰ World Bank Event (October 2023) - *Advancing Female Entrepreneurship by Addressing Legal Barriers*

<https://www.worldbank.org/en/events/2023/10/30/advancing-female-entrepreneurship-by-addressing-legal-barriers>

³¹ Htun, M., Jensenius, F., & Nelson-Núñez, J. (2019). *Gender-discriminatory laws and women's economic agency*. Social Politics, 26(1). <https://academic.oup.com/sp/article-abstract/26/2/193/5303946?redirectedFrom=fulltext>

³² World Bank - Women, Business and the Law. *Women, Business and the Law - Gender Equality, Women Economic Empowerment 2024*. <https://wbl.worldbank.org/en/wbl>

³³ Kirkland, A., & Subherwal, B. (2024). *Why legal equality is key to women's economic rights and well-being*. IPS News. <https://www.ipsnews.net/2024/03/international-womens-day-2024-why-legal-equality-key-womens-economic-rights-well/>

³⁴ Gaddis, I., Lahoti, R., & Swaminathan, H. (2022, June). *Women's legal rights and gender gaps in property ownership in developing countries*. Population and Development Review, 48(2), 331-377.

<https://onlinelibrary.wiley.com/doi/10.1111/padr.12493>

³⁵ World Bank - Women, Business and the Law. *Women, Business and the Law - Gender Equality, Women Economic Empowerment 2024*. <https://wbl.worldbank.org/en/wbl>

³⁶ Dancer, H. (2017). *An equal right to inherit? Women's land rights, customary law and constitutional reform in Tanzania*. Social & Legal Studies, 26(3), 291-310. <https://journals.sagepub.com/doi/abs/10.1177/0964663916677560?journalCode=slsa>

remained. It includes a previously amended provision that widows who remarry need to return the property that they inherited from their deceased husband to his family. This amendment has profound impacts on the lives of widows, especially when faced with financial hardship, such as during and after natural disasters, like the earthquake that struck Nepal in 2015.³⁷

A 2018 cross-country study drew the conclusion that “egalitarian reform of family law may be the most crucial precondition for empowering women economically”.³⁸ Thus, discriminatory family laws also have national-level consequences on a country’s economy.

Gender-based violence

Beyond denial of economic rights, discriminatory family laws have widespread impact on all other areas of women and girls lives, from access to health care, safety and wellbeing within families, to social and political participation.

Unequal family laws embed gender inequalities beginning with the family unit, and can lead to violence if women and girls are seen to disobey or disregard male control of women's autonomy and freedom, resulting in harmful practices like honor-based violence. In Sri Lanka, Muslim women reported that unilateral divorce itself is a form of emotional abuse as men have the ability to divorce women without providing any reason. Husbands often use unilateral divorce to threaten or blackmail women, which makes women further vulnerable to violence. In the Philippines, according to the 2022 Philippine National Demographic and Health Survey (NDHS) 17.5% of Filipino women aged 15-49 have experienced some form of physical, sexual, or emotional violence from their intimate partners.³⁹ However, as divorce is not legally recognised in the Philippines, many women are trapped in violent marriages, with little to no legal recourse.⁴⁰ Research from the Asia Pacific Journal for Multidisciplinary Research identified men's control over finances and household decisions as key factors contributing to domestic violence in the Philippines.⁴¹

In countries where polygamy is practiced, women may also be threatened with polygamy if they are considered ‘disobedient’ and for other reasons like disability, giving birth to daughters instead of sons, infertility, and dowry (in communities where Muslims practice dowry). In cases of polygamous marriages, women and children also face financial and economic abuse and mistreatment when husbands are unable to support multiple families.⁴²

³⁷ Shrestha, E. (2020). *Widows in Nepal still need to fight for their property right*. The Kathmandu Post.

<https://kathmandupost.com/national/2020/01/15/widows-in-nepal-still-need-to-fight-for-their-property-right>

³⁸ Htun, M., Jensenius, F., & Nelson-Núñez, J. (2019). *Gender-discriminatory laws and women's economic agency*. *Social Politics*, 26(1). <https://academic.oup.com/sp/article-abstract/26/2/193/5303946?redirectedFrom=fulltext>

³⁹ Philippine Statistics Authority. (2022). *2022 National Demographic and Health Survey*. As cited by Philippine Commission on Women <https://pcw.gov.ph/violence-against-women/>

⁴⁰ Lauren, D. (2024, May). *Philippines divorce battle looms to free women from abuse*. ABC News.

<https://www.abc.net.au/news/2024-05-15/philippines-divorce-battle-looms-to-free-women-from-abuse/103828284>

⁴¹ Bernarte, R., Acedegbega, Q.M., Fadera M.L. & Yopyop H.J (2018). *Violence Against women in the Philippines*, 6 Asia Pacific J. of Multidisciplinary Rsch., 117, 121, (2018). <https://oaji.net/articles/2017/1543-1536134596.pdf>

⁴² Hamin, H. (2016). *Hidden truths: Gender-based violence against Muslim women in Puttalam and Batticaloa*. FOKUS Women <https://www.mmdasrilanka.org/wp-content/uploads/2023/12/Hidden-Truths-2016-Gender-based-violence-against-Muslim-women-in-Puttalam-and-Batticaloa-.pdf>

Cases of “honour” based violence and killings in MENA, Asia and diaspora communities in the US and UK have been justified by family members for reasons such as a woman or girl’s rejection of an arranged marriage, choosing their own partners, obtaining a divorce, for identifying as LGBTQ+, having faced sexual violence outside of the home or even their clothing choices.⁴³ Though men also face honor-related violence, women experience disproportionate harm due to patriarchal family control.

Research on India and Pakistan also shows that legal systems are often used to control and punish women who assert their right to choose their marriage partners, where scholars have argued that “state law is used to recover, discipline and/or punish errant daughters”.⁴⁴ Pakistan especially faces issues with forced conversion and marriage of religious minority women. The region commonly practices arranged marriages and dowry systems, which can even lead to violence against wives and “honour killings” of daughters who choose their own partners, particularly in inter-caste or inter-religious relationships.

It is estimated that the MENA region has one of the highest domestic violence rates in the world.⁴⁵ During COVID-19 pandemic, the MENA region observed a drastic increase in women accessing support services for domestic violence around the world. According to advocates in the region, family laws in Arab and Muslim contexts establish unequal marital relationships and permit various forms of violence - with some legal frameworks even permitting underage marriage, and authorising husbands to physically discipline wives. This contributes to an increase in domestic violence, and is exacerbated during times of conflict and crises.⁴⁶

Health and wellbeing, including sexual and reproductive health and rights (SRHR)

A clear link can be observed between family laws and women’s rights to health and wellbeing. This can extend towards denying women the right to sexual and reproductive health and rights, including access to contraceptives, the choice to have children and timing and spacing of children within marriages / unions.

The male guardianship system considers adult women as ‘minors’, thus restricting women’s bodily autonomy and decision making about the use of contraceptives and family planning, despite improved access to contraceptives overall. In Indonesia, as per the Reproductive Health Law, women are unable to access legal abortion services without the consent of their husbands, even in cases where pregnancies are life-threatening for the mother or the fetus.⁴⁷ Law No. 52 of 2009 on Population and Family Development also restricts contraceptive and family planning services to only legally married couples, leaving young people little to no access.

⁴³ Amnesty International. (1999). *Pakistan: Violence against women in the name of honour..*
<https://www.amnesty.org/fr/wp-content/uploads/2022/02/ASA330171999ENGLISH.pdf>

⁴⁴ Pratiksha. B, Shirin. R & Shaheen. A (2006). *Legacies of Common Law: “Crimes of Honour” in India and Pakistan*. Third World Quarterly, 27(7), 1239–1253 at 1240. <http://www.jstor.org/stable/4017752>

⁴⁵ World Health Organization. (2013). *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*
https://iris.who.int/bitstream/handle/10665/85239/9789241564625_eng.pdf

⁴⁶ Sharafeldin, M. (2020, September 25). *COVID-19 and the necessity of Muslim family law reform in the Arab world*. Jadaliyya. <https://www.jadaliyya.com/Details/41211>

⁴⁷ Suryana, I. M., & Sani Utami, P. A (2024). *Contradictions in Indonesia’s Legal Approach to Abortion: A Study of Reproductive Health Law and the Criminal Code*. Eduvest – Journal of Universal Studies, 4(6), 5040–5054.
<https://eduvest.greenvest.co.id/index.php/edv/article/view/1341>

In Kenya, an amendment introduced in 1990 to the Law of Succession Act (1981), which equalized the share of inheritance for daughters, exempted Muslims from the Law of Succession Act, resulting in daughters in Muslim families to be given only half the share of their brothers' entitlement. A study revealed that equal inheritance rights have improved the health outcomes of the children of beneficiary non-Muslim women as a result of more bargaining power and access to resources. Conversely, children of Muslim women with only half inheritance rights had worse health outcomes compared to their non-Muslim counterparts.⁴⁸

The impact of global crises on women and families

It is noteworthy to add that the right to found a family is not equal across the world, where the safety and security of some are privileged over others, often at the disadvantage of, primarily, the Global South. As seen from climate crisis, conflicts and catastrophes (e.g. in Gaza, where 70% of deaths since October 2023 are of women and children⁴⁹), in addition to the systemic denial of reproductive rights and care for mothers and children, these crises and conflicts trigger humanitarian emergencies that often deny women and girls of access to menstrual products and healthcare services, and lead to lifelong disabilities. They also cause forced migration that tears apart families, causes severe economic strain and increases the likelihood of practices like child marriages (e.g. Rohingya crisis⁵⁰).

Access to justice

In civil, religious or community courts, discriminatory family laws can also exacerbate discriminatory experiences and outcomes in the legal system. Globally, women accessing courts for family matters are faced with a wide range of challenges, from financial strain to delays in obtaining redress. Procedures in administering family laws frequently disadvantage women, especially during divorce proceedings, on child custody matters and in administering property rights.

In Sri Lanka for example, a study that compared the District court system (which administers family matters under the General Marriage Registration Ordinance - GMRO) and the Quazi system (that administers the Muslim family law), found that issues of access, affordability, prolonged delays and gender insensitivity existed across the board.⁵¹ In the District court system, family matters were approached from an adversarial standpoint, especially in divorce matters as the GMRO only recognises fault-based divorce. Couples, even if they are divorcing on mutual grounds, are thus made to prove fault. Similar issues were reported in the Quazi system, especially when women initiated *fasah* divorce on

⁴⁸ Joseph, A., Emmanuel, O. & Michele, M. (2023). *Women's Inheritance Rights and Child Health Outcomes in Kenya*. Journal of Family and Economic Issues 45, no. 2 (April 2023): 137–150. <https://link.springer.com/article/10.1007/s10834-023-09895-y>

⁴⁹ United Nations Office of the High Commissioner for Human Rights. (2025, May 7). *End unfolding genocide or watch it end life in Gaza: UN experts say States face defining choice* [Press release]. <https://www.ohchr.org/en/press-releases/2025/05/end-unfolding-genocide-or-watch-it-end-life-gaza-un-experts-say-states-face-defining-choice>

⁵⁰ Mieth, K., Hasan, T., Chakrabarty, A., Lee, K., Kaiser, A., Hasan, T., Elnakib, S., Jackson, C., Robinson, W. C., & Zimmerman, L. A. (2025). "What other option did I have?"— *The effect of conflict and displacement on child marriage and early childbearing among displaced Rohingya adolescents*. Conflict and Health, 19, Article 16. <https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-025-00656-2>

⁵¹ Muslim Personal Law Reform Action Group (MPLRAG). (2021). *Position paper - Imagining a family court system*. <https://www.mmdasrilanka.org/imagining-a-family-court-system/>

fault-based grounds. Muslim women report that many Quazis require a male guardian to accompany women, and do not permit them to speak in court. Many have faced harassment and intimidation by Quazis. The informality of the Quazi system has led to some Quazi offices operating out of homes void of supervision. This has also led to various issues of bribery and corruption.⁵² Such experiences cause particular hardships for low income and rural families, women who don't have family support, single mothers and widows.

Case study: Parental Alienation Syndrome - An issue plaguing courts in Latin America and the Caribbean (LAC) Region⁵³

Parental alienation syndrome (PAS) was a theory first coined by Richard Gardner in the 1980s, who claimed without evidence that most child sexual abuse allegations in custody cases were false fabrications by “vengeful” mothers. He defined it as a disorder where children ‘unjustifiably’ rejected one parent during child custody disputes. Extensive research has since debunked Gardner's theory, and legal and psychological experts have rejected PAS as unscientific. There are no controlled studies to support its validity, and Gardner's controversial views on pedophilia have further discredited the theory. Despite judicial rulings declaring it inadmissible, PAS has become a significant concern across Latin America and the Caribbean.

Brazil was the first country in the region to pass the ‘Parental Alienation Law’ (Lei No. 12.318) in 2010, making it a criminal and civil offence penalising any parent seen to be involved in alienating children from their other parent. This law has faced significant criticism, with UN experts urging Brazil's law leads to mothers being wrongly accused of parental alienation, especially to discredit allegations of domestic violence, child sexual abuse, and to criminalise mothers protecting the rights of their children. Unfortunately Puerto Rico, Mexico and Costa Rica followed suit with similar laws. Across the region, reports have increased of courts granting perpetrator fathers access to their children based on the notion that the child must have contact or fathers are rightful guardians, regardless of the harms they might face.

Currently Brazil is debating the repeal of the Parental Alienation Act Law No. 12.318/2010.

D. The benefits of family law reform

Egalitarian family laws that recognise marriage and unions as a partnership of equals help dismantle discriminatory practices that disadvantage women and girls in all areas of life and improve family wellbeing as a whole. There is more likelihood of mutual respect and balanced decision making within

⁵² Commission to Investigate Allegations of Bribery or Corruption. (2025, April 21). *Quazi Judge arrested over allegations of soliciting and accepting a bribe of Rs. 200,000*. <https://www.ciaboc.gov.lk/media-centre/latest-news/84-detection-raids/1420-quazi-judge-arrested-over-allegations-of-soliciting-and-accepting-a-bribe-of-rs-200-000>

⁵³ Committee for Latin America and the Caribbean for the Defense of Women's Rights (CLADEM), Equality Now & Global Campaign for Equality in Family Law. (2025, August). *Parental Alienation: A New Form of Gender-Based Violence against Women and Children in Latin America and the Caribbean*. <https://cladem.org/biblioteca/%E2%80%9Cparental-alienation-a-new-form-of-gender-based-violence-against-women-and-children-in-latin-america-and-the-caribbean%E2%80%9D>

families, and less likelihood of conflict over matters such as individual rights and household responsibilities. Egalitarian family laws remain crucial for creating fairer, more sustainable family structures that benefit everyone involved.

Legal and Social Justice

Egalitarian family laws help address systemic inequalities by establishing legal frameworks that don't assume traditional gender roles. This creates more just outcomes in custody decisions, property division, and support arrangements. Women with full legal capacity and agency are more likely to have the autonomy to make decisions about education, employment, marriage and children, fund skills and income-building, and contribute to the national economy. Women are also more likely to invest in their family's welfare, such as by prioritizing their children's education, nutrition, and healthcare⁵⁴, such as in India where studies show that states which amended the Hindu Succession Act 2005, on daughters right to parental property, have resulted in positive effects on the employment and educational attainment for women (including of their own daughters).⁵⁵ Changes in divorce laws have been found to be associated with a decline in the level of intimate partner violence in Mexico.⁵⁶

The positive impact of the amendment to the Law of Succession Act in Kenya was researched by estate professor Mariaflavia Harari, who in her paper "*Women's Inheritance Rights and Bargaining Power: Evidence from Kenya*," found 'significant improvement' for women in many areas including improved intra-household bargaining power. Education statistics for women and girls improved, and women were more likely to obtain medical care during prenatal, birth and postpartum periods. Early marriage and harmful traditional practices like female genital mutilation/circumcision (FGM/C) were also less likely to occur. Harari also highlighted that access to reforms improved women's bargaining power within the household and that inheriting physical capital allowed for parents to invest in building human capital i.e. skills and knowledge.⁵⁷

In egalitarian households, both parents participate equally in benefits, duties and obligations, including care work and raising children. This balance models healthy gender roles for children and can shape how children view partnerships.

⁵⁴ UN Women (2015). *Progress of the world's women 2015–2016: Transforming economies, realizing rights* (Flagship report). New York, NY: UN Women

<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2015/POWW-2015-2016-en.pdf>

⁵⁵ Sapkal . R (2014), *From Mother to Daughter: Do Equal Inheritance Property Laws Reform Improve Female Labour Supply, Educational Attainments in India?*, Asian Journal of Law and Economics, Vol. 8(1), 1-36.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2580827

⁵⁶ Garcia-Vamos. A. (2021). Divorce laws and intimate partner violence: Evidence from Mexico. *Journal of Development Economics*, 150, 102623

[https://www.sciencedirect.com/science/article/abs/pii/S030438782030198X#:~:text=For%20example%2C%20Garcia%2DRamos%20\(%20being%20promoted%20and%20higher%20salaries](https://www.sciencedirect.com/science/article/abs/pii/S030438782030198X#:~:text=For%20example%2C%20Garcia%2DRamos%20(%20being%20promoted%20and%20higher%20salaries)

⁵⁷ Harari. M, (2019). *Women's Inheritance Rights and Bargaining Power: Evidence from Kenya*. Economic Development and Cultural Change, University of Chicago Press, vol. 68(1), pages 189-238.

https://faculty.wharton.upenn.edu/wp-content/uploads/2018/11/Harari_Inheritance_Kenya.pdf

Improved Economic Outcomes

In the recently published Global Indicators Brief *Changing Laws, Changing Lives: Family Law Reform as a Catalyst for Economic Prosperity*, the World Bank Group describes equality in family law as “a cornerstone of economic stability and empowerment”.⁵⁸ And according to UN Women⁵⁹, countries with greater gender equality in law have a more narrow gender gap in development outcomes, higher female labor force participation, lower exploitative and unstable employment, and greater representation of women in national parliaments.

Women have the power to “turbocharge” the global economy.⁶⁰ In an era of persistently slow growth, increasing the participation of women in the global workforce could significantly brighten the outlook. It is predicted that closing the gender gap in employment and entrepreneurship could raise the global gross domestic product by more than 20%, eliminate the gender gap over the next decade and double the current global growth rate.⁶¹ Thus, egalitarian family laws can help break cycles of economic disadvantage.

The World Bank predicts that since 1970, over 600 million women have gained access to economic opportunities through reforms of family laws.⁶² Thus reform of discriminatory family laws towards more egalitarian ethics and values can inevitably lead to shifting societal perceptions and social norms, thus increasing women’s intra-household bargaining power and granting women greater control over financial resources.⁶³

Resilience against growing global crises

UN figures indicate that 80% of those displaced by climate change are women, and this is underpinned by the ways in which women are denied equal ownership, use, and control over land. Given the myriad of economic crises, climate crises, and conflicts that we see around the world, women and girls are especially vulnerable.

Accessing and owning land facilitates wealth creation and provides social and economic stability. Particularly in the Global South, where subsistence farming is a vital source of food and income, access to land is an important part of survival, status and sustainable development. When women have access to assets (especially those they are already the primary caretakers of), communities thrive. It increases their

⁵⁸ Behr, D. M., & Braunmiller, J. C. (2025, April). *Changing laws, changing lives: Family law reform as a catalyst for economic prosperity* (Global Indicators Brief No. 30). Washington, DC: World Bank.

<https://documents1.worldbank.org/curated/en/099451004152527844/pdf/IDU-048c8b57-bd9a-43ad-b776-89a0f72e0d26.pdf>

⁵⁹ UN Women (2024, March). *Infographic: The crucial role of legal frameworks in advancing gender equality*.

<https://www.unwomen.org/sites/default/files/2024-03/infographic-the-crucial-role-of-legal-frameworks-in-advancing-gender-equality-en.pdf>

⁶⁰ Geldard, R. (2024, June). *Gender Gap: This is the state of work for women in 2024*. World Economic Forum.

<https://www.weforum.org/stories/2024/06/women-work-gender-gap-2024>

⁶¹ World Bank - Women, Business and the Law. *Women, Business and the Law - Gender Equality, Women Economic Empowerment 2024*. <https://wbl.worldbank.org/en/wbl>

⁶² Behr, D. M., & Braunmiller, J. C. (2025, April). *Changing laws, changing lives: Family law reform as a catalyst for economic prosperity* (Global Indicators Brief No. 30). Washington, DC: World Bank.

<https://documents1.worldbank.org/curated/en/099451004152527844/pdf/IDU-048c8b57-bd9a-43ad-b776-89a0f72e0d26.pdf>

⁶³ Ibid

ability to start and grow businesses by giving them the collateral they need to secure credit. It allows them to invest in their families, changing outcomes for their children.⁶⁴ Perhaps most importantly, it ensures that they can live with agency and dignity. Promotion and protection of women's economic rights also gives them greater access to loans, insurance, and social protection schemes like pensions, reducing the likelihood of old-age poverty and providing them and their families more resilience in crises.

E. Challenges with reforming family laws

Family laws and practices based on religion and/or culture continue to be notoriously difficult to reform due to a complex interplay of deeply held beliefs, identity politics and the misconception of it being an inherently intimate and unreformable area of law, among other factors. Coupled with legal ambiguities of interpretation and practice, this leaves room for loopholes that allow for patriarchal norms to become regularised.

Over 60 percent of the 440 reservations entered against CEDAW are based on religion,⁶⁵ and the most reserved article of all UN human rights treaties is Article 16 of CEDAW. States often misuse religion and culture, especially in the name of 'freedom of religion and belief' (FoRB) to justify such reservations and other violations of international and constitutional rights to equality and non-discrimination and to resist civil society's demands for reform. The misconceptions that religion-based family laws (e.g. Muslim family laws) are sacred and cannot be changed fuels the resistance to reform.⁶⁶

In countries where minority communities administer religion-based family laws, conservative actors within those communities view equal family laws as an interference and threat to their minority identity. Governments lack the political will and courage to reform minority family laws, in part because they fear they will lose a large segment of their voter base.

Anti-rights pushback has significant impact on family law and human rights defenders

More recently, there is also an emerging and strengthening global pushback on progressive family law reforms organised by transnational conservative groups working at the international, regional and national levels. This has further contributed towards the stagnation of progress globally in the reform of unequal family laws, a process largely delayed and blocked by nationalist, fundamentalist, and conservative groups, often working in tandem with governmental bodies and decision-makers.⁶⁷

The anti-rights pushback has also directly impacted activists, women's rights and human rights organisations advocating for family law reform. Civic spaces continue to shrink, along with further

⁶⁴ Deininger, K., Jin, S., Nagarajan, H. K., & Xia, F. (2018). *Inheritance Law Reform, Empowerment, and Human Capital Accumulation: Second-Generation Effects from India*. The Journal of Development Studies, 55(12), 2549–2571.

<https://www.tandfonline.com/doi/full/10.1080/00220388.2018.1520218>

⁶⁵ See Cal. B. & Montoya, M (2017), *The March of Universality: Religion-based reservations to the Core UN Human Rights Treaties*, Universal Rights Group. p.3

⁶⁶ United Nations Human Rights Council. (2020, August). *Gender-based violence and discrimination in the name of religion or belief*. Report of the Special Rapporteur on freedom of religion or belief, United Nations. <https://docs.un.org/en/A/HRC/43/48>

⁶⁷ United Nations Human Rights Council, Working Group on Discrimination against Women and Girls. (2024, May). *Report: Escalating backlash against gender equality and urgency of reaffirming substantive equality and the human rights of women and girls* (A/HRC/56/51).

<https://www.ohchr.org/en/documents/thematic-reports/ahrc5651-escalating-backlash-against-gender-equality-and-urgency>

limitation of public debate and discussion. Organisations have been facing strict regulatory procedures and funding cuts (e.g. India⁶⁸), which further limits their activities. Groups and actors working on LGBTQ+ rights, especially in contexts where homosexuality is criminalised, have also come under heightened scrutiny.

Women's rights groups advocating for reform, especially of religious family laws, are often accused of being anti-religion and face reprisals and threats both online and offline (e.g. as experienced by women's rights activists in Saudi Arabia, Afghanistan, Iran and community groups in Sri Lanka⁶⁹ who are pushing for the reform of the Muslim family law). They are often branded as 'anti-religion', especially by conservative groups.

Weaponisation of the word 'family'- In the past decade, and with growing intensity, the word 'family' has also been weaponised by anti-rights groups and conservative governments. There have been governments promoting 'family values' (e.g. in Georgia⁷⁰) as a way to uphold heteronormative and traditional notions of the family in which women's primary role is caretaker. This poses negative consequences for families who exist in diverse forms, including LGBTQ+ persons and others who don't conform to this traditional view of the 'family'. This organised transnational pushback has also been observed against any changes to the notion of 'traditional family' in international advocacy spaces. The UN Resolution on the Family (2023) was also a highly politicised process, spanning 10 years due to language negotiations with staunch pushback led by more conservative states who promote "traditional" family values.

Declining birth rates globally means more governments pushing for legislation/policies promoting marriage (e.g. Japan⁷¹) or against the right to not bear children (e.g. Russia's proposing legislation to ban a "child-free" life⁷²). Key population movements like migration and the refugee crisis, as well as exploitative movements like trafficking makes women and girls vulnerable to lacunas in law - not knowing which family laws apply in what context and not having access to redress.

F. National, regional and global efforts to reform family laws

From grassroots movements like Indian Muslim women's activism to ban *triple talaq* (instant divorce), national campaigns for comprehensive family law reform and social change in Sri Lanka⁷³, to inheritance rights in Morocco,⁷⁴ decades of intergenerational vibrant advocacy have driven family law reform across

⁶⁸ Kundu, S., & Sridhar, A. (2023). *How India's regulatory crackdown is silencing feminist organisations*. IPA Newspace. <https://ipanewspace.com/how-indias-regulatory-crackdown-is-silencing-feminist-organisations/>

⁶⁹ Gunasekara, S. (2023, January). *MMDA reforms: Hate campaigns target reformists? The Morning*. <https://www.themorning.lk/articles/dOEUhbE0ruhPQQAEzBqP>

⁷⁰ Al Jazeera. (2024, September). *Georgia's parliament approves law curbing LGBTQ rights*. <https://www.aljazeera.com/news/2024/9/17/georgias-parliament-approves-law-curbing-lgbtq-rights>

⁷¹ Yamaguchi, M. (2023, March). *Japan unveils proposal to promote marriage, raise birthrate*. Associated Press. <https://apnews.com/article/japan-declining-birthrate-reverse-plan-fd5c77386b0f85e9f4d993265070781b>

⁷² Associated Press. (2024, September) *Russia proposes banning promotion of child-free lifestyle* NBC News. <https://www.nbcnews.com/news/world/russia-proposes-ban-child-free-lifestyle-rcna172616>

⁷³ Ismail, A. (2021). *'We sign everything else except our own marriage document'.. Sunday Times*. <https://www.sundaytimes.lk/210704/plus/we-sign-everything-else-except-our-own-marriage-document-447726.html>

⁷⁴ Women's Learning Partnership). *Democratic Association of Moroccan Women (ADFM) [Partnership profile]*. <https://learningpartnership.org/who-we-are/partnership/democratic-association-moroccan-women>

numerous countries. These efforts, however, often face significant pushback, with groups and activists facing severe resource constraints and challenges.

National groups and activists are sharing strategies and lessons across regions. The Africa Family Law Network⁷⁵ and the Hurra Coalition⁷⁶ in the MENA region are some examples of regional collaboration. These regional and global networks allow for deeper and wider conversations and strategy sharing at the regional level, with many similar contextual challenges, as well as offer opportunities for cross-regional learning and engagement in order to strengthen national-level advocacy.

With religious family laws especially, activists are engaging with feminist interpretations of religion in addition to national laws and international human rights instruments, such as Musawah's Framework of Action for reform of Muslim family laws.⁷⁷ Efforts to map laws and policies affecting gender equality, like that of United Nations Economic and Social Commission for Western Asia (UNESCWA)'s publication '*Gender Justice & The Law: Assessment of laws affecting gender equality in the Arab States region*'⁷⁸ are particularly important in the absence of official national level data on impact of national legislation on the lives of women and girls.

At the global level, it is increasingly being acknowledged that family law reform is foundational to gender equality. Campaigns like the Global Campaign for Equality in Family Law (GCEFL)⁷⁹ led by eight women's rights, human rights and faith-based organisations working with a broad coalition of engaged stakeholders including UN agencies, international NGOs, regional bodies, and networks of local civil society groups and policymakers. The Campaign was born out of the need for a concerted and strategic global effort to draw attention to and call for the reform of discriminatory family laws as a fundamental women's and human rights issue. The aim of the GCEFL is equality for women, girls, and other marginalised groups, under laws, policies, and practices that relate to families in all their diversity, regardless of religion and culture.

There is also increasing recognition that it is necessary to ensure that regressive moves to roll back on hard won gains are condemned and halted to the best capacity of international actors, and that diversity of families of all forms must be recognised and rights of individuals within them protected. Fos Feminista's 'For All Families' campaign⁸⁰ is evidence of a growing global response in challenging the narrative on traditional 'family values'.

⁷⁵ Strategic Initiative for Women in the Horn of Africa (SIHA) Network. (2022, October). *Launch of Africa Family Law Network*. <https://wcv.sihanet.org/launch-of-africa-family-law-network/>

⁷⁶ Equality Now. (2023). *Hurra Coalition*. <https://equalitynow.org/about-us/coalitions/hurra-coalition/>

⁷⁷ Musawah. (n.d.). *Musawah framework for action* <https://www.musawah.org/resources/musawah-framework-for-action/>

⁷⁸ United Nations Economic and Social Commission for Western Asia (ESCWA), United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), & UN Women. (2018, December). *Gender Justice and the Law in the Arab States Region*. UN Women.

<https://arabstates.unwomen.org/en/digital-library/publications/2018/12/gender-justice-and-the-law-in-the-arab-region>

⁷⁹ GCEFL is led by a Coordinating Committee of eight leading women's rights, human rights and faith-based organisations – [Equality Now](#) (current Secretariat), [Act Church of Sweden](#), [Latin American and Caribbean Committee for the Defense of Women's Rights \(CLADEM\)](#), [Musawah](#), [Muslims for Progressive Values](#), [Solidarity for African Women's Rights \(SOAWR\)](#) represented by the African Women's Development and Communication Network (FEMNET), [Women's Learning Partnership](#), and [UN Women](#). The broader coalition includes national, regional and global organisations and networks. More info: www.equalfamilylaws.org

⁸⁰ Fòs Feminista (2025). *Campaign #ForAllFamilies* <https://fosfeminista.org/forallfamilies/>

G. Recommendations

Egalitarian family law reform creates lasting change that extends far beyond economic benefits. It has the potential to fast-track gender equality, positively transform the lives of women, children and their families and communities and challenge deeply rooted norms that harm women and girls in all areas of life. To achieve this, it is recommended that:

1. All States must ensure the rights of women and girls in families in all their diversity, in all laws and practices regardless of the form of legal system(s).

States must establish a national legal framework recognising gender equality in cultural and family life, in all their diverse forms, in accordance with regional and international standards. This includes:

- Ensuring constitutional equality on the basis of sex and/or gender for all citizens, including those from minority communities regardless of a plurality of laws and practices.
- Ensuring that the freedom of religion or belief does not contradict or supersede the rights of women and girls, and recognising in law and practice that equality within families means the full protection of the rights of individual members of the family, as well as the family as a unit of society.
- Addressing all areas of discriminatory family laws, including child and forced marriage, rights within marriage and unions, ensuring equal divorce rights, equal right to guardianship and custody based on best interest of the child, and eliminating all aspects of a male guardianship system that deny even adult women their autonomy and rights, including bodily autonomy and personal status.
- Recognising and addressing, in particular, the economic impact of discriminatory family laws and practices throughout marriage, unions and families. This includes:
 - Reforming laws and policies to ensure that daughters and sons have equal rights to equal inheritance, equitable distribution of marital property, right to maintenance, unpaid care work and recognition of non-financial contributions of spouses.
- Recognising and addressing specific discriminations faced by widows, LGBTQ+ persons, ethnic and religious minority communities and other disadvantaged groups within family laws and practices.
- Ensuring improved access to justice is also an urgent responsibility of governments. This includes accessible, affordable, efficient and effective non-adversarial family court systems and family-friendly procedures that are monitored, reviewed and updated on a regular basis.

All States must also ensure their family laws and practices are aligned with CEDAW's Article 16 and the core human rights treaties. Lifting of reservations and full implementation of Article 16 of CEDAW must be a priority.

2. The international community and civil society must prioritise and promote egalitarian family laws and practices as a cornerstone of achieving gender equality

Civil society organisations and movements, international human rights bodies and funding institutions must recognise that ensuring equality in family laws and practices is critical to achieving gender equality, and is at the forefront of challenging anti-gender / anti-rights movements and efforts. Specific actions must include:

- Recognising and advocating that women's and girls' right to "protection" within the family cannot be equated with the protection of the patriarchal 'family' as purported by anti-rights movements (e.g. maintaining the male guardianship system), but rather must be based on the fundamental human right to gender equality.
- Expediting and prioritising efforts to support, resource, sustain and amplify women's rights organisations and activists at the frontlines of advocating for reform of family laws and practices.

This moment in history, amidst the global anti-rights pushback, calls for widespread recognition and powerful collaborations between all actors invested in human rights and gender equality to partner with governments, and hold them accountable in reforming discriminatory provisions, procedures and practices in family laws and court systems with urgency. It is vital to ensure that principles of human rights, equality, justice and non-discrimination are reflected in all laws and practices governing family matters.

Equality for women and girls in society begins with equality in the family!