

30 ARTICLES ON THE 30 ARTICLES

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT 70: STILL WORKING TO ENSURE FREEDOM, EQUALITY AND DIGNITY FOR ALL

Article 7: Right to Equality Before the Law

At the end of the 19th century and beginning of the 20th century, women in many industrialized countries fought for the right to vote. “There never will be complete equality until women themselves help to make laws and elect lawmakers,” said U.S. suffragette Susan B. Anthony.

More than a century on, the only country in the world where women cannot vote is Vatican City: there the right to cast ballots for a new Pope is restricted to cardinals, who are all men. But, as the UN High Commissioner for Human Rights pointed out in 2107, despite universal gains at the ballot box, “many women and girls continue to be routinely deprived of equal access to resources, denied choice, robbed of opportunities and constrained by false and humiliating stereotypes.”

Article 7 says the law is the same for everyone, and must treat everyone in all these categories fairly. Three times within 39 words, it bans discrimination. These principles of equality and non-discrimination help form the rule of law. These obligations are further elaborated in a number of international instruments to combat specific forms of discrimination against not only women, but also indigenous peoples, migrants, minorities, people with disabilities. Discrimination on grounds of race, religion, sexual orientation and gender identity are also covered.

A succession of international human rights treaties have amplified the rights listed in Article 7, and over the decades, jurisprudence has added further obligations to the ban on discrimination. It is not enough for countries to refrain from treating certain groups unfavourably. They now have to take positive steps to redress discrimination. For example, under the Convention on the Rights of Persons with Disabilities, countries must support persons with disabilities to enable them to make legal decisions by themselves, rather than deny them their legal capacity.

“Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.”

– Kofi Annan, late UN Secretary General

Countries may also need to adopt temporary special measures to overcome past or present discrimination, and accelerate the establishment of real equality – and some have taken very effective measures with regard to specific groups. In the 2018 Rwanda elections, 61% of

seats in parliament went to women. The steady increase in the number of women Members of Parliament is a direct result of Rwanda's 2003 Constitution which set a 30 percent quota for women in elected positions, and the decision by political parties to voluntarily adopt their own quotas for women candidates.

The principle of equality for all does not only apply to governments. Discrimination must also be addressed in the workplace, school and home.

Indisputably, women in most parts of the world have made tremendous progress in achieving equality before the law since the days of the suffragettes, and since the UDHR was adopted in 1948. Yet in 2018, according to the World Bank, 104 countries still have laws preventing women from working in specific jobs, 59 have no laws on sexual harassment in the workplace, and in 18 countries, husbands can legally prevent their wives from working.

Many laws around the world do little to deter violence against women and in some cases, even encourage it or condone it. This is, for example, the case in countries where rapists are allowed by law to escape prosecution if they marry the victim.

Even if laws are not discriminatory on paper, their application can be discriminatory in practice. The UN Committee on the Elimination of Discrimination Against Women (CEDAW) has called for the repeal of discriminatory evidentiary rules and procedures, including procedures that allow women to be deprived of their liberty to "protect" them from violence; conducting 'virginity tests'; and the use, as a legal defence or mitigating factor, of arguments based on culture, religion or male privilege, such as the so-called 'defence of honour.' CEDAW has also called for an end to procedures that reserve extraordinarily harsh penalties – including stoning, lashing and death – for women; as well as judicial practices that ignore a history of gender-based violence when dealing with women defendants.

Discrimination against women is often intertwined with discrimination on other grounds, such as race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status. In Latin America, poverty rates are high for women, but even higher for women of African descent. In the U.S., 37 percent of households headed by African-American woman live below the poverty line. And First Nations Canadian and Afro-Canadian women and girls have inferior educational opportunities compared to other Canadians, including men and boys from their own group.

Women and girls are, of course, not the only people in the world who sometimes find themselves deprived of equality before the law. In some countries, discrimination against certain religions or minorities is official policy – or even law. An annual report by the independent World Justice Project showed that in 2017-2018, 71 countries out of 113 surveyed actually slipped back in their efforts to combat discrimination.

UN High Commissioner for Human Rights Michelle Bachelet has noted the considerable progress made in the 70 years since the UDHR was adopted, as a result of people across the world demanding "an end to discrimination, tyranny and exploitation." However, there is no question that the world still has a long way to go if it wants to accomplish the pledge made by former South African president Nelson

Mandela – a victim of the flagrantly racist laws and regulations of the apartheid system – “to liberate all our people from the continuing bondage of poverty, deprivation, suffering, gender and other discrimination.”

ENDS

This is one in a series of articles published by the Office of the High Commissioner for Human Rights (OHCHR) to mark the 70th anniversary of adoption of the Universal Declaration of Human Rights on 10 December 1948. All rights enshrined in the UDHR are connected to each other, and all are equally important.