



# Assessing National Action on Women's Constitutional Rights



Over 65 years ago, the Universal Declaration of Human Rights established that all people, regardless of sex, “are born free and equal in dignity and rights.” A series of treaties in the following decades—most notably the U.N. Convention on the Elimination of All Forms of Discrimination against Women—created more specific guarantees for the world’s women and girls. In 1995, 189 nations reaffirmed their commitments to advancing women’s and girls’ civil, social, political, and economic rights through the Beijing Declaration and Platform for Action, a landmark document that laid out a detailed strategy for addressing remaining gaps and barriers. To mark its 20th anniversary, this fact sheet series by the WORLD Policy Analysis Center examines countries’ progress toward enacting laws and policies to achieve gender equality.

## Background

- The Beijing Declaration and Platform for Action outlines countries’ responsibilities to prohibit discrimination on the basis of gender and to grant women and girls equal rights in “all spheres of public and private life,” including education, marriage, and economic opportunities.
- Constitutions enshrine individuals’ fundamental rights, shape social norms, and provide more permanent protections relative to other legislative or policy approaches.
- While corresponding legislation and case law play a crucial role in their implementation, constitutional provisions provide a foundation for advancing gender equality worldwide, as demonstrated by the following examples:
  - The women’s rights movement in India promoted the introduction of legislated prohibition of sexual harassment in the workplace in 2007, based on protections of gender equality in the constitution.
  - In Nigeria, in 1997, a court invalidated a customary law banning women from inheriting property, based on the constitution’s prohibition on gender discrimination.
  - During the 1990s, women’s rights advocates in Turkey sought reforms to the civil code based on constitutional protections of gender equality. In response, the 2001 civil code included new protections of women’s equal rights to inheritance and matrimonial property, and established the same minimum age of marriage for both sexes.

## Findings

### Broad Equality Guarantees

- The majority of constitutions take an approach to protecting women’s general equality and non-discrimination (84%).
- Constitutions adopted since the Beijing Declaration almost universally guarantee women’s general equality (96% vs. 79% adopted pre-Beijing).
- However, a number of constitutions (8%) allow customary or religious law to supersede constitutional provisions, which may undermine equality guarantees.

### Equality in Education

- Most constitutions (60%) protect girls’ right to equality in education.
- 54% of constitutions guarantee the right to free primary education to all children or specifically to girls.
- Fewer constitutions (22%) guarantee the right to free secondary education.

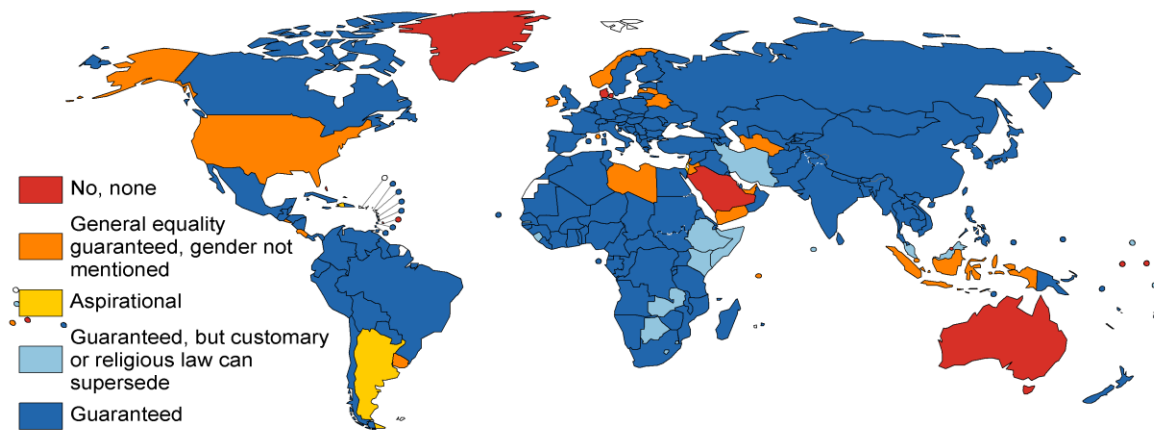
### Equality in Employment

- Only 19% of constitutions protect women from discrimination at work, while just 21% grant the right to equal pay for equal work.
- While constitutional prohibitions on gender discrimination in employment have significantly increased over time, constitutional guarantees of equal pay for equal work are only slightly more common today than before Beijing.

### Equality in Marriage

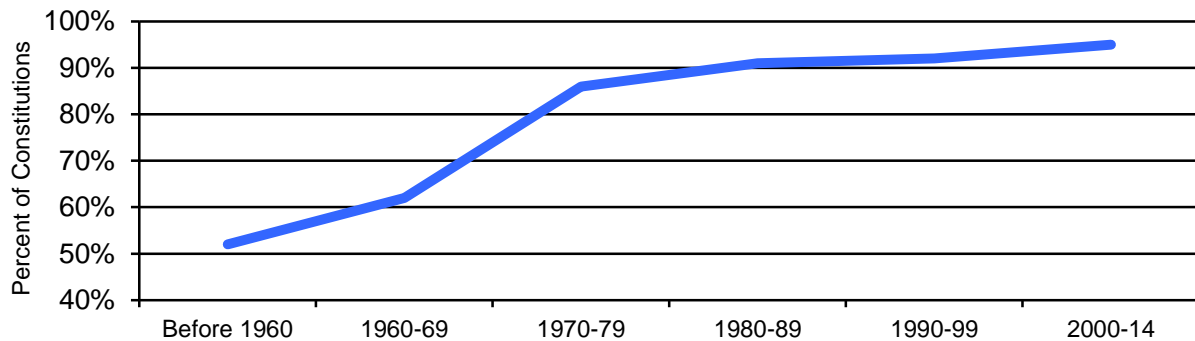
- Only 28% of current constitutions guarantee women’s equal rights within marriage and/or in entering and exiting marriage, with little change since Beijing.

## Map: Does the constitution take any approach to gender equality?



Source: WORLD Policy Analysis Center, Constitutions Database, 2014

## Figure: Guarantees to gender equality in constitutions by year of adoption



For more information, see WORLD's brief, "Equal Rights for Women and Girls in the World's Constitutions."

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