

Civil Society Advocacy Workshop

Marriage and Property Rights: Pathways Towards Gender Equality in Africa and Asia

22 JUNE 2021 | 9:00 - 12:00 GMT |  zoom



الشبكة العالمية
للصقوق الاقتصادية
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The Global Initiative
for Economic, Social and Cultural Rights

Background

Research has shown that several African and Asian societies remain strongly patriarchal, and it is often the case that women are seen as dependent on male family members considering male authority as the key and unchallenged decision-maker power in the household. The family domain is, therefore, often a space in which gender inequality is accentuated, significantly affecting the conditions for women's enjoyment of their full range of rights. Despite considerable progress made in recent years in the development of gender equality and anti-discrimination laws at the regional level, many women remain unable to exercise their rights for a myriad of reasons related to the persistent gaps in legal protection, pervasive social and religious practices that reinforce negative gender roles, and the lack of State institutional capacity and resources, all factors which create a wide disconnection between rights and reality.

One of the key areas of concern at the family level are discriminatory marital property arrangements. In this terrain, unequal power relations between women and men are commonly reflected in women's lack of access to an equal share of the property derived from marriage. Legally, marital property rights are envisaged in various, sometimes contradictory bodies of law which often create confusion in what equal marital property rights are or how these rights should be enforced. Moreover, implementation of many legal frameworks in many jurisdictions in Africa and Asia continue to discriminate and reinforce gender stereotypes that limit women's access to, use of, and control over joint marital property both in times of marriage, divorce or separation.

During marriage, a lot of women's contributions come from care and domestic work performed at the household, neither of which is paid nor socially recognized. These structural conditions of gender inequality are exacerbated at the point of the dissolution of marriage as prevalent discriminatory norms, social practices and customs traditionally favour men's property rights over those of women's after

divorce, separation, or annulment of marriage. As a result, women are more susceptible to poverty and dispossession and their agency and possibility to decide upon their own future is severely compromised. Secure and equal marriage and property rights are thus directly related with women's enjoyment of other fundamental rights, such as the rights to education, to work, to an adequate standard of living, and to be free from gender-based violence.

Against this background, in 2020 the African Commission on Human and Peoples' Rights (ACHPR) took a major step forward regarding women's rights to property in cases of separation, divorce, or annulment of marriage by adopting a new General Comment (GC No. 6) on article 7(d) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). This is a landmark reference soft law for the rights of women, which further develops and clarifies States' obligations to address the blatant discrimination women are subjected to at the regional level and calls on them to enforce equal rights in marital property.

Women in most of the Asian region face the same challenges with African women regarding access to property. While legislative regimes exist in most Asian countries that purport to ensure equality, there is a gap between formal equality and substantive equality. Asian women also face social issues like customary and religious practices that hamper their full access to property. Although the Asian region does not have a formalised regional human rights system like Africa, domestic experiences on combating these issues can assist to provide a comparative analysis of the situation of women in both regions.

This comparative analysis can then assist to develop advocacy tools and strategies, share lessons learned and identify ways forward to combat discrimination on the basis of gender, which continues to deepen the social and economic inequality of millions of women across both regions.

Objectives

This workshop will convene women's rights experts, activists, and community members from Africa and Asia to share their insights, challenges and lesson learned in advocating women's equal property rights with a comparative analysis approach with the objective to:

- Learn from the differences and similarities of the situation of women's marital property rights in Africa and Asia;
- To popularise the contribution of the ACHPR in this regard including the development of soft law instruments, such as the General Comment No. 6 on the Maputo Protocol and encourage civil society organizations to make effective use of General Comment No. 6 on the Maputo Protocol; and
- Exchange information on effective advocacy strategies and tools to advance women's right to marital property in Africa and Asia.

Methodology

Key speakers will frame the thematic focus of the discussions by making a diagnosis of the status of women's equal rights to property in and out of marriage in both, the African and Asian regions. This will be followed by an interactive dialogue where all participants will be able to take the floor and share their insights, challenges faced, and lessons learned in the development of advocacy strategies to advance women's property rights.

Outcomes

The expected outcome of this activity is:

- To deepen the understandings on women's access to property after divorce, separation and annulment of marriage in the African and Asian regions
- For the General Comment No. 6 on the Maputo Protocol to be widely known and used;
- To create a space to learn, connect and share visions to advance economic and social justice for women.

Keynote Speakers and other Important Personalities:

- Honourable Commissioner Teresa Manuela Special Rapporteur on the Rights of Women in Africa
- Honourable Lucy Asuagbor, Former Commissioner and Special Rapporteur on the Rights of Women in Africa (SRRWA) of the ACHPR
- Ms Virginia Brás Gomes, Former President of the UN Committee on Economic, Social and Cultural Rights
- Honourable Commissioner Soyata Maiga, Former Vice President and Special Rapporteur on the Rights of Women in Africa (SRRWA) of the ACHPR
- Ms Aruna Devi Narain, Member of the UN Committee on the Elimination of the Discrimination Against Women (CEDAW Committee)
- Ms Prof Savitri Goonesekere, Former member of the CEDAW Committee and of the Committee on the Rights of the Child (CRC Committee).

Proposed date and Time

Date: 22 June 2021

Time: 9:00 – 12:00 GMT

Registration:

Please register to the workshop [HERE!](#) Registrations will close on Friday, 18 June 2021.

Once registered we will share the call-in details to join to the meeting.