

United States

The United States is one of only seven countries that have not ratified the Convention on Eliminating All Forms of Discrimination Against Women and Children (CEDAW). There was a commitment by the United States to do so during its Universal Periodic Review in 2010 and 2015, but steps to do so, have yet to be taken. The US Constitution does not contain an equal rights clause or a clause on non-discrimination.

1. Discrimination in the family

a) Overarching legal framework for marriage

Marriage is governed by each State in the U.S., thus there are varying rules surrounding minimum marriage age. Most states set the age of marriage at 18 without parental consent and age 16 with parental consent (HCR, 2015). There are two states where marital age differs between women and men: Mississippi and New Hampshire. In Mississippi, women can marry at the age of 15 and men at the age of 17 without parental consent and in New Hampshire marital age is set at 14 for men and 13 for women (HRC, 2015; New Hampshire Title XLIII, Section 457(4)).

Polygamy – or bigamy -- is illegal in all 50 states under state law. Nevertheless, there are records of it being practiced based on religious beliefs, with an estimated 150,000 polygamists living as outlaws in the United States (Faucon, 2014). Though the practice of plural marriage is considered to be illegal, a 2013 District Court ruling upheld the practice in Utah as an acceptable, citing that part of Utah’s anti-bigamy statute “was an unconstitutional violation of the Free Exercise Clause and the Due Process Clause” (Faucon, 2014; HRC, 2013).

b) Child marriage

Though most states set the minimum age of marriage age at 18 years old, every State allows exceptions for both male and female minors to marry parental consent or with judicial approval. Judges can permit marriages below the age of 16, with many States not specifying a minimum age when judges rule (Reiss, 2015). In some states, the age of marriage conflicts with statutory rape laws: consummation of a marriage with a minor could be criminalised, even if the marriage itself was legal.

Eight states, the District of Columbia and the Virgin Islands have laws on forced marriage (Tahirih Justice Centre, 2013). This allows for an additional safeguard on parental “consent” for the marriage of a minor to ensure the act is not actually coerced by parents. Most forced marriage laws are geared toward preventing arranged marriages by family, but some address forced marriage in the context of human trafficking (Tahirih Justice Centre, 2013). As such, there are few resources for victims of forced marriage and few policies designed to help, unless a victim falls within the jurisdiction of one of the territories with applicable laws.

A 2011 national survey on forced marriage in immigrant communities revealed that child or forced marriage takes place in many faiths, with parents giving many reasons for doing so – such as

controlling their child's sexuality and behaviour, protecting their "family honour," or enhancing their status or economic security (Tahirih Justice Centre, 2011; Reiss, 2015).

Unofficial numbers show that early marriages number in the thousands annually and disproportionately affect female minors (Smoot, 2016; Reiss, 2015). As of 2016, a national campaign to end child marriage has led to four states drafting legislation prohibiting it (Smoot, 2016). The campaign is particularly focused on prevention and the removal of exceptions to the minimum marriage age of 18 in State laws (Smoot, 2016).

c) Household responsibilities

Family law differs in every state in the United States, but there does not appear to be any legal discrimination between men and women on who can be the legal guardian of a child or restriction on either a married or unmarried woman on choosing where to live. In the United States "head of household" is a status used only for tax purposes that entitles one to a larger standard tax deduction when filing taxes each year (IRS, 2016). Only unmarried individuals are eligible, regardless of gender or whether one is a biological parent (IRS, 2016).

Unpaid work, such as caring for children and sick or ageing family members, are responsibilities commonly undertaken by women in the United States (Zahidi, 2016). OECD data based on time-use surveys, found that women dedicated around 4.5 hours per day to unpaid care work, while men dedicated 2.3 hours per day. Women's uneven share of household chores and responsibilities is a status quo that is driven both culturally and structurally (Zahidi, 2016). For example, the high cost of childcare in the U.S. – near equivalent to the cost of full-time earnings in some cases – behoves a parent – often mothers -- to leave the workforce and care for children themselves (ILO, 2016). A Pew Study found that though men typically work longer hours than women, in families where women work longer hours or earned a higher salary than their partner, they still took on a disproportionate amount of family responsibilities (Klein et. al., 2013). A Chicago Sloan study of 500 working families found that women performed twice the amount of household tasks as their partners and carried the burden of "mental labour" involved in planning and coordination of tasks (Klein et. al., 2013).

d) Divorce

Women have the same rights as men to initiate divorce in the United States. Divorce is under state jurisdiction, rather than Federal jurisdiction and is based on the state residence of the petitioner(s), as opposed to the state they were married in (HG, 2017). Two types of divorce prevail: at-fault and no-fault divorce (HG, 2017). Depending on the state and which type of divorce -- outcomes in division of assets, child custody, child support and alimony can differ.

Upon dissolution of a marriage, both parents have a legal duty to provide financial support for their children, the level of which can be determined by the court based upon the respective incomes of parents (HG, 2017). Any court determination of guardianship or custody of children is based on the "best interest of the child" standard (HG, 2017b).

Women are far more likely to initiate divorce than men in the United States by a ratio of 7:3, which research partially relates to "unfair expectations women are burdened with when they enter into a

marriage,” and a “certain degree of male privilege and expectation that comes with marriage” (Robb, 2015).

2. Restricted Physical integrity

a) Violence against women

The 1994 Violence Against Women Act (H.R. 3335, hereinafter ‘VAWA’) is the overarching law that covers gender-based violence. It operates through grant programmes to state, tribal and local governments, NGOs and universities that implement programmes under a range of activities (Sacco, 2015). The law covers domestic violence, a range of sex crimes, intimate partner violence and stalking (HRC, 2015; Sacco, 2015). The Office on Violence Against Women (OVW), a separate office within the Department of Justice, administers the majority of federal grants authorised under VAWA (Sacco, 2015). Programmes focus on domestic violence, encouraging collaboration among law enforcement and service providers, investigation and prosecution of crimes, and addressing the needs of specific groups of women (e.g. elderly, disable, children, different ethnic and racial communities etc.) (Sacco, 2015). Under this scheme, protection and support services for victims/ survivors are provided, training for law enforcement and prosecutors, data collection, as well as awareness raising, education and prevention programmes. Appropriations are authorised each year for types of grants and to provide funding for a 24-hour hotline, battered women’s shelters and community programmes, among other things. Chapter 9 of the VAWA calls for the National Research Council to develop a research agenda to increase the understanding and control of violence against women.

The Act must be periodically reauthorized. In its last authorisation in 2013, budgetary commitments were made to sexual assault response teams and toward training of law enforcement officers and prosecutors to handle sexual assault cases. Other reauthorisations incorporated provisions and programmes aimed at the protection of elderly and disabled women, as well as American Indian women (Sacco, 2015). Restitution is available to victims of some sex offences –such as sexual abuse or exploitation – and civil remedies are possible for sexual assault victims.

b) Domestic violence

Domestic violence is considered a criminal offence and is covered under Chapter 110A of the Criminal Code (Title 18). The Department of Justice’s Office on Violence Against Women defines domestic violence as, “a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviours that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.” Prison penalties and fines can range depending on how egregious an act is and if a perpetrator is a repeat offender. A life prison term or death sentence can be levied if an act of domestic violence leads to a person’s death. Permanent disfigurement could be charged with up to 20 years in prison, use of a deadly weapon or serious bodily injury incurs a prison term of up to ten years, and up to five years in any other case. The 1994 VAWA encourages police departments to take a pro-arrest stance with respect to domestic violence and protection order violations (Chapter 3).

Protection orders issued tend to be viewed as valid across all States via the “full faith and credit clause” of the Constitution that addresses the duties of States to respect “public acts, records, and judicial proceedings of every other state,” (U.S. Constitution, Article IV (1); ULC, 2017).

The US Department of Health and Human Services funds a 24-hour National Domestic Violence Hotline and website which features live chat support operating from 7am to 2am every day. Live chat support is also available in Spanish from 12pm to 6pm everyday too. Passage of the 2010 Affordable Care Act included provisions for coverage of provider screening and counselling for domestic violence victims (HRC, 2015).

Victimisation can vary across ethnicities with higher rates among American Indian/Alaska Natives and Hispanic women in comparison to non-Hispanic white women in the United States (NCJFCJ, 2016). Higher rates of domestic violence are also correlated with impoverished African-American communities, which the National Council of Juvenile and Family Court Judges’ (NCJFCJ) attributes to “the intersection of stressors including racial bias and economic disadvantage” (2016).

Fifteen states have clauses in their labour laws allowing victims of domestic violence the right to leave work to seek services or tend to personal matters and 33 states prohibit employers from punishing or firing domestic violence victims who take leave to attend court proceedings related to domestic violence (IWPR, 2015). Unemployment benefits are typically contingent upon leaving with “good cause.” As of 2014, 32 states define family violence as “good cause” (IWPR, 2015).

Some state laws prohibit domestic abusers and stalkers from buying or possessing guns, but coverage is often limited to those who are or were previously married or cohabitating – leaving out dating partners (HRC, 2015). In 2012 1,706 women were murdered by men in incidents involving a single victim and single perpetrator (IWPR, 2015). Figures between 2003-2012 shows that of the women killed by an intimate partner, over half of them were murdered with guns (IWPR, 2015).

Findings of NCJFCJ indicated that survivors often underreport or do not seek help due to misconceptions about confidentiality when asking for help. A 2015 survey of survivors contacting the National Domestic Violence Hotline found that one in three participants said they had not asked someone for help when they experienced intimate partner violence “for fear the person would be legally required to report what they had shared” (NCJFCJ, 2016). Underreporting and identifying domestic violence within immigrant communities can be especially problematic given survivor’s fear of deportation or loss of sponsorship for disclosure of information (NCJFCJ, 2016).

c) Rape

Each state in the U.S. has its own laws on rape, often referred to by other terms, such as “sexual assault,” “forced sexual intercourse” and so on. The U.S. Office of Violence against Women (OVW) uses the following definition: “Sexual assault is any type of sexual contact or behaviour that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.”

Rape is considered a criminal offence and federal penalties range depending on the act itself and if an offender has past sexual convictions.

Spousal rape is illegal across the United States, but some states treat marital and non-marital rape differently. When it comes to marital rape, charges may be applied under different sections of the state's respective penal code that restrict reporting periods, result in different punishments, or hold the perpetrator to "a different standard of coercion or force" (Allen, 2015). For instance, in Ohio, Oklahoma and Idaho, where force or threat of force is required which creates a loophole for women who may have been raped by their husband while drugged or unconscious (Allen, 2015).

The 1994 VAWA amended the Public Health and Human Services Act to allow States to use funds for rape prevention and education programmes. The 2013 rendition further modified Federal Rules of Evidence to specify that a victim's past sexual behaviour is not admissible as evidence in cases of sexual misconduct (Sacco, 2015). According to a 2011 Centres for Disease Control and Prevention's National Intimate Partner and Sexual Violence Survey (NISVS), 19.1% of women are raped at some time in their lives (an estimated 23 million women) and 36.3% experience some other form of sexual violence (est. 44.7 million women). The survey found that figures increase for multiracial and Native American women and that that perpetrators are men in 92-100% of all cases (CDC, 2012).

d) Sexual harassment

The U.S. legal framework provides protection from sexual harassment within specific areas – in educational institutions, in the workplace and in housing. Any public school, including college and universities that receive Federal funding, are subject to Title IX of the Education Act that bars sexual harassment. Sexual harassment is defined as "conduct that is sexual in nature, unwelcome, and denies or limits a student's ability to participate in or benefit from a school's education programme" by the U.S. Department of Education. Authority is vested in the Department to interpret and enforce the law with the possibility of federal funding being withheld from an institution in violation of Title IX. Policy guidance can be found on the Department of Education's website for students, educational institutions and to provide courts with clarity on interpretation of the law (U.S. Department of Education, 2015).

In employment, verbal or physical sexual advances or propositions are illegal under Title VII of the Civil Rights Act (1964), in addition to any act of a sexual nature which unreasonably interferes with an individual's work performance or creates a hostile workplace for women (EEOC, n.d.). To obtain relief under Title VII, a woman must file a complaint with the Equal Employment Opportunity Commission (EEOC) within 180 days of the last incident of harassment. Many states have additional statutes on sexual harassment, modelled after Title VII, with their own agencies at which women may file complaints. Courts are instructed when adjudicating sexual harassment cases to consider whether a "reasonable woman" or a "reasonable person" would agree that the act constituted sexual harassment (Shoenfelt et. al., 2002).

A loophole in sexual harassment laws in employment in the United States concerns unpaid interns, unless they received "significant remuneration." In June 2013, the Oregon became the first state to pass a law expanding discrimination and harassment protections to interns, whether paid or not. The

District of Columbia has also included such protections to interns under its Human Rights Act (Hickman and Thompson, 2013).

The Fair House Act (1968) prohibits sexual harassment in housing and is aimed at landlords and/or building managers who “create an untenable living environment by demanding sexual favours from tenants or by creating a sexually hostile environment for them.” The Department of Justice notes that women, “particularly those who are poor, and with limited housing options, often have little recourse but to tolerate the humiliation and degradation of sexual harassment or risk having their families and themselves removed from their homes” (U.S. Dept. of Justice, 2015).

Organisations or work/educations environments that are male-dominated or hierarchical tend to have a higher prevalence of sexual harassment due to “gendered power dynamics” (Miller, 2017). Several high-profile cases shedding light on the sexist working environments and sexual harassment met with inaction in America’s Silicon Valley and within the American military illustrate this (Benner, 2017; Miller, 2017; Stander & Thompsen, 2016).

Though there are legal avenues and institutional policies against sexual harassment, the majority of women who experience it do not report. This is partially due to women’s misunderstanding of what constitutes sexual harassment and presuming that what they have experienced would not qualify (Miller, 2017). Others fear they will not be believed, will be ostracised, and/or will face “inaction, blame, or societal and professional retaliation.” Due to fear, anecdotal evidence shows victims often choose to ignore the behaviour, avoid the perpetrator, and “grin and bear it” (Miller, 2017).

e) Female genital mutilation

Title 18 of the U.S. Code § 116 prohibits female genital mutilation or cutting (FGM/C) the labia majora, labia minora, or clitoris of another person that has not attained 18 years of age. It is considered a crime punishable by a fine and/or imprisonment of up to 5 years. The U.S. Congress passed the law in 1996 and subsequently, 23 other states have specific laws against the harmful traditional practice. The U.S. Code was again updated in 2013 to make it illegal for a person to knowingly send a family member abroad for FGM/C (Feldman-Jacobs & Mather, 2013).

The prevalence of female genital mutilation in the United States is uncertain, but a 2016 study by the Centre for Disease Control and Prevention, revealed that around 513,000 girls and women have already been affected or are at risk of undergoing FGM in the country (CDC, 2016). Findings were similar to those of the Population Reference Bureau that estimated that there were 507,000 females who had undergone or were at risk of FGM/C in 2013 (Feldman-Jacobs & Mather, 2013). Three-fifths of all women and girls at risk of FGM/C reside in eight states that house high immigrant populations (e.g. California, New York, Minnesota), with at-risk women and girls mostly coming from Egypt and Sub-Saharan Africa (Feldman-Jacobs & Mather, 2013).

f) Abortion

The Supreme Court decision in the 1973 *Roe v. Wade* case gave women the constitutional right to choose whether to terminate a pregnancy within the first trimester to viability (ACLU, n.d.; HRC, 2015). The court’s decision characterised a woman’s right to choose as “fundamental” to her “life and

future,” (ACLU, n.d.). Technically there are no restrictions on the reason a woman can undergo an abortion – it is her freedom of choice – but the ambiguity of the term “viability” does place restrictions on the time that a woman has to undergo an abortion.

For those under age 18, whether parental consent is needed or not varies depending on each State’s law. In some States, such as California, there is not an age restriction and notification of a parent(s) is not required. In others – notifying one’s parents 24–48 hours before the procedure or getting their consent is required for those under age 16 or 18 (Planned Parenthood, 2017). In most cases, a judge can excuse a person from the need to notify or get consent from their parents (Planned Parenthood, 2017)

In recent years, increasingly restrictive legislative measures and court decisions at the state level have challenged women’s rights to sexual and reproductive health (HRC, 2015). Common features include increasing restrictions surrounding abortion, debating whether contraception should be covered by tax dollars and by private companies’ insurance schemes, as well as efforts to de-fund family planning clinics/institutions. There have been cases of violent attacks carried out at family planning or abortion clinics to prevent women from exercising their legal reproductive rights (HRC, 2015). A 2015 report found that more states (30 out of 50) have laws which require waiting periods for abortions mandating that a physician cannot perform an abortion until a certain number of hours after a patient is notified of her options in dealing with pregnancy (IWPR, 2015).

More

The U.S. government has strengthened its institutional capacity to promote women’s rights and gender equality via the White House Council on Women and Girls, the White House Advisor on Violence Against Women, the Office on Violence Against Women within the Department of Justice, the Office of Women’s Health, and the Family of Violence Prevention and Services Division within the Department of Health (HRC, 2015).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Property laws vary considerably from one state to the next. Regardless, women and men have the same rights to purchase, own, use and dispose of land and non-land assets, regardless of status. The Fourteenth Amendment of the U.S. Constitution ensures that no State can “deprive any person of life, liberty, or property, without due process of the law,” or “deny to any person within its jurisdiction the equal protection of the laws.” The United States equalises marital property by recognising women’s non-economic and indirect contributions to marital property (OHCHR, 2013).

If both a husband and wife appear on the title of a land deed or property – both signatures are required for transactions (WWLT, 2012). Even if this is not the case, but a state operates under a community property regime – both a husband and wife’s signature are required (WWLT, 2012). For states with a

common law jurisdiction -- meaning each partner retains decision-making power of their own individual property – both parties do not need to sign (WWLT, 2012).

The 1968 Fair Housing Act prohibits discrimination in the sale or rental of a property on the basis of race, colour, religion, sex, familial status, or national origin.

The majority of land in the United States is owned by men, with women representing only 13.7% of all landholders (FAO, 2012). Both the 2008 Farm Bill and the Department of Agriculture (USDA) have initiated programmes and measures aimed at increasing women's overall land ownership and participation in agriculture. The USDA's Farm Service Agency (FSA) set up the Women Outreach Programme in order to increase the number of women owning and operating farms and provides educational information, referrals for technical assistance and networking opportunities to women (OHCHR, 2013).

In all states, all men and women have the same rights to make a will and inherit. Though not forbidden across all States, disinheritance of a surviving spouse is difficult to do. In most circumstances, a surviving spouse cannot be completely cut out of a will and states with community property regimes do not allow it all (Nolo, n.d.).

b) Secure access to formal financial resources

Women and men enjoy the same rights to open a bank account, start a business, or sign a contract. The 1974 Equal Credit Opportunity Act (Section 1691a) prohibits discrimination by creditors, with respect to any aspect of a credit transaction, on the basis of race, colour, religion, national origin, sex, marital status, or age.

A good credit history is needed to obtain credit in the United States. The US Federal Trade Commission notes two obstacles faced by women with regards to this their credit history: it can be lost when they marry and change their last name and creditors may report accounts shared by married couples in the husband's name only (FTC, 1998).

A report by the government funded National Women's Business Council (NWBC) noted that one-third of women business owners surveyed perceived some degree of gender-based discrimination when seeking credit from a financial institution (Yago, Ford & Gordon, 2000). The NWBC has pushed for measures to create a more welcome environment for female entrepreneurs and close gender gaps between men and women seeking credit. Some of these measures include the support of new credit scoring models that consider specific obstacles women-led businesses face and institutionalising gender disaggregated data in economic census and related surveys.

A 2012 study by the Financial Industry Regulatory Authority found that women pay more for cards than men via interest rates (Eveleth, 2014). Another report based drawing from an inquiry conducted by the US Department of Housing and Urban Development points to a significant body of evidence that revealed discriminatory lending to women home buyers, especially in the space of 'subprime' mortgages (Hertz, 2011).

c) Workplace rights

The United States is not party to ILO Conventions No. 100, 156, 183 or 189 which respectively cover equal remuneration, workers with family responsibilities, maternity protection, and rights of domestic workers. In lieu of this, the United States has adopted laws that cover some of these areas. The Equal Pay Act of 1963 requires that men and women be given equal pay for equal work in the same workplace. An employee may file a civil suit in a federal court to enforce this act, and the court may order the employer to change its wage policies and/or order back wages to the employee who was discriminated against. The Civil Rights Act of 1964 prohibits employment discrimination based on race, colour, religion, sex, or national origin in establishments with more than 15 employees (Title VII). The law is also applicable to employment agencies and trade unions. The Pregnancy Discrimination Act of 1978 establishes that discrimination in the workplace based on pregnancy, childbirth or related medical conditions constitutes sex discrimination under Title VII. The Family and Medical Leave Act of 1993 allows employees to take unpaid leave of up to 12 working weeks in a 12-month period with the guarantee of keeping one's job.

Women enjoy the same rights as men to work at night and undertake the same jobs.

There is no state mandated maternity leave in the United States or government provisions for paternity leave either. Nevertheless, Section 2612 of the United States Code allows up to 84 days of unpaid family leave.

Though separate laws exist that should protect women's workplace rights and prevent discrimination – the way in which they are applied differs between states. Around 19 states have passed laws providing workplace breastfeeding rights and three states provide that employers must allow pregnant employees to take sickness or disability leave for pregnancy related conditions. Title VII of the Civil Rights Act (1964) – which covers gender discrimination in the workplace -- is limited in scope in that it only applies to establishments with 15 or more employees.

Though an Equal Pay Act exists, statistics show a gap in the pay women and men receive for equal work. Two initiatives have sought to remedy this – the 2009 Lilly Ledbetter Fair Pay Restoration Act and the 2014 Executive Order 13665 which seek to promote pay transparency in order to challenge employers' skirting the law (HRC, 2015).

Further – an unconscious gender bias persists in the United States with regards to women's skills and roles that impinge upon their career mobility (NWBC, n.d.). A report by the National Women's Business Council highlights that 68% of women believe gender discrimination exists in the workplace and in a separate survey, 100% of women of colour employees in STEM fields claimed they had experienced some form of gender bias (NWBC, n.d.).

Gender-based discrimination also seems to be compounded by further factors – such as race, ethnicity and socio-economic status. Pay, work opportunity and poverty differs between groups of women in the United States (IWPR, 2015). A 2015 Report on the *Status of Women in the United States* shows that poverty rates of white (11.7%) and Asian/Pacific Islander (13%) women are nearly half the rate for Native American (28.1%), black (25.7%) and Hispanic (24%) women, with single mothers especially

affected (IWPR, 2015). Geographically, women in southern states are the worst off with regard to employment, employment rights and earnings (IWPR, 2015).

4. Restricted Civil liberties

a) Citizenship rights

No gender-based discrimination exists within the United States' Immigration and Nationality Act (1952) on one's ability to retain, change, acquire, or pass on their nationality to their children or foreign spouse. The same applies to applying for a passport and travelling freely (U.S. Code, Title 8, Section 1401). Birth registration is typically done by the institution that a baby is born in by an attending physician or medical staff (e.g. a hospital). Regardless, both the father and mother have an equal right to file a birth certificate. According to the 1992 *Model State Vital Statistics Act and Regulations*, a woman who was unmarried during the time of conception or birth, the father's name cannot appear on the birth certificate "without an affidavit of paternity signed by the mother and the person to be named as the father.

b) Voting

The 19th Amendment of the U.S. Constitution guarantees that the right of citizens of the United States to vote cannot be denied or abridged on the basis of sex. There are no gender-specific restrictions on women's ability to vote in the United States. On average, women are more likely to be registered to vote, as well as more likely to vote, than men (IWPR, 2015).

c) Political voice

There are no quotas or temporary special measures for women at any administrative level in the United States for public office, nor are there political party quotas.

In general, women fall behind men in their public and political representation. Women currently hold 19.4% of seats in the House of Representatives, 21% of seats in the Senate, 4 out of 24 Cabinet level positions and 24.7% of seats in state legislatures (IPU, 2017; IWPR, 2015). While the overall share of women in the state and national legislatures has increased between 2004-2015, the number and share of women in state-wide elected executive offices declined (IWPR, 2015).

A 2014 report identifying the barriers women face in seeking political office found that "women are often seen to perform as well as men when they campaign for office—with similar fund-raising totals and electoral success—yet fewer women decide to pursue candidacy" (IWPR, 2015; Political Parity, 2014). Common barriers for women's increased political representation include the lower rate of female candidates running for election, lack of encouragement and support by their peers and political parties, lack of access to networks and capital to buttress their campaigns, and harsh media scrutiny of female candidates (IWPR, 2015). Women politicians interviewed cited the public perception that being a "powerful woman" carries a negative connotation (Political Parity, 2014). A lack of supportive work-life balance policies further deters women's political participation (IWPR, 2015). For women that are elected to office, they site that both gender and age (a generational difference) are challenges in the political environment (Political Parity, 2014). Recent research revealed young women's

disinterest in running for office who see the American political system as “mean-spirited”, dysfunctional and rife with partisan warfare and political gridlock (Lawless & Fox, 2015).

A 2015 report by the UN’s working group on Discrimination Against Women in Law and Practice noted “unprecedented hostile stereotyping of women” within political rhetoric in the United States, leading up to the 2016 Presidential election (HRC, 2015).

d) Access to justice

The Fourteenth Amendment of the U.S. Constitution guarantees that no State can “deny to any person within its jurisdiction the equal protection of the laws.” A woman’s testimony carries the same evidentiary weight as that of a man’s in court. Customary or religious laws that may interpret the weight of a woman’s testimony differently are not recognised in the United States.

Despite Constitutional guarantees, a 2014 report by Columbia University’s Human Rights Institute points to several barriers that women face, specific groups of women, in accessing justice. A lack of knowledge of the law, especially with respect to a right to civil counsel, poverty and race play a key role in access and fair justice outcomes. Given that the poverty rates among women – especially women of colour – are higher than that of men, they are more likely to be involved in “poverty-related legal proceedings where their basic needs are at stake.” Women of colour and minorities are doubly discriminated against, making it more likely that will experience discrimination the “gives rise to legal claims.” The report further found that women, immigrants and minorities make up a disproportionate number of litigants without legal defence. The report cites a study in California where nearly 85% of litigants in the family court without an attorney were women.

Legal aid programmes do exist in the United States and are supported by government funding. In 1974 the US Congress established the Legal Services Corporation (LSC) to increase civil litigant’s ability to access equal justice. Nevertheless, the LSC’s congressional appropriations have been severely cut in recent years making it difficult for LSC to meet the demands of low-income litigants and grantees are “unduly restricted” (Columbia University’s Human Rights Institute, 2014).

A 2015 report presented to the UN’s Human Rights Council noted that there has been an increased awareness of the need for gender-sensitivity and balanced representation in the judiciary. The latest figures show that women make up around 35% of judges in the federal courts of appeal and represent 3 of the 9 (33%) of judges on the Supreme Court. The report also noted the particular difficulties faced by Native American women in accessing justice, especially recourse for domestic violence committed by non-indigenous men on reservations (HRC, 2015).

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