

UNITED STATES OF AMERICA

1. Discriminatory family code

The **legal age of marriage** in the United States is decided at the state rather than the federal level. All states set the age of marriage without parental and/or court consent at 18 years of age or older for both men and women, without discrimination by gender. Several states make exceptions for minors to marry if the bride is pregnant or has given birth to a child.¹

The majority of states set the age of marriage with parental and/or court consent at 16 years for both males and females. Certain states set the age lower, and a couple of states have no age limitation. Approximately five states discriminate by sex in their laws regarding marriage with parental and/or court consent.² With parental consent, the age of marriage for females and males is 15 and 17 years old respectively in Mississippi³ and 13 and 14 years old respectively in New Hampshire.⁴

Reportedly, in some states, the age of marriage conflicts with statutory rape laws, meaning that consummation of a marriage to a minor could be criminalised, even if the marriage itself was legal. Charges for statutory rape could also be made against an assailant who is married to the victim if the crime is committed in a state with different laws than the one in which the couple married.⁵ However, this is not the case for states like Mississippi and Texas that have spousal exceptions to statutory rape.⁶ In some states without such exceptions, reportedly, charges may be dropped or prosecution lightened for statutory rape if the couple is legally married.⁷ Arranging marriages of children may also be prosecuted in the United States as complicity in statutory rape.⁸

There are low levels of **early marriage** practiced in the United States. Data from the UN shows that 3% of women between the ages of 15-18 were married in 2009.⁹

¹ Global Justice Initiative (2011); U.S. Marriage Laws (2012)

² Global Justice Initiative (2011). The five states that discriminate by gender in their marriage age laws are Arkansas (Ark. Code Ann. § 9-11-102 - § 9-11-105), Massachusetts, Mississippi (Miss. Code Ann. § 93-1-5), New Hampshire (N.H. Rev. Stat. § 457:4, § 457:5) and Ohio (Ohio Rev. Code Ann. § 3101.01, § 3101.05)

³ Miss. Code Ann. § 93-1-5

⁴ N.H. Rev. Stat. § 457:4, § 457:5 (<http://www.sos.nh.gov/MARRIAGE%20LAW.pdf>)

⁵ Bushey (2007)

⁶ Texas § 22. 011 (http://www.womenslaw.org/statutes_detail.php?statute_id=5713#statute-top); Miss. Code Ann. § 97-3-65 (http://www.womenslaw.org/statutes_detail.php?statute_id=4536#statute-top); Salopek (2004)

⁷ Bushey (2007); Salopek (2004)

⁸ CNN (2013)

⁹ OECD (2014), Gender, Institutions and Development Database, <http://stats.oecd.org>

A study by the Center for Law and Social Policy (CLASP) found that the number of married teenagers in the United States increased by almost 50% during the 1990s, the most significant increase in early marriage since the 1950s. According to the study, one reason for this phenomenon is the growth of traditional values that stress abstinence before marriage. Nonetheless, it is estimated that more than four-fifths of teen pregnancies in the United States occur outside of wedlock.¹⁰

Early marriage in the United States has been linked to several risks, including chronic anaemia and obesity.¹¹ According to the CLASP, teen mothers are not necessarily better-off married in the United States. Married teens mothers are more likely than their non-married peers to have rapid repeat births, which interferes with school completion. Their marriages tend to end in divorce, and they are at high risk of domestic violence.¹²

No evidence was found of discrimination by gender in United States federal or state laws pertaining to **parental authority**. Under the common statutory provision, if spouses have a child together while married, the parents have joint guardianship over that child and equal parental rights. Some states presume that in the case of unmarried parents, the mother automatically has custody, while others expect single mothers to file for custody, even if the father is not involved.¹³

No evidence was found of gender discrimination in **inheritance** rights in the United States. Women in the United States execute wills at a rate comparable or greater to men.¹⁴

In the case of **divorce** or separation, each parent has an equal right to claim custody. Courts under the individual states' laws are ordered to consider the best interests of the child when determining custody cases.¹⁵ By 1991, 40 states had shared parenting statutes in which joint custody was either an option or preference, and most other states had recognised the concept of joint custody in case law. Reportedly, the most common arrangement is that of joint legal custody and sole or primary physical custody to one of the parents, most often the mother.¹⁶ No evidence was found of gender discrimination in the rights of men and women to **initiate divorce** in the United States.

2. Restricted physical integrity

Domestic violence is largely a matter of state and local jurisdiction in the United States.¹⁷ According to a 2011 government report, 34 states defined domestic violence in their criminal or penal codes, generally describing acts that can lead to arrest and misdemeanour or felony prosecution for domestic violence.¹⁸ All states, the District of Columbia, and many Native American tribes offer a civil remedy to domestic violence. These involve protection orders that enjoin abusive partners from contacting, harming,

¹⁰ Salopek (2004)

¹¹ Salopek (2004)

¹² Seiler (2002), p. 10

¹³ Legal Information Institute (2010)

¹⁴ Knapland (2008), p. 3

¹⁵ Legal Information Institute (2010)

¹⁶ Kelly (1994)

¹⁷ American Bar Association Commission on Domestic & Sexual Violence (2011)

¹⁸ Child Welfare Information Gateway (2011), p. 4

harassing or stalking their victims. In addition, under federal law, states, tribes and territories are required to respect protection orders issued in other jurisdictions.¹⁹

Under federal law, the Violence Against Women Act (VAWA), first passed in 1994 and reauthorised most recently in 2013, criminalises interstate domestic violence, stalking and harassment by intimate partners. Violations under VAWA include maximum prison sentences of five years to life, depending on the seriousness of the bodily injury caused to the victim. In addition, the defendant may be required to pay losses to the victim. The Gun Control Act (1994) criminalises firearm possession by those subject to a protection order or convicted of domestic violence, imposing a maximum prison sentence of ten years.²⁰

Both the Office of Violence Against Women (OVW) in the U.S. Department of Justice (mandated by VAWA) and the Office on Women's Health (OWH) of the U.S. Department of Health and Human Services work to stop violence against women and girls, including domestic and dating violence, through programmes and policy work.²¹ According to the OWH website, its recent work has focused on such issues as engaging men as partners in prevention of violence and enhancing college and university curriculums to include domestic violence and sexual assault issues.²² The National Advisory Committee on Violence Against Women is a joint programme of the two offices. Examples of the committee's efforts include the Community Checklist initiative to verify that each community has domestic violence programmes and the Toolkit to End Violence Against Women, which has chapters for specific audiences.²³

The Family Violence Prevention and Services Program administers the Family Violence Prevention and Services Act (FVPSA), the primary federal funding stream dedicated to the support of emergency shelter and related assistance for victims of domestic violence and their children.²⁴ The FVPSA also established the National Domestic Violence Hotline, a 24-hour confidential, toll-free hotline for victims of domestic violence, and the *Loveisrespect* National Teen Dating Abuse Helpline.²⁵

Many states have established governor's commissions or task forces on women's issues, most dealing with domestic violence.²⁶ Many local jurisdictions have similar programmes. The Domestic Abuse Intervention Project ("Duluth Model") was the first multi-disciplinary programme designed to coordinate actions of a variety of agencies in Duluth, Minnesota, to combat domestic violence. It has become a model for other local jurisdictions across the United States and internationally.²⁷

According to the 2010 National Intimate Partner and Sexual Violence Survey (NISVS), 35.6% of women in the United States reported experiencing rape, physical violence, or stalking by a current or former partner or spouse ("intimate partner") in their lifetime. 5.9% reported this in the 12 months prior to the

¹⁹ NCJFCJ (2010)

²⁰ U.S. Department of Justice (n.d.[a])

²¹ Office of Violence Against Women (n.d.); OWH (2013b)

²² OWH (2013b)

²³ OWH (2013a)

²⁴ Family and Youth Services Bureau (n.d.)

²⁵ Family and Youth Services Bureau (2013)

²⁶ President and Fellows of Harvard College (2007), p. 5

²⁷ Domestic Abuse Intervention Programs (2011)

survey. The most common form of intimate partner violence is physical violence. 32.9% of women reported experiencing it in their lifetime, and 4.0% in the 12 months prior to the survey. According to the NISVS, approximately one in four women in the United States has experienced severe physical violence by an intimate partner in their lifetime, and approximately one in seven were injured as a result of such violence that included rape, physical violence and/or stalking.²⁸ According to a 2006 study cited in a government-funded report, domestic violence costs the United States an estimated USD 5-10 billion annually in direct medical and mental health care services and lost productivity.²⁹

According to the Break the Cycle NGO, whose report is linked to on the OWH website,³⁰ one in three adolescent girls in the United States is a victim of physical, emotional or verbal abuse from a dating partner. It notes that digital abuse is widespread among teens, with one in four teens in a relationship saying that they have been called names, harassed or put down by their partner through cell phones and texting. According to the report, studies have found that about a quarter of adolescent mothers experience relationship violence before, during or just after pregnancy, with some studies reporting rates of 50-80%. Break the Cycle published a report card on state laws to combat intimate-partner violence affecting teens and young adults, which assessed state laws on minors' access to sensitive services and school response to dating violence through policy or prevention education. Nine states received a failing grade, either for scoring low on several indicators or for prohibiting minors or those in dating relationships from getting civil protection orders.³¹

Native American women suffer rates of domestic violence higher than those of other racial groups in the United States. According to media reports, more than half of cases involving non-Indians on Native American reservations were unprosecuted, because Indian courts lacked jurisdiction over non-Indians and because federal prosecutors had too few resources to try cases on isolated reservations.³² The 2013 reauthorisation of the VAWA sought to close the loophole on jurisdiction by granting tribal courts authority, in domestic violence cases, over non-Native defendants who live or work on reservations and are married to or in a partnership with a tribal member. The law will come into effect in 2015, but a pilot-project will allow some approved tribes to begin trying non-Indians sooner. According to the Indian Law Resource Center, this is an important development considering that more than three-quarters of people living in American Indian and Alaskan Native areas are non-Indian, and roughly half of Native American women are married to non-Indians. In addition, the murder rate for Native women on some reservations is ten times the national average.³³

Rape laws are governed by states in the United States. All states criminalise forcibly subjecting a woman to sexual intercourse, but in some, it is referred to as sexual assault or abuse rather than rape, while others have more expansive definitions of rape.³⁴ North Carolina became the last state to outlaw marital

²⁸ Black et al. (2011)

²⁹ NCJFCJ (2010), p. 1

³⁰ OWH (2013a)

³¹ Break the Cycle (2010), pp. 3-4, 9

³² Fonseca (2013)

³³ Indian Law Resource Center (2013)

³⁴ Hughes (2013); AEquitas (2013)

rape in 1993.³⁵ However, in some states, there remain differences in the penalties and reporting period for spousal rape compared to rape by others.³⁶

In 2003, the maximum prison sentence for first time sexual offenders in the United States ranged from 18 years (in New Mexico) to a life sentence (in various states). The maximum penalty for rape also included the death penalty (in Oklahoma, Florida, and possibly other states) and fines (e.g. up to USD 750,000 in Colorado).³⁷

Under statutes of limitations laws, the majority of states require that a complaint of rape be made within a certain time period after the incident.³⁸ As of April 2013, ten states required a rape to be reported within five years to initiate criminal prosecution, but Kansas has since abolished such limitations.³⁹

All states criminalise statutory rape with the age of consent varying from 16 to 18 years old.⁴⁰ In some states, consent may be given at a younger age under the condition of a specified age differential between those engaged in sexual activities. For example, in Kentucky, while the age of consent is 16 years old, sex between two minors aged 14-18 years old is not criminalised.⁴¹ In Alabama, sexual intercourse with someone of the opposite sex less than 12 years old is first degree rape if the actor is 16 years of age or older and second degree rape if the actor is between two years older than the victim and 16 years old.⁴² In some states there is also an exception to statutory rape if the couple is legally married.⁴³

Rape shield laws have been passed in almost all states to protect victims from the emotional trauma of being questioned about their sexual history on the witness stand.⁴⁴ At the national level, Rule 412 of the Federal Rules of Evidence declares that evidence offered to prove the victim engaged in other sexual behaviour, or evidence offered to prove any victim's sexual predisposition, is generally inadmissible in any civil or criminal proceeding involving alleged sexual misconduct.⁴⁵

The U.S. Federal Code criminalises "aggravated sexual abuse" in "special maritime and territorial jurisdiction of the United States or in a federal prison," as well as the crossing of state lines to sexually abuse a child younger than 12 years old.⁴⁶ The federal government also defines rape for purposes of statistical data collection.⁴⁷

³⁵ AEquitas (2013), p. 104; Johnston Polsi (2009)

³⁶ Rape Abuse & Incest National Network (2009)

³⁷ American Prosecutors Research Institute (2003b)

³⁸ Lawrence Journal-World (2013)

³⁹ Reese (2013)

⁴⁰ AEquitas (2013), pp. 109-118; Global Justice Initiative (2011)

⁴¹ Ky. Rev. Stat. Ann. § 510.050, Ky. Rev. Stat. Ann. § 510.060, Ky. Rev. Stat. Ann. § 510.110, and Ky. Rev. Stat. Ann § 510.120 in AEquitas (2013), p. 112

⁴² Ala. Code. § 13A-6-61 and Ala. Code. § 13A-6-62, cited in AEquitas (2013) p. 109

⁴³ For example, Texas § 22. 011; Miss. Code Ann. § 97-3-65

⁴⁴ American Prosecutors Research Institute (2003a)

⁴⁵ Rule 412 of the Federal Rules of Evidence, added Pub. L. 95-540, §2(a), Oct. 28, 1978, 92 Stat. 2046; amended Pub. L. 100-690, title VII, §7046(a), Nov. 18, 1988, 102 Stat. 4400; Apr. 29, 1994, eff. Dec. 1, 1994; Pub. L. 103-322, title IV, §40141(b), Sept. 13, 1994, 108 Stat. 1919 Apr. 26, 2011, eff. Dec. 1, 2011

⁴⁶ 18 USC § 2241

⁴⁷ Savage (2012)

Despite a robust legal framework to combat rape and the presence of rape crisis centres across the United States, rape is one of the most under-reported violent crimes in the country. According to the U.S. Department of Justice, 28% of rapes or sexual assaults in the United States are reported to police.⁴⁸ According to Rose Corrigan, professor at Drexel University and an expert on rape policy in the United States, “In many communities, medical personnel make victims wait for hours for treatment, police are dismissive of the seriousness of rape, and prosecutors routinely decline to charge cases that they deem ‘difficult.’”⁴⁹

According to the 2010 NISVS, one million women are raped in a year in the United States (based on a definition of rape that includes attempted rape and alcohol/drug facilitated completed rape). 1.1% of women report having been raped in the 12 months prior to the survey. Nearly one in five (18.3%) has been raped in her lifetime. More than three-quarters of female victims of completed rape (79.6%) were first raped before their 25th birthday, with 42.2% experiencing their first completed rape before the age of 18.⁵⁰

According to the U.S. Department of Justice, citing statistics from 2000, Native American Indians are 2.5 times more likely to experience sexual assault crimes compared to all other races, and one in three Indian women reports having been raped during her lifetime. As reported on the website in late 2013, four of the 21 grant programmes authorised by VAWA target the Native American populations and tribes.⁵¹ The National Congress of American Indians reported that tribal lands have fewer than half the law enforcement officers than other American communities. There have been problems of jurisdiction in rape cases on Native reservations because tribal courts did not have jurisdiction over non-Indians before the 2013 reauthorisation of VAWA.⁵² While federal prosecutors were able to take up those cases, a 2010 report by the U.S. Government Accountability Office found that over a period of five years, United States government attorneys declined 67% of sexual abuse and related cases in Indian country.⁵³

Sexual harassment in educational institutions, employment and housing is illegal in the United States.⁵⁴ Sexual harassment in educational institutions is illegal under Title IX of the Education Act (1972), applying to all schools, colleges and universities that receive any amount of federal funding. It 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.⁵⁵ The U.S. Department of Education is charged with investigating complaints, ordering remedies and withholding funding from those institutions found to be in violation.⁵⁶

⁴⁸ Truman et al. (2013), p. 4

⁴⁹ Mckechnie (2013)

⁵⁰ Black et al. (2011)

⁵¹ U.S. Department of Justice (2013)

⁵² National Congress of American Indians, cited in Childress (2013)

⁵³ Government Accountability Office (2010), p. 3

⁵⁴ Fair Housing Act (42 U.S.C. 3601 et seq.) cited in U.S. Department of Justice (n.d.[b]); Title VII of the Civil Rights Act (1964) (42 U.S.C. § 2000, et seq.); Title IX of the Education Act (1972) (20 U.S.C. § 1681, et seq.)

⁵⁵ U.S. Department of Education (2008)

⁵⁶ U.S. Department of Education (1998)

A 2011 survey of 1,965 students in grades seven to 12 by the American Association of University Women found that 56% of girls and 40% of boys reported experiencing some form of sexual harassment during the prior school year.⁵⁷

Sexual harassment in employment falls under Title VII of the Civil Rights Act (1964), which makes verbal or physical sexual advances or propositions illegal in a work environment, 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.⁵⁸ 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.⁵⁹ 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.⁶⁰

The EEOC reported that in 2012, there were 7,571 sexual harassment charges filed with it, the vast majority (82.2%) by women, resulting in USD 43 million in pay-outs. More than half the cases (54.3%) were judged to have no reasonable cause.⁶¹

A loophole in sexual harassment laws in employment in the United States concerns unpaid interns, unless they receive "significant remuneration." In June 2013, 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 under its Human Rights Act.⁶²

The Fair Housing Act (1968) prohibits sexual harassment in housing by a landlord or building manager.⁶³

Female genital mutilation (FGM) has been known to occur in immigrant communities in the United States. In 2000, the African Women's Health Center at Brigham and Women's Hospital estimated that approximately 228,000 women and girls had been at risk of being subjected to FGM in the United States that year.⁶⁴

FGM of minors is prohibited under United States federal law enacted in 1996.⁶⁵ In January 2013, the federal government criminalised removing a girl from the country to perform FGM.⁶⁶ Before the law was passed, the states of Florida, Georgia and Nevada already had such "vacation provisions," which criminalised removing a female child from the state for the purpose of FGM.⁶⁷

⁵⁷ Hill and Kearn (2011)

⁵⁸ U.S. Equal Employment Opportunity Commission (n.d.)

⁵⁹ Feminist Majority Foundation (2013)

⁶⁰ Shoenfelt et al. (2002)

⁶¹ U.S. Equal Opportunity Employment Commission (2012)

⁶² Hickman and Thompson (2013); also see *Mention Vance v. Bell* 2012 Supreme Court case, http://www.supremecourt.gov/opinions/12pdf/11-556_11o2.pdf

⁶³ U.S. Department of Justice (n.d.[b])

⁶⁴ African Women's Health Center (2013)

⁶⁵ Title 18 "Crimes and Criminal procedure," Part I "Crimes," Chapter 7 "Assault," Section 116 "Female Genital Mutilation." Pub. L. 104-208, div. C, title VI, Sec. 645(b)(1), Sept. 30, 1996, 110 Stat. 3009-709.

⁶⁶ Transport for Female Genital Mutilation bill passed as an amendment to the National Defense Authorization Act for Fiscal Year 2013, cited in Hassan (2013)

⁶⁷ Equality Now (2010)

More

The U.S. State Department's 2013 **Trafficking** in Persons Report includes a chapter on the United States itself, which notes that, "The United States is a source, transit, and destination country for men, women, and children—both U.S. citizens and foreign nationals—subjected to forced labour, debt bondage, involuntary servitude, and sex trafficking." Among the notable prosecutions for trafficking in persons in 2012 were those involving defendants who used violence and torture to hold U.S. citizen girls and women—including a pregnant woman—in prostitution in Tennessee and defendants who held four Eastern European women in forced labour in massage parlours and forced prostitution in Illinois. Regarding the abuse of women and children through prostitution on Native American reservations, the report states that NGOs noted the need for funding of relevant services for American Indian women and increased training for service providers.⁶⁸

The United States Supreme Court ruling in *Roe v. Wade* (1973) established that the right to have an **abortion** is protected by the U.S. Constitution if performed prior to the point at which the foetus is deemed "viable."⁶⁹ *Planned Parenthood v. Casey* (1992) set the point of viability at 22 weeks.⁷⁰

In practice, various measures in certain states make abortions inaccessible to many women. According to a November 2013 report by the Guttmacher Institute, eight states restrict coverage of abortion in private insurance plans, most often limiting coverage only to when the woman's life would be endangered if the pregnancy were carried to term. 17 states mandate that a woman be given counselling before she is allowed to have an abortion. 39 states require parental involvement in a minor's decision to have an abortion.⁷¹

According to *Bloomberg Business Week* and the Guttmacher Institute, since 2011, legislatures in 30 states have passed 203 abortion restrictions, about as many as in all of the prior decade.⁷² Much of the recent legislation targets abortion providers. For example, lawmakers in Texas cut family planning funding in the state budget, required abortion clinics to become ambulatory surgical centres (like mini hospitals) and required abortion doctors to have admitting privileges at a local hospital.⁷³ Since 2011, 73 clinics have shut down or stopped offering abortions in the United States, with an estimated half of the closures due to the new wave of legislation. While many women say they would travel to other states to have an abortion if it were restricted in their own state, according to a 2012 study by the National Bureau of Economic Research, the number of women either unable or unwilling to travel for an abortion would produce a 15% decrease in abortions nationally if 31 states suddenly stopped offering the procedure.⁷⁴

The United States Supreme Court has ruled that the Constitutional right to privacy extends to the right to obtain and use **contraceptives** by all persons, married or not, including teens.⁷⁵

⁶⁸ U.S. Department of State (2013)

⁶⁹ *Roe v. Wade*, 410 U.S. 113 (1973)

⁷⁰ *Planned Parenthood v. Casey*, 505 U.S. 833 (1992)

⁷¹ Guttmacher Institute (2013)

⁷² Deprez (2013)

⁷³ Bassett (2013)

⁷⁴ Deprez (2013)

⁷⁵ Center for Reproductive Rights (2013)

In practice, according to the NGO Center for Reproductive Rights, there may be an unmet need for contraceptives in the United States considering that half of the six million pregnancies each year in the country are unintended. The rates are significantly higher for poor women. The NGO reported that funding for the government's Title X programme, which funds low-cost, confidential family planning services, was 61% lower in 2013 in constant dollars than it was in 1980. Some state governments have enacted refusal clauses that permit pharmacists and healthcare providers to refuse to dispense medication, including contraception, when the use of it conflicts with the provider's religious or moral beliefs. Some employers that provide otherwise comprehensive health insurance benefits have refused to provide benefits for certain contraception and related services.⁷⁶

3. Son bias

The male-to-female **sex ratio** at birth in 2013 is 1.05 and for the working age population (15-64 years old) is 1.0.⁷⁷

There is no evidence to suggest that the United States is a country of concern in relation to **missing women**.

More

According to a 2011 Gallup Poll, more Americans would prefer a male to a female baby if they could only have one child. 40% preferred a boy compared to 28% who preferred a girl. The rest did not have a preference.⁷⁸

The Institute for Women's Policy Research's report on the Status of Girls in Minnesota shows that girls are more likely to take on or be assigned more responsibilities than their male counterparts. Boys and girls both selected television or video watching as their main activity as part of the Minnesota Student Survey. However, girls stated that they are more likely than boys to spend six or more hours per week doing activities such as studying, doing chores at home or working for pay. Boys are more likely to play computer or video games and work for pay. 18% of girls stated that they spend time babysitting and doing house chores compared to about 13% of boys.⁷⁹

4. Restricted resources and assets

No evidence of discrimination by gender in **access to land** was found.

Regarding **access to property other than land**, the Fair Housing Act prohibits discrimination on the basis of sex by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions, and homeowners' insurance companies.⁸⁰ No evidence of gender discrimination was found on access to property.

⁷⁶ Center for Reproductive Rights (2013)

⁷⁷ CIA. <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html>

⁷⁸ Rampell (2011)

⁷⁹ Institute for Women's Policy Research (2008)

⁸⁰ U.S. Department of Justice (n.d.[b])

In terms of **access to financial services**, the Equal Credit Opportunity Act (1976) prohibits discrimination on the basis of sex or marital status in a credit transaction.⁸¹ The Women's Business Ownership Act (1988), designated H.R. 5050, bans discrimination against women entrepreneurs seeking business loans.⁸² In practice, business enterprises owned by women have been growing in number faster than those owned by men in the United States, but in 2011 women accounted for only a quarter of business-owners with employees.⁸³

84% of women compared to 92% of men aged 16 or older in the United States hold a bank account at a formal financial institution.⁸⁴

5. Restricted civil liberties

No evidence was found of gender discrimination in **access to public space**. Women enjoy full rights to freedom of assembly in the United States. There are a broad range of civil society organisations campaigning on diverse issues of women's rights. Non-profit organisations work for women's rights reforms at all levels of government, influencing local, state, national and international policy.⁸⁵ In addition, women's movements have campaigned on issues beyond women's rights. High-profile examples include the Million Mom March, favouring gun control, in 2000 and Code Pink: Women for Peace, focusing on foreign policy and especially the war in Iraq, founded in 2002.⁸⁶

There are no **quotas** for women in the U.S. legislature. As of the 2012 national elections, there are 77 women in the 432-member House of Representatives (17.8%) and 20 women in the 100-member Senate.⁸⁷ As of December 2013, three of 15 cabinet members are women.⁸⁸

In 2013, 73 women held state-wide elective executive offices, amounting to 23.0% of the 318 available positions. Five women serve as state governors.⁸⁹

In January 2013, the U.S. Government removed a ban on women serving in combat roles in the military. Such positions are expected to be available to women in 2016.⁹⁰

More

A study conducted by the International Women's Media Foundation (IWMF) surveyed **media** outlets in the United States, including ten newspapers, three television stations and one radio station. It found that 41% of the total workforce was female. The report notes that women are nearing parity with men in the junior professional level (47.2%) and they have surpassed men in numbers at the middle management level (56.3%). However, their presence drops at the senior management level. Women comprise less than a quarter of those in top-level management and only about a third in governance

⁸¹ 15 U.S.C. Sec. 1691, cited in U.S. Commission on Civil Rights (1979), p. 14

⁸² The Women's Business Ownership Act (1988), also known as H.R. 5050

⁸³ OECD (2012)

⁸⁴ World Bank (2011)

⁸⁵ President and Fellows of Harvard College (2007)

⁸⁶ Goss and Heaney (2010)

⁸⁷ Inter-Parliamentary Union (2013)

⁸⁸ White House (n.d.)

⁸⁹ Center for American Women and Politics (2013)

⁹⁰ Lerman (2013)

(e.g. company board rooms). According to IWMF, “Women are thus under-represented in the executive ranks of news companies where company financial matters and other policies are decided and enacted throughout administrative authority.”⁹¹

A study by the Women’s Media Center found that talk radio hosts in the United States are overwhelmingly male and that, on Sunday TV talk shows, women comprised 14% of those interviewed and 29% of roundtable guests. In the group’s analysis of coverage of the 2012 presidential election, it found that male front-page by-lines at top newspapers outnumbered female by-lines by a nearly 3 to 1 margin and that men were also far more likely to be quoted than women in newspapers, on television and on public radio.⁹²

Concerning **workplace rights**, the Women’s Bureau of the U.S. Department of Labor (founded in 1920) formulates standards and policies to promote the welfare of wage-earning women and advance their opportunities for profitable employment.⁹³ The Equal Pay Act (1963) prohibits basing pay differentials on sex. 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. Title VII of the Civil Rights Act (1964) prohibits discrimination in employment, including on the basis of sex. The law also prohibits discrimination by employment agencies and trade unions. In 1978, a prohibition was included against employment discrimination on the basis of pregnancy or childbirth.⁹⁴

According to government reporting, the participation of women in the U.S. workforce rose dramatically through the mid-1990s but has been relatively constant since then. Recently, the gap in the participation rate in the labour force of men and women has been narrowing since the financial crisis, but this is due more to a decline in the rate for men than to an increase in the rate for women.⁹⁵ According to the 2012 Population Survey, 53.1% of women and 64.4% of men aged 16 years or older are employed in the civilian labour force.⁹⁶ Women are also more likely to work part-time than men and spend significantly more time on unpaid household or care activities, as well as unpaid volunteer work.⁹⁷ The pay gap is driven in large part by differentiated occupations, with women still concentrated in lower-paying and traditionally female occupations.⁹⁸ According to the American Association of University Women, on average, a woman starts at a salary 7% lower than that of a man with the same qualifications, a gap which grows to 12% ten years later.⁹⁹ According to the U.S. Department of Labor, the pay gap is largest for African-American and Latina women.¹⁰⁰

The Federal Family and Medical Leave Act (as enacted in 1993 and subsequently amended) entitles men and women to take 12 weeks of unpaid leave in a 12 month period to care for new-born children,

⁹¹ International Women’s Media Foundation (2011), p. 200

⁹² Women’s Media Center (2013)

⁹³ U.S. Department of Labor (n.d.[b])

⁹⁴ U.S. Commission on Civil Rights (1979), pp. 6-7

⁹⁵ White House Council on Women and Girls (n.d.)

⁹⁶ Bureau of Labor Statistics (2013)

⁹⁷ White House Council on Women and Girls (n.d.), citing official statistics from 2009-2010

⁹⁸ White House Council on Women and Girls (n.d.)

⁹⁹ AAUW (2013), p. 8

¹⁰⁰ Women’s Bureau (2013)

adopted children, foster children and immediate family members with serious illness. The law applies to public sector organisations and private companies with 50 or more employees.¹⁰¹ The United States is the only OECD country without a national paid **maternity or paternity leave** policy. In addition, U.S. public investment in childcare as a percentage of GDP is lower than the OECD average, making it difficult for low-income families to afford childcare services.¹⁰²

Some states have extended the parental leave law to include companies with fewer than 50 employees. Certain states have extended the length of maternity or parental leave and a few have mandated pay benefits during the leave.¹⁰³ A 2012 study by the National Partnership for Women & Families ranked U.S. states based on their parental leave coverage. Two states received an A-grade, while 18 states received a failing grade.¹⁰⁴ Some companies offer additional paid parental leave as part of their employee benefits, but this is usually limited to high-paying jobs.¹⁰⁵

The Supreme Court has ruled that an employee cannot be required to forfeit seniority in order to take maternity leave.¹⁰⁶ A 2010 amendment to the Fair Labor Standards Act mandates that a nursing mother be guaranteed reasonable break time and a private place to express breast milk while at work.¹⁰⁷

¹⁰¹ U.S. Department of Labor (n.d.[a])

¹⁰² OECD (2012)

¹⁰³ 26 Me. Rev. Stat. Ann. tit. 26 § *843 (3)(A); 26 Me. Rev. Stat. Ann. tit. 26 § 843 (3)(C); Minn. Stat. § 181.940 (Subd. 3); Or. Rev. Stat. § 659A.153 (1); R.I. Pub. Laws §28-48-1(3)(i); R.I. Pub. Laws § 28-48-1(3)(iii); 23 VSA § 471(4); 23 VSA § 471(3); RCW § 49.78.020(5); RCW § 49.86.010 (6)(a); RCW § 50.50.080(1); D.C. Code § 32-516(2)

¹⁰⁴ National Partnership for Women & Families (2012)

¹⁰⁵ OECD (2012)

¹⁰⁶ *Nashville Gas Co. v. Satty*, 434 U.S. 136 (1977) in U.S. Commission on Civil Rights (1979), p. 7

¹⁰⁷ Fair Labor Standards Act (1938) § 29 U.S.C. §207(r).

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