

Obstacles to the successful implementation of the UN Women's Convention in OIC States of the Global South



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Research Focus

CEDAW

**Implementation
Obstacles**

I.

Convention On The
Elimination Of All Forms Of
Discrimination Against Women
(Cedaw)

I.1. CEADW

- Art. 1: Definition of Gender Discrimination
- Art. 2: State Party obligation
- Art. 3-19: Specific areas prohibiting gender discrimination

I.2. Reservations

- = Modification of State party obligation
- Compatibility with CEDAW's object and purpose
- Rationale: widespread participation

I.3. Persisting Discrepancies

- De jure: i.e.
 - Personal Status Law
 - Labour Law
 - Nationality Law
 - Penal Law
- De facto: Status of women's education; health, nutrition, political participation, economic well-being significantly lower than men's

II.

Obstacles To Successful Implementation

II.1. Conceptual Weakness

- Weak enforcement measures
 - Inter-state compliant procedure
 - Reporting procedure
- Wide reservation regime
 - Particular use by OIC States -> “Sharia-Reservations”
 - Out of 440 CEDAW Reservations, 66% are religion-based, all entered by OIC States (28), but 5 (Singapore, Israel, Malta, India, Micronesia)

II.2. Cultural Defense

- Reveals social disapproval for gender sensitive legislation
 - > Reason: Patriarchal society fueled by perception of gender equality being “western” concept, infringing on OIC States cultural and religious values
- Reveals Cultural Relativist HR concept over Universal one
- P: invoking cultural defense leads to a priori exclusion of national legislative review from international scrutiny

III.

Conclusion

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- Effective implementation requires social / governmental approval of concept of gender equality
- International Law based on State consent
- Top-down vs. bottom-up approach
- Yet: Civil society can utilize CEDAW

Thank you

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