

Why Do We Consider CEDAW Ineffective?

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The protection of Human Rights specifically the Human Rights of Women is of high importance in international law. The global political-legal movement in 1979 which was seeking to provide a protective context for women led to the approval of CEDAW; The Convention on the Elimination of All forms of Discrimination against Women which was supposed to be a fundamental and central document for the protection of women's rights. We cannot ignore the efforts made to support women in that historical period, but in practice, due to various reasons, the aforementioned convention has not succeeded in securing and guaranteeing the rights of women around the world. More than forty years have passed since the ratification of this convention and the membership of many countries, French women are still dissatisfied with the high rate of femicide, British women deal with violence such as acid attacks, and Swedish women endure rape.

An EU-wide survey on violence against women (2015), has published terrifying results, some of which are:

- A survey of 10,000 randomly sampled women in Germany by the German Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth reported that 37 % of all women interviewees have experienced at least one form of physical attack



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or threat of violence by a partner or a non-partner since the age of 16.

- Figures from the Crime Survey for England and Wales (formerly the British Crime Survey) for 12-month period based on self-completion responses from a sample of 46,000 women and men, found that 18 % of women have experienced some form of stalking since the age of 16 (in comparison with 10 % of men).
- On average, 33 % of women have experienced physical or sexual violence by an adult in childhood – that is, before they were 15 years of age. This translates to roughly 61 million women in the EU who were physically or sexually abused in childhood by an adult.

According to the recent statement of EU Commission and High Representative/Vice President, Josep Borrell on the occasion of the International Day for the Elimination of Violence against Women on 25 November:

“... The facts are shocking - in the EU and across the world, one in three women has experienced physical or sexual violence. One in five girls today is a victim of child sexual abuse. Online violence is on the rise, with one in two young women experiencing gender-based cyber violence.”

The above mentioned facts show what is happening in most developed countries, which always claim to defend human

rights and the efficiency of their legal systems. Therefore, speaking about the effectiveness of CEDAW as an international legal mechanism is just a sweet dream. The truth is that protecting women's rights is meaningless until the attitude toward women is modified universally.

The main axis of CEDAW's discourse emphasizes equality between men and women regardless of their differences in personality traits and physical functions. This equality (similarity) has led to more discrimination against women, instead of asserting their rights. Therefore, equality has become a discriminatory factor rather than a discrimination eliminator.

Undoubtedly, women and men are equal in their humanity and their differences in physical and some personal aspects are only a platform for playing social and family roles. Accordingly, they are complementary and not competitors. Women and men are the components of a coherent whole that together can build the best families, societies, and nations. None of them is superior to the other.

With these interpretations, the similarity of the rights of two people who do not have the same function and each of them must fulfill their unique duties in the human system only leads to the creation of discriminatory procedures. This is because instead of facilitating and providing suitable conditions for one gender, it equates her status with the other gender (man) and tries to make women look like men. For example, based on paragraph (b) art. 10 of the convention member states should take all appropriate measures to provide access to the same curricula in educational systems. At first glance, this issue is obvious, meaning that some educational courses are gender neutral and access to these kinds of contents should be equal, but when it comes to special educational and cultural requirements, and respecting cultural diversity which considers some gender-specific training

necessary; the convention blocks the way for such educations with the label of gender stereotype.

That's why CEDAW has been ineffective from the beginning until now. The main problem refers to the attitude and approach of this convention to women's nature, status, and function in human society and the universe.

In addition to these cases, it should be added that the political and unilateralist approach of the CEDAW in interpreting the provisions of the convention and reporting on the member states also blocks the way to the correct implementation of this document.

With this description, the Islamic Republic of Iran has not agreed to become a member of this convention, because it has presented a model of women's rights that, while respecting women's human dignity, it fails to form the best anti-discrimination legal system for them. The discourse of the Islamic Revolution of



Iran draws a model of women's rights that is neither consistent with the patriarchal view nor reflects the oppression of the capitalist system against women. In this model which is called the third model of women's rights, the revival of women's human rights is considered and any oppression and violence against the female gender, whether with the label of tradition or modernity, is negated.

It is hoped that the international community will stop the wrong and discriminatory principles against women and not destroy the future and physical and mental integrity of women with non-binary gender ideas.