

Women's Human Rights

CEDAW in International, Regional
and National Law

STUDIES ON HUMAN RIGHTS CONVENTIONS



EDITED BY

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CAMBRIDGE

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CEDAW in International, Regional
and National Law

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PREFACE AND ACKNOWLEDGEMENTS

The international human rights regime consists of a broad range of instruments and monitoring bodies that all contribute to uphold respect for human rights. This book situates the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in a legal landscape where states are under multiple international, regional and national obligations to respect, protect and fulfil women's civil, political, social and economic rights.

The idea of this book grew out of the research project 'Should states ratify human rights conventions?' headed by Professor Andreas Føllesdal and Professor Geir Ulfstein at the Center for Advanced Studies (CAS), Norway, in 2009 and 2010. The book is the outcome of the international conference *From Ratification to Implementation: CEDAW in International and National Law*, held in Oslo on 11–12 March 2009. This conference provided an arena for exchange of ideas between human rights scholars and practitioners from Northern Europe, South Asia, Australia, Canada and Southern Africa.

The conference was organized and funded by CAS and the research group Rights, Individuals, Culture and Society (RIKS) at the Department of Public and International Law at the Faculty of Law, University of Oslo. We are particularly grateful to the Norwegian Agency for Development Cooperation (NORAD), which funded the participation of scholars and practitioners from the Global South. We are also very grateful to Elisabeth Wenger Hagene from the Department of Public and International Law for her excellent administrative support before and during the conference.

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ABBREVIATIONS

AAAQ	Available, Accessible, Acceptable Services of Good Quality
ACHR	American Convention on Human Rights
ADA	Anti-Discrimination Act 1977 (New South Wales, Australia)
African Women's Protocol	Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
AIPPA	Access to Information and Protection of Privacy Act (Zimbabwe)
ALRC	Australian Law Reform Commission
APAFEJE	Asia Pacific Advisory Forum on Judicial Education on Equality
APWA	All Pakistan Women's Association
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CHR	Commission on Human Rights
CIDA	Canadian International Development Agency
CMW	International Convention on the Protection of the Rights of All Migrant Workers and the Members of Their Families
CNCDH	Commission nationale consultative des droits de l'homme/National Advisory Commission on Human Rights (France)
COC	Federation of Dutch Associations for the Integration of Homosexuality
COs	Concluding Observations
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities

CSCE	Conference on Security and Cooperation in Europe
CSOs	Civil Society Organizations
CSW	Commission on the Status of Women
DAW	Division for the Advancement of Women
EC	European Community
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECJ	European Court of Justice
ECtHR	European Court of Human Rights
EEA	European Economic Area
EEC	European Economic Communities
EFTA	European Free Trade Association
EHRC	Equality and Human Rights Commission
EOC	Equal Opportunities Commission
Equality Act	Act on Equality between Women and Men (Finland)
ESA	East and Southern African
ESCR	economic, social and cultural rights
FAFIA	The Canadian Feminist Alliance for International Action
FGM	female genital mutilation
GCs	General Comments
GNU	Government of National Unity (Zimbabwe)
GPA	Global Political Agreement (Zimbabwe)
HALDE	Haute autorité de lutte contre les discriminations et pour l'égalité/ High Authority to Combat Discrimination and Promote Equality (France)
HRC	Human Rights Committee
HRCP	Human Rights Commission of Pakistan
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICPD	International Conference on Population and Development
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
ILO	International Labour Organization
INSTRAW	International Research and Training Institute for the Advancement of Women
IOM	International Organization for Migration
IRS	Individual Rights Strategy
IWRAW-AP	International Women's Rights Action Watch – Asia Pacific
JORF	Journal officiel de la République française

JSCOT	Commonwealth Parliamentary Joint Standing Committee on Treaties (Australia)
JURK	Free Legal Advice for Women (Norway)
LAMA	Legal Age of Majority Act 1982 (Zimbabwe)
LGBT	lesbian, gay, bisexual and transgender
Maputo Protocol	Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
MDGs	Millennium Development Goals
MMR	maternal mortality ratio
MWD	Ministry of Women's Development (Pakistan)
NAWO	National Alliance of Women's Organisations (India)
NCHR	Norwegian Centre for Human Rights
NCs	Native Commissioners
NCSW	National Commission on the Status of Women (Pakistan)
NGOs	non-governmental organizations
NHRIs	National Human Rights Institutions
OAS	Organization of American States
OHCHR	Office of the United Nations High Commissioner for Human Rights
OP-CEDAW	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
OSAGI	Office of the Special Adviser on Gender Issues and Advancement of Women
OSCE	Organization for Security and Co-operation in Europe
POSA	Public Order and Security Act (Zimbabwe)
RDA	Racial Discrimination Act 1975 (Cth) (Australia)
SADC Protocol	Southern African Development Community Protocol on Gender and Development
SDA	Sex Discrimination Act 1984 (Cth) (Australia)
SGP	Staatkundig Gereformeerde Partij/The Reformed Political Party (Netherlands)
SSCC	Strategy of Social and Cultural Change
SSS	Social Support Strategy
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN Women	UN Entity for Gender Equality and the Empowerment of Women
UNCHR	United Nations Commission on Human Rights
UNFPA	United Nations Fund for Population Activities
UNGA	United Nations General Assembly
UNICEF	United Nations International Children's Emergency Fund
UNIFEM	United Nations Development Fund for Women

UPR	Universal Periodic Review
VAW	violence against women
VWL	Victorian Women Lawyers' Association (Australia)
WEL	Women's Electoral Lobby (Australia)
WG	Working Group on Laws that Discriminate against Women
WHO	World Health Organization
WLSA	Women and Law in Southern Africa Research Trust
WNC	Women's National Commission (UK)
WOZA	Women of Zimbabwe Arise
WWWW	Women Who Want to be Women (Australia)
ZLR	Zimbabwe Law Reports
ZWLA	Zimbabwe Women Lawyers' Association