

## A study on convention on the elimination of all forms of discrimination against women

**Hojatollah Mansouri**

*Department of Law, Allameh Tabatabaee University, Tehran, Iran*

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### ABSTRACT

For many years, there was much discrimination against women in the world in terms of social benefits, job opportunities, etc. In many cases, women received less for similar job than men did and in some cases, many important top management jobs were not even open for women. During the past few decades, there have been tremendous efforts on removing any discrimination laws and regulations against women. In this study, we present a study on convention on the elimination of all forms of discrimination against women (CEDAW) adopted in 1979 and discuss that it is possible to remove some barriers and regulations in Iran without violating Islamic rules and regulations. In fact, the present study explains that there are many rules and regulations, which are in accordance with CEDAW and in some cases there are better rules for women in Iran such as early age retirement plan, breastfeeding, etc.

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## 1. Introduction

For years, women were discriminated in the world for different reasons such as physical and emotional limitations. They were paid less for jobs and deprived for many top-level positions. The convention on the elimination of all forms of discrimination against women (CEDAW) is one of the most important efforts on defending women's right in the world. The law was adopted in 1979 by United Nations General Assembly and it is stated as an international bill of rights for women. The law includes a preamble and 30 articles, which tries to give a comprehensive explanation on different types of discrimination against women and sets up a schedule for national action to end such discriminations. The idea of the convention is to provide a basis for realizing equality between women and men through guaranteeing women's equal access and equal opportunities in, political and public life. It includes the right to vote in all elections, education, health and employment.

The convention is an attempt to develop rules and regulation for supporting the rights of women, which includes their cultures, traditions and traditions as influential forces shaping gender roles and

\* Corresponding author. Tel: +989126896388  
E-mail addresses: [hmansouri@yahoo.com](mailto:hmansouri@yahoo.com) (H. Mansouri)

family relations. It affirms women's rights to acquire, change or keep their nationality of themselves as well as their children.

Since the introduction of CEDAW, there have been many studies CEDAW rules and regulations (Moghadam, 1991). Cook (1997) discussed the importance of working with human rights convents to progress health and self-determination through the work. Female mutilation is one of the sever actions against women in some regions of the world especially in African countries. Every year, many young girls are brutally injured and some of them die because of this action.

Gray (1998) discussed this issue through a selection of experts from a narrative derived from interviews with educated Sudanese women and provided some guidelines for removing this type of actions as a legal rule in CEDAW. Domestic violence is another important discrimination against women in the world. Ergö nen et al. (2009) discussed domestic violence on pregnant women in Turkey and discussed that since the country signed the CEDAW commitment, it should take the necessary actions for stopping such movements. The study investigated the prevalence of domestic violence during pregnancy among the women who visit some clinics and provided some legal suggestions concerning domestic violence.

Reilly (2007) argued that global-level feminist advocacy in the 90s had had a substantial influence within feminist advocacy in Republic of Ireland. She indentified six methods to women's human rights advocacy in Ireland including human rights facilitating collective action, local-global transformation, human rights as modes of legal accountability, human rights for social and economical activities. She argued that these advances could reflect a new, outwardly oriented departure in the Irish women community.

Bryant and Raphael (2004) discussed the welfare state as a determinant of women's health and a support for women's quality of life in Canada. In an empirical study, they gathered some necessary data related to quality of life of women in Canada and compared their data with those women who live in four other countries of Denmark, Sweden, the UK and the US. They reported a consistent pattern in all countries in terms of social welfare benefits.

Romero and Agénor (2009) investigated the impact of the US welfare reform family-cap policy on the childbearing decisions of low income and poor women. They reported that the policy did not have a good impact on poor women's reproductive health behavior and suggested to reconsider the rules and regulations.

Hilsdon (2006) investigated the case of human right and migration for a case study of Filipino Muslim women in Malaysia. In Malaysia, many refugees fled Mindanao after some dispute on Muslim groups increase in that region. However, the migration of the people to Malaysia influenced the labor market and there was a dispute among local residence and immigrants. Migrant Muslim women received violence on a number of issues such as oppression at the level of citizenship, institutions and culture, economic, etc. Hilsdon (2006) discussed the issues through life narratives, the parameters of such violence and women's resistance, providing some guidelines for improving rules and regulations.

Zampas and Lamačková (2011) discussed that human rights provisions in laws provided by international treaties and international law makers provide good guidelines for governmental agencies. However, they argued that sterilizations had been undertaken by forceful tools or coerced acceptance to which women did not consent. They explained that some women are members of ethnic minorities in some European countries had reported their responsibilities for human rights abuses by forced and coerced sterilization of vulnerable women. Therefore, they provided some additional guidelines for some additional rules and regulations in CEDAW.

Lloyd (2006) studied the way in which women were confined in their roles in social and cultural reproduction through violent acts of discipline. She explained that a comprehensive study is required to understand the roots causing violence against women in Algeria. She identified several important factors including power and domination, social space and the formation of national identity as some of the most important factors cause violence against women.

In this paper, we study on convention on the elimination of all forms of discrimination against women (CEDAW) adopted in 1979 and discuss that it is possible to remove some barriers and regulations in Iran without violating Islamic rules and regulations. The present study explains that there are many rules and regulations, which are in accordance with CEDAW and in some cases there are better rules for women in Iran such as early age retirement plan, breastfeeding, etc.

The organization of this paper first explains some of the facts and regulations of CEDAW in section 2 and section 3 presents details of our finding and suggest some guidelines for adopting CEDAW without violating domestic rules. The paper concludes the results in section 4.

## **2. Women rights**

The universal declaration of human rights approved in 1948 was the first international effort on gender equality and it was considered as one of the most fundamental human right activities. However, this law did not imply any enforcement, did not provide any legal value it more looked like an ethical advice. During the years of 1960 to 1980, United Nations influenced by feminist movements and decided to approve a resolution, which is more practical. There are different documents, which support women rights such as Charter of United Nations, International covenant on economic, social and cultural rights.

One of the most important issues in Islamic countries is that the rules and regulations may not be the same as what we have in other parts of world. According to Islamic rules, man and woman are treated equally once they decide to get married and they both have the right to make their own decisions. However, when a family is established, different responsibilities are divided among them and they live based on a mutual respect. Before we go future, we discuss some of the necessary terms such as gender equality, women's right and human rights of women.

### *2.1. Gender equality*

This rule indicates that all people are equal and must benefit from the same rights regardless of gender, religion, wealth, job, etc. By the word equality, we mean justice, which is the same as having no discrimination.

## *2.2 Prohibition in gender discrimination*

Any gender discrimination must be prohibited and people must be treated regardless of their age, religion, generation, etc. However, there are many evidences where women are discriminated solely because they are women, for instance, when a highly qualified woman applies for job position such as truck driver, the position could be assigned to a man who may not be as good as the female one. Note that discrimination could have both negative and positive sides and the former example is associated with the negative side of discrimination. In fact, there are some positive discrimination, where governments try to support women through some laws and regulations. Examples of positive side include rules to support women for breastfeeding, early age retirement, etc. For negative side we could refer the reader to recent dispute in Saudi Arabia dispute for driving cars by women. In Saudi Arabia, women are not entitled to receive driver license and as a result, they cannot drive a car.

## *2.3 Women's rights*

When we talk about women's right, we mean all kinds of freedom they must have in society such as the right to vote, the right to work, the right to appoint, etc. Examples of rules and regulation, which honor women's rights are the equal pay act in United States and Islamic Republic of Iran, where man and woman are entitled to receive equal wages for the same job opportunities.

## *2.4. Human right of Women*

Women's rights include freedoms claimed for women and girls of all ages in any societies. In certain places, these rights are institutionalized or supported by law, local custom, and behavior, but in other places, they may be ignored or suppressed. They vary from broader statement of human rights through claims of an inherent traditional bias against the exercise of rights by women and girls in favor of men and boys. Women's rights could include the right to bodily integrity and autonomy; to vote; to hold public office; to work; to fair wages or equal pay; to own property; to education; to serve in the military; to enter into legal contracts; and to have marital, parental and religious rights.

This law intends to ensure that human rights as well as women's rights are treated with dignity of humanity. Women and men must be treated fairly and equally and women are not just treated as a mother.

## **3. A controversial discussion on the elimination of all forms of discrimination against women**

In this section, we provide a detailed discussion on the laws and the regulations approved in United Nations in 1979. The author believes the law includes some articles, which are religious compliance. In fact, there is a big gap between some the rules and Islamic idea of human rights in some articles. Note that in Iran, wherever there is a discussion on women's right, the law is supported with Islamic rules and regulations.

### *3.1. The concept and definition*

Article 1 of the convention defines "racial discrimination" as "...any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of

human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". As we can observe from this article, the primary purpose of this article is to set equal rules and regulations for man and woman. These kinds of decisions are not practical and in many cases, women do not benefit of these rules and regulations. For example, it is neither possible to use women in all parts of military service nor is it good for women to do such activities.

### *3.2. Conflicts*

It is important to note that many Islamic countries such as Iran could adopt part of their rules to adopt international rules and regulation without violating Islamic rules.

#### *3.2.1 Judgment*

Judgment is one of the controversial issues among many Islamic clergies. Some scholars believe women cannot act as judge but some others believe women do have the right to act as judge. In such cases, we may adopt this article based on what the first group does. During the past few years, the number of women who work in judiciary system of Iran is experiencing a steady increase.

#### *3.2.1 Equal right for blood money*

Based on the Islamic rules women are entitled to receive half of the blood money that men do, which clearly violate article 1 of 1979 convention. Traditionally, men used to feed family members but things have changes and we have many cases where in a particular family, man is taking care of children and woman is working. Therefore, we may make some changes so that women would receive the same benefit. Recently, there have many changes on rules and regulations, where women receive equal accidental damage to drive compensation. The other example is equal insurance compensation that men and women receive for work accidents.

### *3.3 Family affairs*

A quick review of article 16 of the convention reveals that there are significant conflict between 1979 law and Islamic regulations. Some of the most important sections of this article, which are in contrast to Islamic rules are the right of divorce, the right to housing and the right of custody for men as well as the minimum age for marriage. The recent changes on rules and regulations could create the opportunity for women to receive such mentioned rights when they get married. Note that there are many rules and regulation in Iran, which provide more support for women, which include the law to support single mothers, breastfeeding law, low age retirement plan.

In summary, we can conclude that it is not possible to set a unique law and regulation in United Nation and try to enforce all nations to execute these regulations without considering many social, cultural and other aspects of nations.

## **4. Conclusion**

During the past few decades, there have been tremendous efforts on removing any discrimination laws and regulations against women. In this study, we have discussed some laws and regulations on the convention for eliminating all forms of discrimination against women (CEDAW) adopted in 1979

and discussed that it was possible to remove some barriers and regulations in Iran without violating Islamic rules and regulations. We have also explained that some of the regulations in this convention are not in favor of women. For example, it is not a wise decision to set a rule to enforce women to take part in military service just like what men do or making some exception for women who work for breastfeeding is another positive discrimination, which is in contrast to the convention.

The present study explained that there were many rules and regulations, which are in accordance with CEDAW and there are better rules for women in Iran such as early age retirement plan, breastfeeding, etc.

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