

14. CEDAW: reflections on the framework in the context of culture

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In Pakistan, CEDAW's adoption went unnoticed: 1979 was a traumatic year marked by a military dictatorship hanging the elected Prime Minister. In September 1981, when CEDAW came into force, I was engrossed in mobilising the women's rights lobby, Women's Action Forum, to mount collective resistance to the military's misogynistic campaign. Until 1988 and the return of democracy, the need to counter daily threats to rights within the country consumed all time and energies. Even afterwards, only a few activists were engaged in the UN system processes. It was not until 1993–94, in the build up to Fourth World Conference on Women, that some of us started pressing the government to sign CEDAW.

A major concern was accession without either blanket reservations with reference to 'Islam' or 'Sharia' – as made by numerous Muslim majority states by then – or reservations on the first four foundational articles. We succeeded: Pakistan signed CEDAW prior to the 1995 Conference and ratified on 11 March 1996.² In 1994, I prepared a first training module on CEDAW for grassroots women and have been fully engaged with CEDAW since then.

To me, in some ways CEDAW is both a rights and development agenda. This duality resonates deeply since my organisation (Shirkat Gah – Women's Resource Centre) has always maintained that rights and development are two sides of the same coin, the one incomplete without the other. In engaging with people, I find it very useful to remind people of CEDAW's genesis to dispel the popular misperception in many countries that CEDAW is a 'Western' agenda. This is especially relevant for policy-makers in Pakistan where, despite ratification, even senior government officials are reluctant to fully embrace CEDAW and its obligations. Of particular significance is the 1967 Declaration on the Elimination of All Forms of Discrimination against Women, prepared by the Commission on the Status of Women following a 1963 request sponsored by

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1. Ms Farida Shaheed is the first UN Special Rapporteur on Cultural Rights. The views expressed herein are those of Ms Shaheed and do not necessarily reflect the views of the United Nations.
 2. There is one reservation (on a procedural clause) and a general declaration that refers to the constitution and not to religion.

Part IV: Afterword

22 countries.³ The vast majority of sponsors were developing countries, the remainder, excepting Austria, from Eastern Europe. I believe that these particular countries made the request because they understood that discrimination against women is a major obstacle to development.

As the first UN Independent Expert in the Field of Cultural Rights, I am mandated, among other responsibilities, to integrate a gender perspective into my work. CEDAW and the special mechanism addressing violence against women are very important in this regard. My personal experience of working for women's rights in Pakistan and in other cultural contexts confirms the concerns about cultural justifications being used to deny women rights, articulated by previous Special Rapporteurs on violence against women. Article 5 of CEDAW is particularly relevant, calling upon states to 'take all appropriate measures to modify the social and cultural patterns of conduct of men and women', so as to eliminate prejudices, customary and all other practices that encourage discrimination and a notion 'of the inferiority or the superiority of either of the sexes'. The complex issue of culture, customs and rights is an old one: in 1954 the UN General Assembly recognised that women were 'subject to ancient laws, customs and practices' inconsistent with the Universal Declaration of Human Rights, and called on governments to abolish such practices. The 1967 Declaration reiterated the need to change public opinion and to abolish existing customs, as well as laws that discriminated against women.

In my new mandate, I hope to promote an understanding that cultures are not static but constantly evolving, reflecting people's new experiences and thinking; and that cultural rights include the right of women and marginalised groups not to participate in community customs, as well as to challenge the existing normative rules. I plan to focus, for example, on the contribution of women and girls to the cultural development of communities they belong to, including their contribution to the development of common values of those communities, which is pivotal to the implementation of their cultural rights. In this regard, I look forward to working with the CEDAW Committee, in ways that can help further develop the understanding of cultural rights as well as obligations under CEDAW.

3. UN General Assembly A/5606 15 November 1963. The countries co-sponsoring this resolution were: Afghanistan, Algeria, Argentina, Austria, Cameroon, Chile, Columbia, Czechoslovakia, Gabon, Guinea, Indonesia, Iran, Mali, Mexico, Mongolia, Morocco, Pakistan, Panama, the Philippines, Poland, Togo and Venezuela.