

Translating International Women's Rights

The CEDAW Convention in Context



GENDER AND POLITICS

Susanne Zwingel



Gender and Politics

Series Editors

Johanna Kantola
Senior Lecturer in Gender Studies at the
University of Helsinki, Finland

Sarah Childs
Professor of Politics and Gender at the
University of Bristol, UK

Aims of the Series

The Gender and Politics series celebrates its 5th anniversary at the 4th European Conference on Politics and Gender (ECPG) in June 2015 in Uppsala, Sweden. The original idea for the book series was envisioned by the series editors Johanna Kantola and Judith Squires at the first ECPG in Belfast in 2009, and the series was officially launched at the Conference in Budapest in 2011. In 2014, Sarah Childs became the co-editor of the series, together with Johanna Kantola. *Gender and Politics* showcases the very best international writing. It publishes world class monographs and edited collections from scholars – junior and well established – working in politics, international relations and public policy, with specific reference to questions of gender. The 15 titles that have come out over the past five years make key contributions to debates on intersectionality and diversity, gender equality, social movements, Europeanization and institutionalism, governance and norms, policies, and political institutions. Set in European, US and Latin American contexts, these books provide rich new empirical findings and push forward boundaries of feminist and politics conceptual and theoretical research. The editors welcome the highest quality international research on these topics and beyond, and look for proposals on feminist political theory; on recent political transformations such as the economic crisis or the rise of the populist right; as well as proposals on continuing feminist dilemmas around participation and representation, specific gendered policy fields, and policy making mechanisms. The series can also include books published as a Palgrave pivot.

More information about this series at
<http://www.springer.com/series/14988>

Susanne Zwingel

Translating International Women's Rights

The CEDAW Convention in Context

palgrave
macmillan

Susanne Zwingel
Politics and International Relations
Florida International University
Miami, Florida, USA

Gender and Politics

ISBN 978-0-230-29097-6

ISBN 978-1-137-31501-4 (eBook)

DOI 10.1057/978-1-137-31501-4

Library of Congress Control Number: 2016943530

© The Editor(s) (if applicable) and The Author(s) 2016

The author(s) has/have asserted their right(s) to be identified as the author(s) of this work in accordance with the Copyright, Designs and Patents Act 1988.

This work is subject to copyright. All rights are solely and exclusively licensed by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made.

Cover image: © Selfreflex, Fehmi Baumbach, 2014

Printed on acid-free paper

This Palgrave Macmillan imprint is published by Springer Nature
The registered company is Macmillan Publishers Ltd. London

ACKNOWLEDGEMENTS

If I should name one single person who has triggered my interest in CEDAW, it would be Dr. Hanna-Beate Schöpp-Schilling, longstanding expert on the CEDAW Committee from Germany. She was the first person I ever interviewed about the Convention in the late 1990s, and until her early death, she remained a strong intellectual presence in the field of international women's rights. I am deeply grateful to have met Dr. Schöpp-Schilling, a brave and, in the true sense of the word, *radical* advocate for the rights of the world's women. As the global work for gender equality is a collective endeavor, I have had the honor to get to know and learn from many other admirable women's rights activists. This book is dedicated to them, collectively.

During the course of writing this book, I was employed at two institutions: the State University of New York (SUNY) at Potsdam and Florida International University. I would like to thank SUNY for granting me the Dr. Nuala McGann Drescher leave for faculty on tenure track as well as a sabbatical shortly after I got tenure; both helped tremendously in developing this project. I also received decisive personal support, in particular from my friends Phil Neisser, chair of the Politics department, and Liliana Trevizan, like-minded transnational feminist in the Modern Languages department. At Florida International University, my thanks go in particular to Becky Salokar, chair of the department of Politics and International Relations, for her encouragement. In 2010, I was kindly hosted for six months by the Chair for Human Rights and Human Rights Policy at Friedrich Alexander Universität Erlangen-Nürnberg in Germany. I enjoyed a wonderful intellectual environment thanks to

inspiring debates with Heiner Bielefeldt, Michael Krennerich, and Imke Leicht.

For reading the manuscript in parts or as a whole, I am indebted to Imke Leicht, Kathryn Sikkink, Annegret Staiger, and an anonymous reviewer. Their feedback has helped me improve this book significantly. Three students—Ashley Balbian (at SUNY Potsdam) as well as Katherine Castro and Mark Pacho (at FIU), have worked on CEDAW with me—Ashley on US–CEDAW relations, Katherine on trends of States Parties’ affinity to CEDAW, and Mark on the online bibliography on CEDAW implementation literature. I would like to thank them for this collaboration as it has helped me tremendously in rounding the scope of the book. Another big thank you goes to Kaitlyn Baker and Amanda Barrett (both at SUNY Potsdam) for interview transcription and collection of statistical data, and to Kevin Modlin (at FIU) for thorough copy editing.

The content presented in this book is partly based on interviews. I am grateful to everybody who took time out of their busy schedules to talk to me and share their wisdom. I further benefited from the knowledge of several academic experts and thank them for their friendly responses to my inquiries. I would also like to thank Jemima Warren and Imogen Gordon Clark from Palgrave MacMillan as well as Johanna Kantola and Sarah Childs, the editors of the *Gender and Politics series*. They have been patient, generous, and supportive, knowing the challenges of producing a publishable manuscript. For allowing me to use her artwork and give the book a wonderfully creative touch, I thank Fehmi Baumbach.

In a broad sense, I have felt supported by the growing community of feminist international relations scholars. While I was working on this book, I co-edited a volume on *Feminist Strategies in International Governance* with Gülay Çağlar and Elisabeth Prügl. I can’t put in words how much energy and inspiration I took out of this project. It felt like a long, passionate conversation with some of the world’s smartest women on the gendered nature of global affairs. Also, I am grateful for the CEDAW-specific collaboration I have had with Debra Liebowitz over the last years. For me, this thinking and writing about CEDAW was not only analytically innovative and politically relevant but also an immensely pleasant experience based on trust and respect. On three different occasions, I was invited to contribute to policy- or advocacy-oriented meetings as an academic expert on CEDAW; these meetings took place in Loccum, Germany (2011), Taipei, Taiwan (2011), and Kuala Lumpur, Malaysia (2015). I am grateful to the organizers of these meetings—Ursula Rust, University of Bremen,

and Joachim Lange, Evangelische Akademie Loccum; Shih-I Yen from the Foundation for Women's Rights Promotion and Development, Taipei; and the entire team of IWRAW Asia Pacific, Kuala Lumpur—both because they contribute to making CEDAW a better known tool for advocacy and because they create a connection between women's rights scholarship and activism. I feel honored to be part of this important bridge-building endeavor.

Finally, I would like to thank my partner George Gonos, who has been a wonderful intellectual and emotional supporter throughout the process of writing this book (as well as a great cook!), and my daughter Celeste, who is growing into a creative young lady who does not tolerate sexism. There is no better outlook for the future.

CONTENTS

1	Introduction	1
2	Theorizing Norm Translation: Women’s Rights as Transnational Practice	9
3	The Creation of CEDAW within the Global Discourse on Gender Equality	35
4	CEDAW as a “Living Document”: Over Thirty Years of Committee Work	65
5	A New Tool in the Toolbox: The Optional Protocol to the Convention	109
6	Creating “Thick Connections”: Translating Activism in the CEDAW Process	135
7	Auditing the Contract Partners: States Parties’ Connectivity with CEDAW	161

8	Some Patches in the Quilt: Cases of Impact Translation	189
9	Conclusion: How Far Can CEDAW Reach? Lessons for a Better Understanding of Norm Translation	219
Appendices		
	List of Interviews	227
	List of Decided Communications Until June 2014	229
	Principled Connectivity With CEDAW	237
	Substantive Connectivity Values	239
	Dialogue Frequency of CEDAW States Parties in Yearly Intervals (1982–2014)	245
	Bibliography	247
	Index	283

LIST OF ACRONYMS

BPFA	Beijing Platform for Action
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCD	Common Core Document
CCPR	Covenant on Civil and Political Rights
CED	Convention on the Protection of all Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW SEAP	CEDAW Southeast Asia Program
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CESCR	Covenant on Economic, Social, and Cultural Rights
CHR	Commission on Human Rights
CIDA	Canadian International Development Agency
CRC	Convention on the Rights of the Child
CRMW	Convention on the Rights of Migrant Workers and their Families
CRPD	Convention on the Rights of Persons with Disabilities
CSW	Commission on the Status of Women
DAW	Division for the Advancement of Women
DAWN	Development Alternatives with Women for a New Era
DEDAW	Declaration on the Elimination of Discrimination against Women
DEVAW	Declaration on the Elimination of Violence against Women
ECOSOC	Economic and Social Council of the United Nations

EU	European Union
FAO	Food and Agricultural Organization
FGM	Female Genital Mutilation
FWLD	Forum on Women, Law and Development
GA	General Assembly of the United Nations
GII	Gender Inequality Index
GR	General Recommendation (issued by the CEDAW Committee)
HDI	Human Development Index
HRC	Human Rights Committee
ICW	International Council of Women
IFI	International Financial Institution
ILO	International Labour Organization
INSTRAW	International Research and Training Institute for the Advancement of Women
IPU	Inter-Parliamentary Union
IR	International Relations (the discipline of)
IWRAW	International Women's Rights Action Watch
IWRAW AP	International Women's Rights Action Watch Asia Pacific
LBT(I)	Lesbian, Bisexual, Transgender (and Intersex)
MDG	Millennium Development Goal
NGO	Non-governmental organization
NHRI	National Human Rights Institution
NYTKIS	Coalition of Finnish Women's Associations
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organization of Islamic Cooperation
OP	Optional Protocol to CEDAW
OSAGI	Office of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women
SA	Specialized Agency
SERNAM	Servicio Nacional de la Mujer (Chilean WPA)
TAN	Transnational Advocacy Network
TSM	Temporary special measure
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women

UN Women	UN Entity for gender equality and the empowerment of women
VAW	Violence against Women
VCLT	Vienna Convention on the Law of Treaties
WIDF	Women's International Democratic Federation
WILDAF	Women in Law and Development in Africa
WILPF	Women's International League for Peace and Freedom
WIPSU	Women in Politics, Zimbabwe
WPA	Women's policy agency

