PART III

WOMEN’S HUMAN RIGHTS SYSTEMS: A COMPARISON
CHAPTER 8

Towards an International Women’s Human Rights Regime

Part III looks critically at the women’s human rights regime in the international human rights system together with its strengths and weaknesses. Women’s human rights norms and values are analysed and then compared with the Koranic women’s rights standards and the statutory Islamic law of Pakistan. The purpose of this chapter is to look into the international women’s human rights protection regime, especially the 1979 Convention on the Elimination of All Forms of Discrimination against Women (hereinafter, the Women’s Convention). An analysis of the pre-Women’s Convention rights system is made to explain how it evolved over the decades. Post-Women’s Convention developments are also discussed to show whether and how some weaknesses of the women’s rights system have been changed. The chapter also discusses how certain women’s human rights principles may conflict with other equally recognised norms such as the right to freedom of religion and cultural rights.

Gender equality and non-discrimination on the basis of sex is one of the most frequently recognised norms of international human rights law (Bayfesky, 1990; see Hevener, 1986) and is considered the ‘cornerstone of every democratic society, which aspires to social justice and human rights’ (United Nations, Fact Sheet No. 22, 1993). Hosken (1981) contends that a human relationship based on equality between women and men is the foundation of human rights and justice in each family and community within each nation, and finally among all nations. In virtually all societies and spheres of activity women are subject to inequalities in law and in fact. John Stuart Mill (1998) said that the principle which regulates the existing social relations between the two sexes – the legal subordination of one sex to another – is wrong in itself and one of the chief hindrances to human improvement. This situation is both caused and exacerbated by the existence of discrimination in the family, in the community and in the workplace. While the causes and consequences may vary from country to country, discrimination against women