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CEDAW: Women's undeniable right for protection

Amnesty International today called on governments in the Middle East and North Africa (MENA) to respect and ensure respect of women's rights by lifting their reservations to the Convention on Elimination of all Forms of Discrimination against Women (CEDAW), which aims to protect women from violence and discrimination.

In a report entitled *Weakening the protection of women from violence in the Middle East and North Africa region* published today, Amnesty International urged these governments to bring their domestic laws in line with international standards, including CEDAW, the main treaty devoted to the rights of women.

"These reservations deny women the rights that CEDAW is meant to guarantee -- including their right to protection from violence and discrimination. They also encourage violence against women to remain sustained in law and practice. They should be lifted and lifted now," said Mervat Rishmawi, Deputy Director for the Middle East and North Africa Programme at Amnesty International.

The report argues that reservations expressed by most countries in the MENA region that ratified CEDAW have rendered the convention almost meaningless and ineffective. Although international law permits reservations upon ratification, they should not be contrary to the object and purpose of the treaty. In reality, most of the reservations entered in the region are inconsistent with what is permissible.

Lifting the reservations in practice for instance would allow a woman subjected to violence by her husband to seek government support. Until now, state officials in many countries refuse to intervene on the grounds that problems between husband and wife are "family affairs" and should thus be resolved at home. CEDAW calls on governments to change any practice, laws or regulations that are discriminatory against women whether committed by officials or private individuals. Any reservation to this provision renders the protection of women completely ineffective.

Lifting the reservations would also allow a married woman living in a foreign state to return to her home country if she is subjected to domestic violence by her husband. National legislation in many of the countries in the region currently stipulate that a woman can only leave her country of residence with her husband's permission, thus denying her the freedom of movement which ought to be guaranteed by CEDAW.

"Governments have an obligation to provide women with their undeniable right to protection from violence and discrimination. As state parties, they also have an obligation to bring their laws in line with CEDAW and take steps to review national legislation," said Mervat Rishmawi.

Countries that have expressed reservations argue that the convention conflicts with national legislation and Islamic Shari'a. Many countries in the region have national legislation, including those that are said to be based on religious laws, which are discriminatory against women and are not consistent with international standards. Amnesty International is concerned that reservations entered by the MENA countries run contrary to the very purpose of the Convention.

Amnesty International is calling on governments in the region that have not yet ratified CEDAW -- namely Iran, Oman, Qatar and the United Arab Emirates -- to do so without reservations. The organization is also calling on those governments to become party to the Optional Protocol to CEDAW which allows for complaints to be submitted by individuals and groups.

Background:

This report is launched as part of Amnesty International's Campaign to Stop Violence Against Women. One of the key aspects of the campaign is to lobby governments to ratify CEDAW, and remove reservations that they have entered to it.

Reasons used for the reservations entered by countries in the Middle East and North Africa are not unique to the region. For example, the following have entered reservations using the explanation that it conflicts with national legislation: Malta, Switzerland, and United Kingdom. Other countries beyond the region have also entered reservations on the basis that it conflicts with religious laws. These include Bangladesh, Malaysia, Maldives, Mauritania, and Singapore. Amnesty International is lobbying for the lifting of these reservations.

Public Document

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