



## International and National Arena Interplay: the Gender Perspective

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# Women's Rights, an International Framework?

- 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention)
- ILO Conventions on Discrimination in Employment
- Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)
- 2006 EU Equal Treatment Directive
- Convention on the Prevention, Punishment and Eradication of Violence Against Women, adopted in Belem do Para in 1994
- African Charter on Human and Peoples' Rights and its 2003 Protocol on the Rights of Women in Africa
- 2008 Protocol on Gender and Development adopted by the Heads of State and Government of the Southern African Development Community

5 GENDER EQUALITY



# Women and the Law

- Does the law address women-related issues?
  - Does it recognize women's experience?
  - What is the impact of law on women?
- Have women a voice in the normative processes through which law evolves?

Hilary Charlesworth, Christine Chinkin, and Shelley Wright (1991). Feminist approaches to International Law. *The American Journal of International Law* 85(4) 613-645.

# Gender perspective in law-making

- The 1956 New York Convention on the Recovery Abroad of Maintenance
- The 1980 Hague Convention on Civil Aspects of International Child Abduction
  - Born in a socio-economic context of male migration
  - Change in pattern, a significant majority of abductors are mothers
  - Non-return proceeding: “there is a grave risk that his or her return would expose **the child** to physical or psychological harm or otherwise place the child in an intolerable situation”

Domestic  
violence

Public v. Private

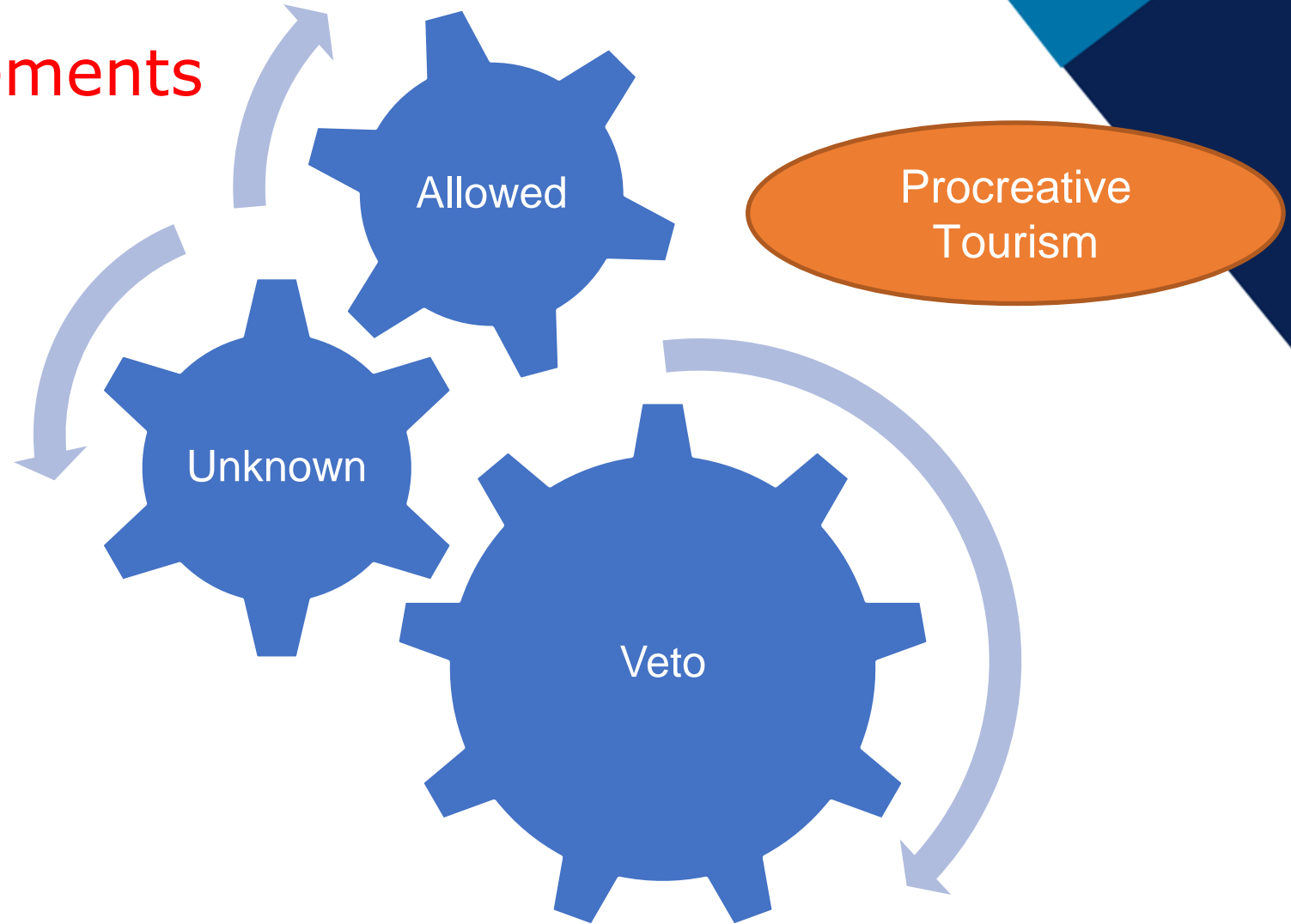


# Gender perspective in international law making?

## Surrogacy arrangements



Screenshot from YouTube © Credit: Biotexcom clinic



# Gender perspective in international law-making?



International Coalition for the Abolition of Surrogate Motherhood

Coalition Internationale pour l'Abolition de la Maternité de Substitution

Coalición Internacional para la Abolición de la Gestación por Sustitución

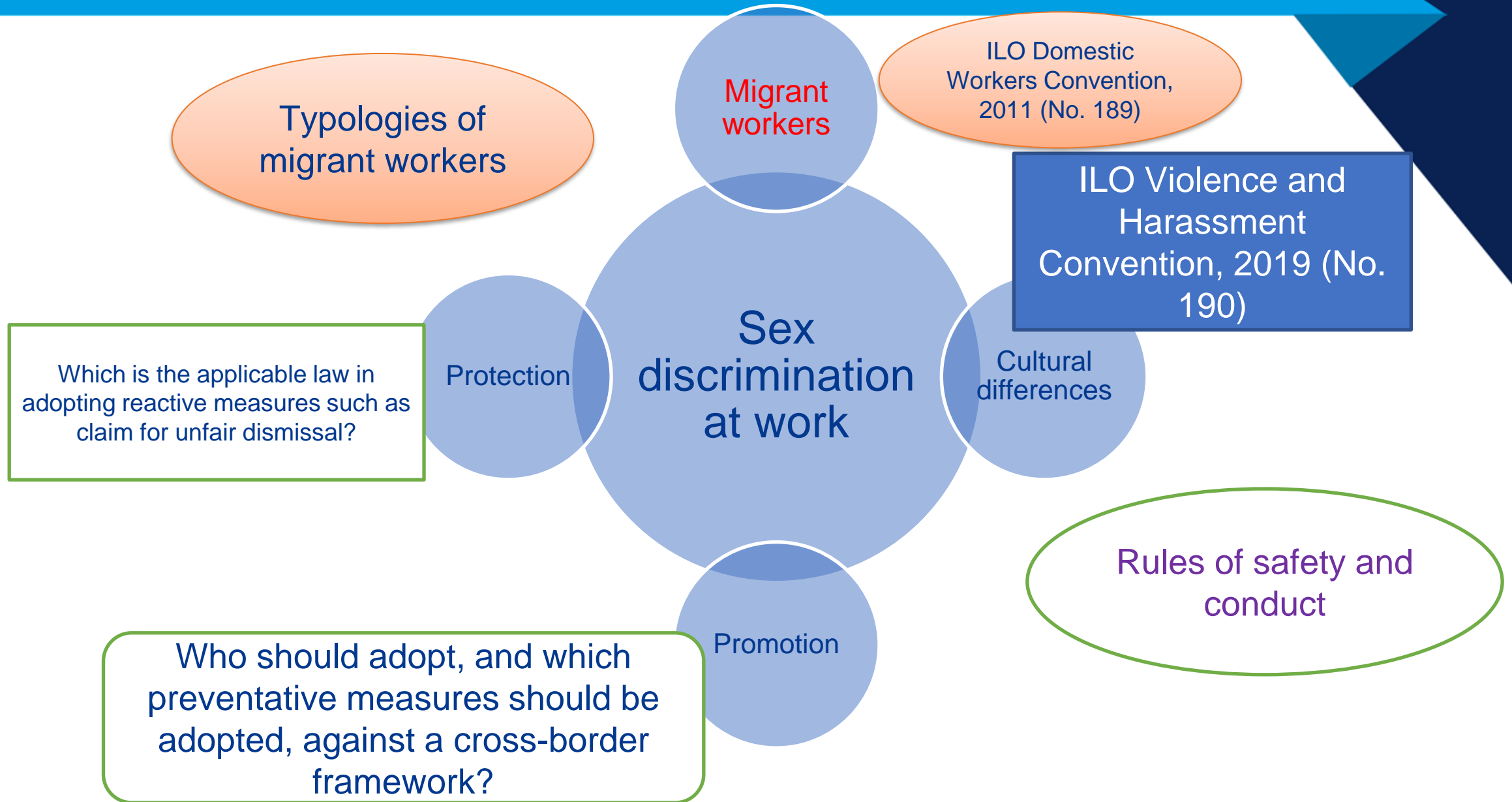
## Call to stop the draft international regulation of surrogacy launched by the Hague Conference on Private International Law

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[Versión en español abajo]

The Hague Conference on Private International Law (HCCH) is an intergovernmental organisation with 86 Members (85 States and the European Union). Its statutory mission is to work for the "progressive unification of the rules of private international law" mainly through international conventions which are legally binding on the States that have ratified them.

# Gender perspective in promoting structural change





Thank you!

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