

SUMMARIES

► *Margreet de Boer*

Unwillingness or misunderstanding?

The tough implementation of the Women's Convention

Although the Dutch government promotes women's rights worldwide, and does financially support NGO's, Dutch NGO's criticise their government for not fully implementing CEDAW, and thereby not taking women's rights seriously. While NGO's emphasize the legally binding character of CEDAW, the government seems to regard the treaty merely as a policy document. CEDAW is both. It is a legal document, with 'hard' obligations. But the objectives of the convention go beyond equality for the law; they also include promotion of women's rights and combating gender-stereotypes. The question is whether lawyers know how to assess whether the obligation to combat gender stereotyping is fulfilled by the State. And do policymakers acknowledge that the objectives to promote women's rights and to combat gender stereotypes are legally binding obligations?

If we really want to implement the Women's Convention, we must get lawyers and policymakers to cooperate. The willingness of the policymakers to work on it can be stimulated by the pressure of lawyers, judges, parliament, and NGO's that continue to argue that the improvement of the position of women is not optional, but a matter of human rights.

► *Anouka van Eerdewijk*

About victims and what law is about (to do)

Interview with Chiseche Mibenge

Chiseche Mibenge is a Zambian lawyer who is writing her PhD thesis about sexual violence in Rwanda and Sierra Leone. Her work focuses on gender, sexual and gender-based violence and the role of legal systems in producing narratives about those issues. On the basis of an interview with Mibenge, this article addresses her interdisciplinary approach and discusses her fieldwork experiences as well as her quest to integrate these into her legal writings. The need to contextualize law in order to allow it to contribute to improve women's lived realities is central to the article. This is illustrated by reflections on violence, gender and law in relation to rape in Rwanda's genocide and the position of bush brides in Sierra Leone. From the perspective of contextualization and the role of the law, the recently ratified Maputo Protocol on the Rights of Women in Africa is highlighted.

► *Anna van der Vleuten*

The European Union and women's human rights From equal pay to fundamental rights?

The EU has strongly influenced women's rights in its member states. This article assesses the development of European women's rights policies from a gender perspective applying a threefold yardstick: equality, position improvement and transformation of gender ideology. Until the 1990s, EU policies were restricted to the promotion of equality as sameness and, to some extent, to equal opportunities in the labour market. Recently, the political arena has changed; new themes are addressed and new strategies such as gender mainstreaming even enables policymakers to take gender into account in all policy fields. These changes have not resulted in a European catalogue of women's human rights, but there has been piecemeal progress. It is argued, first, that selectively widening the scope of gender policies beyond the workplace furthers equality not only for women as workers but also as citizens. Second, although levelling down occurs, positive action and 'soft instruments' contribute to socio-economic and political rights for women. Third, modest progress has been made as regards the transformation of gender ideologies, but further progress is seriously circumscribed by member states' reluctance to admit European interference with gender roles.

► *Ingrid Westendorp*

A house of one's own An analysis of women's human right to adequate housing

Since its inception, the international human right to adequate housing has been interpreted and implemented in a way that does not do justice to the specific socio-economic position most women find themselves in. At best, the norm will lead to formal equality or equality before the law, while in practice women remain ill equipped to realize their housing rights. It is therefore necessary to re-interpret the norm, and take a woman's perspective into consideration. Particular circumstances such as domestic violence, forced evictions in the private sphere, lack of autonomy, and the income and property gap between women and men need to be taken into account. The first step to take is the abolition of legal discrimination based on sex. However, in most cases it will only lead to equality on paper. That is why the second step should be bringing about a change of mentality in order to tackle the existing stereotypical ideas about gender and gendered roles in society. This may be a long process and it involves sensitive areas like traditions, customs and religious practices. It is the only way, however, to guarantee equal enjoyment of the right to housing for women in the long run.