從《CEDAW》公約與歐洲人權法院之 判決檢視文化中對女性之歧視

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目 次

壹、前言

貳、消除對婦女一切形式歧視公約

參、文化權在女權實踐上的落差

肆、文化多樣性主張下之女性待遇

伍、《CEDAW》對破除童婚與文化中潛藏對女性發展阻礙之貢獻

陸、結論

關鍵詞:消除對婦女一切形式歧視公約、歐洲人權法院、文化、穆斯林、童婚

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摘 要

我們從歷史上看到無數藉用權力而任意對其他文化為批判,更甚者有太多出於己意的作為,試圖強裁硬植或潛移默化的將本國社會或國際社會的強弱差別,簡化推導為是因文化優劣所致。卻根本忽略說明已開發國家之進步,並非僅賴其文化上的優越,而是在整體社經結構不斷修正之成果。是以若始終用自己的觀念去理解他方的社會或文化運作,他方怎會不因我的無禮侵犯而萌生倍受歧視之感,而自消極防衛提升至激烈衝突。在性別的歧視上,尤其如此,因著經濟或教育分配的不均,再加上數百年之文化影響,所生之結果,即使已進入21世紀,依然四處可見。聯合國調查顯示在亞洲由於極為普遍的墮胎與溺斃女嬰,導致一億女性從世界人口消失;在發展中國家女性入學率低於同年男性,全世界九億文盲人口中,女性是男性的兩倍;女性在農業以外之收入,只占男性收入之75%;女性構成選民之半數,在世界議會席次與國家內閣中女性僅占10%及6%。所以要認知歧視意識的產生,便需自認識此一刻板印象生成的原因始。本文爰以《消除對婦女一切形式歧視公約》為基準,用以檢視佔世界一半人口之女性在文化中所受之歧視究否依然深重抑或已經緩解?

From 《CEDAW》 and verdicts of European Court of Human Rights to examine the women discrimination in culture

Chiag, Ta-Wei

Abstract

We have already seen so many cases in the history that one criticized the other culture with the authority recklessly, even more through the self-intent to forced the ideology planted on. In order to give a reason with simplified inference, those would identify the difference between strong and weak of culture due to the comparison of merits and demerits. However, it is overlooks to explain that the advancement of developed countries would not only rely on cuture advantage but on its social- economic reforming. Should we always comprehend linkage of the other culture and society with out viewpoint, they would feel uneasy because of our aggressions. Then the conflicts would escalate