

# Factors that Affect the Efficacy of UN Frameworks in Addressing Gender-Based Issues Globally

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## Abstract

This research paper aims to identify the factors that affect the efficacy of UN frameworks in addressing gender-based issues globally through the lenses of intersectional feminism, post-colonial feminism, and cultural relativism. Specifically, this paper will focus on the Beijing Platform for Action and the Convention on the Elimination of All Forms of Discrimination Against Women. The identified factors fall into five categories: structural and institutional barriers, weak reporting mechanisms, legal and normative gaps, political and governmental failures, and socio-cultural or religious obstacles.

**Keywords:** Gender, Discrimination, CEDAW, Beijing Platform for Action, Efficacy

## 1. Introduction

Gender discrimination has been a prevalent issue throughout history, and despite progress towards gender equality, it persists in many forms today. Discrimination based on gender refers to the unequal treatment of individuals on the basis of their gender identity or expression. (Oswald, 2023) This paper will use the term ‘gender-based issues’ to refer to actions rooted in gender discrimination, including gender-based violence, unequal access to resources and opportunities, and the continuation of harmful traditions. This paper will further analyse the effectiveness of UN frameworks, focusing specifically on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Un.org, 2025) and the Beijing Platform for Action. CEDAW is an international treaty adopted in 1979 by the United Nations General Assembly, which serves as a comprehensive bill of rights for women and aims to eliminate discrimination against women in all forms. The Beijing Platform for Action is a comprehensive global policy framework adopted at the Fourth World Conference on Women in 1995. The United Nations plays an integral role in promoting gender equality globally, as seen through Sustainable Development Goal 5 – Gender Equality (United Nations, 2025). It works to advance women’s rights, empower women and eliminate discrimination. This includes setting global standards, supporting member states and addressing specific issues. This paper will analyse the United Nations’ frameworks specifically the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action not only in terms of their role in addressing gender-based issues globally, but also in evaluating the specificity, clarity, and enforceability of their provisions which are hindered by structural, political, economic and cultural barriers.

## 2. Historical Context

Historically, gender inequality and the prevalence of gender-based issues have been rationalised through both cultural traditions and biological arguments such as the theory of

paternal uncertainty argued by scholars such as Hopcroft (Breda et al., 2020), which framed male control over female sexuality as an evolutionary imperative. While widely contested, such views have helped entrench patriarchal norms that still influence how gender-based issues are perceived and addressed globally. These deep-rooted ideologies continue to shape the social and political environments in which UN frameworks like CEDAW and the Beijing Platform for Action must operate.

### **3. Theoretical Context**

#### **3.1 Intersectional Feminism**

Intersectional Feminism is a feminist theory that takes into account the various ways in which each woman encounters prejudice depending on her colour, class, nationality, religion, and sexual preference. It acknowledges that injustice is a complicated structure that affects individuals differently depending on such traits. Kimberlé Crenshaw, a law expert, invented the word "intersectionality" in her 1989 article to illustrate how intersecting oppressive systems produce peculiar experiences for individuals with various identification classifications (Tyagi, 2023). It challenges the tendency to treat white women's experiences of gender discrimination as representative of all women's experiences.

#### **3.2 Post-Colonial Feminism**

Post-Colonial Feminism is a feminist theory that is primarily concerned with the representation of women in formerly colonised countries and Western locations. It focuses on the construction of gender difference in colonial and anti-colonial discourses, as well as the representation of women in anti-colonial and post-colonial discourses, with particular reference to the work of women writers. The postcolonial feminist critics raise several conceptual, methodological and political problems involved in the study of the representation of gender. (Tyagi, 2014).

#### **3.3 Cultural Relativism**

According to the Carnegie Council for Ethics in International Affairs, cultural relativists uphold that cultures differ fundamentally from one another, and so do the moral frameworks that structure relations within different societies. In international relations, cultural relativists determine whether an action is 'right' or 'wrong' by evaluating it according to the ethical standards of the society within which the action occurs. (Carnegie Council, 2023).

### **4. Overview of Legal Frameworks**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action are the key UN frameworks whose efficacy will be analysed. The text of the Convention on the Elimination of All Forms of Discrimination against Women was prepared by working groups within the Commission on the Status of Women and underwent extensive deliberations by a working group of the Third Committee of the General Assembly from 1977 to 1979. In 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted as a United Nations treaty by the General Assembly, with a vote of 130 to none, and 10 abstentions. In resolution 34/180, in which the General Assembly adopted the Convention, the Assembly expressed the hope that the

Convention would come into force at an early date and requested the Secretary-General to present the text of the Convention to the Second World Conference for Women held in Copenhagen. This presentation, in July of 1980, led to the Convention being signed by sixty-four states, while two states submitted their instruments of ratification. 4 decades later, 189 countries are state parties to this convention. The Convention on the Elimination of All Forms of Discrimination against Women consists of 30 articles, including those that outline the rights of women and the obligations of states to eliminate discrimination in all its forms. (United Nations, 1979) The Beijing Platform for Action was adopted by the Fourth World Conference for Women in Beijing, 1995. The conference was attended by representatives of 189 governments, UN agencies, and intergovernmental organizations such as the European Union and the League of Arab States. There were 17,000 participants. The Beijing Platform for Action is considered as the most comprehensive blueprint for advancing women's rights covering 12 areas of concern: women and the environment; women in power and decision-making; the girl child; women and the economy; women and poverty; violence against women; human rights of women; education and training of women; institutional mechanisms for the advancement of women; women and health; women and the media; and women and armed conflict. (United Nations, 1995)

## **5. Literature Review**

This review examines key scholarly debates regarding the efficacy of UN gender frameworks, focusing on enforcement challenges, cultural resistance, and institutional limitations. Existing scholarship, specifically, 'THE EFFECTIVENESS OF CEDAW IN ENFORCING HUMAN RIGHTS OF WOMEN' by Azeezat Alaka, has established that CEDAW has limited enforcement power, which affects its implementation across member states. Additionally, undergraduate publications such as *Undercurrent: The Canadian Undergraduate Journal of Development Studies* have engaged with issues surrounding the efficacy of CEDAW; these contributions often focus on legal mechanisms and the Committee's structure, rather than the nature of the convention itself. This paper departs from such previous research by analysing not only CEDAW but also the Beijing Platform for Action through an intersectional and postcolonial feminist lens. While there does exist a paper titled 'The Implementation of the Beijing Platform for Action by the Committee on the Elimination of Discrimination Against Women', which incorporates both CEDAW and the Beijing Platform for Action, it reflects the context and priorities of the early 2000s, which may not capture more recent developments. Existing research, the 'GENDER-BASED VIOLENCE IN INTERNATIONAL HUMAN RIGHTS LAW – THE EFFICACY OF THE UNITED NATIONS HUMAN RIGHTS LEGAL FRAMEWORK AND CEDAW IN ADDRESSING THE ISSUE', evaluates the efficacy of UN legal frameworks in addressing Gender-Based violence which is more limited than the scope of this paper, indicating a gap (Deane, 2024). This paper contributes to the existing literature by foregrounding the interplay between CEDAW and the Beijing Platform through a postcolonial and intersectional feminist lens, thereby expanding the conversation beyond legal formalism and offering a more nuanced account of global gender governance. Furthermore, this paper incorporates more recent developments and looks at a variety of gender-based issues, and its scope is not limited to gender-based violence.

## **6. Structural and Institutional Barriers**

### **6.1 CEDAW's Isolation within the Human Rights Regime**

As indicated by multiple scholars, one of the greatest weaknesses of CEDAW is its isolation from the wider United Nations Human Rights Regime. (Google Books, 2025) They argue that gender-based issues must be integrated into a variety of United Nations treaties to effectively direct layered solutions, and a coordinated response. By separating the issue of women's rights and gender discrimination from other human rights programmes, the issue gets sidelined overall. Unlike other core UN human rights treaties (such as the International Covenant on Civil and Political Rights [ICCPR]), CEDAW does not always coordinate with broader UN mechanisms. Furthermore, Its monitoring body (the CEDAW Committee) functions independently of bodies like the Human Rights Council or the Universal Periodic Review (UPR) unless coordination is actively pursued.

### **6.2 Weak Enforcement and Reporting Mechanisms**

Both the Beijing platform and CEDAW have weak enforcement mechanisms. While the Beijing Platform is a political declaration and it does not include specific monitoring mechanisms. Instead, it relies on voluntary state action, which results in uneven implementation and weak accountability. The Platform lacks mandated funding, making real implementation difficult, especially in, but not limited to, developing or post-colonial states. The Women's Commission Press Release (WOM/907) in 1996 highlights that governments navigating a post-disaster site, such as Belarus after the Chernobyl disaster, 'remained constrained by economic difficulties in its efforts to realise the goals of the Platform for Action' (Un.org, 1996). Even developed countries such as the United States of America, at the time, indicated that it was not a time when the United States would allocate new and additional resources to implement the Platform in our country'. This illustrates that the lack of mandated or sustained funding in the Beijing Platform for Action posed a universal barrier to implementation across both developing and developed states. Furthermore, the Press Release revealed that economic and political pressures often override gender equality commitments, and the 'declarative nature of such documents remains feeble in coordinating responses to gender-based issues. Lastly, the Platform relies on the Commission on the Status of Women (CSW) whose progress relies heavily on intergovernmental negotiations. CEDAW, as well, remains flawed in its reporting system, and its absent petition mechanism. Article 20 of CEDAW enables it to meet for only as long as 4 weeks annually to review state reports, whereas other human rights bodies, such as the Committee on the Rights of a Child and the Human Rights Committee, meet for approximately 9 weeks each year. As a result, a backlog of reports is created, and often, the Committee reviews reports that are already outdated. Since there are no penalties for delay, states face no legal consequences for submitting a report late, and this pattern continues to repeat. The Platform, since it is not a treaty, can only encourage states to submit national reports, and data collection. The structure of the reports often inviting states to highlight their 'top five achievements' can encourage a self-congratulatory tone rather than critical reflection. This design allows states to selectively showcase progress while omitting persistent structural challenges, limiting the reports' effectiveness as tools for transparent evaluation or accountability. (India's Report On the Implementation of Beijing Declaration and

Platform for Action in Context of the Twenty Fifth Anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action 2019, n.d.) The CEDAW does not include a petition mechanism (for all member states), which essentially enables individuals to file cases against states when they violate the terms of the treaty. Many states refused to support a complaints process as part of the treaty itself, citing the lack of success of similar procedures, and the idea that women's rights are "insufficiently serious" for individual petitions. Accordingly, state reports are the only way to ensure accountability and compliance with the treaty.

### **6.3. Optional Protocol Limitations**

CEDAW's optional protocol, relevant only to those who have ratified it, includes a petition mechanism. However, it only allows women to submit complaints until there is evidence suggesting that all national options have been exhausted. Also, if there is another international procedure being used for the same complaint, it renders the complaint unnecessary. This makes it increasingly difficult for suffering women to use the law as a tool to protect themselves from gender discrimination and bring restorative justice to themselves.

### **6.4 The Ambiguity in Addressing Violence Against Women**

CEDAW refers to violence against women as an extension of gender discrimination which dilutes the severity of the violence and obscures its specific harms. Moreover, the fact that these General Recommendations such as No. 19 and No. 35 are non-binding significantly limits their enforceability, leaving implementation largely at the discretion of individual states. The Beijing Platform for Action also identifies gender-based violence as one of its 12 critical areas of concern. However, since the Platform is a political declaration and not a treaty, it lacks the legal authority to compel state compliance.

## **7. Legal and Normative Gaps**

### **7.1 Permissive Reservations**

The CEDAW allows for permissive reservations, which allow states to opt out of specific provisions or articles, without undermining the core principle of achieving gender equality and eliminating discrimination against women. Reservations were first introduced to encourage broader participation in the treaty. While it may have prompted more participation, the number of reservations does undermine CEDAW's effectiveness, given that it has the most reservations of any human rights treaty, with over 62 parties of 186 having made reservations to at least one article of CEDAW. Saudi Arabia, for example, states that in the event of a conflict between the CEDAW and Islamic law, Saudi Arabia is not obligated to adhere to the conflicting CEDAW provision (United Nations Treaty Collection, 2019). By blanketing systems such as the male guardianship system as those under 'Islamic Law', Saudi Arabia continues to violate the principles of the CEDAW and the Beijing Platform for Action. Despite being an 'incompatible reservation', Saudi Arabia's broad caveat under Islamic law continues to be tolerated due to the lack of clear legal consequences in international treaty law.

### **7.2 Cultural Barriers**



This section will examine the tension between women's rights and religious rights as expressed in certain State Parties' reservations to the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") that are based on Islamic Law and the extent to which CEDAW can ensure adherence to its norms while recognizing the right to freedom of religion or belief. While Crown Prince Mohammed bin Salman has introduced incremental reforms, these changes are largely tokenistic and politically motivated, aimed at appeasing international allies rather than advancing substantive gender equality. The persistence of harmful practices such as female genital mutilation (FGM) with a recent British Medical Journal study reporting that approximately 18% of women surveyed at clinics in Jeddah have undergone some form of FGM further reflects the deep disconnect between Saudi Arabia's international obligations and on-the-ground realities for women, indicating numerous violations of CEDAW. (Rouzi et al., 2019) While such abuses are blatant, a grey area exists: a complex interplay between cultural norms, political expediency, and international human rights obligations. Some extreme cultural relativists argue that in the post-colonial world we live in today, 'universal' human rights are an imposition of Western ideals onto the rest of the world, ignoring the nuances of their culture and traditions. While the extremist notion of 'Western imposition' may not be accurate, one must acknowledge that CEDAW and the Beijing Platform rely on a universal framework that doesn't account for local, cultural and post-colonial rivalries. Stacy (2004) notes that the text does not consider that the implementation of CEDAW may create significant cultural and social changes for which certain states and their populations may be ill-prepared: "the more difference there is between the universal standard for women's human rights and local practice, the higher the likelihood that nation states will seek to avoid the problem through inaction or disinterest". From an intersectional lens, this undermines the implement ability of CEDAW and reflects a disproportionate emphasis on the rights and experiences of women from Western contexts.

### **7.3 Limited Intersectionality**

While the CEDAW has been extremely instrumental in codifying gender equality as a human right, it has fallen short in effectively addressing intersectional discrimination the overlapping effects of gender with race, class, ethnicity and disability. Granted, the CEDAW Committee has recognized this gap in General Recommendation No. 28 (2010), which urges state parties to consider intersecting identities when implementing Article 2. Yet, these recommendations are non-binding and inconsistently adopted by states. There is no requirement to disaggregate data by caste, religion, or ethnicity by CEDAW. Thus, there is a lack of targeted policy measures for minority women, hindering effective monitoring and implementation. A Human Rights Watch report on Dalit education in India states, 'the situation is worse for girls. According to government statistics, the dropout rate among adolescent girls is as high as 64 percent. A significant number of these are girls from Dalit, tribal, and Muslim communities, who leave school without completing grade VIII, usually when nearing puberty.' These girls are particularly vulnerable to child marriage, and sexual abuse. (Human Rights Watch, 2014) The need for an intersectional approach exists is not just limited to India, a developing country: New Zealand, a leader in the field of human rights too, fails to use an intersectional approach in ensuring human rights for Maori women. The CEDAW Committee has itself highlighted that Māori women are subject to multiple forms of discrimination and that New Zealand's

domestic laws inadequately reflect this. (Reilly, 2019) As noted by the 2019 Household Labour Force Survey, the NEET (Not in Employment, Education, or Training) rate for Māori youth was 18.6%, more than double that of Europeans (9.5%) and Asians (8.5%). Among the Māori people itself, the gender disparity was stark: 20.7% of young Māori women were NEET compared to 16.7% of their male counterparts. Similarly, the underutilisation rate, which encompasses various situations where individuals who want to work, either are not employed or are employed in ways that do not fully utilize their skills or desired working hours, was highest among Māori (18.2%) with Māori women again most affected at 21.7%, compared to 14.6% for Māori men. (Ministry of Business, Innovation and Employment, 2016)

## **8. Case Study Pakistan**

It is often a combination of factors that affect the efficacy of UN frameworks in addressing gender-based issues globally. As exemplified through the case study of Pakistan, one can contest that taken together, legal and structural barriers, political and government failures, and socio-cultural and religious barriers all contribute to an extent in limiting the efficacy of CEDAW in Pakistan. (OHCHR, 2020)

### **8.1 Permissive Reservations**

In 1996, Pakistan adopted CEDAW with a general reservation stating that CEDAW provisions would not override Islamic Sharia law or the Pakistani Constitution. This meant that if CEDAW mandated equal inheritance rights as stipulated in Article 16, 'same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property', but Sharia-based interpretations favouring male heirs would take precedence. The nonspecific nature of the declaration raised doubts about Pakistan's commitment to the implementation of CEDAW. Consequently, several countries, including Portugal, Austria, and Germany, objected to Pakistan's declaration, noting this type of general reservation as one that is "incompatible with the object and purpose of CEDAW" and "contributes to undermining the basis of international law." Although these states requested that Pakistan withdraw its request, Pakistan refused. Pakistan also made a reservation to Article 29, rejecting arbitration between states on CEDAW violations. This exemplifies the limited power of CEDAW and other UN Legal frameworks in addressing gender-based issues when states deliberately circumvent obligations through reservations.

### **8.2 Rejection of Enforcement Mechanisms**

Pakistan refused to adopt CEDAW's optional protocol. Pakistan's rejection of CEDAW's Optional Protocol is a major barrier to gender equality because it denies women a critical enforcement mechanism the ability to file individual complaints against the state for violations of their rights.

### **8.3 Political and Government Failures**

Fearing backlash from extremist religious groups, the government fails to challenge patriarchal norms. For example, gender discrimination remains prevalent in the school curriculum, with students still using textbooks that "depict women as dependents, inferior and housebound." After primary school, girls and women are not present in either the narrative content or the

illustrations of the current textbooks. Authorities in the North West Frontier Province (NWFP) deemed the new gender-inclusive curriculum an attack on Islamic culture because Quranic verses were excluded. Anticipating a refusal or an uprising from other groups, local governments allow these activities to persist.

#### **8.4 Socio-Cultural & Religious Obstacles**

According to the Journal of Law and Education, the most telling sign that CEDAW's guarantees have not been embraced, however, is the increasingly virulent attack by extremists on women's education and the oppressive religious traditions. (Sc.edu, 2017)

Threatening to reverse any progress or implementations of CEDAW, militant fundamentalists have denounced women's education as an outlier of Islam, attacking numerous girls' schools with bombs. Militant threats have terrorised female students, teachers, and their families. Anonymous letters have been sent to schools, warning female students and teachers to wear veils and burkas or face dire consequences. These threats were not empty: they were often carried out, "destroying [school] buildings and sometimes causing serious casualties. The Pakistani government has failed to respond to such acts, thus giving way to the propagation of anti-female ideas. With the lives of female students and teachers being endangered, attendance and enrollment in girls' schools have sharply declined in recent years, particularly in the northern tribal areas. Many girls' schools closed temporarily, and some closed permanently.'

#### **9. Conclusion**

While the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action have been pivotal in combating gender-based issues, some factors still persist, hindering their efficacy. Structurally, both frameworks are limited by weak enforcement mechanisms, funding, and reporting procedures that often lack transparency and timeliness. Legally, CEDAW permits broad reservations and lacks universal access to petition mechanisms, allowing states to circumvent key provisions. The universalist approach of these frameworks often clashes with local traditions, divulging religious interpretations, and post-colonial power dynamics, making meaningful implementation challenging in diverse contexts. Normatively, the lack of an intersectional approach in the enforcement mechanisms of CEDAW challenges the effectiveness of such frameworks. It is often a combination of such factors that render UN legal frameworks ineffective in combating gender based issues. Addressing gender-based issues globally requires not only stronger enforcement and accountability but also frameworks that are adaptable to respective cultural and local realities and sensitive to the multiple, overlapping identities that shape women's experiences of discrimination. States, too, must display sustained commitment and allocate resources to uphold their international obligations, instead of exploiting the systems like those on reservations.

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