

International Law & Women's Human Rights

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The course addresses women's human rights under international law and attempts a feminist critique of International Human Rights Law. To this end, it engages with violations of women's rights and examines how best to address these at the domestic, regional, and international level. The course also examines if traditional theoretical and conceptual assumptions about international law militate against adequate protection of women's rights. It will address arguments around the 'exclusion' of women from national legal frameworks and the effectiveness of international law in addressing this.

The primary material for the course is drawn from jurisprudence on women's right under international human rights law and mechanisms of the United Nations (UN). We will engage with gender theory and the feminist critique of international human rights law to understand strategies: political and legal, employed by feminists and human rights organizations to counter patriarchal structures and address specific forms of violations.

Thematically the course will cover international law on violence against women, inequalities under religious and customary practices, women in situations of armed conflict, economic empowerment within the context of housing rights, access and ownership of property and employment discrimination. Critical areas of women's rights violations and conversations around these areas will be examined, aimed at identifying regional - cultural specificities, political and economic structures, public-private divide, religious and customary practices that violate women's rights. Jurisprudence drawn

from UN Treaty bodies, soft law such as general comments and general recommendations by treaty bodies will form the backbone of the course.

This course engages knowledge and understanding of women's rights issues within the international law framework. Accordingly, the course requires parallel engagement with violations of women's rights and international human rights mechanisms. This is a foundation level course, therefore no previous formal study of either women's rights or international human rights law is expected.

This course is designed to achieve the following **learning outcomes**:

1. Comprehensive understanding of major human rights treaties, instruments, and mechanisms of the UN significant for the protection of women's human rights.
2. Conceptual clarity on debates around the potential of a rights' framework to negotiate women's human rights and feminist critique of international law.
3. To strengthen awareness about international human rights standards and how these apply to women.
4. Critical engagement with jurisprudence on women's human rights domestically and internationally.
5. In addition to learning legal strategies to negotiate women's human rights domestically using international law, students will learn when and how to make a complaint to international and regional human rights treaty bodies.
6. To understand the potential and limitations of international law in addressing gender rights.

7. Exploring future strategies: legal, political and consultative in ensuring civil society engagement through the UN System for a better future for women's rights globally.

Pedagogy

Lecture and discussion as the primary teaching methodology. Teaching will go beyond the scope of legal methods to engage with history, social science, popular culture, and politics. Students will be encouraged to ask questions, bring articles, news items, video clips to class to enable debates around diverse topics and issues related to the course. The pedagogical materials will include debates, films, literature and stories.

Including simulation exercises replicating CEDAW Sessions. Students will learn strategies of negotiation in international forums.

Reading List:

1. Brunch, C., *Women's Rights as Human Rights: Towards a Re-vision of Human Rights*, Human Rights Quarterly, Vol. 12, no. 4, Nov 1990
2. Cook, R., *Women's International Human Rights Law; The Way Forward*, Human Rights Quarterly, Vol.15, No.2, May 1993
3. Hilary Charlesworth; Christine Chinkin; Shelley Wright. (1991) '*Feminist Approaches to International Law*'; The American Journal of International Law. Vol. 85 (4) pp.613-645
4. Ronda Copelon., '*Intimate Terror: Understanding Domestic Violence as Torture*', (R. Cook Ed.) Human Rights of Women: National and

International Perspectives, University of Pennsylvania Press., 1994
pp.116-152

5. Ronagh J.A. McQuigg, *Is it time for a UN Treaty on Violence Against Women*, *The International Journal of Human Rights*, 16/03/2018
6. Askin, K. D., *Prosecuting Wartime Rape and Other Gender-Related Crimes under International Law: Extraordinary Advances, Enduring Obstacles*, *Berkeley Journal of International Law*, 21 *Berkeley J. Int'l Law*. 288 (2003)
7. Chile Eboe-Osuji, *International Law and Sexual Violence in Armed Conflicts*, 2012, International Humanitarian Law Series.
8. Mathur Anurag, P., "But.... Where Will I live?", Jaising I., Mathur Anurag, P., (Ed.). *Conflict in the Shared Household- The Law and Domestic Violence in India*, Oxford Publication, 2018
9. L. Farha, 'Women and Housing', in *Women and International Human Rights Law*, Volume 1, ed. K.D. Askin and D.M. Koenig (New York: Transnational Publishers, Inc. Ardsley, 2000), p. 511
10. M. O'Flaherty; J. Fisher. (2008) 'Sexual Orientation, Gender Identity and International Human Rights Law: Contextualizing the Yogyakarta Principles', *Human Rights Law Review*. Vol. 8 (2), pp.207- 248

Weekly Lecture Plan

Week 1 & 2 - *Are Women Human? Feminist Critique of International Law*

Introductory module engages with the location women within international human rights and the feminist critique of International Law. Traces the history of human rights and women's right.

Week 3 - *Equality and Non-discrimination*

How have equality and non-discrimination been defined under international law and does this adequately address substantive equality for women?

Week 4 - *CEDAW: Drafting, Reservations and Beyond*

History of drafting, ratifications, reservations to CEDAW, critically explore provisions under the CEDAW, initial years of its operation and its relevance today.

Week 5 - *OP CEDAW: Jurisprudence, General Recommendations & Individual Complaints Mechanism*

CEDAW Committee's General Recommendations, Individual Complaints Mechanism, Country reports and the jurisprudence evolved by the CEDAW Committee.

Week 6 & 7 - *VAW-I: Domestic Violence as Torture*

Ronda Copelon's compelling thesis on recognizing DV as torture (defined under the International Convention Against Torture) to draw parallels between torture and DV. Jurisprudence under international and regional mechanisms will be covered.

Week 8 & 9 - *VAW- II: Genocide and Rape*

Legal standards in defining rape and genocide as a weapon of war as against rape as a crime against honor. The module is based on the jurisprudence developed by the ICTY, ICTR and ICJ.

Week10 - ***Economic Empowerment: Right to Housing & Ownership of Land***

Domestic violence as a violation of Article 11(1) Right to Adequate Housing.
Correlation between lack of security of tenure and domestic violence.

Week 11-***Right to Work under ICESCR and Sexual Harassment***

SHWs as violation of Right to work under Article 6 & 7 ICESCR. National, regional, international perspective on sexual harassment.

Week 12 - ***Sexual Orientation and Gender Identity under the UN System***

Adoption of non-binding Yogyakarta Principles and the Office of the Independent Expert on Sexual Orientation and Gender Identity

Week 13 – ***Students Pick***

Students select a topic on Women's rights not covered under the course. Together we will identify international law responses to the violations. Covered in previous semesters: Obstetric Violence, women prisoners, women combatants, freedom of expression etc.