

University of Miami  
Summer I 2001

## Women's Human Rights INS 302 /INS 503

Tuesday-Thursday 1:00-4:00pm  
MB 306

This course seeks to identify, articulate and clarify the human rights issues that affect women's lives and the strategies that women use to challenge and overcome obstacles. The idea that human rights can be claimed by human beings as their birthright regardless of class, race, religion or gender is perhaps one of the most important cornerstone of the human rights regime. Yet, women are still marginalised in traditional human rights discourse and practice. Women suffer gender-specific forms of torture and cruel, inhuman or degrading treatment including rape by government agents, forms of sexual coercion including excessive strip and body searches and threats of rape.

### Approach to the Course

In this course, the emphasis will be placed on reading, analyzing concepts, and discussion. Students will be asked to come to class prepared. They will be called upon by the instructor and will be asked to initiate the discussion on the literature. A large part of your final grade is based on the ability of students to talk about the readings, relate them to previous texts read in class, or make connections with larger processes or contemporary events. In order to achieve the above-stated objectives, students are expected to attend classes, carefully complete the reading assignments, and actively engage the studied literatures.

### Course Requirements

1. Short Research Paper: 30%

The paper will be a well researched and written examination of a topic or issue involving an aspect of globalizations influence on human rights. The choice of the topic is up to the student and **approved** by the instructor. I must approve the topic or issue. The paper ought to begin with a clearly identified question or statement (what am I talking about and why), goes on into an inquiry of the problem (argument), examines the situation (analysis of the evidence), and concludes by offering suggestions or recommendations. The paper must be 8-10 pages in length. Grammar and spelling count, as do correct citations! Due June 19, 2001

2. Participation: 20% of the final grade

Since this will be a small class your active participation is mandatory and your absence or silence will be conspicuous. Plus, each class students will be asked to bring in a question, problem, inquiry, or query relating to the days reading for class discussion or analysis.

3. Presentation: 30% of the final grade

Each student will choose a day to present the day's reading and lead the discussion. The presentation is more than merely summarizing the readings.

4. Take home mid term exam: 20% Undergrads will be asked to answer one question while grad student will answer 2 questions from a selection of questions. Each question will be from 5-6 pages in length. Handed out May 31, 2001 You will have one week to answer your questions, due June 5, 2001

### **Course Policies**

1. Academic honesty: All work for this course must be the student's own. Please refer to the Student Handbook for the University of Miami Undergraduate Honor Code. Students will be bound by the University of Miami Honor Code. By remaining in this class you pledge to abide by the ethical academic standards listed in the above document. Anyone guilty of academic dishonesty will fail the course.

2. Attendance is mandatory. Since a large part of your grade is based on class participation and class discussion it would behoove you to attend all class sessions. Excessive absenteeism will result in a reduction of your grade (a loss of class participation points).

3. No late exams or papers will be allowed unless the student is able to provide proof of a medical emergency.

4. Since the class period is relatively short, students who are more than five (5) minutes late for class will not be counted as having attended the class. Once the class has started, students are expected to stay in until the end of the class period. Coming and going will not be accepted. Turn off your cell-phones.

5. Students will make sure that they retain copies of the materials that they turn in and that they keep graded assignments should there be a discrepancy in our record keeping.

6. Students with disabilities are invited to meet with the instructor to discuss special accommodations which may be needed for your successful participation in class.

### **Texts:**

ILO, 2000. *ABC of Women workers' Rights and Gender Equality*. Geneva: ILO ISBN 9221108449. Noted as **ABC** in reading list

**Handouts:** Text is out of print

Human Rights Watch. 1995. *The Global Report on Women's Human Rights*. ISBN 0-300-06546-9 Noted as **HRW** in reading list

## Web Sources:

Women's Human Rights Resource ([www.law-lib.utoronto.ca/Diana/edu.htm](http://www.law-lib.utoronto.ca/Diana/edu.htm))

Noted as **WHRR** in reading lists

Human Rights Watch ([www.hrw.org/hrw/about/projects/women.html](http://www.hrw.org/hrw/about/projects/women.html))

Amnesty International ([www.amnesty.org/ai.nsf/THEMES/WOMEN](http://www.amnesty.org/ai.nsf/THEMES/WOMEN))

Human Rights Quarterly articles must be found in the library not downloaded.

May 17: Conventions:

### International Treaties on the Rights of Women

<http://www.unhchr.ch/women/treaties.html>

- Convention on the Elimination of All Forms of Discrimination Against Women
- Optional Protocol to the Convention on the Elimination of Discrimination against Women
- Declaration on the Elimination of Violence against Women

### International Treaties on Human Rights

<http://www.unhchr.ch/html/intlinst.htm>

- International Covenant on Political and Civil Rights
- International Covenant on Economic, Social and Cultural Rights

May 22: Cultural Relativism: the tension between Individual Rights and Group/Cultural Rights. Are women fighting over the same issues and for the same rights all around the world? What are the gains that have been made for women in different cultures over the past 200 years? Which cultures are doing the most for women?

- Jane Connors "General Human Rights Instruments and their Relevance to Women"
- Andrew Byrnes "Human Rights Instruments relating Specifically to Women"

---Preis, Ann-Belinda (1996). "Human Rights as Cultural Practice: An Anthropological Critique." *Human Rights Quarterly*, 18:286-315.

---Smolin, David, *Will International Human Rights be Used As a Tool of Cultural Genocide? The Interaction of Human Rights Norms, Religion, Culture and Gender*, 12(1) JOURNAL OF LAW AND RELIGION, 143-71 (1997). Download from WHRR

May 24: Political and Civil Rights Rights to participation and issues of equality:

Convention on the Political Rights of Women  
<http://www.unhchr.ch/html/menu3/b/22.htm>

--HRW, chapter 5 (Handout)

--Corbera, Michael, "Women's Convention and the Equal Protection Clause", 26 ST. MARY'S LAW JOURNAL, 755-90 (1995). Can be downloaded from WHRR

May 29: Economic and Social Rights (labor rights)

---ABC

May 31: Violence Against Women

Domestic violence:

--HRW, chapter 6

--Beasley and Thomas "Domestic Violence as a Human Rights Issue" *Human Rights Quarterly* 15(1)36

--Hernandez-Truyol, Berta Esperanza, "Sex, Culture, and Rights: A Re/conceptualization of Violence For the Twenty First Century", 60 ALBANY LAW REVIEW, 607-34 (1997). Downloaded from WHRR

--Carlson-Whitley, Angela K., "Dowry Death: A Violation of the Right to Life Under Article Six of the International Covenant on Civil and Political Rights", 17 UNIVERSITY OF PUGET SOUND LAW REVIEW, 637-64 Downloaded from WHRR

--Nelson, Laura Sue, "The Defense of Honor: Is It Still Honored in Brazil?", 11 WISCONSIN INTERNATIONAL LAW JOURNAL, 531-56 (1993). Downloaded from WHRR

June 5: Violence Against Women

Rape as a weapon of war:

Declaration on the Protection of Women and Children in Emergency and Armed Conflict  
<http://www.unhchr.ch/html/menu3/b/24.htm>

--HRW, Chapter 1

--Aolain, Fionnuala Ni, "Radical Rules: The Effects of Evidential and Procedural Rules on the Regulation of Sexual Violence in War" 60 ALBANY LAW REVIEW, 883-905 (1997). Downloaded from WHRR

--Salzman Todd "Rape Camps as a Means of Ethnic Cleansing" *Human Rights Quarterly* 20(2):348

June 7: Female Genital Mutilation

---Catherine Annas, "Irreversible Error: The Power and Prejudice of Female Genital Mutilation" (Handout)

--- Smith, Robyn C., *Female Circumcision: Bringing Women's Perspectives into the International Debate*, 65 SOUTHERN CALIFORNIA LAW REVIEW, 2449-504 (1992). Download from WHRR

---Nahid Toubia 1995 “Female Genital Mutilation” Women’s Rights: Human Rights. Ed Julie Peters and Andrea Wolpers (handout)

## June 12: Reproductive Rights

--HRW, chapter 7

--Abrams, Paula, Reservations About Women: Population Policy and Reproductive Rights, 29 CORNELL INTERNATIONAL LAW JOURNAL 1-41 (1996). Downloaded from WHRR

--Babor, Diana D.M. Population Growth and reproductive Rights in International Human Rights Law, 14 CONNETICUT JOURNAL OF INTERNATIONAL LAW, 83-121. Downloaded from WHRR

--Bustelo, Carlota, Reproductive Health and CEDAW, 44 AMERICAN UNIVERSITY LAW REVIEW, 1145-55 (1995). Downloaded from WHRR

--Chapman, Audrey R., *Monitoring Women's Right to Health Under the International Covenant on Economic, Social and Cultural Rights*, 44 AMERICAN UNIVERSITY LAW REVIEW, 1157-75 (1995). Downloaded from WHRR

--Chapman, Audrey R., *Monitoring Women's Right to Health Under the International Covenant on Economic, Social and Cultural Rights*, 44 AMERICAN UNIVERSITY LAW REVIEW, 1157-75 (1995). Downloaded from WHRR

## June 14: Slavery and Traffic

Forced prostitution:

--Jordan, Ann, *Commercial Sex Workers in Asia: A Blind Spot in Human Rights Law* in WOMEN AND INTERNATIONAL HUMAN RIGHTS LAW, Volume 2, Askin and Koenig (eds.), (Ardsley, N.Y. : Transnational, 2000). Down load from WHRR

--Barry, Kathleen “Female Sexual Slavery” Human Rights Quarterly 3(2):44

--HRW, chapter 4

## June 19: Domestic and International Implementation

(State Responsibility for Abuses by Non-state actors)

--Stratton, Lisa C., *The Right to Have Rights: Gender Discrimination in Nationality Laws*, 77 MINNESOTA LAW REVIEW, 195-239 (1992). Download from WHRR

--Cook, Rebecca J., *International Human Rights Law Concerning Women: Case Notes and Comments*, 23 VANDERBILT JOURNAL OF TRANSNATIONAL LAW, 779-818 (1990). Downloaded from WHRR

--Freeman, Marsha "Women, Law and Land at the Local Level" *Human Rights Quarterly* 16(3)559

---"Abdullahi Ahmed An-Na'im. 1994. "State Responsibility Under International Human Rights Law to Change Religious and Customary Laws" *Human Rights of Women* ed Rebecca Cook. (Handout)