

Women Law And Human Rights An African Perspective

Religion plays a pivotal role in the way women are treated around the world, socially and legally. This book discusses three Islamic human rights approaches: secular, non-compatible, reconciliatory (compatible), and proposes a contextual interpretive approach. It is argued that the current gender discriminatory statutory Islamic laws in Islamic jurisdictions, based on the decontextualised interpretation of the Koran, can be reformed through "Ijtihad": independent individual reasoning. It is claimed that the original intention of the Koran was to protect the rights of women and raise their status in society, not to relegate them to subordination. This Koranic intention and spirit may be recaptured through the proposed contextual interpretation which in fact means using an Islamic (or insider) strategy to achieve gender equality in Muslim states and greater compatibility with international human rights law. It discusses the negative impact of the so-called statutory Islamic laws of Pakistan on the enjoyment of women's human rights and robustly challenges their Koranic foundation. While supporting the international human rights regime, this book highlights the challenges to its universality: feminism and cultural relativism. To achieve universal application, genuine voices from different cultures and groups must be accommodated. It is argued that the women's human rights regime does not cover all issues of concern to women and has a weak implementation mechanism. The book argues for effective implementation procedures to turn women's human rights into reality.

Human rights, Andrew Byrnes

In recent years, feminist theory has increasingly defined itself in opposition to universalism and to discourses of human rights. Rejecting the troubled legacies of Enlightenment thinking, feminists have questioned the very premises upon which the international human rights movement is based. Rather than abandoning human rights discourse, however, this book argues that feminism should reclaim the universal and reconstruct the theory and practice of human rights. Discourse ethics and its post-metaphysical defence of universalism is offered as a key to this process of reconstruction. The implications of discourse ethics and the possibility of reclaiming universalism are explored in the context of the reservations debate in international human rights law and further examined in debates on women's human rights arising in Ireland, India and Pakistan. Each of these states shares a common constitutional heritage and, in each, religious-cultural claims, intertwined with processes of nation-building, have constrained the pursuit of gender equality. Ultimately, this book argues in favour of a dual-track approach to cultural conflicts, combining legal regulation with an ongoing moral-political dialogue on the scope and content of human rights.

Africa, with its mix of statute, custom and religion is at the centre of the debate about law and its impact on gender relations. This is because of the centrality of the gender question and its impact on the cultural relativism debate within human rights. It is therefore important to examine critically the role of law, broadly constructed, in African societies. The book focuses on women's experiences in the family. This is because the lives of women continue to be lived out largely in the private domain, where the right to privacy is used to conceal unequal treatment of women which is justified by invoking 'custom' and 'tradition'. The book shows how law and its interpretation is used to disenfranchise women, resulting in their being deprived of land and other property which they may have helped to accumulate. It also considers issues of violence within the home, reproductive rights and examines the issue of female genital cutting. The role of women in development is explored as is their participation in politics and the NGO sector. A major theme of the book is a consideration of the linkages of constitutional and international human rights norms with local values. This is done using feminist tools of analysis. The book considers the provisions of the Protocol to the African Charter on Human

and People's Rights on the Rights of Women which was adopted by the African Union in July 2003.

U.S. Foreign Policy and Muslim Women's Human Rights explores the integration of American concerns about women's human rights into U.S. policy toward Islamic countries since 1979, reframing U.S.-Islamic relations and challenging assumptions about the drivers of American foreign policy.

This book focusses on women's human rights in India. Drawing on case studies, it provides a clear overview of the key sources on gender and rights in the country. Further, it contextualizes women's rights at the critical intersection of caste, religion and class, and analyses barriers to the realization of women's human rights in practice. It also develops strategies for moving forward towards greater recognition, protection, promotion and fulfilment of women's human rights in India. Drawing on critical pedagogical tools to analyse groundbreaking court cases, this book will be a key text in human rights studies. It will be indispensable to students, scholars and researchers of gender studies, sociology, law and human rights.

This book theoretically explores intersectionality within human rights norms on violence against women and the derived duties for States.

The three Abrahamic faiths have dominated religious conversations for millennia but the relations between state and religion are in a constant state of flux. This relationship may be configured in a number of ways. Religious norms may be enforced by the state as part of a regime of personal law or, conversely, religious norms may be formally relegated to the private sphere but can be brought into the legal realm through the private acts of individuals.

Enhanced recognition of religious tribunals or religious doctrines by civil courts may create a hybrid of these two models. One of the major issues in the reconciliation of changing civic ideals with religious tenets is gender equality, and this is an ongoing challenge in both domestic and international affairs. Examining this conflict within the context of a range of issues including marriage and divorce, violence against women and children, and women's political participation, this collection brings together a discussion of the Abrahamic religions to examine the role of religion in the struggle for women's equality around the world. The book encompasses both theory and practical examples of how law can be used to negotiate between claims for gender equality and the right to religion. It engages with international and regional human rights norms and also national considerations within countries. This book will be of great relevance to scholars and policy makers with an interest in law and religion, gender studies and human rights law.

II: WOMEN AND HEALTH

This innovative book looks at the topic of migration through the prism of law and literature. The author uses a rich mix of novels, short stories, literary realism, human rights and comparative literature to explore the experiences of African migrants and asylum seekers. The book is divided into two. Part one is conceptual and focuses on art activism and the myriad ways in which people have sought to 'write justice.' Using Mazrui's diasporas of slavery and colonialism, it then considers histories of migration across the centuries before honing in on the recent anti-migration policies of western states. Achiume is used to show how these histories of imposition and exploitation create a bond which bestows on Africans a "status as co-sovereigns of the First World through citizenship." The many fictional examples of the schemes used to gain entry are set against the formal legal processes. Attention is paid to life post-arrival which for asylum seekers may include periods in detention. The impact of the increased hostility of receiving states is examined in light of their human rights obligations. Consideration is paid to how Africans navigate their post-migration lives which includes reconciling themselves to status fracture-taking on jobs for which they are over-qualified, while

simultaneously dealing with the resentment borne of status threat on the part of the citizenry. Part two moves from the general to consider the intersections of gender and status focusing on women, LGBTI individuals and children. Focusing on their human rights and the fictional literature, chapter four looks at women who have been trafficked as well as domestic workers and hotel maids while chapter five is on LGBTI people whose legal and literary stories are only now being told. The final substantive chapter considers the experiences of children who may arrive as unaccompanied minors. Using a mixture of poetry and first person accounts, the chapter examines the post-arrival lives of children, some of whom may be citizens but who are continually made to feel like outsiders. The conclusion follows, starting with two stories about walls by Hadero and Lanchester which are used to illustrate the themes discussed in the book. Few African lawyers write about literature and few books and articles in Western law and literature look at books by or about Africans, so a book that engages with both is long overdue. This book provides fascinating reading for academics, students of law, literature, gender and migration studies, and indeed the general public.

International courts and other actors are increasingly taking into account pre-existing social structures and inequalities when addressing and redressing human rights violations, in particular discrimination against specific groups. To date, however, academic legal research has paid little attention to this gentle turn in international human rights law and practice to address structural discrimination. In order to address this gap, this study analyses whether and to what extent international and regional human rights frameworks foresee positive obligations for State parties to address structural discrimination, and, more precisely, gender hierarchies and stereotypes as root causes of gender-based violence. In order to answer this question, the book analyses whether or not international human rights law requires pursuing a root-cause-sensitive and transformative approach to structural discrimination against women in general and to the prevention, protection and reparation of violence against women in particular; to what extent international courts and (quasi)judicial bodies address State responsibility for the systemic occurrence of violence against women and its underlying root causes; whether or not international courts and monitoring bodies have suitable tools for addressing structural discrimination within the society of a contracting party; and the limits to a transformative approach.

More than half a century after the Universal Declaration of Human Rights defined what a human being is and is entitled to, Catharine MacKinnon asks: Are women human yet? She exposes the consequences and significance of the systematic maltreatment of women and its systemic condonation as she points toward fresh ways of targeting its toxic orthodoxies. A critique of the transnational status quo that also envisions the transforming possibilities of human rights, this bracing book makes us look as never before at an ongoing war too long undeclared.

Women, Law and Human Rights An African Perspective Bloomsbury Publishing
This book examines the strength of laws addressing four types of violence against women--rape, marital rape, domestic violence, and sexual harassment--in 196 countries from 2007 to 2010. It analyzes why these laws exist in some places and not others, and why they are stronger or weaker in places where they do exist. The authors have compiled original data that allow them to test various hypotheses related to whether international law drives the enactment of domestic legal protections. They also

examine the ways in which these legal protections are related to economic, political, and social institutions, and how transnational society affects the presence and strength of these laws. The original data produced for this book make a major contribution to comparisons and analyses of gender violence and law worldwide.

Since the mid-1990s, increasing international attention has been paid to the issue of violence against women; however, there is still no explicit international human rights treaty prohibition on violence against women and the issue remains poorly defined and understood under international human rights law. Drawing on feminist theories of international law and human rights, this critical examination of the United Nations' legal approaches to violence against women analyses the merits of strategies which incorporate women's concerns of violence within existing human rights norms such as equality norms, the right to life, and the prohibition against torture. Although feminist strategies of inclusion have been necessary as well as symbolically powerful for women, the book argues that they also carry their own problems and limitations, prevent a more radical transformation of the human rights system and ultimately reinforce the unequal position of women under international law.

This book evaluates the effectiveness of current international human rights law, and in particular the recent Istanbul Convention, in eradicating so-called honour killings in Turkey. So-called 'honour killings' have become an issue of concern for the international community. In Turkey, in particular, the practice still exists despite the adoption of the relevant human rights instruments. The book argues that the improvement of the status of women in Turkey in accordance with gender equality as well as the application of the principle of state due diligence, both requirements of the Istanbul Convention and international human rights law, are fundamental means towards eradicating the killing of women in the name of 'honour'. Using feminist approaches, in particular the intersectionality approach, the study looks at the application of such standards as well as the current obstacles. Through such a lens, the study discusses the strengths and weaknesses of the Turkish Constitution, Turkish Civil Code, Turkish Penal Code and Law to Protect Family and Prevent Violence Against Women and questions the judicial approach to the implementation of the women's right to life. It identifies the lacunae in the Turkish legislation that allow inadequate legal protection for women and the inconsistency of the judicial approach to the definition of the so-called honour killings in the judgements. The study then recommends some concrete amendments to the relevant legal provisions in order to better reflect the international framework and the feminist approaches. The book will be a valuable resource for academics, researchers and policy-makers in the areas of international human rights law and feminist legal theory.

Africa, with its mix of statute, custom and religion is at the centre of the debate about law and its impact on gender relations. This is because of the centrality of the gender question and its impact on the cultural relativism debate within human rights. It is therefore important to examine critically the role of law, broadly constructed, in African societies. The book focuses on women's experiences in the family. This is because the lives of women continue to be lived out largely in the private domain, where the right to privacy is used to conceal unequal treatment of women which is justifi.

Explores the manifold relationship between black women and international law, highlighting the historic and contemporary ways they have influenced and been

influenced.

The law is a well-known tool in fighting gender inequality, but which laws actually advance women's rights? This book unpacks the complex nuances behind gender-responsive domestic legislation, from several of the world's leading experts on gender equality. Drawing on domestic examples and international law, it provides a primer of theory alongside tangible and practical solutions to fulfil the promise of the law to deliver equality between men and women. Part I outlines what progress has been made to date on eradicating gender inequality, and insights into the law's potential as one lever in the global struggle for equality. Parts II and III go on to explore concrete areas of law, with case studies from multiple jurisdictions that examine how well domestic legislation is working for women. The authors bring their critical lens to areas of law often considered from a gender perspective – gender-based violence, women's reproductive health, labour and gender equality quotas – while bringing much-needed analysis to issues often ignored in gender debates, such as taxation, environmental justice and good governance. Part IV seeks to move from a theoretical goal of greater accountability to a practical one. It explores both accountability for international women's rights norms at the domestic level and the potential of feminist approaches to legislation to deliver laws that work for women. Written for students, academics, legislators and policymakers engaged in international women's rights law, gender equality, government accountability and feminist legal theory, this book has tremendous transformative potential to drive forward legal change towards the eradication of gender inequality.

The book focuses on women's experiences in the family in Africa and considers the linkages of constitutional and human rights norms and local values.

PhD thesis; Utrecht University, 2009

Human rights law and the legal protection of women from violence are still fairly new concepts. As a result, substantial discrepancies exist between what is decided in the halls of the United Nations and what women experience on a daily basis in their communities. Human Rights and Gender Violence is an ambitious study that investigates the tensions between global law and local justice. As an observer of UN diplomatic negotiations as well as the workings of grassroots feminist organizations in several countries, Sally Engle Merry offers an insider's perspective on how human rights law holds authorities accountable for the protection of citizens even while reinforcing and expanding state power. Providing legal and anthropological perspectives, Merry contends that human rights law must be framed in local terms to be accepted and effective in altering existing social hierarchies. Gender violence in particular, she argues, is rooted in deep cultural and religious beliefs, so change is often vehemently resisted by the communities perpetrating the acts of aggression. A much-needed exploration of how local cultures appropriate and enact international human rights law, this book will be of enormous value to students of gender studies and anthropology alike.

How human rights principles, like the right to gender identity, freedom, integrity and equality, respond to the concerns of different groups of adults and children who experience gender harm due to the binary conception of sexuality and gender identity is the overall theme of this book. The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity

are analysed in the light of the dynamic jurisprudence of different human rights treaty bodies. Whether and how the status quo of gender duality is reproduced, in spite of international law's growing recognition of the multiplicity of sexualities and gender identities, is discussed. How transgender men, in countries that permit legal gender change, have been successfully prosecuted for gender fraud by female partners claiming to be unaware of their gender history is given attention. While human rights discourse related to LGBTI persons so far has been moulded on the experiences of adults this book gives voice to the concerns of gender-non confirming children. The jurisprudence of the Child Rights Committee, with focus on the complex social and legal issues faced by gender non-confirming children, is addressed. Through narratives, that give voice to these children's experiences, the book demonstrates how the legal gender assigned at birth impacts on their feeling of recognition, self-confidence and self-respect in the private, social, and legal spheres. This book was previously published as a special issue of the Nordic Journal of Human Rights.

As an instrument which addresses the circumstances which affect women's lives and enjoyment of rights in a diverse world, the CEDAW is slowly but surely making its mark on the development of international and national law. Using national case studies from South Asia, Southern Africa, Australia, Canada and Northern Europe, Women's Human Rights examines the potential and actual added value of the Convention on the Elimination of All Forms of Discrimination against Women in comparison and interaction with other equality and anti-discrimination mechanisms. The studies demonstrate how state and non-state actors have invoked, adopted or resisted the CEDAW and related instruments in different legal, political, economic and socio-cultural contexts, and how the various international, regional and national regimes have drawn inspiration and learned from each other.

Comprehensive analysis of international law's protection of women's rights in armed conflict, with an emphasis on how these protections operate in practice. This book examines the effectiveness of international human rights law, through the case study of domestic violence. This book asks whether international human rights law can only be effective in 'traditional' cases of human rights abuse or whether it can rise to the challenge of being used in relation to such an issue as domestic violence? The book focuses primarily on the question of how international human rights law could be used in relation to domestic violence in the United Kingdom. The book considers recent case law from the European Court of Human Rights on domestic violence and whether the UK courts could use the Human Rights Act 1998 to assist victims of domestic violence. The book goes on to look in detail at the statements of the international human rights bodies on domestic violence, with particular focus on those made by the United Nations Committee on the Elimination of Discrimination against Women and the Special Rapporteur on Violence against Women. The book explores the impact that the statements have had so far on the UK government's policy in relation to domestic violence

In Women's Human Rights and Migration, Sital Kalantry examines the laws to ban sex-selective abortion in the United States and India to argue for a transnational feminist legal approach to evaluating prohibitions on the practices

of immigrant women that raise human rights concerns.

Women's Human Rights: Seeking Gender Justice in a Globalising Age explores the emergence of transnational, UN-oriented, feminist advocacy for women's human rights, especially over the past three decades. It identifies the main feminist influences that have shaped the movement: liberal, radical, third world and cosmopolitan and exposes how the Western, legalist, state-centric, and liberal biases of mainstream human rights discourse impede the realisation of human rights in women's lives everywhere. The book traces the evolution of the women's human rights movement through an examination of its key issues, debates, and practical interventions in international law and policy arenas. This includes efforts to: Develop global gender equality norms via the UN Women's Convention; Frame violence against women as a human rights issue; Address gender-based crimes in conflict situations, include women in conflict resolution and post-conflict reconstruction, and challenge new forms of militarism; Highlight the gendered human rights dimensions of widening inequalities in a context of neo-liberal globalisation; Develop human rights responses to anti-feminist fundamentalist movements with a focus on reproductive and sexual rights. Ultimately, Women's Human Rights reaffirms a commitment to critically reinterpret universal human rights principles and demonstrates the vital role that bottom-up, transnational movements play in making them a reality in women's lives.

Violence against women remains one of the most pervasive human rights violations in the world today, and it permeates every society, at every level. Such violence is considered a systemic, widespread and pervasive human rights violation, experienced largely by women because they are women. Yet at the international level, there is a gap in the legal protection of women from violence. There is currently no binding international convention that explicitly prohibits such violence; or calls for its elimination; or, mandates the criminalisation of all forms of violence against women. This book critically analyses the treatment of violence against women in the United Nations system, and in three regional human rights systems. Each chapter explores the advantages and disadvantages coming from the legal instruments, the work of the monitoring systems, and the resulting findings and jurisprudence. The book proposes that the gap needs to be addressed through a new United Nations Convention on the Elimination of All Forms of Violence against Women, or alternatively an Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women. A new Convention or Optional Protocol would be part of the transformative agenda that is needed to normatively address the promotion of a life free of violence for women, the responsibility of states to act with due diligence in the elimination of all forms of violence against all women, and the systemic challenges that are the causes and consequences of such violence.

According to Susan Deller Ross, many human rights advocates still do not see women's rights as human rights. Yet women in many countries suffer from laws,

practices, customs, and cultural and religious norms that consign them to a deeply inferior status. Advocates might conceive of human rights as involving torture, extrajudicial killings, or cruel and degrading treatment—all clearly in violation of international human rights—and think those issues irrelevant to women. Yet is female genital mutilation, practiced on millions of young girls and even infants, not a gross violation of human rights? When a family decides to murder a daughter in the name of "honor," is that not an extrajudicial killing? When a husband rapes or savagely beats his wife, knowing the legal authorities will take no action on her behalf, is that not cruel and degrading treatment? Women's Human Rights is the first human rights casebook to focus specifically on women's human rights. Rich with interdisciplinary material, the book advances the study of the deprivation and violence women suffer due to discriminatory laws, religions, and customs that deny them their most fundamental freedoms. It also provides present and future lawyers the legal tools for change, demonstrating how human rights treaties can be used to obtain new laws and court decisions that protect women against discrimination with respect to employment, land ownership, inheritance, subordination in marriage, domestic violence, female genital mutilation, polygamy, child marriage, and the denial of reproductive rights. Ross examines international and regional human rights treaties in depth, including treaty language and the jurisprudence and general interpretive guidelines developed by human rights bodies. By studying how international human rights law has been and can be implemented at the domestic level through local courts and legislatures, readers will understand how to call upon these newly articulated human rights to help bring about legislation, court decisions, and executive action that protect women from human rights violations. This comparative volume examines the ways in which current controversies and political, legal, and social struggles for gender equality raise conceptual questions and challenge our thinking on political theories of equality, citizenship and human rights. Bringing together scholars and activists who reflect upon challenges to gender equality, citizenship, and human rights in their respective societies; it combines theoretical insights with empirically grounded studies. The volume contextualises feminist political theory in China and the Nordic countries and subsequently puts it into a global perspective. It tackles a complex set of tensions across a dense and shifting landscape and addresses issues including labour, health, democracy, homosexuality, migration and racism. By cutting across geographical and disciplinary boundaries, this book will be of interest to students and scholars of comparative politics, gender studies, human rights and also those interested in Scandinavian and Asian politics.

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the United Nations' legal approaches to violence against women analyses the merits of strategies which incorporate women's concerns of violence within existing human rights norms such as equality norms, the right to life, and the prohibition against torture. Although feminist strategies of inclusion have been necessary as well as symbolically powerful for women, the book argues that they also carry their own problems and limitations, prevent a more radical transformation of the human rights system, and ultimately reinforce the unequal position of women under international law.

Who were the non-Western women delegates who took part in the drafting of the United Nations Charter and the Universal Declaration of Human Rights (UDHR) from 1945-1948? Which member states did these women represent, and in what ways did they push for a more inclusive language than "the rights of Man" in the texts? This book provides a gendered historical narrative of human rights from the San Francisco Conference in 1945 to the final vote of the UDHR in the United Nations General Assembly in December 1948. It highlights the contributions by Latin American feminist delegates, and the prominent non-Western female representatives from new member states of the UN.

Confronting Global Gender Justice contains a unique, interdisciplinary collection of essays that address some of the most complex and demanding challenges facing theorists, activists, analysts, and educators engaged in the tasks of defining and researching women's rights as human rights and fighting to make these rights realities in women's lives. With thematic sections on Complicating Discourses of Victimhood, Interrogating Practices of Representation, Mobilizing Strategies of Engagement, and Crossing Legal Landscapes, this volume offers both specific case studies and more general theoretical interventions.

Contributors examine and assess current understandings of gender justice, and offer new paradigms and strategies for dealing with the complexities of gender and human rights as they arise across local and international contexts. In addition, it offers a particularly timely assessment of the effectiveness and limits of international rights instruments, governmental and nongovernmental organization activities, grassroots and customary practices, and narrative and photographic representations. This book is a valuable resource for both undergraduate and graduate students in fields such as Gender or Women's Studies, Human Rights, Cultural Studies, Anthropology, and Sociology, as well as researchers and professionals working in related areas.

How images of sex trafficking produce notions of race, sex, and citizenship
Rebecca J. Cook and the contributors to this volume seek to analyze how international human rights law applies specifically to women in various cultures worldwide, and to develop strategies to promote equitable application of human rights law at the international, regional, and domestic levels. Their essays present a compelling mixture of reports and case studies from various regions in the world, combined with scholarly assessments of international law as these rights specifically apply to women.

This book presents the findings of the first comprehensive study on the most recent and most unique and innovative method of monitoring international human rights law at the United Nations. Since its existence, there has yet to be a complete and comprehensive book solely dedicated to exploring the Universal Periodic Review (UPR) process. *Women and International Human Rights Law* provides a much-needed insight to what the process is, how it operates in practice, and whether it meets its fundamental aim of promoting the universality of all human rights. The book addresses the topics with regard to international human rights law and will be of interest to researchers, academics, and students interested in the monitoring and implementation of international human rights law at the United Nations. In addition, it will form supplementary reading for those students studying international human rights law on undergraduate programmes and will also appeal to academics and students with interests in political sciences and international relations.

This book provides a critical history of influential women in the United Nations and seeks to inspire empowerment with role models from bygone eras. The women whose voices this book presents helped shape UN conventions, declarations, and policies with relevance to the international human rights of women throughout the world today. From the founding of the UN and the Latin American feminist movements that pushed for gender equality in the UN Charter, up until the Security Council Resolutions on the role of women in peace and conflict, the volume reflects on how women delegates from different parts of the world have negotiated and disagreed on human rights issues related to gender within the UN throughout time. In doing so it sheds new light on how these hidden historical narratives enrich theoretical studies in international relations and global agency today. In view of contemporary feminist and postmodern critiques of the origin of human rights, uncovering women's history of the United Nations from both Southern and Western perspectives allows us to consider questions of feminism and agency in international relations afresh. With contributions from leading scholars and practitioners of law, diplomacy, history, and development studies, and brought together by a theoretical commentary by the Editors, *Women and the UN* will appeal to anyone whose research covers human rights, gender equality, international development, or the history of civil society.

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