

## FAIR 334C – INTERNATIONAL HUMAN RIGHTS CLASS QUESTIONS

### Women's Rights I

#### Readings:

Cher Weixia Chen, & Alison Dundes Rentlen, *International Human Rights: A Survey* (2023), Chapter 12, Women's Rights, pp. 448-482

Henkin et al., pp. 815-817, 819-822, 824-826; De Schutter, pp. 597-598; Smith, pp. 536-547, 557-564

1. What are women's rights? How are they different from or related to existing international human rights laws? Should women's rights be created as a separate category – why, if at all, do women's rights need special protection? How successful is the transnational feminist movement in advancing women's rights? How relevant is the distinction between the public and the private spheres relative to women's rights? What are the distinctions between “gender equality” and “gender equity”? What is “intersectionality,” and how does it relate to women's rights? (**Chen & Rentlen, 448-457 *passim***)
2. What are the relevant provisions of international and regional human rights instruments applicable to women? What is “marital equality” and how does international human rights address this issue? Article 7 of CEDAW protects women's political rights and states that women have the right to be eligible for election to all publicly elected bodies. While adult women are eligible to run for public office in most democratic countries, women's representation in national legislatures remains low. For instance, in the 117th Congress, 24 women serve in the Senate (24%) and 117 women serve in the House (26.9%) in the US. What do you think women's right to participate in the government entails? Is ensuring women's eligibility to run for office sufficient (equality of opportunity)? Or should there be laws or policies to guarantee a certain amount of women's representation, such as an electoral gender quota system (equality of outcome)? How can international law tackle the obstacles to women's participation in public life? (**Chen & Rentlen, 457-461**)
3. How does international human rights address:
  - a. The sexual and reproductive rights of women
  - b. Abortion (Is there a human right to abortion? If yes, does this contradict the rights of the child?)
  - c. Women's land, property, and housing rights
  - d. Women's rights to food, water, and sanitationIs it possible for international law to address these issues? If yes, how? How can an effective international legal regime be created in the face of objections by States on the ground of relativism? (**Chen & Rentlen, 461-467**)

4. How does international human rights address:

- a. Women's workers' rights in the workplace
- b. Violence against women and its various manifestations
- c. Sexual and gender-based violence in conflict and post-conflict settings

Is it possible for international law to address these issues? If yes, how? How can an effective international legal regime be created in the face of objections by States on the ground of relativism? (**Chen & Rentlen, 467-474**)

5. How does international human rights address:

- a. Honor killings
- b. Sexual harassment in employment (and sexual harassment/violence on college campuses)

Is it possible for international law to address these issues? If yes, how? How can an effective international legal regime be created in the face of objections by States on the ground of relativism? What lessons are derivable from the *S.A.S v. France* (2014) case? (**Chen & Rentlen, 474-476, 479-482**)

6. **Class Exercise**

Develop a list of the top four human rights issues confronting:

- a. Young women aged 15-25 – in the United States
- b. Women of all ages in a country of your choosing – select a country in which you have experience living, working, traveling, or through family ties.

7. How has CEDAW broadened the conception of discrimination concerning women's equality rights? Is CEDAW necessary/adequate for the protection of women's rights? Why is there opposition to CEDAW and other instruments protecting women's rights? (One manifestation of this is the use of reservations to these instruments). Have the interpretations of CEDAW by its implementing committee contributed to hostility against the Convention in particular and women's rights in general? Do the reservations highlighted in the readings conflict with CEDAW provisions? (**Henkin et al., pp. 815-817, 819-822, 824-826**)

8. Should marriage and family rights respect cultural differences in terms of – the right to freely enter marriage, the right to marry, the minimum age for marriage, consent to marriage, right to divorce and remarry? Is there a right to abortion? If yes, does this contradict the rights of the child? Have the newer regional instruments on Women's rights been useful in supplementing CEDAW provisions? Is the African Protocol as groundbreaking as it reads, or is it utopian? (**Henkin, *passim*, De Schutter, pp. 597-598; Smith, pp. 557-564**)