

## **Women'Law and Human Rights JUR 5910/1910**

**Seminar 2007**

**Professor Anne Hellum**

**Seminar series led by professor Anne Hellum.**

**Other lecturers Professor II Kirsten Ketscher, Professor II Shaheen Sardar Ali and associate professor Cecilia Bailliet**

**Wednesday !4 February 12.15-14.00:** Professor Anne Hellum

Course introduction and Introduction to the Convention on the Elimination of All Forms of Discrimination against women and related instruments

Literature:

- Byrnes, Andrew, "The Convention on the Elimination of All Forms of Discrimination Against Women", in *Human Rights of Women, International Instruments and African Experiences*. Wolfgang Bendek et.al. ZED Books, pp. 119-173.

Source materials:

- General Recommendations, Committee on the Elimination of All Forms of Discrimination Against Women (1986-2007).

**Monday 19 February 14.15-16.00:** Professor Anne Hellum

The non-discrimination principle in CEDAW and related conventions

Main literature:

- Nowak, Manfred, "The prohibition of Gender-specific Discrimination under the International Covenant on Civil and Political Rights", in *Human Rights of Women, International Instruments and African Experiences*. Wolfgang Bendek et.al. ZED Books, pp. 105-119.

- Raday, Frances, "Culture, Religion and Gender", *International Journal of Constitutional Law*, Vol.1 No.4 pp 663-695.

- Banda, Fareda, End of 'Culture'? African Women and Human Rights, in Murrison, Griffiths and King (eds) *Remaking Law in Africa. Transnationalism Persons and Rights*. University of Edinburgh, 115-137.

- Fredman, Sandra "Providing Equality: Substantive Equality and the Positive Duty to Provide" *South African Journal on Human Rights* 21 163 – 190.

Relevant Source materials:

- General Recommendations, Committee on the Elimination of All Forms of Discrimination Against Women (1986-2007)

- Human Rights Committee, General Comment 28, Equality between men and women

- Committee on Economic, Social and Cultural Rights. General Recommendation. General Comment No.16, Article 3: the equal right of men and women to the enjoyment of all economic, social and cultural rights.

- Committee on the Elimination of Racial Discrimination. Recommendation XXV on gender related dimensions of racial discrimination.

- Committee on the Elimination of Racial Discrimination. Recommendation XXV on gender related dimensions of racial discrimination.

- Leyla Sahin vs. Turkey, 10/11/2005

**Monday 26 February 14.15 -16.00** Professor Anne Hellum

Reproductive health – non-discrimination and choice of women and girl-children

Main literature:

- Cook, R, B., Dickens and M. Fathalla, 2003, *Reproductive health and human rights*, Oxford: Clarendon Press. Rights relating to Reproductive and Sexual Health pp154-179
- Hellum, Anne and Anne Lene Staib Knudsen, From Human Development to Human Rights: A Southern African Perspective on Women's and Girls' Right to Reproductive Choice. Forum For Development Studies No. 1-2006 pp 53-77.
- Stewart, Julie I can't go to School Today, in Hellum et al (eds) *Paths are Made by Walking. Human Rights Intersecting Plural Legalities and Gendered Realities*, Weaver Press. 25 pages

Relevant source materials:

- The Right to the Highest Attainable Standard of Health, General Comment No. 14 of the Committee on Economic, Social and Cultural Rights (2000)
- General Comment No. 4, Committee on the Rights of the Child. Adolescent Health and Development in the Context of the Convention on the Rights of the Child (2003)
- General Comment No. 3, Committee on the Rights of the Child. Adolescent Health and Development in the Context of the Convention on the Rights of the Child (2003)
- Kjeldsen v. Denmark EHRR 71
- Open Door Counselling and Dublin Well Women v. Ireland (1992) 15 EHRR 244

**Monday 5. March 12.15-14.00** Professor Anne Hellum

Access to resources, land, water and food

Main literature:

- Ikdahl, I. with A. Hellum, R. Kårhus and T. A. Benjaminsen (2005) Women's Land Rights, A Human Rights Based Approach, in *Human Rights, Formalisation and Women's Land Rights in Southern and Eastern Africa*. Studies in Women's Law No. 57, University of Oslo. pp 14-29
- Hellum, Anne, "The Indivisibility of Water, Land and Food in Local, National and Human Rights Law: The Case of Women's Gardens in Mhondoro, Zimbabwe," in *Food and Human Rights in Development Vol.II*, Wenche Barth Eide and Uwe Kracht (eds), Intersentia. 25 pages

Relevant source materials:

- Committee on Economic, Social and Cultural Rights. General Comment No.16, Article 3: the equal right of men and women to the enjoyment of all economic, social and cultural rights.
- Committee on Economic, Social and Cultural Rights, General Comment No. 12 The Right to Adequate Food
- Committee on Economic, Social and Cultural Rights ,General Comment No. 14 The Right to the Highest Attainable Standard of Health
- Committee on Economic, Social and Cultural Rights , General Comment No. 15 The Right to Water
- The Behe and Others v The magistrate, Khayllitsha and others. Constitutional Court CCT 49/03 (South Africa)
- Ephraim v Pastory, High Court of Tanzania, 1990

**Monday 12. March 14.15-16.00:** Professor Kirsten Ketscher

Protection against discrimination in the workplace –selected topics

Main Literature:

- Nielsen, Ruth, EU Law and Multiple Discrimination pp.1-27. CBS Paper

- Hodges-Aeberhard, J. "Affirmative Action in Employment: Recent Court Approaches to a difficult Concept", in *International Labour Review* No. 138 No 3 pp. 247- 250 and 256-260.
- Fredman, Sandra "Providing Equality: Substantive Equality and the Positive Duty to Provide" *South African Journal on Human Rights* 21 163 – 190.

Relevant source materials:

- EU Directive 2000/43/EC. Equal treatment between persons irrespective of racial or ethnic origin
- EU Directive 2000/78/EC. Equal treatment in employment and occupation
- The Bilka-case, C-170/84
- The Dekker-case, C-177/88
- The Tele- Denmark –case, C-109/00
- The Marshall-case, C-409/95
- The University of Oslo case, E.1/02

**Wednesday 21 March 10.15-12.00:** Associate professor Cecilia Bailliet

Protection against violence in the Refugee Convention and the Convention on Social, Cultural and economic Rights

Literature

- Radhika, Coomaraswamy and Lisa M. Kois , “Violence Against Women”, in *Women and International Human Rights Law*, Vol 1 Kelly D. Askin and Dorean M. Koenig (eds) pp.177-207.
- Giulia, Paglione, “*Domestic Violence and Housing Rights*”, in *Human Rights Quarterly*, 28, 121-147.
- Bailliet, Cecilia, “Examining Sexual Violence in the Military within the Context of Eritrean Asylum Claims presented in Norway (30 pages)

Relevant source materials:

- Committee on Economic, Social and Cultural Rights. General Recommendation. General Comment No.16, Article 3: the equal right of men and women to the enjoyment of all economic, social and cultural rights.

Wednesday 21 March, 14.15 – 16.00 guest lecture

**Monday 26 March 14.15 – 17.00:** Professor Shaheen Sardar Ali

Women’s human rights and islam

Main Literature:

- Ali, Shaheen Sardar, Interpretative Strategies for Women’s Human Rights in a Plural Legal Framework: Exploring Judicial and State Responses to Hudood Laws in Pakistan, in Hellebrandt et al (eds) *Paths are Made by Walking. Human Rights, Plural Legalities and Gendered Realities*, Weaver Press, 2006. 25 pages
- Samia Bano, *Complexity, Difference and “Muslim Personal Law”*: Rethinking the Relationship between Shariah Councils and South Asian Muslim Women in Britain. “Formalising Shariah Councils”. Doctoral thesis, University of Warwick, Department of Law 2004. pp. 260-267.

Background literature:

- Arif, Kamran and Shaheen Sardar Ali, "Parallell Judicial Systems in Pakistan and Consequences for Human Rights", in *Shaping Women's Lives* (ed Shaheed et al) , Shirkat Gah 1998. pp. 29-59.
- Shaheen Sardar Ali, "Is and Adult Muslim Woman Sui Juris? Some Reflections on the Concept of Consent in Marriage Without a Wali (With Reference to the Saima Waheed Case)", in Yearbook of Islamic Law pp. 156-173.

Cases:

Abdul Waheed v. Asma Jahangir (Pakistan)

Muhammed Siddique vs. Pakistan, PLD 2002, Lahore 444 (Pakistan)

Relevant source materials:

**Monday 16 April 14.15-16.00:** Professor Anne Hellum

The state obligation

Main literature:

- Cook, Rebecca "State Accountability Under the Convention on the Elimination of All Forms of Discrimination Against Women ", in Cook, Rebecca (ed.) *The Human Rights of Women*. University of Pennsylvania Press 1994 pp. 228- 257.
- Thune, Hillestad, "New fellow citizens – new challenges – new possibilities on implementing human rights among immigrants illustrated by work against female circumcision in Norway, in Hellum et al (eds) *Paths are Made by Walking. Human Rights Intersecting Plural Legalities and Gendered Realities*, Weaver Press, 2006.

Relevant source materials:

Norway's 6th Periodic Report to CEDAW

CEDAW's Consideration of Norway's 6<sup>th</sup> Report

**Wednesday 18 April 14.15-16.00 :** Professor Anne Hellum

Women's Human Rights and Legal Pluralism

Course literature:

- Okin, Susan Moller, "Is Multiculturalism Bad for Women?" in *Is Multiculturalism Bad for Women?*, Cohen, Howard and Nussbaum eds.1999, Princeton University Press pp. 7-27.
- Hellum, Anne, "Women's Human Rights and African Customary Laws: Between Universalism and Relativism - Individualism and Communitarianism", in *European Journal of Development Studies* No. 3 1998. pp. 88-104.
- Engle Merry, Sally, "Women, Violence and the Human Rights System", in *Women, Gender and Human Rights. A Global Perspective*. Majorie Agosin (ed), Rutgers University Press. pp. 83-98.
- Merry, S. E. (2005 ) *Human Rights and Gender Violence. Translating international law into local justice*. The University of Chicago Press. Chicago and London. pp 179-192 , 215-217

**Monday 23 April 12.15-15.00:** Professor Anne Hellum

- Mock exam

- Student presentations on CEDAW

EU Directives:

National cases;

The Behe and Others v The magistrate, Khayllitsha and others. Constitutional Court CCT 49/03 (South Africa)

Ephraim v Pastory, High Court of Tanzania, 1990

The ACE case, Klagenemnda for likestilling – LKN-2001-1.