

## **Women's Law and Human Rights, spring 2021**

### **Overview of lectures with recommended reading and general information**

**Time:** *The class will meet on zoom each Thursday from 10.15 – 12.00.*

**Preparation for class:** In this document you find an overview of the topics and texts that will be addressed. In addition specific information about each class will be provided in Canvas every Tuesday before noon. You are expected to prepare for discussion of the questions and cases that are posted.

We will try to make the lectures available online every Tuesday so you can listen to it ahead of the zoom seminar. This we will give us more time for discussion in break out groups.

**Voluntary course work:** Those of you who want to submit a written course essay can submit to Anne Hellum by 29 April. The topic will be posted in Canvas in Module Week 11. You will receive individual comments on the essay. The exam topic will also be discussed in the zoom seminar in week 11. Examples of good exams from last year will be made available in Module Week 1..

#### **Week 1**

**Course introduction; Women's human rights and overall principles of gender equality, non-discrimination and freedom in CEDAW and other international and regional conventions.**

**Lecturer:** *Prof. Anne Hellum*

**Time:** *11 February 10.15-12.00*

#### **Literature:**

- Holtmaat, Rikki (2013): "The CEDAW: a holistic approach to women's equality and freedom", In A. Hellum and H. Sinding Aasen. *Women's Human Rights*. Cambridge University Press, p.95-124.
- <https://doi.org/10.1017/CBO9781139540841>
- Cusack, Simone (2013) "The CEDAW as a legal framework for transnational discourses on gender stereotyping. In A. Hellum and H. Sinding Aasen. *Women's Human Rights*. Cambridge University, p.124-158.

#### **Documents from UN Treaty Bodies:**

- CEDAW General Recommendation No. 28, on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women <https://www1.umn.edu/humanrts/gencomm/onwomen.htm>

#### **Week 2**

**Gender discrimination: One-dimensional and multi-dimensional. Direct, indirect, and structural**

**Lecturer:** Prof. Anne Hellum

**Time:** 25 February 10.15-12.00

**Literature:**

- Fredman S, Sandra: "Substantive equality revisited" International . Constitutional Law (2016), Vol. 14 No. 3, 712-738: Available online: <https://academic.oup.com/icon/article/14/3/712/2404476>
- Byrnes, Andrew (2012): " Article 1" (CEDAW), In M.A Freeman, C. Chinkin and B. Rudloff. *CEDAW Commentary*. Oxford University Press, p. 51-70. <http://opil.ouplaw.com/view/10.5422/fso/9780199565061.001.0001/actrade-9780199565061>
- Otto, Dianne (2016) "Queering Gender [Identity] in International Law", in *Nordic Journal of Human Rights*, 1 issue 2016. Available online: <http://www.tandfonline.com/toc/rnhr20/34/1?nav=toCList>
- Holtmaat, Rikki & Paul Post (2016) "Enhancing LGBTI Rights by Changing the Interpretation of the Convention on the Elimination of All Forms of Discrimination Against Women?" I *Nordic Journal of Human Rights*, 1 issue 2016. Available online: <http://www.tandfonline.com/toc/rnhr20/34/1?nav=toCList>

**Documents from UN Treaty Bodies:**

- CEDAW General Recommendation No. 28, on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women <https://www1.umn.edu/humanrts/gencomm/onwomen.htm>
- CEDAW General Recommendation No. 25, Article 4,1. Temporary Special Measures. <https://www1.umn.edu/humanrts/gencomm/onwomen.htm>
- CESCR Committee General Comment 20, Non-Discrimination in Economic, Social and Cultural Rights (art 2, para 2) <http://www2.ohchr.org/english/bodies/cescr/>
- Human Rights Committee General Comment No. 28 "Equality of rights between men and women , Article 3" <http://www1.umn.edu/humanrts/gencomm/hrcom28.htm>

**Week 3**

**Protection against discrimination: The human rights machinery, state reporting procedures and individual complain procedures**

**Lecturer:** Prof. Ingunn Ikdahl

**Time:** 4 March 10.15-12.00

**Literature:**

- Anne Hellum and Ingunn Ikdahl (2019) Committee on the Elimination of Discrimination against Women, in Max Planck Encyclopedias of International Law, <https://opil.ouplaw.com/view/10.1093/law-mpeipro/e1329.013.1329/law-mpeipro-e1329?rskey=jDz5RQ&result=1&prd=MPIL>
- Hellum, Anne (2013) "Making space and giving voice: the CEDAW in Norwegian Law". In A. Hellum and H. Sinding Aasen. *Women's Human Rights*. Cambridge University Press 557- 588 <https://doi.org/10.1017/CBO9781139540841>

- Pandey, Kabita (2013) “Judicial education on the Convention on Elimination of Discrimination against Women in Nepal”. In A. Hellum and H. Sinding Aasen. *Women’s Human Rights*. Cambridge University Press. 410 -430  
<https://doi.org/10.1017/CBO9781139540841>

Human rights documents will be made available in CANVAS

#### **Week 4**

##### ***Protection against violence and sexual harassment gender equality issue: rights to integrity, dignity and equality.***

**Lecturer:** Prof. Anne Hellum

**Time:** 11 March 10.15-12.00

##### **Literature:**

- MacKinnon, Catharine (2012): “Creating international law: Gender as a New Paradigm”, In: *Non-State actors, Soft Law and Protective Regimes*, C.M. Bailliet(ed) 17—32 (15). <https://doi.org/10.1017/CBO9781139134989> B
- Byrnes, Andrew and Eleanor Bath: *Violence against Women, the Obligation of Due Diligence, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women – recent Developments* - (9) B <http://hrjr.oxfordjournals.org/content/8/3/517.full>

##### **Document from human rights treaty bodies:**

- CEDAW General Recommendation No.19 <https://www1.umn.edu/humanrts/gencomm/onwomen.htm>
- CEDAW General Recommendation No. 35 Gender Based Violence against Women

#### **Week 5**

##### ***Gender Stereotypes***

**Lecturer:** Prof. Anne Hellum

**Time:** 18 March 10.15-12.00

##### **Literature:**

- Holtmaat, Rikki (2013): “The CEDAW: a holistic approach to women’s equality and freedom”, In A. Hellum and H. Sinding Aasen. *Women’s Human Rights*. Cambridge University Press, p.95-124.  
<https://doi.org/10.1017/CBO9781139540841>
- Cusack, Simone (2013) “The CEDAW as a legal framework for transnational discourses on gender stereotyping. In A. Hellum and H. Sinding Aasen. *Women’s Human Rights*. Cambridge University, p.124-158.
- Holtmaat, Rikki & Paul Post (2016) “Enhancing LGBTI Rights by Changing the Interpretation of the Convention on the Elimination of All Forms of Discrimination Against Women?” I *Nordic Journal of Human Rights*, 1 issue 2016. Available online: <http://www.tandfonline.com/toc/rnhr20/34/1?nav=toCList>

### **Documents from UN Treaty Bodies:**

- CEDAW General Recommendation No. 28, on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women <https://www1.umn.edu/humanrts/gencomm/onwomen.htm>

### **Week 6**

#### **Engendering social and economic rights: land and water**

**Lecturer:** Prof. Anne Hellum

**Time:** 25 March 10.15-12.00

#### **Literature:**

- Fredman, Sandra (2013): "Engendering socio-economic rights" ", In A. Hellum and H. Sinding Aasen. *Women's Human Rights*. Cambridge University Press, 217-242  
<https://doi.org/10.1017/CBO9781139540841>
- Ikdahl, Ingunn (2013) " Property and security: articulating women's rights to their homes", ", In A. Hellum and H. Sinding Aasen. *Women's Human Rights*. Cambridge University Press, 268-292  
(24). <https://doi.org/10.1017/CBO9781139540841>
- Hellum, Anne; Ikdahl, Ingunn and Kameri-Mbote (2015) "Turning the Tide: Engendering the Human Rights to Water and Sanitation " , in *Water is Life, Women's Human Rights in National and Local Water Governance*, Harare: Weaver Press pp 32-68 (34 pages)Open access book, Available online: <https://www.duo.uio.no/handle/10852/50168>

#### **Human rights documents:**

- CEDAW General Recommendation no. 34, "The rights of rural women"
- CEDAW general Recommendation no. 29, "Article 16 – Economic consequences of marriage, family relations and their dissolution"
- CESCR Committee General Comment No. 15, The right to water (articles 11 and 12)

### **Week 7.**

#### **Religion, culture, equality and freedom**

**Lecturer:** Prof. Vibeke Blaker Strand

**Time:** 8 April 10.15-12.00

#### **Literature:**

- Raday, Frances : "Traditionalist Religious and Cultural Challenges – International and Constitutional Human Rights Responses", in *Israel Law Review* Vol. 41, pp 596-634  
Available: <http://www.humanrights.org.il/articles/traditional%20religious%20and%20cultural%20challengers.pdf>

Relevant human rights documents and case law will be provided in Canvas

## **Week 8**

### **Work and Equality: Pregnancy, part time work and positive discrimination**

**Lecturer** : Prof. Vibeke Blaker Strand

**Time**: 15 April 10.15-12.00

#### **Literature:**

- Raday, Frances (2012): "Article 11" (CEDAW) In M.A Freeman, C. Chinkin and B. Rudolf. *CEDAW Commentary*. Oxford University Press, 279- 293 (15). <http://opil.ouplaw.com/view/10.5422/fso/9780199565061.001.0001/actra-de-9780199565061>
- Susanne Burri and Helga Aune (2014) "Sex discrimination in Relation to Part-Time and Fixed\_term Work, in *European, Gender Equality Law Review*, No. 1 (2014) p.11-22 (11 pages). [http://ec.europa.eu/justice/gender-equality/files/law\\_reviews/egelr\\_2014\\_1\\_final\\_web\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/law_reviews/egelr_2014_1_final_web_en.pdf)

#### **Documents from human rights treaty bodies:**

- CEDAW General Recommendation No. 25, Article 4,1. Temporary Special Measures. <https://www1.umn.edu/humanrts/gencomm/onwomen.htm>
- CEDAW Committee General Recommendation 24. Women and Health article 12 <https://www1.umn.edu/humanrts/gencomm/onwomen.htm>
- CESCR Committee General Recommendation 15. The right to water (article 11 and 12) <http://www2.ohchr.org/english/bodies/cescr/>

## **Week 9**

Reproductive health rights: the right to self-determination and equality

Lecturer: Prof Anne Hellum

**Time**: 22 April 10.15-12.00.

#### **Literature:**

- Meghan Campbell: "Women's Rights and the Convention on the Elimination of all Forms of Discrimination against Women: Unlocking the Potential of the Optional Protocol", *Nordic Journal of Human Rights* , Volume 34, 2016. Issue 4 (32 Pages) *B*  
<http://www.tandfonline.com/doi/full/10.1080/18918131.2016.1248002>

#### **Human rights documents**

- CEDAW Committee General Recommendation 24. Women and Health article 12 <https://www1.umn.edu/humanrts/gencomm/onwomen.htm>

## **Week 10**

### **Translating international law into local norms and practices: human rights and legal pluralism**

Lecturer: Prof Anne Hellum

**Time**: 29 April, 10.15-12.00

- Musembi, Celestine Nyamu (2013) "Pulling apart? Treatment of pluralism in the CEDAW and the Maputo Protocol", In A. Hellum and H. Sinding Aasen. *Women's Human Rights*. Cambridge University Press, 183 – 215 <https://doi.org/10.1017/CBO9781139540841>
- Sylvia Tamale, *Confronting the Politics of Nonconforming Sexualities in Africa*, <https://www.cambridge.org/core/journals/african-studies-review/article/confronting-the-politics-of-nonconforming-sexualities-in-africa/E2E9BC2E3CFE66C5CDC848EE2C7BC275/core-reader>
- Hellum, Anne and Farhat Taj (2011): "Taking what law where and to whom". In: *From Transnational Relations to Transnational Laws: Northern European Laws at the Cross Roads*, Anne Hellum, Shaheen Sardar Ali and Anne Griffiths (eds.), Ashgate, pp 93-117 <https://www.taylorfrancis.com/books/e/9781317131595>

## **Week 11**

### **Preparation for home exam.**

Examples of exams from last year will be made available in Canvas and discussed in class.

**Lecturer:** Prof. Anne Hellum

**Time:** 6 May 10.15-12.00