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Human Rights of Women: National and International Perspectives

Human Rights of Women: National and International Perspectives

REVIEWED BY CELIA R. TAYLOR*

HUMAN RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES; Edited by Rebecca J. Cook; University of Pennsylvania Press, Philadelphia, Pennsylvania (1994); (\$19.95); ISBN 0-8122-1538-9; 640 pp. (pbk).

Human Rights of Women: National and International Perspectives purports to explore how the Convention on the Elimination of all Forms of Discrimination Against Women,¹ adopted by the United Nations General Assembly in 1979, together with supporting provisions and institutions of international human rights law, could become an effective instrument for women's human rights. In fact, *Human Rights of Women*, a compilation of essays by a diverse group of scholars, discusses the Convention in some depth, but reaches far beyond to consider broader themes. Central to the book is the premise that "international norms and institutions were designed by men primarily to serve men's interests." (at 438). With that as the starting point of discussion, the essays collected in the book consider means of inserting women's voices and concerns into the traditionally male-dominated arena of international human rights.

The question of how to achieve the goal of empowering women in the international field is, not surprisingly, not resolved fully by any of the works in the book, but some insightful analysis of problems and potential solutions are provided. *Human Rights of Women* is divided into several sections; "Challenges" addresses the theoretical difficulties of separating and defining women's rights in the broader area of human rights; "International and Regional Approaches" details specific programs and policies regarding women's rights currently in place in the African and Inter-American systems, among others; "National Approaches" does the same on the domestic front; and "Guaranteeing Human Rights of Particular Significance to Women" considers how to secure such rights as reproductive rights and access to land, among others.

Despite this division (which is helpful to those interested in specific regions or programs), some common threads run throughout the book, unifying otherwise disparate concerns. Many of the authors start by recognizing that the Convention itself, while worthwhile, presents

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1. G.A. Res. 34/180.

difficulties. First, while many countries have ratified the Convention², ratification does not preclude the common practice of entering reservations. These reservations, in effect, permit a country to accept the Convention in so far as doing so will not impose obligations to change religious or customary law.³ In the event of a conflict, reservations render the Convention subordinate to these other laws. Thus ratification may prove on many issues to be a token gesture which does nothing to change the underlying status of women's rights.

More important, the Convention defines equality as nondiscrimination; a constant measure of women against men.⁴ This meaning is criticized by many authors as too limited, although they recognize the impossibility of crafting one unified definition which would encompass the myriad positions taken by women themselves on how the term should be defined.⁵ As with many of the problems considered in this book, the disagreement among the authors adds to the richness of the debate and does nothing to detract from the utility of the various presentations.

Another significant problem for many of the authors is the difficulty of using international law to regulate women's rights when that law generally will not reach into the "private" arenas of home and family, with the result that major sites for the oppression of women are immune from scrutiny. This problem is recognized and addressed in each section of the book, with a general consensus (to the extent any consensus is possible) being that only slow, gradual change will be possible in this area. The use of prosecution of domestic violence cases is mentioned as a possible method of how to bring traditionally private concerns of women to international attention by several authors.⁶

As with any compilation, the quality of the pieces in *Human Rights of Women* varies, although the general level is very high. A wide array of options to increase recognition of and respect for women's right is presented, ranging from working to break down the statist assumptions of international law by granting women the right

2. 131 as of 21 January 1994.

3. For instance, Egypt ratified the Convention, but entered a reservation on the demand for equality between women and men in all matters relating to marriage and family relations, which are governed by Islamic Shari'a law.

4. Article 5(a) of the Convention calls on state parties to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes . . ." Convention, *supra* note 1.

5. Particularly interesting on this problem are the essays by Radhika Coomaraswamy and Hilary Charlesworth.

6. See, e.g. Rhonda Copelon, *Intimate Terror: Understanding Domestic Violence as Torture*, and Kenneth Roth, *Domestic Violence as an International Human Rights Issue*.

to participate directly in the international legal arena⁷ to working within existing systems more effectively.⁸ Some pieces do not present concrete proposals for change, but instead discuss theoretical problems and challenges facing women as they seek to define "rights" in a particularized context.

The unique challenge of defining rights for women causes *Human Rights of Women*, when read as a whole, to confront the potential problem of repetitiveness. The pervasive nature of problems such as the reach of public law into private spheres and the general lack of knowledge by many women about access to rights enforcement mechanisms naturally leads to consideration of these issues by multiple authors. However, this potential redundancy is likely to be helpful to many readers who are interested in a specific topic or region. There is little danger of missing a crucial argument if the book is read in sections, making it useful for a broad spectrum of academicians, legal theorists and feminist scholars. Also of great value to all readers is the inclusion of a list of ratifications of selected human rights documents, model communication forms (describing how to lodge comments and complaints under various United Nations procedures) and an extensive list of organizational resources.

In sum, *Human Rights of Women* is a valuable resource for a wide audience. It presents cogent theoretical arguments in the challenging arena of women's international human rights; it discusses both hortatory and practical suggestions of changes that can be made within existing systems to better advance such rights and provides useful information on procedures and resources. The voices are diverse and a reader will not agree with each view expressed, but will certainly find much to stimulate thought, and with any luck, action.

7. Karen Knop, *Rethinking the Sovereign State*.

8. Mona Rishmawi, *The Developing Approaches of the International Commission of Jurists to Women's Human Rights*.

