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Women's Rights under International Law

Narmdeshwar, LLB (Hons.), 3rd Year, D.S. National Law University, Visakhapatnam

Kahmish Khan, LLB (Hons.), 3rd Year, D.S. National Law University, Visakhapatnam

Abstract
Man and Woman are two halves of humanity. Neither can reach its highest creative excellence without the cooperation of the other. Through the ages we have placed woman on a pedestal 'mother of mankind'. Paradoxically, the most horrendous cruelties have been inflicted on her, often without reason and mostly without just cause. Though we have entered the new millennium, status of women has not improved, mainly due to traditional bias and prejudice towards that section of the society. Fight for justice by females or cry for gender equality is not a fight against men. It is a fight against traditions that have chained them- a fight against attitude that is ingrained in the society. Awakening of the collective consciousness is the need of the hour. The paper through doctrinal research concentrates over the message of international instrument such as the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW) and the Beijing Declaration which directs all state parties to take appropriate action for women against discriminations. Further it also attempts to analyse the World Conference on Human Rights 1993 which was one of the turning point in restoring women's right. By various Human right theories this paper aims at showing that Human right of Women and girl child are inalienable, integral and indivisible part of universal human rights.
Keywords: CEDAW, Human Rights, WCHR and Women's Rights.

Introduction

Use of the term 'human rights' began at the end of the eighteenth century [1] but it gained wide currency only in the middle of the twentieth century. Before the end of the eighteenth century, the talk was instead of 'natural rights'. The two terms come from the same continuous tradition; they have largely the same extension, though different intensions. 'Natural rights' were generally seen as derived from 'natural laws'. As we shall see, it is altogether harder to say from what 'human rights' are supposed to be derived. Although the doctrine of natural law has ramified roots deep in Greek and Roman antiquity, it was given its most influential statement by Thomas Aquinas. God has placed in all things various innate natural dispositions, but only in human beings has he further placed a disposition to reason: that is, a disposition issuing in various precepts to guide action—for example, that we are to preserve ourselves in being; to propagate our kind; to seek knowledge of, and to worship, God; and to live peacefully in society. These and other precepts constitute the natural law, and the natural law serves as the measure of the natural right but Aquinas's reference here to 'right' is by no means our modern sense of 'a right', which is an entitlement that a person has. Rather, the 'right' that Aquinas here wrote of is a property of a state of affairs: namely that the state of affairs is right or just or fair. Aquinas had much to say about natural law and the natural right, but it is a matter of dispute

whether he had our modern concept of a natural right.

Before taking up this problem, let me comment briefly about the threshold question of why we should think of women's human rights as a special subject at all. There is an obvious reply. According to what we might call the "nondiscrimination view"—a view encouraged by the approach taken in the declaration and in the preamble to the women's convention itself— the human rights of women are simply the human rights of all people, applied without discrimination to women as well as to men. According to this view, there are no "human rights of women" per se. The reason to consider the rights of women to be a subject suitable for a dedicated treaty and implementation process is the historical fact that discrimination against women has been such a pervasive feature of most human societies that special measures are needed to eliminate it. It is worth remarking that recognition of a special class of women's human rights would be problematic if one took a stringent view of the idea that human rights should be "universal" in the sense of being claimable by everyone. It is hard to see how this idea can be reconciled with the thought that the interests of women require divergent (even if overlapping) forms of international protection to those of men. The question is whether there is a good reason to adopt a stringent view of the universality of human rights. One could feel compelled to do so by the traditional conception of natural or fundamental rights: if one construed human rights on that model, it might appear incoherent to hold that there could be a "human" right that could only be claimed by a proper subset of humanity. If, however, one regards human rights functionally, as elements of a practice whose purpose is to elevate certain threats to urgent interests to a level of international concern, then the conceptual objection can be sidestepped. The pertinent questions about the status of women's human rights are normative: they concern the importance of the threatened interests, the severity of the threats, and the feasibility and costs of protecting against them by means of human rights.

In the midst of the countless grotesque inhumanities of the twentieth century, however, there is a heartening story, amply recounted elsewhere:[2] the emergence, in international law, of the morality of human rights. The morality of human rights is not new; in one or another version, the morality is very old.[3] But the emergence of the morality in international law, in the period since the end of World War II, is a profoundly important development: "Until World War II, most legal scholars and governments affirmed the general proposition, albeit not in so many words, that international law did not impede the natural right of each equal sovereign to be monstrous to his or her subjects."[4] The twentieth century, therefore, was not only the dark and bloody time; the second half of the twentieth century was also the time in which a growing number of human beings the world over responded to the savage horrors of the twentieth century by affirming the morality of human rights.[5] The emergence of the morality of human rights makes the moral landscape of the twentieth century a touch less bleak. Although it is only one morality among many, the morality of human rights has become the dominant morality of our time. Indeed, unlike any morality before it, the morality of human rights has become a truly global morality;

as the passage by J¨urgen Habermas at the beginning of this chapter reflects, the language of human rights has become the moral lingua franca. Nonetheless, the morality of human rights is not well understood.

Human Rights of Women: International Perspective

According to a standard definition, human rights are those rights one has by virtue of being human.[6] This definition suggests that human rights belong to every human being in every human society: all human beings have them, equally and in equal measure. Implied in one's humanity, human rights are generally presented as being inalienable and imprescriptibly – they cannot be transferred, forfeited, or waived.[7] Many people, especially but not exclusively in the West, believe that human rights exist irrespective of social recognition, although they often acknowledge that the plurality of religious traditions and value systems from which they can be derived make their foundation controversial. For those who believe in human rights, the problem of their source is rarely considered an obstacle to asserting them. From their point of view, what is important is that human rights are evident.[8]

At the international level prohibition against sex, discrimination was first articulated in the united nation charter of 1945 and later reiterated in the universal declaration of human rights in 1948. Since then, virtually all human rights instruments have reinforced and extended protection against discrimination. The international covenant on civil and political rights approved in 1966 guarantees equal protection of the both sexes. International covenant on economic, social and cultural rights also approved in 1966 promises women equality of status. The fourth world conference of women, held in Beijing has bought us further reforms by reaffirming gender equality as fundamental prerequisites for social justice. The platform for action at Beijing conference addressed 11 substantive areas of concern i.e. poverty, education health, violence, armed conflict, economic structure and policies, decision making, mechanism for achievement of women, women's human rights, mass media and the environment. The conference also attempted to strike right balance between local customs, traditions and culture. Indeed Beijing bent even so far as to demand that religious and cultural values should contribute to the realization of women's enjoying full equality. Perhaps the most conceptual advance in the women's right is the convention of the elimination of all forms of discrimination against the women (CEDAW), effective 1981, which provides for women be given rights equal to those of men on equal terms. The preamble maintains that "the full and complete development of the country, the welfare of the world and the cause of peace require the maximum participation of women equal footings with men in all box of life. The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women (as well as 'decades of work by governments, and women's rights activists'),[9] originally established in 1946 as a sub-commission to the Commission on Human Rights. As a result of the pressure exerted by women activists in particular, the sub-commission was, however, quickly granted the status of full commission.

In the country like India "We the People gave to ourselves a constitution, which guarantees social, economic and political justice". In the matter of equality, women rights and opportunities in the said spheres has been seen. In tune with the various provisions of the constitution, the state has enacted, many women specific and women related legislations to protect women against social discrimination, violence and atrocities and also to prevent social evils like child marriage, dowry, rape, practice of sati etc. the equal remuneration Act of 1976 provides for equal pay to men and women for equal work. The Hindu marriage Act of 1955 amended in 1976 provide3s the right for a girl to repudiate a child marriage before attaining majority whether the marriage has been consummated or not.

In recent years, work in a variety of disciplines has sought to illuminate and highlight women's experience of conflict and authoritarianism. UN Security Council Resolution 1325 on women, peace, and security[10] reflects this when addressing the need to recognize the impact of armed conflict on women and girls, the role of women in peace building, and the gender dimensions of peace processes and conflict resolution. The serious and pervasive nature of gender based violence in conflict, especially sexual and reproductive violence has also been increasingly recognized under international criminal law.[11] Relevant discussions about how other transitional justice measures, including truth telling mechanisms, can do better justice to women have followed.[12] It comes as no surprise, then, that the time is ripe to raise the question of how reparations programs for mass human rights violations can be designed in ways intended to redress women more fairly and efficiently.[13] However, given present conditions, concerns about gender and gender sensitivity in this and most other contexts in which justice issues arise refer to the disparities and inequities in access, power, opportunities, and rights experienced by women across a wide spectrum of spheres. Although we have followed this well-established use of the term gender in this book, most authors have come up with insight on how patterns and notions of masculinity can interfere either with the assessment of the harms that men are subject to during times of repression and conflict, or with their possibilities for redress, thereby underscoring the need to conceptually broaden the gender and reparations agenda so as to include men and boys.

Although the idea of human rights grows out of a two hundred year tradition rooted in the European Enlightenment, the expansion of the cotemporary human rights is a product of the second half of the twentieth century. Since the Universal Declaration of Human Rights in 1948, there has been a dramatic expansion in doctrines of human rights and mechanisms for enforcing them. The United Nations and its affiliated agencies are the most important institutions in this process. [14] Women's rights are a relatively recent addition to the domain of human rights. Their importance grew with the first meeting on women and development in the 1970s. Women are guaranteed equal rights with men in all respects under the Charter of the UN, which says that the peoples of the UN reaffirm faith in the equal rights of men and women, and Article 1(3) commits the UN to promote respect for human rights for all without distinction as to race, sex, language or religion.

In liberal democracies with judicially enforceable constitutions –

meaning most liberal democracies questions about public policy often become entwined with questions about constitutionality. Although the Constitution of the Republic of South Africa does not explicitly ban capital punishment, the South African Constitutional Court has nonetheless interpreted the constitution to ban capital punishment.[15] Many people in the United States think that the United States Supreme Court should interpret the Eighth Amendment to the United States Constitution – which bans "cruel and unusual punishments" – to mean ban capital punishment. (The Court has already interpreted the cruel and unusual punishment clause to ban the death penalty for persons who were seventeen or younger when they committed the crime and for persons who are retarded.)[16] In one of the most controversial judicial rulings in American history, the Court interpreted the Fourteenth Amendment to mean forbidding government to outlaw pre-viability abortions. Many Americans, fearful that the Court might be tempted to interpret the Fourteenth Amendment as requiring government to recognize, by extending the benefit of law to, same-sex unions, want to amend the Constitution to prevent the Court from doing so. What role should we who affirm the morality of human rights want our country's courts to play in protecting the human rights provisions of our country's constitution?[17] What role should we want the courts to play in adjudicating disputed questions about such provisions, such as the question of whether the general antidiscrimination provision of the constitution requires government to recognize, by extending the benefit of law to, same-sex unions? This subject – the courts' proper role in protecting (what we may call) the constitutional law of human rights – has been, and remains, greatly contested, not least in the United States, where the courts, especially the Supreme Court, have sometimes played a large role in adjudicating disputed questions about the constitutional law of human rights.

UN commitment towards human rights

The very basis of human rights law is controversial because it imposes restraints on governmental action in the name of individual or minority autonomy. Both authoritarian and democratically elected governments are subject to the constraints of human rights law.[18] In this sense, human rights law is counter-majoritarian in that it provides protection for individuals, groups, and minorities so that, in certain defined contexts, their interests are not always sacrificed to those of the government or political majority of the day.[19]

The most important body responsible for human rights within the Economic and Social Council was until recently the Commission for Human Rights, now replaced by the Human Rights Council. In fact, the Commission became the main UN human rights organ (apart from the General Assembly) and ECOSOC served as a rubber stamp to its decisions. The Commission spawned a Sub-Commission which then created a system of special reporters and working groups with mandates to find out the facts and make recommendations on a variety of issues or countries. At the same time, the Commission itself also produced working groups directly responsible to it. This array of entities dealing with human rights can be totally confusing and cries out, as already stated, for rationalization. The General Assembly has also established a set of subsidiary committees

and organs concerned with special issues. Its most important creation in the human rights field is undoubtedly the post of High Commissioner for Human Rights (HCHR) in 1993. The High Commissioner heads the Office of the High Commissioner for Human Rights (OHCHR) and is the principal United Nations official responsible for United Nations human rights activities. The Office has the broad mandate to prevent human rights violations, secure respect for all human rights, promote international co-operation to protect human rights, co-ordinate related activities throughout the United Nations, and strengthen and streamline the United Nations' system in the field of human rights. In addition to its mandated responsibilities, the Office leads efforts to integrate a human rights approach within all work carried out by United Nations agencies. In 1958, Mrs Eleanor Roosevelt, chairperson of the committee that produced the first draft of the Universal Declaration of Human Rights (UDHR) asked where universal human rights begin. She answered: In small places, close to home – so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: The neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.[20]

Gender Based Crimes: Most Disliked Crime

According to research reports from around the world, violence against women is horribly common and profoundly consequential. Together, physical and sexual abuse contribute to poor physical and reproductive health in women, suicide, drug and alcohol abuse, depression, posttraumatic stress, poverty and hunger, and mortality both in women and their children. Intimate violence undermines women's economic livelihood, women's participation in public life, and women's involvement in politics. Violence against women and girls is a major dimension of gender inequality worldwide (UN Secretary-General 2006; Walby 2005). In the United States, feminist organizing has produced dramatic changes in how abused women are treated by the law, hospitals, mental health professionals, and organized religion. In an important review essay of 1986, Joanna Innes and John Styles described the social history of crime and the criminal law as 'one of the most exciting and influential areas of research in eighteenth-century history'.[21] It would be somewhat optimistic to make such a statement today about the field as a whole. In some respects, the history of crime appears to be a history that has been standing still. One may observe that the field is not so much reflective of new approaches and interpretations as it is the honing of older ones. Much recent work remains characterised by aspects of what in the 1970s and 1980s was known as the 'new' social history approach. Books are still produced in the mould of 'history from below' or which draw on the methods of positivist social science in order to identify patterns in social behaviour by, for example, counting numbers of indictments and analysing statistically verdicts and sentences over time.[22] It is noticeable that the approach,

assumptions and scope of some recent contributions, while being fine pieces of scholarship in their own terms, are similar to those of older works.[23] In this present work, I wish not to dismiss these traditions, but to develop their strengths.

Rape and enforced prostitution are already listed in the Geneva Conventions as acts which women must be protected against. Article 27 of the Fourth Geneva Convention, relating to the protection of civilian persons in time of war, states thus: 'Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault'. There is, however, no specific recognition of these acts as grave breaches. As for the Statute of the Nuremberg Tribunal, it makes no mention at all of rape or any sexual or gender-based crimes. Rape is enumerated neither as a crime against humanity, nor as a war crime. Sexual crimes that took place during WWII were hence never prosecuted by the Nuremberg tribunal.[24] It was only after the 1993 Vienna Conference on human rights and the Declaration on the Elimination of Violence against Women, which made violence against women a priority in the human rights system, that rape started to be taken seriously in international law.

To quote Radhika Coomaraswamy, the then United Nations Special Rapporteur on violence against women, stating in 2003: while much remains to be done, the progress made since 1994 is extraordinary'.[25] This progress includes the recognition of rape (when widespread and systematic) as a war crime and a crime against humanity, as well as an instrument of genocide, in the statutes or jurisprudence of the international criminal tribunals and the International criminal court.

The Chicago-based Young Women's Empowerment Project (YWEP) is led by young women under the age of 18 who are involved in the sex trade. Beyond Restorative Justice 269 They work from a harm-reduction approach, which entails working with a young woman's life conditions to help her develop strategies to keep her as safe as possible, while respecting her self-determination. Emi Koyama notes that many domestic violence advocates and shelters prescribe correct lifestyles and behaviours for women, regardless of their circumstances. If these women do not follow these prescriptions (i.e., if they are sex workers or if they are abusing drugs), then they are denied services all together. A harm-reduction approach, by contrast, does not presume how women should live, but facilitates their safety based on their current conditions.

Conclusion

Has international law settled the extension? No matter who we are, we cannot establish the existence of a human right just by declaring it to be one. We can get it wrong, and we owe attention, therefore, to what are the criteria for right and wrong here. For example, the Universal Declaration contains a right to periodic holidays with pay, to which the overwhelming and cheering reaction has been that, whatever that supposed entitlement is, it is certainly not a human right. The Universal Declaration also includes a right to democratic participation, but it is possible to argue in an intellectually responsible way about whether it really is a human right. Again, we owe attention to how we would settle that argument. And there are widespread doubts about welfare rights—for instance, whether they are human or only civil rights, or whether some of them have not been drawn too lavishly. We

quite reasonably want to know how strong the case is for considering them human rights. Are ad hoc and overlapping entities and procedures and most commentators agree that this development has not been sensible or helpful to the cause of human rights and that it needs substantial rationalization. We do not discuss what form this rationalization should take here; what we do is outline the most important of these institutions, regulations and agreements and their effectiveness. The General Assembly has also established a set of subsidiary committees and organs concerned with special issues. Violence against women is exacerbated by racism, colonialism, poverty, heterosexism, and illegal immigration status, and community responses must be crafted with an understanding of the multiple social injustices that confront survivors. A way to map these dimensions of inequality is offered in a recent article by Kathleen Daly (2008), where she speaks of an ''intersectional politics of justice.'' She defines this as ''the conflicting interests of victims and offenders, social movement groups, and individuals and collectivises in responding to crime''[26] It has also been argued that liberal responses to conflicts of culture are problematic for both normative and practical reasons, and that we should, wherever possible, eschew a priori and juridical approaches to cultural conflicts when it comes to evaluating and reforming harmful or sexually discriminatory cultural practices. For many, the dangers of internal colonialism and cultural or political oppression at the hands of the state speak against state-centric responses to cultural conflicts. Yet some critics of heavy-handed domestic responses to cultural and religious practices, including, sometimes, group members themselves, have increasingly looked to international institutions to challenge (or to defend) discriminatory practices and traditions, pursuing transnational legal and political solutions. Although international responses may also be perceived as unwanted intervention, appeals to human rights discourse and human rights instruments can play an important role in three circumstances: when national legislative or judicial frameworks oppress cultural minority groups, by prohibiting even non harmful cultural practices and arrangements through legislation and/or criminal laws; conversely, when states give carte blanche to groups and fail to over protections for 'minorities within minorities'; or finally, when the state denies cultural dissenters opportunities to contest and modify group practices, especially through legal means.[27]

Notes and references

[1] For example, in the French Declaration of the Rights of Man and of the Citizen (1789)—'les droits de l'homme'

[2] See, eg, Louis B. Sohn, "The New International Law: Protection of the Rights of Individuals Rather Than States," 32 American U. L. Rev. 1 (1982); Robert F. Drinan, Cryof the Oppressed: The History and Hope of the Human Rights Revolution (1987).

[3] See Leszek Kolakowski, Modernity on Endless Trial 214 (1990):
It is often stressed that the idea of human rights is of recent origin, and that this is enough to dismiss its claims to timeless validity. In its contemporary form, the doctrine is certainly

new, though it is arguable that it is a modern version of the natural law theory, whose origins we can trace back at least to the Stoic philosophers and, of course, to the Judaic and Christian sources of European culture. There is no substantial difference between proclaiming "the right to life" and stating that natural law forbids killing. Much as the concept may have been elaborated in the philosophy of the Enlightenment in its conflict with Christianity, the notion of the immutable rights of individuals goes back to the Christian belief in the autonomous status and irreplaceable value of the human personality.

[4] Tom J. Farer & Felice Gaer, "The UN and Human Rights: At the End of the Beginning," in Adam Roberts & Benedict Kingsbury, eds., United Nations, Divided World 240 (2d edn 1993).

[5] In the final decade of the twentieth century, the Security Council of the United Nations established two international criminal tribunals, one (in 1993) to deal with atrocities committed in the former Yugoslavia since 1991 and the other (in 1994) to deal with atrocities committed in Rwanda in 1994. In 2001, pursuant to the Rome Statute of the International Criminal Court (1998), the International Criminal Court was established, with jurisdiction over the crime of genocide, crimes against humanity, war crimes, and the crime of aggression. See Henry J. Steiner & Philip Alston, International Human Rights in Context: Law, Politics, Morals 1143–98 (2d edn 2000).

[6] See eg the opening sentence of Jack Donnelly, Universal Human Rights in Theory and Practice (1st edn Ithaca: Cornell University Press, 1989) at 9.

[7] This is a brief paraphrase of: Louis Henkin, The Age of Rights (New York: Columbia University Press, 1990) at 2–3. The original reads: 'Human rights are universal: they belong to every human being in every human society. They do not differ with geography or history, culture or ideology, political or economic system, or stage of societal development. To call them "human" implies that all human beings have them, equally and in equal measure, by virtue of their humanity – regardless of sex, race, age; regardless of high or low "birth", social class, national origin, ethnic or tribal affiliation; regardless of wealth or poverty, occupation, talent, merit, religion, ideology, or other commitment. Implied in one's humanity, human rights are inalienable and imprescriptibly: they cannot be transferred, forfeited, or waived; they cannot be lost by having been usurped, or by one's failure to exercise or assert them.'

[8] In Britain, the media backlash against the phenomenon of forced marriages included xenophobic attacks on the custom of arranged marriage generally and the family arrangements of South Asian Britons. Recently, in the wake of the London transport system bombings of July 7, 2005, there have been over 100 reported attacks on Muslim Britons (including one fatality), and some conservative journalists and commentators openly questioned whether policies to curb immigration and multiculturalism ought to be introduced. In Holland, following the assassination of the filmmaker Theo Van Gogh, racist and xenophobic incidents have also increased dramatically.

[9] Joseph, Sarah, Jenny Schultz, and Melissa Castan. The International Covenant on Civil and Political Rights, 2nd edn. Oxford: Oxford University Press, 2004. Julius, A. J. "Nagel's Atlas." Philosophy and Public AVairs 34 (2006): 176–92

[10] United Nations Security Council, Resolution 1325, S/RES/1325 (2000), October 31, 2000.

[11] Proof of this is the Rome Statute of the International Criminal Court, which adopts "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity" as part of its definition of crimes against humanity and war crimes. See the Rome Statute of the International Criminal Court, Arts. 7 and 8.

[12] Debra L. DeLaet, "Gender Justice: A Gendered Assessment of Truth-Telling Mechanisms," in *Telling the Truths: Truth Telling and Peace Building in Post-Conflict Societies*, ed. Tristan Anne Borer (Notre Dame, IN: University of Notre Dame Press, 2006), 151–181; World Bank, "Gender, Justice, and Truth Commissions," Washington, DC: World Bank, June 2006; Vasuki Nesiah et al., "Truth Commissions and Gender: Principle, Policies and Procedures," (New York: ICTJ, 2006); Fionnuala Ni Aol´ain and Catherine Turner, "Gender, Truth and Transition, "*UCLA Women's Law Journal* 16 (2007): 229–279.

[13] International civil society has started to echo this concern: in March 2007, the Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation was adopted. See http://www.womensrightscoalition.org/site/reparation/signature en.php.

[14] Marjorie Agosin, *Women, Gender and Human Rights Global Perspective,* Rawat Publication.

[15] *State v Makwanyane*, Constitutional Court of the Republic of South Africa, 1995, Case No. CCT/3/94, [1995] 1 LRC 269.

[17] What about a country that is not a liberal democracy but a dictatorship – Belarus, for example: What role should the courts of such a country play in protecting human rights? The question is naive: [W]here governments are authoritarian and repressive, where violations are serious, systemic, and brutal, courts are least relevant. Relative t Western democracies, the judiciary's competence to review executive or legislative action may be sharply reduced or eliminated, its jurisdiction limited, its judges subjected to threat or worse, No human rights revolution was ever achieved by court decree. The struggle for human rights becomes fully political, even fully military. In many states, then, courts will be at best marginal actors on human rights issues.
Henry J. Steiner & Philip Alston, International Human Rights in Context vi–vii (2d edn 2000).

[18] Austin Sarat and Thomas Kearns, 'The Unsettled Status of Human Rights: An Introduction', in Human Rights: Concepts, Contests, and Contingencies, eds. A. Sarat and T. Kearns (Ann Arbor, MI: University of Michigan Press, 2001), p. 9.

[19] Hilary Charlesworth, 'The Challenges of Human Rights Law for Religious Traditions', in Religion and International Law, eds. Mark Janis and Carolyn Evans (Boston, London, and The Hague: Martinus Nijhoff Publishers, 1999), p. 403.

[20] *Teaching Human Rights* (New York: United Nations, 1963), 1.

[21] Joanna Innes and John Styles, 'The crime wave: recent writing on crime and criminal justice in eighteenth-century England', *Journal of British Studies* 25 (1986), 380.

[22] Malcolm Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge, 2000); Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718–1800* (London, 1998).

[23] J.A. Sharpe, *Crime in Early Modern England,* 2nd edn (London, 1999).

[24] S. Balthazar, 'Gender Crimes And The International Criminal Tribunals', Gonz. J. Int'l L., 10 (2006), available at www.gonzagajil.org.

[25] Report, E/CN.4/2003/75/Add.1

[26] Mackenzie, Catriona, 'Imagining Oneself Otherwise', in Catriona Mackenzie and Natalie Stoljar (eds.), Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self (Oxford: Oxford University Press, 2000).

[27] Temma Kaplan, 'Women's Rights as Human Rights: Grassroots Women Redefine Citizenship in a Global Context,' in Women's Rights and Human Rights: International Historical Perspectives, eds. Patricia Grimshaw, Katie Holmes, and Marilyn Lake (New York: Palgrave, 2001), p. 299.