A SELECTED BIBLIOGRAPHY OF WOMEN’S HEALTH AND HUMAN RIGHTS

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This bibliography references a selection of English language books and journal articles which link, explicitly or implicitly, women’s health and human rights. The works selected articulate a connection between these concepts, as highlighted by the annotations.

Several principles have guided the organization of this bibliography. Citations are grouped according to the health category in which they best fit. We have tried to include pieces which are both current and likely to be available in university libraries.* With the exception of a background section which references four general texts about women’s health and six about the human rights of women, works which exclusively address health concerns of women, human rights of women, or health and human rights issues not specific to women, have been excluded. Unless part of a wider analysis or a larger work, country-specific information has also been omitted. Finally, United Nations documents have not been included.

Seeking to understand women’s health and human rights in holistic and synergistic terms is still a new enterprise. The

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current literature focuses primarily on issues around reproduction and violence. This bibliography aims to highlight several emerging insights, but there are conspicuous absences — for example, in the areas of occupational health, mental health, disability, and sexuality. It is our hope that such research is beginning. By advancing from a variety of entry points, we can then move toward a more complete understanding of the dynamic relationship between women’s health and women’s human rights.

+ Please note that the articles in this volume of *Health and Human Rights* do not appear in this bibliography.

**Female Circumcision/Genital Mutilation**


Includes a review of organizational efforts to tackle female circumcision at both national and international levels, and a discussion of the legitimacy of considering female circumcision as a human rights violation. Focuses particularly on the right to health.


Includes an analysis of the effect of cultural relativist philosophies on the approach of the UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to the practice of female circumcision.


Considers the move toward greater recognition of women’s rights abuses as a subspecies of general abuses. Reviews the universal/cultural relativist debate, and argues that it is precisely the extra-cultural vantage point of rights standards from which they derive their value.


V.L. Oosterveld, “Refugee Status for Female Circumcision Fugitives: Building a Canadian Precedent” 51 University of Toronto Faculty Law Review 277(1993). Describes Canadian Immigration and Refugee Board guidelines which recognize gender-related persecution as a ground for claiming refugee status. Various evidentiary hurdles in making out a case based on female circumcision are discussed.

Alison T. Slack, “Female Circumcision: A Critical Appraisal” 10 Human Rights Quarterly 473(1988). Includes a review of cultural sovereignty arguments defending female circumcision and those advocating the “universality of human rights.” Argues against the practice and recommends several reforms, such as improved health education and local legislation, aimed at reducing the incidence of female circumcision.


Food & Nutrition

Part 1 examines the ways cultural, biological and economic limitations adversely affect the health of poor women in developing countries, particularly from a nutritional perspective. Part 2 presents four classes of interventions likely to address the limitations and improve health status.

Includes discussion of the impact of discrimination on the health and nutritional status of women throughout the life cycle.

HIV/AIDS
Collection of papers on the impact of HIV/AIDS on women in the United States, and the ways women have responded.

Discusses the impact of HIV/AIDS on infected and affected women. Human rights concerns around testing and reproductive rights, as well as discrimination leading to higher risk of infection, are discussed.
Comprehensive overview of the impact of the AIDS pandemic. Includes discussions of human rights issues relevant to women in the context of HIV/AIDS.

Explores the implications of the HIV/AIDS pandemic for women in countries around the world. Considers the impact of economic and social disadvantage on the risk of infection for women in both the private and public sphere.

**Population**
Considers the human rights aspects of population policies and the applicability of human rights arguments to repressive population policies, restrictions on abortion, prenatal sex selection and spousal veto requirements.

Reviews possible fora, then argues that a finding against a national family planning policy could play a significant role in focusing public opinion, both in the US and abroad.

Examines the interface between a national population policy and relevant international legal standards such as government’s duty to promote health, government’s duty to respect the values of countries to which it provides aid, and the right of individuals to impart information.
Organized in four parts: (i) traces the thinking which has created the linkage between human rights, women's rights and reproductive freedom; (ii) discusses the politics of feminism and birth/population control as social movements; (iii) considers the manifestation of some of these conflicts in the everyday lives of women; and, (iv) lays out a policy agenda for reproductive policy and programs based on the concepts of sexual and reproductive health and women's rights.

Includes an examination of the general right to health under international law and a description of emerging international principles related to this right, such as the right to privacy and protection of family life and the right to disseminate information.

Explores principles relating to sexual equality, such as those stated in the equal protection and freedom of expression clauses in the U.S. Constitution, as a method for challenging laws that infringe upon reproductive freedoms. Includes an overview of the growing body of international human rights law that treats reproductive freedom as an issue of gender equality.

Overview and case studies from a range of authors on the disparate social forces that circumscribe reproduction. Chapters address the link between reproductive health and rights in such topics as labor policies, development, abortion, adoption, and pre-natal sex selection.
Comprehensive review of the impact of population policies on health, human rights, and the status of women. Discusses the practical and theoretical aspects of transforming population policies to honor human rights. Includes sections which focus on reproductive and sexual rights, gender empowerment, and reproductive and sexual health.

Reviews the ways in which a range of human rights are at stake in the formulation and implementation of population policies, and provides a framework for assessing national populations policies using human rights criteria.

**Prostitution/SexWork and Health**

Report on rights violations associated with the recruitment of women and girls from Burma and their trafficking into Thailand to work as prostitutes. Includes a discussion of the implications of HIV/AIDS to their status.


Traces efforts by the international community to deal with forced prostitution from 1900 to the present. Argues that problems with nomenclature and a disaggregation of the crime into constituent offenses has seriously diminished the effectiveness of these efforts to improve various aspects of the health and well-being of women involved.
Argues that efforts by the international community over the last century to tackle prostitution as a problem of “trafficking and exploiting human beings” have been unsuccessful. Proposes a revitalized approach, borrowing tactics from the fight against the international narcotics trade, promises, *inter alia*, to improve the health status of affected women.

Argues that the vulnerability of prostitutes to ills such as disease and violence would be lessened if prostitution were legalized and deregulated, and coercion of women into prostitution continued to be treated as a criminal act. Includes a comparative analysis of governmental approaches to prostitution.

**Quality of Care**

Examines the emerging interest in quality of care, as it pertains specifically to women’s health in developing countries. Recommends an ethnographic approach to service delivery reform, and a more explicit recognition of the need for women to overcome barriers such as discrimination in accessing quality services.
Rape
Examines the history of prohibitions against torture and rape [particularly as committed by public officials], and explores motivations of the international community in failing to recognize rape as a method of torture.

Christine Chinkin, “Rape and Sexual Abuse of Women in International Law” 5 European Journal of International Law 326(1994).
Considers the adequacy of the international legal response to rape and other forms of sexual abuse committed against women. Focuses particularly on the situation of armed conflict in the former Yugoslavia.

Describes the historical “invisibility” of rape and other forms of sexual violence against women. Argues that the gender dimension of rape must be highlighted in order to successfully recognize and prosecute it as a war crime.

Includes recommendations to document and prosecute violations of women’s human rights, particularly related to rape.

Discusses wartime rape, particularly, but not exclusively, in the Bosnian context, as a violation of women’s human rights. Identifies several fundamental flaws in international law which undermine current legal protections against such abuses.
Argues for an expanded recognition of rape as a crime under international humanitarian law (i.e. the laws of armed conflict). Summarizes recent action by the International Committee of the Red Cross and the United Nations in recognizing and moving to prosecute rape as a war crime in the conflict in the former Yugoslavia.

Reproduction
Reviews traditional practices and customs which keep women in Africa from realizing their reproductive rights. The applicability of international human rights norms to the reproductive health care needs of African women is discussed.

Using the specific context of Bangladesh as a backdrop, considers the extent to which religious law can be used to secure women’s reproductive rights and freedoms.

Carla Bustelo, “Reproductive Health and CEDAW” 44 American University Law Review 1145(1995).*
Specifies aspects of the Women’s Convention relevant to women’s health and reproductive rights. Contains a copy of the draft optional protocol to the Women’s Convention which would establish a procedure for individual women, groups or organizations to complain about rights violations.

Considers the limits of the current UN system for monitoring the performance of governments and evaluating their
compliance with respect to women's right to health. Proposes a new approach which focuses specifically on violations.


Examines obstacles to the communication of information about abortion, contraception, HIV/AIDS, and other threats to reproductive health in a range of countries. Includes chapters on censorship and manipulation of reproductive health information, and the right to reproductive health information under international law.


Considers the concrete, mandatory and immediate obligations imposed on governments by the right to freedom of expression and information in reproductive health.


Shows how various human rights can be applied to advance reproductive interests. Includes discussion of rights relating to reproductive security and sexuality, reproductive health, reproductive equality, and reproductive decision-making.


A detailed and comprehensive analysis of women’s reproductive rights under international human rights law.

Brief overview of human rights and ethical issues relevant to reproductive health care.

Includes a critical analysis of the framework in which the linkage between reproductive health and human rights has evolved.

Emphasizes the importance of sociocultural, legal and medical environments to abortion practice in the developing world.

Comprehensive overview of the international legal bases of these rights, as well as the instruments used in their ongoing monitoring and regulation.

Concerns the need to empower women to regulate and control their own fertility. Demonstrates that, in terms of maternal health, there is little difference between coerced contraception, sterilization, or abortion, [where society does not want the child], and coerced motherhood [where society wants the child].

Uses the example of maternal mortality to discuss the pitfalls, as well as the benefits, of collaboration between human rights and public health professionals.

Examines the tension between demographic priorities and
reproductive choice, and the tension between international standards and local custom. Include a discussion of the legal and historical bases for recognition of the right of reproductive choice.

Examines how international human rights norms can be applied to protect and assure the reproductive health and rights of refugee women.

Sofia Gruskin, “Negotiating the Relationship of HIV/AIDS to Reproductive Health and Reproductive Rights” 44 American University Law Review 1191(1995).* Illustrates the lack of attention to women once they are HIV-infected in current articulations of reproductive rights.

Aart Hendriks, “Promotion and Protection of Women’s Right to Sexual and Reproductive Health Under International Law: The Economic Covenant and the Women’s Convention” 44 American University Law Review 1123(1995).* Discusses the importance of conceptualizing women's right to reproductive and sexual health within the broader context of women's right to health. Includes a review of the implications of viewing this as a social right.

Argues that the substantive individual human rights of privacy, health and equality—established by treaty or custom—have led to protection of certain peripheral rights, including the right to reproductive freedom.

Discusses the human rights bases for reproductive and sexual rights.
Discuss whether the expression of the right to privacy in various human rights documents might be extended to give international legitimacy to a woman's right to choose to have an abortion.

Caroline Moser and Anne Tinker, "Gender Planning: Different Policy Approaches to Reproductive Health" 44 American University Law Review 1113(1995).* Analyzes various entry points for implementation of a rights-based framework for achieving reproductive health. Considers their relevance to the work of multilateral, bilateral and nongovernmental initiatives.

Considers the need to develop political strategies in order for women to successfully exercise their reproductive rights. Campaigns to legalize birth control and abortion, as well as the right to vote and the failed attempt to pass the Equal Rights Amendment to the United States Constitution, are presented as examples which can be adapted to present-day realities.

Maria Isabel Plata and Maria Cristina Calderon, "Legal Services: Putting Rights into Action—Profamilia-Columbia" 44 American University Law Review 1105(1995).* Discusses the variety of steps necessary to implement the range of women's human rights which protect individual decisions about fertility and sexuality at the local level.


Reviews international human rights law relevant to the rights of children and women, and discusses if, based on current trends, the goals of the United Nations World Summit for Children (1990) are still achievable.

Proposes nine points to ensure that reproductive health rights are translated into action at the global, regional, national and local levels.

Considers the gap between international human rights law and reality as it exists in relation to the reproductive freedom of women.

Advances a “hybrid” approach to the issue of reproductive rights: a combination of affirmative rights described in international covenants and the “US notion” of reproductive choice as a fundamental human right. Discusses the potential impact of this approach to various other human rights, including the right to health.

Katarina Tomasevski, “European Approaches to Enhancing Reproductive Freedom” 44 American University Law Review 1037(1995).*
Sets forth the accomplishments, controversies and unresolved problems relating to the balance between freedom and equality in the European approach to the human rights relating to reproduction.

Mona Zulficar, “From Human Rights to Program Reality: Vienna, Cairo and Beijing in Perspective” 44 American University Law Review 1017(1995).*
Details several aspects of the Cairo International Conference on Population and Development, including contextual and content-based issues. Compares pronouncements made in
the Program of Action from Cairo with the realities of the Egyptian experience.

**Scientific/Medical Research**


A report on some of the ethical dilemmas that have emerged in response to new reproductive technologies.


Traces reasons women have been and continue to be excluded from biomedical research programs.


A critical analysis on the adverse impact of current health research on the health of women.

**Violence**


Discusses the pervasiveness of violence against women and consequences for women’s human rights.

Charlotte Bunch and Roxanna Carrillo, *Gender Violence: A Development and Rights Issue* [New Jersey: Center for
Women’s Global Leadership, 1991. Sets out different forms of violence and their various adverse effects on women, including health effects. Discusses the link between these violations and women’s ability to participate in development.


Hilary Charlesworth and Christine Chinkin, “Violence Against Women: A Global Issue” in Julie Stubbs (ed.) Women, Male Violence and the Law 13(Sydney: Institute of Criminology Monograph Series, No. 6, 1994). Includes a discussion of the ways in which traditional international legal doctrine is constrained in dealing with gender violence by its normative and public-focused structure. In reviewing various UN initiatives to address the problem, the authors warn against particularizing crimes against women only to dramatic and extreme contexts such as war.


Katherine M. Culliton, “Finding a Mechanism to Enforce Women’s Right to State Protection from Domestic Violence in the Americas” 34 Harvard International Law Journal 507(1993). Examines the growing body of international legal authority underpinning women’s right to state protection from domestic violence. Explores the litigation of cases before the Inter-American Court as one regional option for combating the problem.


Draws together data on the dimensions of violence against women worldwide and reviews literature on the health consequence of violence. Traces the implications of violence on socioeconomic development and explores some interventions aimed at achieving reform.


Documents the health impact and the prevalence of human rights abuses against women such as domestic violence, dowry deaths, rape, and violence against refugee women. Describes how women in developing countries have mobilized against the systematic perpetration of these abuses.


Considers international and national efforts to organize around violence against women. Compares the value of a human rights approach and a public health approach for working on this issue.


Focuses on the role of the Special Rapporteur and, in particular, assesses the extent to which his work has been sensitive to gender-specific human rights abuses affecting the health and well-being of women.

Michelle L. Liebeskind, “Preventing gender-based violence: from marginalization to mainstream in international human rights” 63 Revista Juridica de la Universidad de Puerto Rico 645(Summer, 1994). Explores some practical and theoretical issues which hinder current attempts to eradicate gender-based violence in the private, peacetime context.


Background

Women’s human rights
Amnesty International, Human Rights are Women’s Rights (New York: Amnesty International, 1995). Includes discussions of rape as a weapon of war (18-22); the compromised health status of women refugees (22-29); women as casualties of armed conflict (29-56); and forced gynecological examinations of women in custody (90-92).

women's rights to human rights, and outlines several approaches to better incorporate the experience of women into the existing human rights framework.

Contributions from a variety of authors concerned with the applicability of international human rights law to the realities of women's lives, in such areas as violence and reproductive rights. Includes reports, case studies and critical analyses at the international, regional and domestic levels.

Describes the relationship between women's health and international human rights law.

Authors from twenty-one countries provide a range of perspectives on what it means to say that women's rights are human rights. Includes five chapters specifically concerned with the intersection of health and rights issues: rape, HIV/AIDS, female genital mutilation, violence and reproductive health.

Reviews the legal and practical problems women confront in seeking to attain full recognition of human rights. Include discussion of the right to health, health care, reproductive health, disability, violence and HIV/AIDS.

**Women's health**

International summary of facts and figures relating to women's health status. Includes comparative information on socioeconomic determinants of health such as female literacy and access to various services.
Stresses the importance of women’s health to national development. See especially: 25-29 (women and the burden of disease); 37-51 (households and health); 76 (women’s nutrition); 82-86 (fertility); 102 (women and HIV/AIDS); 113 (making pregnancy and delivery safe).

Comprehensive review of factors that influence the health status of women. Topics range from low socioeconomic status to more direct medical determinants, such as poor nutrition, eclampsia and infection. Suggests concrete ways to redress international inattention to women’s health.

Describes various links between women’s health and development. Includes personal stories.

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* All asterisked citations are contained in 44 American University Law Review (1995). This edition presents the proceedings of the Conference on the International Protection of Reproductive Rights which was held at the American University, Washington, D.C., U.S.A., on November 10 and 11, 1994. Also contained in this edition is an “Introduction” by Donna Sullivan (969); “Remarks” by Cecilia Medina-Quiroga (1093); Karen Newman (1121), Mallika Dutt (1177), Rhonda Copelon (1253), Anne Tierney Goldstein (1315), Abdullahi An-Na’im (1383); “Comments” by Rachael N. Pine (1311); a “Panel Discussion on Religious & Cultural Rights” (1385); and a “Report of the Conference Rapporteur” by Berta E. Hernandez-Truyol (1389).