

Can Women's Rights Be Human Rights?

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Abstract

Several international human rights documents purport to affirm women's rights. But can women's rights really be human rights? The problem is not whether women can possess human rights. Women are human beings and therefore can have all the human rights that men can have. But if there are any special women's rights, then presumably these are rights they possess as women, not as human beings, while human rights are rights one possesses as a human being, not in some other capacity such as a citizen, a creditor or a woman. Hence, women's rights would seem not to be human rights. (1) Perhaps women's rights are human rights possessed equally by men and women but of special importance to women. Thus, the right to freedom from discrimination is a right of all human beings, but might be declared to be a woman's right because women are more often subjected to discrimination than men. But this explanation does not fit a woman's right to special protection from harmful work during pregnancy. (2) Perhaps women's rights are conditional human rights like the human right to social security if one becomes incapable of earning a living. But this cannot explain a woman's right to paid maternity leaves. At this point one might conclude that special women's rights, important as they may be, are not human rights. However, I shall propose another explanation. (3) Women's rights are derived human rights. For example, the basic human right to vote implies the more specific women's right to vote on equal terms with men. And a necessary condition for women to effectively enjoy the basic human right to work is their right not to be dismissed on the grounds of pregnancy. Although rights like these are special rights of women only, they are still rights they possess as human beings because they are derived from universal basic human rights.

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