

Course title: <i>Human Rights Law – Gender Perspective</i>
Teacher/Teachers: Prof. Dr. Ivana Krstić, Prof. Dr. Tanasije Marinković, Prof. Dr. Bojana Čučković
Course status: mandatory
Number of ECTS: 6 ECTS
Requirements: /
<p>Aims of the course:</p> <p>The aim of the course is to examine the human rights framework from a gender perspective. It should provide added value to graduated students as an advanced Human Rights Law course, that will cover different issues of protection of human rights of first, second and third generation, but this time from a women's perspective and from transgender perspective, where appropriate. It will be emphasized that significant steps are to be taken to build a human rights system that recognizes the need for gender equality and diversity to be inherent to approaches for securing human rights for all. It provides a foundational understanding of the centrality of not only formal, but also substantive gender equality to the human rights discourse generally and how this is addressed within the UN human rights system and in the European Human Rights Law. The course will also offer to students analyses of the feminist approach to human rights theories, including also theory and already existing rulings concerning the third gender.</p> <p>The course will cover legal and normative instruments that have been introduced to address discrimination of women and girls, such as the 1979 Convention on the Elimination of Discrimination Against Women (CEDAW) and the 1995 Beijing Platform for Action (BPFA). Some specific topics are identified, such as gender - based violence, trafficking in human beings, question of reproductive and sexual rights and many others. They will be covered from the perspective of universal, as well as the European Human Rights Law, with a focus on the relevant jurisprudence of the European Court of Human Rights (ECtHR). Special attention will be given to the question of access to justice for women, and common underlying myths associated with certain forms of crime, such as rape.</p> <p>At the end of the course, multiple discrimination will be tackled, and the position of certain vulnerable groups of women addressed. Finally, it will be underlined that inequalities are, in part, shaped and reinforced by the dominant gender norms of society, which associate men and women with particular gender identities.</p>
<p>Course outcome:</p> <p>The following results are expected after completing the course:</p> <ul style="list-style-type: none"> - to gain an overview of the various legal and normative frameworks that promote women's and transgender rights, address gender identities, and advance practical approaches to securing gender equality. - to achieve an advanced level of knowledge and skills which would enable students to individually and critically examine various gender sensitive issues arising in the area of human rights law. - to develop analytical abilities and practical skills to address the challenges and possibilities arising from incorporating gender perspective in human rights law. - to understand complexities of gender equality and the importance of incorporating gender analysis into the study and practice of human rights law. - to identify their own roles and job opportunities in both private and public sectors that require comprehensive understanding of gender perspective in human rights law.
<p>Course content:</p> <ol style="list-style-type: none"> 1. The feminist approach to human rights theories

2. Human rights and the importance of a gender perspective - the Beijing Declaration and Platform for Action, the UN Millennium Development Goals and other international initiatives, Convention on the Elimination of all forms of Discrimination against Women (CEDAW) - the catalogue of women's human rights
3. Gender equality - meaning of equality, gender, role of gender stereotypes and prejudices, positive measures
4. Gender dimensions of contemporary forms of slavery and trafficking in persons
5. The prohibition of gender-based violence with a focus on the Istanbul Convention and the Special Rapporteur on Violence against Women
6. Access to justice for women
7. Right to respect for private life: women's reproductive autonomy and gender-affirming surgery
8. The freedom of religion, the right to culture and conflicts with women's human rights
9. Participation of women in political and public life
10. Economic and social discrimination of women
11. Gender education gaps and education as a pathway towards gender equality
12. Marginalized groups of women (Roma, women with disability, women living in rural areas, elderly women, migrant women), detrimental effect of multiple discrimination

Literature:**Required reading:**

1. A. Marjorie, *Women, Gender and Human Rights: A Global Perspective*, Rutgers University Press, 2002, pp. 15-100.
2. J. I. Lahai, K. Moyo (eds.), *Gender in Human Rights and Transitional Justice*, Palgrave Macmillan, 2018.
3. K. Knop, *Gender and Human Rights*, Oxford University Press, 2004.
4. M. Agosin (ed.), *Women, Gender and Human Rights: A Global Perspective*, Rutgers University Press, 2001.
5. V. Kumar Gipta, *Gender Discrimination & Human Rights*, PBT Limited, 2008.

Additional reading:

1. A. X. Fellmeth, „Feminism and International Law: Theory, Methodology, and Substantive Reform“, *Human Rights Quarterly*, Vol. 22, 2000, pp. 658–733.
2. B. Goldblatt, *Developing the Right to Social Security: A Gender Perspective*, Routledge Research in Human Rights Law, Routledge, 2016.
3. D. R. Gordon, „Transgender Legal Advocacy: What Do Feminist Legal Theories Have to Offer?“, *California Law Review*, 97 (6), 2009, pp. 1719-1762.
4. I. Radacic, „Gender Equality Jurisprudence of the European Court of Human Rights“, *The European Journal of International Law*, Vol. 19 (4), 2008, pp. 841 – 857.
5. J. M. Joachim, *Agenda Setting, the UN, and NGOs: Gender Violence and Reproductive Rights (Advancing Human Rights)*, Georgetown University Press, 2007.
6. J. Birchall, *Gender, Age, and Migration*, Bridge Development - Gender, 2016.
7. J. Freedman, *Taking Gender Seriously in Asylum and Refugee Policies*, Global Migration, 2012, pp. 45-64.
8. L. Hoctor, A. Lamačková, K. Thomasen, *Women's sexual and reproductive health and rights*, Commissioner for Human Rights, 2017.
9. M. Cole, *Education, Equality and Human Rights: Issues of Gender, Race, Sexuality, Disability and Social Class*, Routledge, 2003.
10. R. J. Cook, Cusack, *Gender Stereotyping: Transnational Legal Perspective*, Pennsylvania Studies in Human Rights, University of Pennsylvania Press, 2010.
11. R. Cook, „Women's International Human Rights Law: The Way Forward“, *Human Rights Quarterly*, Vol. 15, 1993, 230-261.

12. S. Choudhry, *Women's Access to Justice: A Guide for Legal Practitioners*, Partnership for Good Governance, 2018.
13. S. D. Burri, „Towards More Synergy in the Interpretation of the Prohibition of Sex Discrimination in European Law? A Comparison of Legal Contexts and some Case Law of the EU and the ECHR”, *Utrecht Law Review*, 2013.
14. S. E. Merry, *Human Rights and Gender Violence: Translating International Law into Local Context*, Chicago Series in Law and Society, 2005.
15. T. Obokata, *Trafficking of Human Beings from a Human Rights Perspective: Towards a Holistic Approach*, Martinus Nijhoff Publishers, 2006.
16. OHCHR, Research paper, *Human Rights of Women Wearing the Veil in Western Europe*, 2019.
17. *Women in Politics in the EU, State of Play*, European Parliament, March, 2019.

Instruction methods:

Primary interest is in active involving students in their own knowledge acquisition and in stimulating their critical thinking for better understanding the implementation of gender perspective in every legal branch, including this one.

The teaching methods consist of interactive lectures and practical classes implementing student-centred approach. The students are expected to be active and to interact with the teacher and other students during both lectures and practical classes, to ask questions and give comments and feedbacks. For practical classes, the dominant teaching method will include analysis of case-law of CEDAW, other UN treaty bodies, as well as Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). Students will prepare and present research papers and participate in open discussions on certain key topics. Brief research assignments (short presentations) will be used as well, in order to complement the subjects of lectures, papers or debates. Teachers will also use case studies focusing on complex legal issues, thus providing students with an opportunity to apply sources of law to facts of hypothetical cases.

Number of classes of active lectures: **Theoretical classes: 30** **Practical classes: 30**

Evaluation of knowledge (maximum number of points: 100)

Pre-exam obligations	Points	Final exam	Points
Activities during lectures and practical work	30	Written exam	50
Seminar paper		Oral exam	20

The written exam will be in a form of a seminar paper. Oral exam will be in a form of a presentation in the class (30 minutes presentation and 15 minutes to respond to questions and comments).