

Course title: <i>International and European Law and Gender Equality</i>
Teacher/Teachers: Prof. Dr. Ivana Krstić, Prof. Dr. Bojana Čučković, Ass. Marija Vlajković
Course status: mandatory
Number of ECTS: 6 ECTS
Requirements: /
<p>Aim of the course:</p> <p>The course aims at deepening the knowledge acquired during the general Public International Law and EU law courses within bachelor studies. The new approach is to focus on a gender perspective in International and European Law. In the first part, it will be demonstrated that the boundaries of Public International Law, its structure, processes and substance lead to the need to include a gender perspective. The absence of women in the development of international law has produced a narrow and inadequate jurisprudence that has legitimated the unequal position of women worldwide. The aim of the course is to encourage a rethinking of the discipline of international law to offer a more useful framework for international and national justice. Some special areas of International Law will be subject to scrupulous gender-based analysis, such as asylum and migration law, labour law and anti-trafficking law. Also, a second part of the course will be dedicated to the European Gender Equality Law. This part will include analyses of the Council of Europe gender scheme, which is predominantly presented through the relevant jurisprudence of the European Court of Human Rights (ECtHR). Furthermore, a particular attention will be dedicated to EU law, both Treaty provisions and secondary law, and the case law of the Court of Justice of the EU (CJEU) in relation to gender equality. Although the introduction of positive actions has been gaining ground, the main purpose of EU equality law is to ensure the proper working of the internal market. The course aims at promoting a revision of non-discrimination law based on a gender perspective.</p>
<p>Course outcome:</p> <p>The following results are expected after completing the course:</p> <ul style="list-style-type: none"> - 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 public international and European law. - to develop analytical abilities and practical skills to address the challenges and possibilities arising from incorporating gender perspective in Public International Law and European law. - to understand complexities of gender equality and the importance of incorporating gender analysis into the study and practice of Public International Law and European law. - to critically reflect on the traditional gender-free approach to Public International Law and the European law. - to identify students' own roles and job opportunities in both private and public sectors that require comprehensive understanding of the gender perspective in Public International Law and European law.
<p>Course content:</p> <p>Public International Law</p> <ol style="list-style-type: none"> 1. The traditional gender-neutral approach of Public International Law: its organizational and normative structure 2. The development of an international feminist perspective on Public International Law 3. CEDAW: General Aspects and Overview 4. International Labour Organization (ILO) conventions concerned with women's conditions of employment 5. A gender perspective on International Humanitarian Law (IHL) - provision for greater protections for civilians in the context of armed conflict

6. Feminist critiques of international courts (gender-inclusive justice, composition of international court benches)
7. Women, peace and security-relevance of the UN Security Council thematic resolutions and engaging gender aspects within other UN bodies

European Law

8. Gender Perspective of Council of Europe Activities
9. European Convention on Human Rights and gender: General Aspects and Overview
10. Development of EU law concerning gender: origins, Treaties, the EU Charter of Fundamental Rights, EU gender policy
11. Secondary EU Gender Equality Law: Discrimination of women in the area of employment (pregnancy and maternity, parental leave, part-time work, equal pay for the work of equal value, work-life balance)
12. Secondary EU Gender Equality Law: Positive actions and Equal treatment of men and women in the access to and the supply of goods and services
13. Gender and EU external action

Literature:

1. C. MacKinnon, „Creating International Law: Gender as Leading Edge“, *Harvard Journal of Law & Gender*, Vol. 36, 2013, pp. 105-121.
2. C. O'Rourke, „Feminist Strategy in International Law: Understanding Its Legal, Normative and Political Dimensions“, *European Journal of International Law*, Vol. 28(4), 2017, pp. 1019–1045.
3. *Handbook on European Non-Discrimination Law*, FRA, 2018.
4. *Gender equality*, European Court of Human Rights, Factsheets, January 2019.
5. H. Charlesworth, C. M. Chinkin, *The Boundaries of International Law: A Feminist Approach*, Manchester University Press, 2000.
6. S. Kuovo, Z. Pearson (eds.), *Feminist Perspectives On Contemporary International Law, between Resistance and Compliance?*, Hart Publishing, 2014.
7. S. Harris Rimmer, K. Ogg (eds.), *Research Handbook on Feminist Engagement with International Law*, Edward Elgar Publishing, 2019.

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. D. Otto, „Power and Danger: Feminist Engagement in International Law through the UN Security Council“, *Australian Feminist Law Journal*, Vol. 32, 2010, pp. 97-121.
3. D. Otto, „The Exile of Inclusion: Reflections on Gender Issues in International Law over the last Decade“, *Melbourne Journal of International Law*, Vol. 10 (1), 2009.
4. E. Weiner, „Dirigism and Déjà Vu Logic: The Gender Politics and Perils of EU Enlargement“, *European Journal of Women's Studies*, Vol. 16, 2009.
5. E. Lombardo, „EU Gender Policy Trapped in the 'Wollstonecraft Dilemma'?“, *The European Journal of Women's Studies*, Vol. 10(2), 2003, pp. 159-180.
6. H. Charlesworth, „Feminist Methods in International Law“, *American Journal of International Law*, Vol. 93, 1999, pp. 379-394.
7. H. Charlesworth, „Feminists Critiques of International Law and Their Critics“, *Third World Legal Studies*, Vol. 13, 1995, pp. 1-16.
8. H. Charlesworth, „Feminist Reflections on the Responsibility to Protect“, *Global Responsibility to Protect*, Vol. 2, 2010, pp. 232–249.
9. J. Huckerby, „Feminism and International Law in the Post 9/11 Era“, *Fordham International Law Journal*, Vol. 39(3), 2016, pp. 533-590.
10. F. Teson, „Feminism and International Law: A Reply“, *Virginia Journal of International Law*, Vol. 33, 1993, pp. 647-684.

11. L. Chappell, „Governing Victims’ Redress and Gender Justice at the International Criminal Court“, in K. Rubenstein, K. Youn (eds), *The Public Law of Gender*, Cambridge University Press, 2016, pp. 465-488.
12. M. Sabohi, S. Maher, S. Hassan, „Feminist Perspective of International Law and its Effect on International Courts and Tribunals“, *Journal of Legal, Ethical and Regulatory Issues*, Vol. 22 (1), 2019.
13. N. Henry, „The Fixation on Wartime Rape: Feminist Critique and International Criminal Law“, *Social & Legal Studies*, Vol. 23(1), 2014, pp. 93–111.
14. R. E. Brooks, „Feminism and International Law: An Opportunity for Transformation“, *Yale J.L. & Feminism*, Vol. 14, 2002, pp. 345-361.
15. S. Walby, „The European Union and Gender Equality: Emerging Varieties of Gender Regime“, *Social Politics*, Vol. 11, 2004, pp. 4-29.
16. V. Nagarajan, A. Parashar, „Gender Equality in International Law and Constitutions: Mediating Universal Norms and Local Differences“, in Rubenstein, K., Youn, K., (eds), *The Public Law of Gender*, Cambridge University Press, 2016, pp. 170-194.

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 studentcentred 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 the caselaw of CEDAW, ICC, CJEU, ECtHR, which will complement theoretical presentations.

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
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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).