

<b>Course Title:</b> <i>Public Law and Gender Equality</i>
<b>Teacher/Teachers:</b> Prof. Dr Marko Davinić, Prof. Dr. Tanasije Marinković
<b>Course status:</b> optional
<b>Number of ECTS:</b> 3 ECTS
<b>Requirements:</b> /
<b>Aims of the course:</b> This course is designed to create a framework for understanding the gender perspective of fundamental Constitutional Law and Administrative law institutions and their re-evaluation based on the gender equality principle. Students will be stimulated to critical thinking and cooperative learning to better conceive the need, challenges, and obstacles for the effective implementation of the gender equality principle in public law, mainly in the context of Constitutional and Administrative Law. Particular emphasis will be on the representation of women in all levels of government, and the question of gender mainstreaming in public policies. Public Law and Gender Equality is a positive law course, but a historical and comparative perspective will also be taken into account where appropriate.
<b>Course outcome:</b> Upon finishing the course, the students should have a general overview of the concept, principles, and aims of gender-sensitive Constitutional and Administrative law. Furthermore, they should be able to analyze key gender issues throughout these two fields of law in their political, social, and economic context.
<b>Course content:</b> <ol style="list-style-type: none"> <li>1. Constitutional law, administrative law, and gender equality <ol style="list-style-type: none"> <li>a. Formal vs. substantive equality</li> <li>b. Departure from the strictly individualistic concept of human rights and embracement of the elements of group rights values</li> <li>c. Expansion of the public sphere at the expense of the traditional understanding of autonomy as well as family and marital relations</li> <li>d. Public law (constitutional and administrative law) progressively becomes sensitive to gender equality</li> </ol> </li> <li>2. Influence of gender-equality norms from international and EU law on national public law <ol style="list-style-type: none"> <li>a. Importance of international and European law for the development of the gender equality</li> <li>b. International law (CEDAW, ICCPR, ICESCR)</li> <li>c. Council of Europe law (ECHR, Istanbul Convention)</li> <li>d. European Union law (Charter of Fundamental Rights, Gender equality directives)</li> <li>e. Incorporation of the international and European gender equality law in the national public law</li> <li>f. Forms of incorporation: constitutional, legislative, judicial and/or administrative</li> <li>g. Status of the international and European law: supra/infra constitutional and/or supra/infra legislative</li> <li>h. Effect of the international and European law: direct and/or indirect</li> </ol> </li> <li>3. Public law and gender-based violence (the public-law aspects) <ol style="list-style-type: none"> <li>a. Redefinition of the public – private divide</li> <li>b. The concept of gender-based violence</li> <li>c. Public law responses to gender-based violence</li> <li>d. Comprehensive and integrated policies</li> <li>e. Prevention</li> <li>f. Protection and support</li> <li>g. Investigation and Prosecution</li> </ol> </li> </ol>

4. Representation of women in all levels of government
  - a. Formal equality: the right to be treated like man
  - b. Substantial equality: women's group rights
  - c. The concept and importance of empowering women
  - d. Representation of women in the central and local government
  - e. Representation of women in political and judicial branches of power Representation of women in international institutions
5. Representation of woman in political life (election and political parties)
  - a. Arduous path towards recognition of female suffrage
  - b. Granting women effective political rights: gender quotas
  - c. Resistance to gender quotas
    - i Political battles
    - ii Judicial battles
  - d. Formal and substantive gender equality within the political parties
5. Public law aspects of Antidiscrimination Law: Enforcement of Antidiscrimination Law by Public Law Mechanisms
  - a. Notion of prejudices, customs, traditions and other practices based on the idea of the inferiority of women or on stereotyped roles for women and men.
  - b. Public law mechanisms fight against discriminatory social and cultural values and patterns of behavior:
    - i. Awareness raising
    - ii. Education
    - iii. Training of professionals
    - iv. Preventive intervention and treatment programs
    - v. Participation of the private sector and media

#### **Literature:**

##### **Required reading:**

1. Angela J. Hattery, Earl Smith, *Gender, Power, and Violence: Responding to Sexual and Intimate Partner Violence in Society Today*, Rowman & Littlefield Publishers, 2019.
2. Kim Rubenstein, Katharine G. Young (eds.), *The Public Law of Gender: From the Local to the Global*, Cambridge University Press, 2018.
3. Mona Lena Krook, Pär Zetterberg (eds.), *Gender Quotas and Women's Representation: New Directions in Research*, Routledge, 2015.
4. Susan H. Williams (ed.), *Constituting Equality: Gender Equality and Comparative Constitutional Law*, Cambridge University Press, 2009.
5. Vera Lomazzi, Isabella Crespi, *Gender Mainstreaming and Gender Equality in Europe: Policies, Culture and Public Opinion*, Policy Press, 2019.

##### **Additional reading:**

1. Anne Coles, Leslie Gray, Janet Momsen (eds.), *The Routledge Handbook of Gender and Development*, Routledge, 2015.
2. Barbara Pini, Paula McDonald (eds.), *Women and Representation in Local Government: International Case Studies*, Routledge, 2011.
3. Emanuela Lombardo, Maxime Forest (eds.), *The Europeanization of Gender Equality Policies: A Discursive-Sociological Approach*, Palgrave Macmillan, 2012.
4. Frank C. Thames, Margaret S. Williams, *Contagious Representation: Women's Political Representation in Democracies around the World*, NYU Press, 2015.
5. Ishtiaq Jamil, Salahuddin M. Aminuzzaman, Syeda Lasna Kabir, M. Mahfuzul Haque (eds.), *Gender Mainstreaming in Politics, Administration and Development in South Asia*, Palgrave Macmillan, 2020.
6. Johanna Kantola, *Gender and the European Union*, Red Globe Press, 2010.

7. Joni Lovenduski, *State Feminism and Political Representation*, Cambridge University Press, 2006.
8. Judith Squires, *The New Politics of Gender Equality*, Red Globe Press, 2007.
9. Karen Celis, Sarah Childs (eds.), *Gender, Conservatism and Political Representation*, ECPR Press, 2014.
10. Kirstine Adams, Andrew Byrnes (eds.), *Gender Equality and the Judiciary: Using International Human Rights Standards to Promote the Human Rights of Women and the Girl-child at the National Level*, Commonwealth Secretariat, 2000.
11. Lori Cox Han, Caroline Heldman, *Women, Power, and Politics: The Fight for Gender Equality in the United States*, Oxford University Press, 2017.
12. Petra Ahrens, *Actors, Institutions, and the Making of EU Gender Equality Programs*, Palgrave Macmillan, 2018.
13. Petra Ahrens, Katja Chmielewski, Sabine Lang, Birgit Sauer, *Gender Equality in Politics: Implementing Party Quotas in Germany and Austria*, Springer, 2020.
14. R. Amy Elman, *Sexual Equality in an Integrated Europe: Virtual Equality*, Palgrave Macmillan, 2008.
15. Ragnhild L. Muriaas, Vibeke Wang, Rainbow Murray (eds.), *Gendered Electoral Financing: Money, Power and Representation in Comparative Perspective*, Routledge, 2019.
16. Richard Matland, Kathleen Montgomery (eds.), *Women's Access to Political Power in PostCommunist Europe*, Oxford University Press, 2003.
17. Season Hoard, *Gender Expertise in Public Policy: Towards a Theory of Policy Success*, Palgrave Macmillan, 2015.
18. Shirin M. Rai (ed.), *Mainstreaming Gender, Democratizing the State, Institutional Mechanisms for the Advancement of Women?*, Manchester University Press, 2003.
19. Sophie Jacquot, *Transformations in EU Gender Equality: From emergence to dismantling*, Palgrave Macmillan, 2015.
20. Tracy L. Osborn, *How Women Represent Women: Political Parties, Gender, and Representation in the State Legislatures*, Oxford University Press, 2012.

**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. Learning approach will be insofar based on collaborative, inquiry-based, student-centred approach to teaching. All students' activities will be taken into account for the final passing of the exam. Furthermore, the teaching method includes analysis of case-law of CJEU, ECtHR, and national courts and case studies focusing on complex legal issues, thus providing students with an opportunity to apply sources of law to facts of hypothetical cases.

<b>Number of classes of active lectures:</b>	<b>Theoretical classes: 30</b>	<b>Practical classes: 15</b>
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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	40	Written exam	40
Seminar paper	20	Oral exam	