**Gender and Human Rights**

– LW 456 – Semester 2

Irish Centre for Human Rights

School of Law

**Academic Year 2019-2020**

**Summary Course Outline**

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| **Objective** | The course aims at providing students with knowledge of the relationship between gender and human rights. It explores origins, development and challenges of integrating gender into human rights law discourse and practice: from inclusion of women to attention to LGBTI issues. The course introduces students to relevant international bodies and instruments. It also introduces students to the critical analysis of law through the study of feminist legal methods and queer theory. | | | | | |
| **Lecturer(s)** | **Name** | | **Office** | | **Ext** | **E-mail** |
| Dr. Ekaterina Yahyaoui Krivenko | | Room 205  ICHR | | 32065 | Ekaterina.yahyaoui@nuigalway.ie |
| **Times** | Term Two | **Day** | | **Time** | | **Venue** |
| Lectures: | Thursday | | 10 am to 1 pm | | Irish Centre for Human Rights |
| **Overall Learning Outcomes** | Upon the completion of the course students should be able to:   * Find relevant applicable provisions of international instruments; * Determine the most appropriate provision to use in a particular case; * Identify gaps and shortcomings of existing international instruments; * Propose possible ways for improvement; * Convincingly present arguments in favour of the selected solution; * Demonstrate awareness of and sensitivity to larger social and political implications of their choices with respect to gender and human rights. | | | | | |
| **Methodology** | Each subject is introduced through a short lecture presentation. The students’ understanding of the subject is further developed through participatory discussions based on required readings. Active participation in discussions is essential to the successful acquisition of knowledge and analytical skills.  Students will be required to agree their essay topic with the lecturer by week 8 the latest.  Students will be required to make a 10 min presentation on the topic of their choice during the last session of the module. Prior to the presentation they shall distribute a 1-2 page summary. More details about the format of presentations will be provided during the first class. | | | | | |
| **Programme(s)** | LL.M. programmes, full-time and part-time. | | | | | |
| **Course Material** | Required weekly readings form the basis for the course. These readings are either accessible on the internet or at the university library. These readings include relevant international instruments, case law as well as scholarly articles. Students are encouraged to supplement these required readings with some material mentioned under “additional readings”. | | | | | |
| **Essential Texts** | Relevant international instruments, case-law and articles in international journals as indicated for each course (see below) | | | | | |
| **Supplementary Texts** | International Law Journals, weekly readings (see below) | | | | | |
| **Assessment** | Presentation and participation in class discussions: 20%  Final essay: 80% | | | | | |

**WEEK 1**

Defining Human: Who are Human Beings?Legal definitions and Categories.

* Reasonable person and its perils

Feminist legal theories

* Mainstream theories of public international law
* General feminist methodologies and their application in public international law
* Distinction between public and private sphere
* Essentialisation

Required readings

Fraser, Arvonne, “Becoming Human: The Origins and Development of Women's Human Rights,” 21 *Human Rights Quarterly* (1999) pp. 853-906

Make a web-search on sex verification in sports/Olympics. Read two reports of your choice. Think about following questions:

* What does it mean to be a man or a woman?
* If the test would be applicable in other areas of life will everybody qualify either as a man or as a woman?
* Why should this distinction matter?

Charlesworth, Hilary, Chinkin, Christine, Wright, Shelley, “Feminist Approaches to International Law”, 85 *American Journal of International Law* (1991) pp. 613-645

Teson, Fernando R. “Feminism and International Law: A Reply”, 25 *Va. J. Int'l L*. (1992) pp. 647-684

Charlesworth, Hilary, “The Hidden Gender of International Law”, 16 *Temp. Int’l & Comp. L. J*. (2002) pp. 93-102

Additional readings:

Bartlett, Katharine Т. “Feminist Legal Methods”, 103 *Harvard Law Review* (1989) pp. 829-888

Charlesworth, Hilary, “Feminist Methods in International Law”, 93 *American Journal of International Law* (1999) pp. 379-394

Charlesworth, Hilary, Chinkin, Christine, Wright, Shelley, “Feminist approaches to international law: reflections from another century*”.* In: Buss, Doris and Manji, Ambreena, (eds.) *International law: modern feminist approaches*. Oxford: Hart Publishing Ltd., 2005, pp. 17-47

Fellmeth, Aaron X. “Feminism and International Law: Theory, Methodology, and Substantive Reform”, 22 *Human Rights Quarterly* (2000), pp. 658-733

Gunning, Isabelle R. “Arrogant Perceptions, World-Travelling and Multicultural Feminism: The Case of Female Genital Surgeries”, 23 *Columbia Human Rights Law Review* (1991-1992) pp. 189-247

Marshall, Jill, *Humanity, Freedom and Feminism*, Aldershot: Ashgate, 2005

Orford, Anne, “Feminism, Imperialism and the Mission of International Law”, 71 *Nordic Journal of International Law* (2002) pp. 275-296

Romany, Celina, “Women as Aliens: A Feminist Critique of the Public/Private Distinction in International Human Rights Law”, 6 *Harv. Hum. Rts. J*. (1993) 87-125

Peterson V. and Parisi, L. “Are women human? Not just an academic question” in T. Evans (ed.) *Human Rights Fifty Years on: A Reappraisal*, Manchester University Press, 1998, pp. 132-160

Oxford bibliographies entry on feminist approaches to international law by Dianne Otto with further references: <http://www.oxfordbibliographies.com/view/document/obo-9780199796953/obo-9780199796953-0055.xml>

**WEEK 2**

Feminist critiques of basic notions of public international law

* Sources of public international law
* Subjects of public international law
* Prohibition of the use of force and humanitarian intervention

**WEEK 3**

Feminist critiques of international human rights

**WEEK 4**

Queer Theories, LGBT Studies and Feminism

**WEEK 5**

Queer Theories, International Law and Human Rights

**WEEK 6**

International system for protection of women’s rights

* Historical development
* Convention on the Elimination of All Forms of Discrimination Against Women and its Protocol
  + Overview
  + Work of the Committee
* Other relevant instruments and bodies

**WEEK 7**

prohibition of discrimination and principle of equality

**WEEK 8**

Right to health

**WEEK 9**

Right to family life

**WEEK 10**

Right to Be Free From Violence

**WEEK 11**

Gender and cultural values

**WEEK 12**

Presentations

**FULL COURSE OUTLINE WITH ALL READINGS WILL BE AVAILABLE ON BLACKBOARD AT LEAST ONE WEEK BEFORE THE START OF THE SEMESTER 2.**