

COURSE SYLLABUS

The Law and Politics of Combating Violence Against Women

Professors Andrea Krizsan and Mathias Möschel

Winter Term / AY 2019-20

MA/LL.M. level course

3 Credits

No pre-requisites or co-requisites

Office hours: by appointment

Brief Introduction:

Gender based violence is one of the main social forces producing and reproducing gender inequality. Brought to international and national policy agendas by feminist movements it has lately become a core policy issue discussed not just in the framework of gender equality but related to policies on human rights, crime prevention, child protection, health, development, cross border migration and trafficking and conflict and post conflict intervention. This course aims to look at the law and the politics of gender based violence through understanding the main challenges of framing it as a policy and international human rights issue. The course will aim to understand contestation of the policy meanings of gender based violence, alternative approaches to it and examine currently existing international conventions, case law and standards set by different international human rights bodies and state responses. The course will pay particular attention to some specific forms of gender based violence such as domestic violence, femicide, rape, traditional forms of violence, trafficking, sexual harassment, cyber violence and violence in conflict and post conflict situations.

Learning outcomes:

The course will sensitize students interested in issues and debates related to different forms of violence against women pertinent to most developed and new democracies and societies in transformation. Due to the nature of the topic, the course will invite students to develop their skills of critical thinking by understanding major political, legal and policy debates and actors that shape considerations on combating violence against women via international human rights law and domestic policies. The teaching method will ensure that students have to regularly synthesize different pieces of knowledge including theoretical, policy and legal texts, to critically evaluate the differences and overlaps of arguments, to do targeted small inquiries for relevant policy cases, to summarize and present arguments to their colleagues, to analyse case law from different international human rights protection bodies and to develop their academic writing skills.

Assessment:

The final grade is based on class-participation including group work on specific readings [25%], five short weekly assignments [25%] and a final seminar paper [50%].

1. What is the problem? Whose problem? (January 7)

Introducing the course.

Cost and measurement of violence. Concepts, types, facts and figures.

Ways of defining the policy/legal problem:

- the feminist approach to violence against women
- distinction and tensions between violence against women and gender based violence
- protection from violence as a **women's rights and as a human rights issue**
- Can men be victims of gender violence? Can women be perpetrators? Gender symmetry?

Questions for discussion: Gender based violence: What is it? What forms? How to measure it? What is its cost?

Readings

Sally Merry Engle (2009) "Introduction" in Gender violence: a cultural perspective. Pp.1-25. "Naming and Framing the Problem" 27-29 in *Gender Violence: a Cultural Perspective*. Wiley-Blackwell

Alice Edwards, *Violence Against Women under International Human Rights Law*, Cambridge University Press, 2011, pp. 36-87

Recommended

Radford, Kelly, Hester (1995) "Introduction" in Marianne Hester , Liz Kelly , Jill Radford Eds. (1995) *Women, Violence, and Male Power: Feminist Activism, Research, and Practice*. Open University Press.

Michael S. Kimmel (2002) "Gender Symmetry" in Domestic Violence: A Substantive and Methodological Research Review. *Violence Against Women*. 8: 1332-1363.

Catherine MacKinnon "Equality Remade: Violence against Women" in *Are Women Human?* Harvard UP.2006. Pp. 105-111

Laura J. Shepherd (2007) "Victims, Perpetrators and Actors' Revisited: Exploring the Potential for a Feminist Reconceptualisation of (International) Security and (Gender) Violence" in *BJPIR: 2007 VOL 9*, 239-256

Fundamental Rights Agency (2014) *Violence against women: an EU-wide survey. Main results*. FRA – European Union Agency for Fundamental Rights.

Sylvia Walby (2004) *The Cost of Domestic Violence*. UK Government. Women and Equality Unit. http://www.devon.gov.uk/cost_of_dv_report_sept04.pdf

Walby, Sylvia and Andrew Myhill: 'Comparing the methodology of the new national surveys of violence against women', *British Journal of Criminology*, 2001, 41, 3, 502-522, with Andrew Myhill,)

Carol Hagemann White (2003) "A Comparative Examination of Gender Perspectives on Violence" in Wilhelm Heitmeyer and John Hagan eds. (2003) *International handbook of violence research*. Kluwer. Pp. 97-117

Carol Hagemann-White (2002) "Violence against women in the European context: histories, prevalence, theories" in *Thinking differently : a reader in European women's studies* edited by Gabriele Griffin and Rosi Braidotti Zed 2002

2. The politics of intervention into violence against women (January 9)

How combatting violence against women became a policy issue? How it became an international norm? Domestic shelter movements, global feminist advocacy networks.

Gender equality and women's rights as a fundamental element of the international framework - violence as a form of discrimination against women. Combatting violence against women at the domestic level. Role of women's movements and transnational advocacy

Reading:

M. Keck and K. Sikkink (1998) "Transnational networks on violence against women." In *Activists Beyond Borders*. Cornell University Press. Pp.165-199

Recommended:

Elman, Amy (2003) "Refuge in Reconstructed States: Shelter Movements in the United States, Britain and Sweden," in *Women's Movements Facing the Reconfigured State*, edited by Banaszak, Beckwith and Rucht, New York: Cambridge University Press, 94-113.

Dobash & Dobash (1992) *Women, Violence and Social Change*. Pp.: 25-59

Kelly, Liz 2005 "Inside outsiders: Mainstreaming Gender Violence into Human Rights Discourse and Practice" *International Feminist Journal of Politics* Vol.7, no. 4, pp.471 - 495

Charlotte Bunch. 1992. "Women's Rights as Human Rights: Toward a Revision of Human Rights," 12 *Human Rights Quarterly* 486

Sally Engle Merry (2006) *Human rights and gender violence: translating international law into local justice*. Chapter "Gender Violence and the CEDAW Process," pp. 72-103. Chicago UP

Discuss different cases of intervention: WAVE; Latin America; Asia (Pakistan?)

3. Instruments and international law (January 14)

This session will look at the different instruments that have been developed at the international human rights level to specifically combat violence against women. From the early recommendation by the UN CEDAW Committee to the latest binding Istanbul Convention we will discuss the differences amongst these single instruments and the difficulties with which these instruments are grappling with.

Readings:

- Alice Edwards, *Violence Against Women under International Human Rights Law*, Cambridge University Press, 2011, pp. 36-87
- UN CEDAW Committee – Gen. Recommendation No. 19 on violence against women (1992)
- UN CEDAW Committee – Gen. Recommendation No. 35 on gender-based violence against women, updating general recommendation no. 19 (2017)
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belem Do Para) (1994)
- Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) (2011)

Recommended:

European Parliament, “European Added Value Assessment, “Combatting violence against women”, EAVA 3/2013

Fact sheet by the European Court of Human Rights on “Violence Against Women”, most recent version, available at: http://www.echr.coe.int/documents/fs_violence_woman_eng.pdf

4. Pillars of policy intervention to prevent violence against women (January 16)

There are a series of commonly applicable principles of policy intervention across all forms of violence against women. These include: ‘the three P’ framework (punishment, protection and prevention); need for coordination across different stakeholders; inclusion of victim’s rights advocates; strategic planning. In this session we will discuss these pillars of intervention and their complementarity. Should violence against women be addressed as a distinct policy field, or interventions would be more efficient if addressing specific forms of gender-based violence separately?

Readings:

Sally Merry (2009) “Punishment, safety and reform” in *Gender violence: a cultural perspective*. Pp. 48-76

+1 reading

Protection: Martin, Patricia Yancey. Coordinated community services for victims of violence. O’Toole, Laura L., Jessica R. Schiffman, and Margie L. Kiter Edwards (Eds). 2007. *Gender Violence: Interdisciplinary Perspectives*, 2/e. New York: New York University Press.

Prevention: Hester and Lilley (2014) Domestic and sexual violence perpetrator programmes: Article 16 of the Istanbul Convention
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046e1f2>

Prosecution: Walby, Sylvia, Philippa Olive, Jude Towers, Sociology, Brian Francis, Sofia Strid, Andrea Krizsán, Emanuela Lombardo, Corinne May-Chahal, Suzanne Franzway, David Sugarman, Bina Agarwal (2015) Chapter “Law and criminal justice” in *Stopping Rape: Towards a Comprehensive Policy*. Bristol: Policy Press.

Recommended:

Walby, Sylvia, Philippa Olive, Jude Towers, Sociology, Brian Francis, Sofia Strid, Andrea Krizsán, Emanuela Lombardo, Corinne May-Chahal, Suzanne Franzway, David Sugarman, Bina Agarwal (2015) Chapter “Strategic planning and coordination” in *Stopping Rape: Towards a Comprehensive Policy*. Bristol: Policy Press.

Council of Europe (2006): Combating Violence against women. Stocktaking study on the measures and actions taken in Council of Europe member States, prepared by Carol Hagemann-White with the assistance of Judith Katenbrink und Heike Rabe/University Osnabrück, on behalf of the Gender Equality, and Anti-Trafficking Division/Directorate General of Human Rights and Legal Affairs, Strasbourg

Rosa Logar (2008) Good Practices and Challenges in Legislation on Violence against Women. For UN DAW http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/expertpapers/EGMGPLVAW%20Paper%20_Rosa%20Logar_.pdf

Krizsan Andrea and Eniko Papp (2016) *Implementing a Comprehensive and Co-ordinated approach. An assessment of Poland's response to prevent and combat gender-based violence.* Council of Europe.

Protection

The Duluth Model of community coordination. Source: <http://www.theduluthmodel.org/>

Kelly, L. and Dubois, L. (2008) *Combating violence against women: Minimum standards for support services*, Strasbourg: Council of Europe, Directorate General of Human Rights and Legal Affairs [www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf)

Schechter, Susan (1982) *Women and Male Violence: The Visions and Struggles of the Battered Women's Movement*. South End Press. Ch 2 and Ch 3 (The roots of the battered women's movement, the emergence of the battered women's movement)

Prevention:

Marianne Hester and Lilley (2014) Prevention of violence against women: Article 12 of the Istanbul Convention <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046e1f0>

Heise, Lori L. (1998) Violence Against Women: An Integrated, Ecological Framework. *Violence Against Women*. 4: 262-290

Emma Fulu and Stephanie Miedema (2015) Violence Against Women: Globalizing the Integrated Ecological Model. *Violence Against Women* December 2015 21: 1431-1455

Karin Heisecke (2014) Raising awareness of violence against women: Article 13 of the Istanbul Convention <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046e1f1>

Coy, M., Lovett, J. and Kelly, L. (2008) *Realising rights, fulfilling obligations: A template for an integrated strategy on violence against women for the UK*, London: End Violence Against Women www.endviolenceagainstawomen.org.uk/data/files/resources/38/realising_rights-jul-08.pdf

Erin Casey and Tyler Smith. 2010. "How Can I Not?": Men's Pathways to Involvement in Anti-Violence Against Women Work in *Violence Against Women* 2010 16: 953

DFID Practice Paper (2012) A Theory of Change for Tackling Violence against Women and Girls. Chase Guidance Note Series. Guidance Note 1. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67336/ho-to-note-vawg-1.pdf

OECD (2013) *Transforming social institutions to prevent violence against women and girls and improve development outcomes*. OECD Development Centre, March 2013
http://www.oecd.org/dev/poverty/OECD_DEV_Policy%20Brief_March%202013.pdf

Scott Miller. 2010. Discussing the Duluth Curriculum: Creating a Process of Change for Men Who Batter Violence Against Women September 2010 16: 1007-1021

Prosecution:

Kelly, L., Hagemann-White, C., Meysen, T., and Römken, R. (2011), *Realising Rights: Case Studies on State Responses to Violence Against Women and Children in Europe*. London: CWASU. Available at: https://www.tilburguniversity.edu/upload/0669e981-140a-4b05-acc2-5a2428743222_apRRS.pdf

Eve S. Buzawa, Carl G. Buzawa (2002) *Domestic violence: the criminal justice response*. Sage 2002

UN Women (2012) *Handbook for Legislation on Violence against Women*. http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2012/12/unw_legislation-handbook%20pdf.pdf?v=1&d=20141013T121502

5. Intersectionality (January 21)

Intersectionality has been developed as a concept in the United States from the perspective of Black feminist legal scholars and how American anti-discrimination law was and is unable and/or unwilling to accommodate the perspective of women of color and their specific experiences of discrimination. This concept has had a broad success beyond the legal and American domain. This class will look at various aspects in which intersectionality has been acknowledged or not acknowledged in the context of combating violence against women, where one of the major challenges to discussing gender-based violence is the tension between universality and diversity. Is gender violence affecting all women regardless of their diversity, or we have to look at diversity among women to be able to understand and address the problem?

Readings:

Kimberle Crenshaw, Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, 1991, Vol. 43, No. 6: 1241

Cases:

- ECtHR: *V.C. v. Slovakia*, no. 18968/07, 8 November 2011
- ECtHR: *B.S. v. Spain*, no. 47159/08, 24 July 2012
- UN CEDAW Committee, *Jallow v. Bulgaria*, CEDAW/C/52/D/32/2011, 28 August 2012

Recommended:

Kathy Davis, “Intersectionality as Buzzword: A Sociology of Science Perspective on What Makes a Feminist Theory Successful”, *Feminist Theory*, 2008, vol. 9, pp. 67-85

Maria Caterina La Barbera and Marta Cruells Lopez, “Toward the Implementation of Intersectionality in the European Multilevel Legal Praxis: *B.S. v. Spain*”, *Law and Society Review*, 2019, <https://doi.org/10.1111/lasr.12435>

Celeste Montoya, Lise Rolandsen Agustín (2013) The Othering of Domestic Violence: The EU and Cultural Framings of Violence against Women. *Social Politics: International Studies in Gender, State and Society*, 20(4):534-557

Jennifer Nixon and Cathy Humphreys “Marshalling the Evidence: Using Intersectionality in the Domestic Violence Frame.” *Social Politics* Volume 17, Number 2, Summer 2010

Center for Reproductive Rights and Center for Human and Civil Rights, “Body and Soul. Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia” (New York: Center for Reproductive Rights, 2003), available at: https://www.reproductiverights.org/sites/default/files/documents/bo_slov_part1.pdf

Sokoloff, Natalie J. and Dupont, Ida (2005) Domestic Violence at the Intersections of Race, Class, and Gender: Challenges and Contributions to Understanding Violence Against Marginalized Women in Diverse Communities. *Violence Against Women*. 11(1):38-64.

Michele Bograd (2005) “Strengthening domestic violence theories. Intersections of race, class, sexual orientation and gender” in Sokoloff, N. J. & Pratt, C. eds. *Domestic Violence at the Margins* London: Rutgers University Press. Pp 25

Irma Morales Waugh (2010) Examining the Sexual Harassment Experiences of Mexican Immigrant Farmworking Women. *Violence Against Women* 16(3): 237-261

UN Special Rapporteur on Violence Against Women Rashida Manjoo (2011) Multiple and intersecting forms of discrimination and violence against women. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/130/22/PDF/G1113022.pdf?OpenElement>

Mental Health Europe (2012) Shaping attitudes. A handbook on domestic violence and mental health.

Thematic study on the issue of violence against women and girls and disability Report of the Office of the United Nations High Commissioner for Human Rights. A/HRC/20/5. March 2012 <http://www2.ohchr.org/english/issues/women/docs/A.HRC.20.5.pdf>

Shamita das Dasgupta (2005) “Women’s realities. Defining VAW by immigration, race and class” in Sokoloff, N. J. & Pratt, C. eds. *Domestic Violence at the Margins* London: Rutgers University Press. Pp. 56

6. Domestic violence (January 23)

Domestic violence is one of the most prevalent and most widely discussed and regulated forms of gender based violence. The main challenge domestic violence brings to the policy agenda is its outspoken contestation of traditional understandings of privacy. We discuss approaches that compete with a gender equality interpretation of domestic violence such as family policy approaches, which see domestic violence as a family problem rather as a violation of human rights, or the challenge coming from children's rights, and approaches that prioritize violence against children.

Questions for debate: Are family protection and child protection approaches to domestic violence compatible with gender equality driven understandings of domestic violence? Does a policy on domestic violence need to talk about women's rights specifically? Or can it be gender neutral and still promote women's rights?

Readings:

Evan Stark (2012) "Re-presenting Battered Women: Coercive Control and the Defense of Liberty" Prepared for Violence Against Women: Complex Realities and New Issues in a Changing World, Les Presses de l'Université du Québec (2012)

+ 1 reading:

Michael P. Johnson (2006) Conflict and Control: Gender Symmetry and Asymmetry in Domestic Violence. *Violence Against Women* November. 12: 1003-1018

Hester, M. (2011). The Three Planet Model: Towards an Understanding of Contradictions in Approaches to Women and Children's Safety in Contexts of Domestic Violence. *British Journal of Social Work* (2011) 41, 837–853

Krizsan, Andrea and Raluca Maria Popa (2011) " Frames in Contestation: Gendering Domestic Violence Policies in Five Central and Eastern European Countries" *Violence against Women* (in press/forthcoming).

Recommended:

Elizabeth M Schneider (1994) The Violence of Privacy. In Martha Finneman and Roxanne Mykitiuk *The Public Nature of Private Violence*. 36-59

Cheryl Hanna. 2010 "Health, Human Rights, and Violence Against Women and Girls: Broadly Defining Affirmative State Duties After *Opuz v. Turkey*". Forthcoming, HASTINGS INTERNATIONAL AND COMPARATIVE LAW REVIEW

Isabel Marcus (1994) "Reframing Domestic Violence: Terrorism in the home" in Martha Finneman and Roxanne Mykitiuk *The Public Nature of Private Violence*. Pp. 11-36

Maria Bustelo, Andromachi Hadjigianni, Andrea Krizsan " Domestic Violence: a public matter" in *Multiple Meanings of Gender Equality. A Critical Frame Analysis of Gender Policies in Europe* (ed.) Mieke Verloo, CEU Press: Budapest. 2007

JoAnne Langley Miller and Dean Knudsen (1999) "Family abuse and Violence" in *Handbook of marriage and the family* / edited by Marvin B. Sussman, Suzanne K. Steinmetz, and Gary W. Peterson. New York, Plenum Press. Pp. 705-743

WHO Multi-country Study on Women's Health and Domestic Violence against Women. 2005. http://www.who.int/gender/violence/who_multicountry_study/en/ Chapters 7 and 8

Anastasia Powell and Suellen Murray (2008) Children and Domestic Violence: Constructing a Policy Problem in Australia and New Zealand. *Social & Legal Studies* 17: 453-473

Kelly, Liz (1996) 'When woman protection is the best kind of child protection: Children, domestic violence and child abuse', *Administration*, 44,2,118-135.

Marianne Hester (2012) Portrayal of women as intimate partner domestic violence perpetrators. *Violence Against Women*. 2012 Sep;18(9):1067-82.

Sue Osthoff (2002) "But, Gertrude, I Beg to Differ, a Hit Is Not a Hit Is Not a Hit: When Battered Women Are Arrested for Assaulting Their Partners" *Violence Against Women* December 2002 8: 1521-1544

Radford & Stanko (1995) "Vaw and children" in Marianne Hester , Liz Kelly , Jill Radford Eds. *Women, Violence, and Male Power: Feminist Activism, Research, and Practice*. Open University Press.

Johnson, Janet Elise and Laura Brunell. (2006) "The Emergence of Contrasting Domestic Violence Regimes in Postcommunist Europe." *Policy & Politics* 34.4: 578-98.

Johnson, Janet Elise (2007) "Domestic Violence Politics in Post-Soviet States" *Social Politics: International Studies in Gender, State and Society*, Volume 14, Nr 3, Fall 2007, pp. 380

7. Domestic violence case law (January 28)

This session will look at some of the paradigmatic cases dealing with domestic violence and with the concrete difficulties faced by international human rights bodies, especially when considering that international law was first and foremost dealing with states and the public domain whereas domestic violence is the quintessential private domain and thus has been conceptually more difficult to reach.

Readings:

- IACommHR: *Maria da Penha v. Brasil*, Case 12.051, 16 April 2001
- ECtHR: *Valiuliene v. Lithuania*, no. 33234/07, 26 March 2013
- ECtHR: *Rumor v. Italy*, no. 72964/10, 27 May 2014
- ECtHR: *Talpis v. Italy*, no. 41237/14, 2 March 2017
- ECtHR: *Volodina v. Russia*, no.41261/17, 9 July 2019

Recommended:

Bonita Meyersfeld, *Domestic Violence and International Law*, 2010, Hart

Ronagh J. McQuigg, *International Human Rights Law and Domestic Violence*, 2011, Routledge

Ronagh J. McQuigg, “Domestic Violence as a Human Rights Issue: *Rumor v. Italy*”, *European Journal of International Law*, 2016, vol. 26, no. 4, pp. 1009-1025.

8. Rape and rape case law (January 30)

Rape, one of the most prevalent and most widely discussed and regulated issues of gender-based violence will be discussed this week. How have these issues been addressed in policy and in case law by international human rights bodies?

Readings:

Walby, Sylvia, Philippa Olive, Jude Towers, Sociology, Brian Francis, Sofia Strid, Andrea Krizsán, Emanuela Lombardo, Corinne May-Chahal, Suzanne Franzway, David Sugarman, Bina Agarwal (2015) *Stopping Rape: Towards a Comprehensive Policy*. Bristol: Policy Press. Selected parts

+1 case:

- ECtHR: *X and Y v. Netherlands*, no. 8978/80, 26 March 1985 (excerpts)
- ECtHR: *M.C. v. Bulgaria*, no. 39272/98, 4 December 2003 (excerpts)
- ECtHR: *W. V. v. Slovenia*, no. 24125/06, 23 January 2014
- UN CEDAW Committee: *Vertido v. Philippines*, Communication No. 18/2008, UN Doc. CEDAW/C/46/D/18/2008, 22 September 2010 (excerpts)

Recommended:

Sandra Fredman (2013) *The Reform of India's Sexual Violence Laws*. Submissions prepared with the assistance of members of Oxford Pro Bono Publico, on the invitation of the Justice Verma Committee investigating the reform of India's sexual violence laws.

[http://denning.law.ox.ac.uk/news/events_files/2013.1 -
_Submissions on Indian Sexual Violence Laws.pdf](http://denning.law.ox.ac.uk/news/events_files/2013.1_-_Submissions_on_Indian_Sexual_Violence_Laws.pdf)

Liz Kelly. 2010. The (In)credible Words of Women: False Allegations in European Rape Research. *Violence Against Women* December 2010 16: 1345-1355,

Nancy Matthews. 1994. "Conclusions" in *Confronting Rape*. Routledge

Kelly & Radford (1995) "'Nothing really happened': the invalidation of women's experiences of sexual violence" in Marianne Hester, Liz Kelly, Jill Radford Eds. *Women, Violence, and Male Power: Feminist Activism, Research, and Practice*. Open University Press. Pp.19

Frederika E. Schmitt and Patricia Yancey Martin (2006) "The History of the Anti-Rape and Rape Crises Center Movements" in Renzetti and Edleson *Encyclopedia of Interpersonal Violence*. Sage

Terry Gillespie (1995) "Rape crises centers and male rape: a face of the backlash" in Marianne Hester , Liz Kelly , Jill Radford eds. (1995) *Women, Violence, and Male Power: Feminist Activism, Research, and Practice*. Open University Press. Pp. 148-165

Marian Folley. 1995. "Who is in control? Changing responses to women who have been raped and sexually abused" In Marianne Hester , Liz Kelly , Jill Radford Eds. (1995) *Women, Violence, and Male Power: Feminist Activism, Research, and Practice*. Open University Press. 166-176

Louise Ellison and Vanessa E. Munro (2009) Reacting to Rape: Exploring Mock Jurors' Assessments of Complainant Credibility. *Br J Criminology* (2009) 49(2): 202-219

Susan Brownmiller *Against our will: men, women, and rape* / New York: Fawcett Columbine, 1975

Simone Cusack and Alexandra Timmer, "Gender stereotyping in rape cases: the CEDAW committee's decision in *Vertido v the Philippines*", *Human Rights Law Review* (2011), vol. 11, no. 2, pp. 329-342

9. Femi(ni)cide (February 4)

The term “femi(ni)cide” has been particularly in use in the Latin American domain and contrasted with homicide. For traditional criminal law these are not distinguished, but some feminists and activists argue that there should be a difference between a “regular” homicide and if a woman is killed by a man because she is a woman. This session we will look at some of the cases and debates around this specific form of violence against women and the conceptual difficulties dealing with it.

Readings:

- Marcela Lagarde y de los Rios, “Preface”, in Rosa-Linda Fregoso & Cynthia Bejarano (eds.), *Terrorizing Women. Femicide in the Americas*, Duke University Press, 2010, pp. xi-xxv
- IACtHR: *Gonzales et al. v. Mexico (Cottonfields case)*, 16 November 2009 (excerpts)
- William Paul Simmons and Rebecca Coplan, “Innovative Transnational Remedies for the Women of Ciudad Juarez”, in Rosa-Linda Fregoso & Cynthia Bejarano (eds.), *Terrorizing Women. Femicide in the Americas*, Duke University Press, 2010, pp. 197-224
- ECtHR: *Opuz v. Turkey*, no. 33401/02, 9 June 2009 (excerpts)

Recommended:

Jill Radford and Diana Russell, *Femicide. The politics of Woman killing*, 1992, Twayne Publishers

Rae Taylor and Jana L. Jasinski (2011), “Femicide and the Feminist Perspective”, *Homicide Studies*, 15(4), pp. 341-362

Cetin, Ihsan (2015). “Defining Recent Femicide in Modern Turkey: Revolt Killing”. *Journal of International Women’s Studies*, 16(2), pp. 346-360.

10. Trafficking and trafficking case law (February 6)

During this session we discuss trafficking policy debates and case law. Question for debate: What is the tension between liberal and radical feminist approaches to trafficking? Can they be resolved? Are the two standpoints compatible?

Readings:

Group 1:

Laura Agustin, 2005. "Migrants in the mistress's house: Other voices in the "trafficking" debate" *Social Politics*, 12 (1): 96-117.

Group 2:

Liz Kelly (2003) The Wrong Debate: Reflections on Why Force Is Not the Key Issue with Respect to Trafficking in Women for Sexual Exploitation. *Feminist Review*. 73(1):139-144

Niki Adams (2003) Anti-Trafficking Legislation: Protection or Deportation? *Feminist Review* 73(1): 135-139

Group 3:

Musto, Jennifer Lynne (2010) 'Carceral Protectionism and Multi-Professional Anti-Trafficking Human Rights Work in the Netherlands', *International Feminist Journal of Politics*, 12: 3, 381 — 400

Cases

- UN CEDAW Committee: *Z.Z.Z. v. The Netherlands*, Communication No. 15/2007, CEDAW/C/42/D/15/2007, 26 October 2009
- ECtHR: *Rantsev v. Cyprus and Russia*, no. 25965/04, 7 January 2010 (excerpts)
- ECtHR: *F.A. v. United Kingdom*, no. 20658/11, 10 September 2013

Recommended:

Outshoorn, Joyce (2005) "The Political Debates on Prostitution and Trafficking of Women". *Social Politics: International Studies in Gender, State and Society*, Volume 12, Number 1, Spring 2005, pp. 141-155

Kelly, Elizabeth (2005) 'You can find anything you want': A critical reflection on research on trafficking in persons within and into Europe. *International Migration* 43(1-2): 235-265.

Vijayarasa, Ramona (2012) “The Cinderella Syndrome: Economic Expectations, False Hopes and the Exploitation of Trafficked Ukrainian Women.” *Women’s Studies International Forum* 35: 53–62.

OSCE (2004) National Referral mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook <http://www.osce.org/odihr/13967>

The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 /* COM/2012/0286 final */ <http://ec.europa.eu/anti-trafficking/entity.action;jsessionid=GvWVQ1bFnCMR4njDkKfLZxnvTYjr0BDTj2K21QGnS6gdQLQ3VMzR!1341146738?id=714114c7-cd42-46cf-85eb-c09d042c7181>

Integration of the Human Rights of Women and the Gender Perspective. Report of the UN Special Rapporteur on trafficking in persons, especially women and children (2004) http://www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/Integration_of_the_Human_Rights_Perspective.pdf

Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report (Warsaw, 16.V.2005). Council of Europe Treaty Series - No. 197 http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp#TopOfPage

Hua, Julietta and Nigorizawa, Holly(2010) 'US Sex Trafficking, Women's Human Rights and the Politics of Representation', *International Feminist Journal of Politics*, 12: 3, 401 — 423

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims. <http://ec.europa.eu/anti-trafficking/download.action?nodeId=9c9ba3cd-794b-4a57-b534-ad89effac575&fileName=Directive+THB+L+101+15+april+2011.pdf&fileType=pdf>

11. Harmful traditional practices (February 11)

Continuing on our quest for understanding intersectionality in the context of combating violence against women, one of the major challenges to discussing gender based violence is the tension between universality and diversity. Is gender violence affecting all women regardless of their diversity, or we have to look at diversity among women to be able to understand and address the problem?

Readings

Sally Merry Engle (2009) “Violent ‘cultural’ practices in the family” in *Gender violence: a cultural perspective*. Ch 6

+ 1 case

UN CEDAW Committee – Gen. Recommendation No. 14: Female Circumcision (1990)

UN CEDAW Committee + Committee on the Rights of the Child - Joint Gen. Recommendation No. 31 (CEDAW)/Gen. comment No. 18 (CRC) on harmful practices (2014)

ECtHR: *Collins and Akaziebie v. Sweden*, no. 23944/05 (admissibility dec), 8 March 2007

Landgericht Cologne, no. 151 Ns 169/11, 7 May 2012

Recommended

Korteweg, Anna C (2012) Understanding Honour Killing and HonourRelated Violence in the Immigration Context: Implications for the Legal Profession and Beyond. *Canadian Criminal Law Review*. 16(2): 33-58

Phillips, Anne and Dustin, Moira (2004) *UK initiatives on forced marriage: regulation, dialogue and exit*. *Political Studies*, 52 (3). pp. 531-551.

Dauvergne, Catherine and Millbank, Jenni (2010) Forced Marriage as a Harm in Domestic and International Law. *Modern Law Review*. 73(1): 57-88.

Radhika Coomaraswamy (2001) *Integration of the Human Rights of Women and the Gender Perspective: Cultural Practices in the Family that Are Violence Towards Women*, Report of the Special Rapporteur on violence against women, its causes and consequences, 31 January 2002. [http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/42e7191fae543562c1256ba7004e963c/\\$FILE/G0210428.pdf](http://www.unhchr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/42e7191fae543562c1256ba7004e963c/$FILE/G0210428.pdf)

ERRC Submission to the Joint CEDAW-CRC General Recommendation / Comment on Harmful Practices: Child Marriages among Roma. 9 September 2011 <http://www.errc.org/cms/upload/file/cedaw-crc-child-marriages-submission-9-sept-2011.pdf>

Korteweg, Anna and Goekce Yurdakul, 2009. Islam, gender, and immigrant integration: boundary drawing in discourses on honour killing in the Netherlands and Germany. *Ethnic and Racial Studies*, 32 (2): 218 -238

I. Gunning, "Arrogant Perception, World-Traveling and Multicultural Feminism: The Case of Female Genital Surgeries," 23 *Columbia Human Rights Journal* 189 (1991-92)

AWID "Honor Killing is Violence against Women. A Universal not and Islamic Issue" <http://awid.org/eng/Issues-and-Analysis/Issues-and-Analysis/Honor-Killing-Is-Violence-Against-Women-a-Universal-Problem-Not-an-Islamic-issue>

12. War (February 13)

In this session we talk about peace keeping and inclusion of sexual violence under international criminal law and the issues that arise in the field when war takes place.

Readings:

Sally Merry Engle (2009) “Women and Armed Conflict” in *Gender violence: a cultural perspective*. Ch 7

+1:

- ICC, *The Prosecutor v. Bosco Ntaganda*, Case ICC-01/04-02/06, Judgment, 8 July 2019 (only pp. 432-447)
- UN Security Council resolution 1325
- Truth and reconciliation text

Recommended:

Catherine MacKinnon, *Are Women Human?* Harvard University Press, 2006, pp. 141-159 and pp. 192-195

Walby, Sylvia, Philippa Olive, Jude Towers, Sociology, Brian Francis, Sofia Strid, Andrea Krizsán, Emanuela Lombardo, Corinne May-Chahal, Suzanne Franzway, David Sugarman, Bina Agarwal (2015) “Conflict zones” in *Stopping Rape: Towards a Comprehensive Policy*. Bristol: Policy Press.

Megan Bastick, Karin Grimm, Rahel Kunz “Sexual violence in armed conflict: global overview and implications for the security sector” Geneva : Geneva Centre for the Democratic Control of Armed Forces, 2007

Rhonda Copelon Gender Crimes as War Crimes: Integrating Crimes Against Women into International Criminal Law. *McGill Law Journal*. November, 2000 [http://www.iccwomen.org/publications/articles/docs/Gender Crimes as War Crimes.doc](http://www.iccwomen.org/publications/articles/docs/Gender_Crimes_as_War_Crimes.doc)

Gaëlle Breton-Le Goff (2002) “Analysis of Trends in Sexual Violence Prosecutions in Indictments by the International Criminal Tribunal for Rwanda (ICTR) From November 1995 to November 2002” http://www.womensrightscoalition.org/site/advocacyDossiers/rwanda/rapeVictimssDeniedJustice/analysisoftrends_en.php

Jalna Hanmer (2002) “Violence, militarism and war” in *Thinking differently: a reader in European women's studies* edited by Gabriele Griffin and Rosi Braidotti Zed

Dorothy Thomas and Regan Ralph (1994) "Rape in War: Challenging the Tradition of Impunity" SAIS Review <http://www.heart-intl.net/HEART/100507/RapeinWar.htm>

K.D. Askin, War Crimes Against Women (Martinus Nijhoff, 1997), pp. 49-95; 179-185; 298-361.

C. MacKinnon, "Rape, Genocide and Women's Human Rights," in Mass Rape: The War Against Women in Bosnia-Herzegovina, ed. A. Stiglmeier (University of Nebraska Press, 1994)

Theodore Meron, "Rape as a Crime Under International Humanitarian Law," 87 American Journal of International Law 424 (1993)

Watch: PBS documentary *Women, War and Peace: War Redefined*

13. Sexual harassment (February 18)

This session will analyze issues relating to sexual harassment and provide answers to the question of how it became framed as an issue of violence and discrimination against women and how have courts dealt with it?

Readings:

Catherine MacKinnon (1979) “Sexual Harassment: The Experience” in *Sexual Harassment of Working Women*. Yale University Press, pp.25-55

Lauren B. Edelman, “How HR and Judges Made It Almost Impossible for Victims of Sexual Harassment to Win in Court” (2018) available at: <https://hbr.org/2018/08/how-hr-and-judges-made-it-almost-impossible-for-victims-of-sexual-harassment-to-win-in-court>

ECtHR: *Hovhannisyan v. Armenia*, no. 18419/13, 19 July 2018

Policy proposal for amending CEU harassment policy. Available at: <https://ceuedu.sharepoint.com/sites/genderequality/SitePages/equalityplan.aspx>

ILO Convention on Violence and Harassment, 2019 (no. 190)

Recommended:

Susan Sturm, “Second Generation Employment Discrimination: A Structural Approach”, *Columbia Law Review*, 2001, vol. 101, p. 458

Sharyn J. Potter (2019) Bystander Intervention Prevention Strategies as a Solution to Addressing Sexual Harassment and Assault

<https://www.asanet.org/news-events/footnotes/jun-jul-aug-2019/research-policy/bystander-intervention-prevention-strategies-solution-addressing-sexual-harassment-and-assault>

14. Visiting expert/activist (February 20)

15. + 16. Cyber/online violence against women + student presentations (February 25)

This session will look at a relatively new phenomenon in the domain and how internationally law and policies are trying to adapt to the issue. What are the issues and debates in the field?

Readings:

- Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, A/HRC/38/47, 14 June 2018.
- Pavan, Elena, “Internet intermediaries and online gender-based violence” in *Gender, Technology and Violence*, London: Routledge, 2017, p. 62-78.
- *Gabrielle Bardall* (2017) “The role of information and communication technologies in facilitating and resisting gendered forms of political violence” in Marie Segrave and Laura Vitis (eds.), *Gender Technology and Violence* (Routledge).
- Kaitlynn Mendes, Jessica Ringrose, and Jessalynn Keller, “Twitter as a pedagogical platform” in *Digital Feminist Activism. Girls and Women Fight Back Against Rape Culture* (OUP, 2019), pp 100-125.

**17. + 18. Men as allies to combat violence against women + student presentations
(February 27)**

This session will look at the ways in which men can become allies in combating violence against women. How do we bring men on board? What are the risks of doing so? What strategies have been successful or unsuccessful in doing so?

Readings:

- Erin Casey and Tyler Smith. 2010. "How Can I Not?": Men's Pathways to Involvement in Anti-Violence Against Women Work in *Violence Against Women* 2010 16: 953
- Scott Miller. 2010. Discussing the Duluth Curriculum: Creating a Process of Change for Men Who Batter Violence Against Women September 2010 16: 1007-1021
- Michael Kaufman, *THE AIM FRAMEWORK. Addressing and Involving Men and Boys To Promote Gender Equality and End Gender Discrimination and Violence*, Ph.D. (2003), excerpts.