**COURSE SYLLABUS**

**The Law and Politics of Combating Gender-based Violence**

**Professors Andrea Krizsan and Mathias Möschel**

MA/LL.M. level course

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 devoted attention to specific forms of gender based violence such as domestic violence, femicide, rape, 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 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 [10%], one group work/presentation [30%] and a final blog entry/paper of max. 2000 words [60%].

*Group work*

Small group research and presentations will be part of most sessions.  During group work groups of 2-3 students will present one or two of the readings or recommended readings identified in advance to their peers. Presentations will take 10 minutes, followed by 10 minutes discussion. Handouts or PPTs are to be submitted after the presentation. Students sign up for topics through the google doc made available in moodle. Weight to the grade: 30%

Link to google table:

<https://docs.google.com/document/d/1e0-v-64ZSSFRNhERDvRT_a_Zz-muOeAvH_LLv7CkH2w/edit?usp=sharing>

*Paper*

The final blog entry/paper should focus on a topic closely related to the course and at least partly relying on readings used within the class. A two-paragraph abstract of the blog entry/paper should be submitted at the end of the fourth week of the course which then gives the instructors the possibility to provide feedback in view of the final version. The blog entry/paper should be double- or 1,5 spaced, appropriately referenced, and provide a bibliography of sources consulted including sources covered during the class. Please include the word count on the title page. Please note that blog entries/papers submitted after the deadline will be marked down by half of a letter grade per day. All written assignments should be produced exclusively by the student who submits the work. Any text reproduction which is not clearly identified and attributed will have to be considered as plagiarism (see related provisions and guidance in the Student Handbook and other relevant University policies and regulations). Weight to the grade: 60%

Class attendance

Regular class attendance is a mandatory precondition for passing a course and for being allowed to take a final exam. All absences must be excused. Students may miss classes for an excuse only. Students are expected to communicate absences via email and produce a doctor’s note at the earliest possible opportunity and give it to the Student Affairs Coordinator. Missing more than one class (of a 2-credit course) without an immediate valid excuse and a written note to the course instructor may result in a failing or a reduced final grade. Missed classes, even if excused, will have to be made up by extra assignments, except in the case of an absence due to medical reason provided a doctor’s note is presented. Make-up assignment is a 500-word summary of the compulsory readings for that week. Individual faculty do not have the right to grant leave for students. Any such cases should be referred to the applicable Program Director. Students who are granted a leave must inform their professors in advance that they will miss their classes.

**SESSIONS**

1. **What is the problem? Whose problem? (A + M) (January 18)**

Introducing the course.

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

Ways of defining the policy/legal problem:

* The feminist approach to gender-based violence
* 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 as a policy problem: 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

1. **Instruments and international law (M) (Jan 23)**

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)

**Readings for group work:**

**Recommended:**

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>

1. **The interventionist state - pillars of policy intervention to prevent gender-based violence (A) (January 25)**

A series of commonly applicable principles of policy intervention across all forms of gender-based violence will be discussed. ‘The three P’ framework (punishment, protection and prevention); need for coordination across different sectors; inclusion of victim’s rights advocates; strategic planning are widely discussed principles. In this session we discuss these pillars of intervention and their complementarity. Group work will address the role of the prevention pillar in a feminist intervention paradigm.

**Readings:**

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

**Readings for group work**

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

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

**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*

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.

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%282007%29Study%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*:

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.endviolenceagainstwomen.org.uk/data/files/resources/38/realising\_rights-jul-08.pdf](http://www.endviolenceagainstwomen.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:*

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.

Kelly, L., Hagemann-White, C., Meysen, T., and Römkens, 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>

1. **Visiting speaker: Istanbul Convention book launch Sara de Vido and Micaela Frulli (January 26. 10.50)**
2. **Domestic violence (A) (Jan 30)**

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. Group work will address how child protection is connected or disconnected from the feminist paradigm on combatting domestic violence.

**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)

Krizsan, Andrea and Raluca Maria Popa (2013) "Frames in Contestation: Gendering Domestic Violence Policies in Five Central and Eastern European Countries" *Violence against Women*

**Readings for group work**

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

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

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.

**Recommended:**

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

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

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

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

1. **Domestic violence case law (M) (Feb 1)**

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: *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

**Readings for group work:**

ECtHR:*Valiuliene v. Lithuania*, no. 33234/07, 26 March 2013

**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.

1. **Rape and rape case law (M) (Feb 6)**

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:**

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>

+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)

**Readings for group work**

UN CEDAW Committee: *Vertido v. Philippines*, Communication No. 18/2008, UN Doc. CEDAW/C/46/D/18/2008, 22 September 2010 (excerpts)

**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) *Stopping Rape: Towards a Comprehensive Policy*. Bristol: Policy Press. Selected parts

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](https://biblio.ugent.be/publication?q=author%3D%22Cusack%2C+Simone*%22+or+%28type+exact+bookEditor+and+editor%3D%22Cusack%2C+Simone*%22%29) and [Alexandra Timmer](https://biblio.ugent.be/person/000090824938), “Gender stereotyping in rape cases: the CEDAW committee's decision in Vertido v the Philippines”, [*Human Rights Law Review*](https://biblio.ugent.be/publication?q=parent+exact+%22HUMAN+RIGHTS+LAW+REVIEW%22) (2011), vol. 11, no. 2, pp. 329-342

1. **War (Feb 8) (M+A)**

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

Tanja Altunjan, ‘The International Criminal Court and Sexual Violence: Between Aspirations and Reality’, 22 *German Law Journal* 878 (2022).

**Reading for group work**:

ICC, *The Prosecutor v. Bosco Ntaganda*, Case ICC-01/04-02/06, Judgment, 8 July 2019 (only pp. 432-447)

**Recommended:**

UN Security Council resolution 1325

Chappell, Louise (2012) "The Role of the ICC in Transitional Gender Justice: Capacity and Limitations". In Gender in Transitional Justice Editors: Buckley-Zistel, S., Stanley, R. Palgrave. Pages 37-58

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>

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.

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

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

1. **Sexual harassment (A) (Feb 13)**

In this session we discuss sexual harassment as a gender equality policy problem and the MeToo movement as a mode of intervention.

**Readings:**

Kathrin Zippel (2002) Practices of Implementation of Sexual Harassment Policies: Individual Versus Collective Strategies. Review of Policy Research. 20(1):175–198.

**Reading for groupwork**

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

**Recommended:**

Jeff Hearn (2020)[#MeToo as a variegated phenomenon against men’s violences and violations](https://www.taylorfrancis.com/chapters/edit/10.4324/9780367809263-7/metoo-variegated-phenomenon-men-violences-violations-jeff-hearn?context=ubx&refId=f5771020-ab0c-426f-bf35-70b0f6abf810)**.** Implications for men and masculinities. In Chandra, G., & Erlingsdóttir, I. (Eds.) *The Routledge Handbook of the Politics of the #MeToo Movement.* Routledge. <https://doi.org/10.4324/9780367809263>

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

[CEU harassment policy](https://documents.ceu.edu/documents/p-1402-1v2201)

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

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)

Kathrin Zippel (2009) “The European Union 2002 Directive on sexual harassment: A feminist success?” Comparative European Politics Vol. 7, 1, 139–157

Kathrin Zippel (2006) “The Political Path of Adoption: Feminists and the German State” in Zippel The Politics of Sexual Harassment. CUP Pp.123-158

Kathrin Zippel (2006) “Equality Through Litigation: sexual harassment in the United States” in Zippel The Politics of Sexual Harassment. CUP Pp.42-82

1. **Cyber/online gender-based violence (A) (Feb 15)**

This session will look at cyber violence as a relatively new phenomenon in the domain and how policies are trying to adapt to the issue. Group work: the role of technology in domestic violence

**Reading**

Sobieraj, Sarah, 'Conclusions: Resilience Isn’t Enough', *Credible Threat: Attacks Against Women Online and the Future of Democracy*, OXFORD STUDIES DIGITAL POLITICS SERIES (New York, 2020; online edn, Oxford Academic, 17 Sept. 2020), <https://doi.org/10.1093/oso/9780190089283.003.0007>, accessed 24 July 2023.

**Reading for group work:**

[JaneMaree Maher](https://www.taylorfrancis.com/search?contributorName=JaneMaree%20Maher&contributorRole=author&redirectFromPDP=true&context=ubx), [Jude McCulloch](https://www.taylorfrancis.com/search?contributorName=Jude%20McCulloch&contributorRole=author&redirectFromPDP=true&context=ubx), [Kate Fitz-Gibbon](https://www.taylorfrancis.com/search?contributorName=Kate%20Fitz-Gibbon&contributorRole=author&redirectFromPDP=true&context=ubx) (2017) New forms of gendered surveillance? Intersections of technology and family violence. In [*Gender, Technology and Violence*](https://www.taylorfrancis.com/books/edit/10.4324/9781315441160/gender-technology-violence-marie-segrave-laura-vitis)

**Recommended**

Sobieraj, Sarah, 'Personal Troubles and Public Issues', *Credible Threat: Attacks Against Women Online and the Future of Democracy*, OXFORD STUDIES DIGITAL POLITICS SERIES (New York, 2020; online edn, Oxford Academic, 17 Sept. 2020), <https://doi.org/10.1093/oso/9780190089283.003.0006>, accessed 24 July 2023.

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.

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.

Adaena Sinclair-Blakemore, ‘Cyberviolence Against Women Under International Human Rights Law: *Buturugă v Romania* and *Volodina v Russia (No 2)*’, *Human Rights Law Review*, 2022, 23, 1–27, <https://doi.org/10.1093/hrlr/ngac033>

1. **Femi(ni)cide (M) (Feb 20)**

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. Feminicide 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. Feminicide in the Americas*, Duke University Press, 2010, pp. 197-224
* ECtHR: *Opuz v. Turkey*, no. 33401/02, 9 June 2009 (excerpts)

**Readings for group work:**

IACtHR: *Gonzales et al. v. Mexico* (*Cottonfields* case), 16 November 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.

1. **Intersectionality (A) (February 22)**

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 gender-based violence, 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

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)

**Reading for group work**

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

Roggeband, C. and Verloo, M. (2007), Dutch Women are Liberated, Migrant Women are a Problem: The Evolution of Policy Frames on Gender and Migration in the Netherlands, 1995–2005. Social Policy & Administration, 41: 271-288. <https://doi.org/10.1111/j.1467-9515.2007.00552.x>

**Recommended:**

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

ECtHR: *V.C. v. Slovakia*, no. 18968/07, 8 November 2011 (forced sterilization of Romani women)

ECtHR: *B.S. v. Spain*, no. 47159/08, 24 July 2012 (police violence against Black female prostitute)

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

ECtHR: *Collins and Akaziebie v. Sweden*, no. 23944/05 (admissibility dec), 8 March 2007 (asylum claims of women fearing female circumcision in their home country)

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**](https://doi.org/10.1111/lasr.12435)

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

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/%24FILE/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 C (2012) Understanding Honour Killing and Honour Related Violence in the Immigration Context: Implications for the Legal Profession and Beyond. *Canadian Criminal Law Review*. 16(2): 33-58

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

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.

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 Journal189 (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>