Course title: Gender-based violence and International Protection of Human Rights

Language of instruction: English

Professor: Patsili Toledo

Professor’s contact and office hours: Mondays 10:00 – 11:00.

Course contact hours: 45

Recommended credit: 6 ECTS credits

Course prerequisites: There are no prerequisites for this course

Language requirements: Recommended level in the European Framework B2 (or equivalent: Cambridge Certificate if the teaching language is English, DELE or 3 semesters in the case of Spanish)

Course focus and approach:
The course focuses on the international responses to diverse forms of gender-based violence in various geographic and cultural contexts, from a human rights and intersectional perspective.

Course description: Gender-based violence (GBV), in particular, against women and LGBTIQ+ people, in its multiple manifestations, has been gaining attention worldwide as a serious human rights violation in the last decades. The course will review this historic evolution at the international level and analyze the most relevant instruments and mechanisms within the global and regional human rights’ protection systems to address such violence. It will focus on diverse forms and contexts of GBV -including intimate partner violence, homophobic and transphobic violence, sexual crimes, gendered war crimes, etc.- and their interrelation with other multiple forms of discrimination, including racism and class discrimination, among others.

Learning objectives:
By the end of the course, the students will be able to:

- Understand and analyze diverse forms, manifestations and contexts of gender-based violence from an intersectional and human rights perspective
- Understand the historical evolution in International Human Rights Law and International Criminal Law to recognize gender-based violence as a human rights violation and an international crime, and the State’s obligations towards the eradication of such violence
- Analyze and compare diverse universal and regional instruments and mechanisms -at the UN level and at the Inter-American, European and African levels- addressing gender-based violence against women and LGBTIQ+ people, and how they have been used by survivors, activists and civil movements from diverse geographic and cultural contexts

Course workload: The course workload includes class discussions, readings, work in groups, and presentation of a teamwork assignment.
Teaching methodology: The course will include lectures as well as classroom discussions and debates, case studies, readings and readings’ presentations, as well as group research and student’s presentations on concrete cases and practical use of international mechanisms.

Assessment criteria:
Midterm exam (essay): 20%
Teamwork research paper: 20%
Team work presentation: 20%
Final exam (essay): 20%
Class participation: 20%

Absence policy

After the add/drop, all registrations are considered final and BaPIS Absence Policy begins to apply. For the academic year 2021-2022, such policy is as follows:

Attending class is mandatory and will be monitored daily by professors. Missing classes will impact on the student’s final grade as follows:

<table>
<thead>
<tr>
<th>Absences</th>
<th>Penalization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to two (2) absences</td>
<td>No penalization</td>
</tr>
<tr>
<td>Three (3) absences</td>
<td>1 point subtracted from final grade (on a 10 point scale)</td>
</tr>
<tr>
<td>Four (4) absences</td>
<td>2 points subtracted from final grade (on a 10 point scale)</td>
</tr>
<tr>
<td>Five (5) absences or more</td>
<td>The student receives an INCOMPLETE (&quot;NO PRESENTADO&quot;) for the course</td>
</tr>
</tbody>
</table>

The BaPIS attendance policy does not distinguish between justified or unjustified absences. The student is deemed responsible to manage his/her absences.

Only absences for medical reasons will be considered justified absences. The student is deemed responsible to provide the necessary documentation. Other emergency situations will be analyzed on a case by case basis by the Academic Director of the BaPIS.

The Instructor, the Academic Director and the Study Abroad Office should be informed asap by email without any delay.

Classroom norms:
- No food is permitted in class.
- Students will have a ten-minute break after one-hour session.

Schedule
As a general rule, there will be 2 sessions per week. However, two weeks will have three sessions (final schedule to be informed).
Session 1

1. What is gender-based violence?
   - Social understanding of GBV today
   - Historic and conceptual evolution: gender, discrimination, bias and violence
   - Types, forms and contexts of GBV and their implications

Reading:

Session 2

- Sexual ang gender-based violence
- What makes violence ‘sexual’?

Reading:

Session 3

- Gender-based violence against women, girls and LGBTIQ people: forms and contexts
- Importance of an intersectional approach to gender-based violence

Reading:

Session 4

2. The path to understand GBV as a human rights violation
   - What a ‘human rights violation’ means?
   - International human rights obligations of the states
   - The 1979 Convention on the Elimination of All Forms of Discrimination against Women and the absence of gender-based violence

Reading:

Session 5

- Feminist critique and engagement with the International Human Rights system
- CEDAW Committee General Recommendations and UN World Conferences on Women

Reading:

Session 6

- The Yogyakarta Principles and LGBTIQ+ people rights

Session 7
- **3. Instruments and mechanisms to address GVB at the UN System**
  - CEDAW Convention
  - The CEDAW Committee and GBVAW
  - State’s periodic reports and recommendations and the role of civil society organizations (Shadow Reports)

Reading: A chosen *shadow report* to a State party official report to CEDAW in any country (in the last 5 years), retrieved from the OHCHR website.

Session 8
- CEDAW’s Inquiry procedures in cases of serious, grave or systematic violations: The Inquiry concerning Canada with regard to missing and murdered aboriginal women

Reading:

Session 9
- CEDAW’s Jurisprudence on GBVAW
- Procedure and case studies

Reading:

Session 10
- CEDAW’s Committee General Recommendations
- UN Special Rapporteur on violence against women, its causes and consequences

Reading:
UN Special Rapporteur on violence against women, its causes and consequences (2018) *Online violence against women and girls from a human rights perspective A/HRC/38/47*

Session 11
- UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Reading:

Session 12
- The role of other UN Treaty bodies and Special Procedures: Torture and gender (1)

Reading:
UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2016) *Gender perspectives on torture and other cruel, inhuman and degrading treatment or punishment* A/HRC/31/57

Session 13
*Midterm exam*

Session 14
- The role of other UN Treaty bodies and Special Procedures: Torture and gender (2)

Reading:
UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2020) “Psychological torture” under human rights law A/HRC/43/49

Session 15
4. **Instruments and mechanisms to address GVB at regional human rights systems**
   - The Inter-American System of Human Rights: The Commission and the Court
   - The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará)
   - Inter-American jurisprudence on GBV

Reading:

Session 16
- The European System of Human Rights
- The European Convention on Human Rights
- The European Court of Human Rights (ECHR)
- ECHR Jurisprudence on GBV

Reading:

Session 17
- The Council of Europe Convention on preventing and combating violence against women and domestic violence
- GREVIO – Group of Experts on Action against Violence against Women and Domestic Violence

Reading:

Session 18
- The African System of Human Rights
- Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol)
- African Union human rights bodies

Reading:

Session 19

5. GBV as international crimes
   - Historic evolution
   - Jurisprudence of the International Ad Hoc Tribunals for Ruanda and Former Yugoslavia

Reading:

Session 20
- The adoption of the Rome Statute of the International Criminal Court
- Substantive and procedural aspects relevant to GBV

Reading:

Session 21
- The adoption of the Rome Statute of the International Criminal Court
- Substantive and procedural aspects relevant to GBV
- Challenges in GBV cases decided by the ICC

Reading:

Session 22

*Final Exam*

*Last revision: April 2021*
Required readings


Committee on the Elimination of Discrimination against Women (2015) *Report of the inquiry concerning Canada (with regard to missing and murdered aboriginal women)*, CEDAW/C/OP.8/CAN/1


UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2016) *Gender perspectives on torture and other cruel, inhuman and degrading treatment or punishment* A/HRC/31/57

UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2020) “*Psychological torture* under human rights law” A/HRC/43/49

UN Special Rapporteur on violence against women, its causes and consequences (2018) *Online violence against women and girls from a human rights perspective* A/HRC/38/47

**Recommended bibliography**


