

**Erasmus Mundus Joint Master
Law and Gender, Intersectionality and Diversity**

Second semester

**LUMSA University – Department of Law, Economics and Communication
(Palermo, Italy)**

Mandatory courses

II-MC1, LUM, [Human Rights Law – Gender, Intersectionality and Diversity](#)

II-MC2, LUM, [Private Law – Gender, Intersectionality and Diversity](#)

II-MC3, LUM, [Public Law – Gender, Intersectionality and Diversity](#)

Study program: <i>Law and Gender, Intersectionality and Diversity</i>
Course title: <i>HUMAN RIGHTS LAW – GENDER, INTERSECTIONALITY AND DIVERSITY</i>
Teachers: Prof. Dr. Ivana Krstić (UB), Prof. Dr. Tanasije Marinković (UB), Prof. Dr. Bojana Čučković (UB), Assist. Aleksandar Cvetković (UB); Prof. Dr. Marco Evola (LUMSA), Prof. Dr. Giuseppe Puma (LUMSA); Prof. Dr. Maria Sjöholm (ORU), Dr. Rigmor Argren (ORU)
Course status: mandatory
Number of ECTS: 6 ECTS
Requirements: /
Aims of the course: <ul style="list-style-type: none">- analysis of the human rights framework from a gender perspective with the emphasis that significant steps are to be taken to build a human rights system that recognizes the need for gender equality and diversity to be inherent to approaches for securing human rights for all;- foundational understanding of the centrality of not only formal, but also substantive gender equality to the human rights discourse generally and how this is addressed both at the UN level and at the regional level of human rights protection;- acquiring the knowledge about legal instruments that have been adopted to address discrimination and violence against women (for example, Convention on the Elimination of Discrimination Against Women /CEDAW/, Beijing Platform for Action /BPFA/, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women /Convention of Belém do Pará/, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa);- further development of knowledge with regard to some specific topics, such as gender - based violence, trafficking in human beings, question of reproductive and sexual rights, and many others.
Course outcomes: <p>Upon completion of course students will:</p> <ul style="list-style-type: none">- achieve an advanced level of knowledge and skills to individually and critically examine various gender sensitive issues arising in the framework of human rights protection both at the global and at the “regional” level;- develop analytical abilities and practical skills to address the challenges and possibilities arising from incorporating gender and intersectionality perspective in Human Rights Law;- understand complexities of gender equality and the importance of incorporating gender and intersectionality analysis into the study and practice of Human Rights Law.
Course content: <ol style="list-style-type: none">1. Gender intersectional and diversity approach to human rights. Universal and regional systems: an overview.2. Antidiscrimination law - elements and forms of discrimination, positive and negative obligations.

3. The prohibition of torture and other forms of ill-treatment, *non-refoulement* principle.
4. The right to life - restrictive laws on abortion, honour killing, femicide, forced disappearance.
5. Gender dimensions of contemporary forms of slavery and trafficking in persons.
6. The right to security.
7. Access to justice.
8. Right to respect for private and family life.
9. The freedom of religion and objection of conscience.
10. Freedom of expression and hate speech.
11. The gender dimension of economic empowerment, poverty.
12. Gender education gaps and education as a pathway towards gender equality.

Literature:

- D. Vujadinovic, M. Froehlich, T. Giegerich, *Gender Competent Legal Education*, Springer, 2023. (excerpt)
- E.Y. Krivenko, *Gender and Human Rights. Expanding Concepts*, Edward Elgar Publishing, 2020.
- S. De Vido *Violence against women's health in international law*, Manchester, Manchester University Press, pp. 1-272
- J. I. Lahai, K. Moyo (eds.), *Gender in Human Rights and Transitional Justice*, Palgrave Macmillan, 2018;
- K. Knop, *Gender and Human Rights*, Oxford University Press, 2004.

Additional reading:

- S. De Vido, *Connecting human development, dignity, and gender equality to enhance Peace: an international legal feminist perspective*, Women and peace The Role of Women and Women's Civil Society Organizations in Peace Processes, Franco Angeli, 2024, pp. 97-109
- S. De Vido, E. Fornalé *Achievements and hurdles towards women's access to climate justice* in S. De Vido, E. Fornalé, *Women's empowerment and its limits*, Palgrave Macmillan, 2023, pp. 33-51.
- Sara De Vido, *Article 30 - Compensation*, Preventing and Combating Violence Against Women and Domestic Violence A Commentary on the Istanbul Convention, Elgar, 2023, pp. 374-384
- S. De Vido, *Gender inequalities and violence against women's health during the CoViD-19 pandemic: an international law perspective* in BIOLAW JOURNAL, vol. 3/2020, pp. 77-105
- S. De Vido, *Violence against women's health through the law of the UN Security Council: A critical international feminist law analysis of Resolutions 2467 (2019) and 2493 (2019) within the WPS agenda* in QUESTIONS OF INTERNATIONAL LAW, vol. 74, pp. 3-30
- V. Kumar Gipta, *Gender Discrimination & Human Rights*, PBT Limited, 2008.
- S. Choudhry, *Women's Access to Justice: A Guide for Legal Practitioners*, Partnership for Good Governance, 2018;
- S. D. Burri, *Towards More Synergy in the Interpretation of the Prohibition of Sex Discrimination in European Law? A Comparison of Legal Contexts and some Case Law of the EU and the ECHR*, *Utrecht Law Review*, 2013;
- S. E. Merry, *Human Rights and Gender Violence: Translating International Law into Local Context*, Chicago Series in Law and Society, 2005;
- Radacic, *Gender Equality Jurisprudence of the European Court of Human Rights*, *The European Journal of International Law*, Vol. 19 (4), 2008, pp. 841 – 857;
- S. Fredman, B. Goldblatt, *Gender Equality and Human Rights. For Progress of World's Women 2015-2016*, Discussion Paper, n. 4, 2015.

Instruction method:

The method will be aimed at stimulating students in acquiring a gender and intersectionality perspective in the study of human rights law.

The teaching methods consist of interactive lectures and practical classes. Students are expected to interact with the lecturer and other students during both lectures and practical classes, to give comments and feedbacks. For practical classes, the main teaching method will include analysis of the case-law of ECtHR, CEDAW, as well as of the AfrCtHR and the ACHR. The lecturer will use case studies and leading cases to illustrate and focus on complex legal issues. Brief research assignments (short presentations) will be used as well, to complement the subjects of lectures, papers or debates.

Number of classes of active lectures: 60	Theoretical classes: 30	Practical classes: 30	
Evaluation of knowledge (maximum number of points: 100)			
Pre-exam obligations	Points	Final exam	Points
Activities during lectures and practical work (presentations, debates, regular attendance)	40	Written exam(essay type, where students will need to explain, compare, argue, and assess different issues or question)	60

Study program: <i>Law and Gender, Intersectionality and Diversity</i>
Course title: <i>PRIVATE LAW – GENDER, INTERSECTIONALITY AND DIVERSITY</i>
Teachers: Prof. Dr. Gabriele Carapezza Figlia (LUMSA), Prof. Dr. Carlo Petta (LUMSA); Prof. Dr. Eleonor Kristoffersson (ORU), Dr. Karin Blad (ORU), Dr. Joel Berg (ORU); Prof. Dr. Marija Karanikić Mirić (UB), Prof. Dr. Marko Jovanović (UB), Prof. Dr. Katarina Dolović Bojić (UB), Prof. Dr. Nenad Tešić (UB), Prof. Dr. Branka Babović Vuksanović (UB), Assist. Prof. Dr. Milena Đorđević (UB), Assist. Prof. Dr. Snežana Dabić Nikićević (UB)
Course status: mandatory
Number of ECTS: 6 ECTS
Requirements: /
Aims of the course: <ul style="list-style-type: none"> - evaluation of key private law areas from the gender, intersectional and diversity perspective; - monitoring of development of gender-sensitive private law in the intersectional and diversity perspective; - mastering the knowledge on current regulation as well as a comparative overview of the legal institutes which are designed to fight against discrimination based on gender, intersectionality and diversity in private law; - creation of a framework for understanding the possible future development of the key gender, intersectionality and diversity sensitive areas of private law: property law, contract law, tort law as well as civil procedure and private international law.
Course outcomes: Students will be able to identify gender, intersectionality and diversity sensitive issues in private law.
Course content: <ol style="list-style-type: none"> 1. Gender, intersectionality and diversity equality and proprietary relations (legal capacity, equality in acquisition of: residential units, agricultural land and company shares). 2. Gender, intersectionality and diversity equality and contracts (capacity to contract, party autonomy, equality of parties, subject- matter of contract, form and formation, validity and enforceability of contract based on examples of loan and insurance agreements and life care agreements, contractual remedies, impossibility to perform, new tendencies in gender sensitive contract law (sex contract). 3. Gender, intersectionality and diversity equality and conflict of laws (property law relations, contracts, tort law, new tendencies in gender sensitive conflict of laws). 4. Gender, intersectionality and diversity equality and civil procedure (general principles, (international) litigation, collective redress, enforcement proceedings, alternative dispute resolution). 5. Other areas of Gender, intersectionality and diversity equality (tort law).
Literature: Required reading: <ul style="list-style-type: none"> - D. Vujadinovic, M. Froehlich, T. Giegerich, <i>Gender Competent Legal Education</i>, Springer, 2023. (excerpt) - H. Kötz, <i>European Contract Law</i>, OUP Oxford, 2017. - P. Chowdhury (ed.), <i>Understanding Women's Land Rights: Gender Discrimination in Ownership</i>, Sage Publications Inc, 2017. Additional reading: <ul style="list-style-type: none"> - B. Anderson, A. Task, <i>Class Action Playbook</i>, Lexis Nexis, 2018.

- M. Fineman, & E. Zinsstag (eds.), *Feminist Perspectives on Transitional Justice*, Intersentia, Antwerp, 2013.
- L. Martínez Velencoso, S. Bailey, & A. Pradi (Eds.), *Transfer of Immovables in European Private Law (The Common Core of European Private Law, p. I)*, Cambridge, 2017.
- M. Chamallas, *Introduction to Feminist Legal Theory*, 3rd ed., Aspen Law and Business, New York, 2013.
- E. Mišćenić, *Autonomy and Antidiscrimination in Private Law* in: C. Jessel-Holst et al. (ed.), *Civil Law Forum for South East Europe - Collection of studies and analyses*, 2013, p. 28, 3rd Regional Conference of the Civil Law Forum for South East Europe, 2013.
- S. Cummings, *Gender Perspectives on Property and Inheritance: A Global Sourcebook*, 2001.
- P. Chowdhury (ed.), *Gender Discrimination in Land Ownership*, Sage Publications Inc 2009.
- *International Human Rights Law and Gender Equality and Non-Discrimination Legislation Requirements and Good Practices*, ICJ Briefing paper, April, 2014.
- L. Ruggeri, I. Kunda, S. Winkler (eds.), *Family Property and Succession in EU Member States: National Reports on the Collected Data*, Sveučilište u Rijeci, Pravni fakultet/University of Rijeka, Faculty of Law, Rijeka, Croatia, 2019.
- Directorate-General for Justice and Consumers, *Gender equality law in Europe, How are EU rules transposed into national law in 2016?* prepared by Alexandra Timmer and Linda Senden (Utrecht University) for the European network of legal experts in gender equality and non-discrimination December 2016 Based on information current on 1 April 2016.
- S. C. Yeazell, J. C. Schwartz, *Civil procedure*, 10th edition, Aspen, 2018.
- *Women, Business and the Law*, International Bank for Reconstruction and Development, The World Bank, 2018
- *Cross country comparison of regional mechanisms for delivery of free legal assistance*, World Bank Multi Donor Trust Fond for Justice Sector Support, 2014.
- C. Menkel-Meadow, *Women in Dispute Resolution: Parties, Lawyers and Dispute Resolvers – What Difference Does ‘Gender Difference’ Make?* (2012) *Dispute Resolution Magazine* (ABA April 2012).

Instruction methods:

Primary interest is in active involving students in their own knowledge acquisition and in stimulating their critical thinking for better understanding the implementation of gender, intersectional and diversity perspective in every legal branch, including this one. Learning approach will be insofar based on collaborative, inquiry-based, student-centred approach to teaching. Lecturers will adopt studentoriented teaching methods (case study, moot court, „snowballing”, etc.). Lectures will be based on comparative analysis and analysis of case-law of ECHR, European and national courts.

Number of classes of active lectures: 60	Theoretical classes: 30	Practical classes: 30
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Evaluation of knowledge (maximum number of points: 100)

Pre-exam obligations	Points	Final exam	Points
Activities during lectures and practical work	30	Written exam	30
Seminar paper		Oral exam	40

Study program: Law and Gender, Intersectionality and Diversity

Course title: PUBLIC LAW – GENDER, INTERSECTIONALITY AND DIVERSITY

Teachers: Prof. Dr. Marco Cedro (LUMSA); Prof. Dr. Eleonor Kristoffersson (ORU); Prof. Dr. Tanasije Marinković (UB), Prof. Dr. Marko Davinić (UB), Assist. Aleksandar Cvetković (UB)

Course status: mandatory

Number of ECTS: 6 ECTS

Requirements: /

Aims of the course:

- creation of the framework for understanding the gender, intersectionality and diversity perspective of fundamental Constitutional Law and Administrative Law institutions and their re-evaluation based on the equality principle;
- critical thinking and cooperative learning to better conceive the need, challenges, and obstacles for an effective implementation of the equality principle in public law, mainly in the context of Constitutional and Administrative Law;
- acquiring knowledge with regard to the representation of women, disabled, elders and young persons in all levels of government, and the question of gender mainstreaming in public policies.

Course outcomes:

Students will:

- introduce to the general overview of the concept, principles, procedures and instruments of gender-sensitive Constitutional and Administrative law, in an intersectional and diversity perspective.
- achieve ability to analyse key issues throughout these two fields of law in their political, social, and economic context.

Course content:

1. Different legal instruments of guaranteeing gender equality, intersectionality and diversity, and the hierarchy of norms on the national level (4 classes)
 - a. Public law in context – evolution from a homocentric to gendered public law
 - b. Sources of law in the contemporary public law
 - c. Interplay between the international and national legal systems
 - d. Universalism and pluralism in the public law approaches to gender equality, intersectionality and diversity
2. Constitution-Making Power (4 classes)
 - a. Sovereignty, constitution-making power and constituted (legislative, executive and judicial) powers
 - b. Concept and types of constitutional identities (civic, ethnic, multicultural and transnational)
 - c. Constitutional identity reflective of gender equality, intersectionality and diversity
3. Legislative Power and Ombudsperson (4 classes)
 - a. Parliament and Anti-discrimination policies (Comprehensive and integrated policies)
 - b. Electoral gender quotas
 - c. Ombudsperson and the fight against discrimination
 - d. Guarantees of Equality in EU Legislation
 - e. The European Ombudsman and Gender Equality, Intersectionality and Diversity cases
4. Executive Power and Administrative Agencies (4 classes)
 - a. Formal equality: the right to be treated like others.
 - b. Representation of weaker in the central and local government
 - c. The activities of government for avoiding discrimination
 - d. Sexual and Psychological Harassment in EU institutions and agencies
5. Judicial Power (4 classes)
 - a. Notion and organization of the judiciary
 - b. Nature of the judicial culture
 - c. Judicial remedies guaranteeing effective protection of gender equality intersectionality and diversity.
6. Sub-State Levels of Action – federal units, regions, and local self-governments (4 classes)
 - a. Federal, regional and unitary state
 - b. Distribution of powers between different sub-state levels of action
 - c. Gender equality, intersectionality and diversity and different sub-state levels of action

Literature:

Required reading:

- D. Vujadinovic, M. Froehlich, Th. Giegerich (eds.), *Gender Competent Legal Education*, Springer, 2023. (excerpt)
- Marko Davinić and Svetislav Kostić (eds.), *Gender Competent Public Law and Policies*, Springer 2022.
- Vera Lomazzi, Isabella Crespi, *Gender Mainstreaming and Gender Equality in Europe: Policies, Culture and Public Opinion*, Policy Press, 2019.

Additional reading:

- Anne Coles, Leslie Gray, Janet Momsen (eds.), *The Routledge Handbook of Gender and Development*, Routledge, 2015.
- Barbara Pini, Paula McDonald (eds.), *Women and Representation in Local Government: International Case Studies*, Routledge, 2011.
- Frank C. Thames, Margaret S. Williams, *Contagious Representation: Women's Political Representation in Democracies around the World*, NYU Press, 2015.
- Kirstine Adams, Andrew Byrnes (eds.), *Gender Equality and the Judiciary: Using International Human Rights Standards to Promote the Human Rights of Women and the Girl-child at the National Level*, Commonwealth Secretariat, 2000.
- Ragnhild L. Muriaas, Vibeke Wang, Rainbow Murray (eds.), *Gendered Electoral Financing: Money, Power and Representation in Comparative Perspective*, Routledge, 2019.
- Mona Lena Krook, Pär Zetterberg (eds.), *Gender Quotas and Women's Representation: New Directions in Research*, Routledge, 2015.

Instruction methods:

The primary interest is to involve students in their own knowledge acquisition and in stimulating their critical thinking for a better understanding of the implementation of gender, intersectionality and diversity perspectives in every legal branch, considering international and comparative approaches. The learning approach will be insofar based on a collaborative, inquiry-based, student-centered approach to teaching. All students' activities will be taken into account for the final passing of the exam. Furthermore, the teaching method includes an analysis of case-law of CJEU, ECtHR, and national courts and case studies in comparative perspective focusing on complex legal issues, thus providing students with an opportunity to apply sources of law to facts of hypothetical cases. The exam will be a written case study (putting students in the position of officials of administrative agencies, judges, legislators and ombudsperson).

Number of classes of active lectures: 60**Theoretical classes: 30****Practical classes: 30****Evaluation of knowledge (maximum number of points: 100)**

Pre-exam obligations	Points	Final exam	Points
Activities during lectures and practical work	40	Written exam	40
Seminar paper	20		