

PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA

(RUDN University)

Law Institute

Department of International Law

Recommended by methodological council

COURSE PROGRAMME

**DISCRIMINATION AND GENDER ISSUES
IN CONTEMPORARY INTERNATIONAL LAW**

Specialty "Jurisprudence"

40.04.01, Master Degree

"International Protection of Human Rights"

Goals and objectives of course

The discipline "Discrimination and gender issues in contemporary international law" is intended to give a fundamental comprehensive knowledge of one of the most important aspects of human rights protection - protection from discrimination and the establishment of gender equality: to disclose the meaning of the concepts "discrimination" and "gender", to acquaint listeners with a categorical apparatus that allows describing current theoretical and practical problems related to the elimination of discrimination and the establishment of gender equality in various spheres of public life, to introduce various sources of normative and doctrinal nature in this regard; consider general theoretical issues, legal regulation and the main mechanisms for combating discrimination and achieving gender equality; To instill in students an understanding of the issues related to discrimination and gender equality. In presenting the course, the basic concepts of the international public law course are used.

The main objectives of the course include the following. Instill skills of independent analysis of the content of applicable international legal sources. To disclose the meaning and content of the concepts of "discrimination", "gender", "gender equality", etc .; consider the key milestones in the formation of international legal protection against discrimination in order to clarify the current situation; Identify the main tools and mechanisms for combating discrimination and achieving gender equality; To acquaint listeners with modern grounds of discrimination; consider the most problematic areas for the realization of gender equality in the sphere of human rights; To acquaint listeners with actual problems of the modern international law concerning counteraction to discrimination and achievement of gender equality, and also to analyze tendencies and prospects of development of the international law in this part.

Position of course in *curriculum*

The course is delivered in the third semester. The knowledge gained by the students in this course can be used by them in studying the following disciplines of international public law: "Protection of Human Rights in the UN System", "Human Rights Treaty Bodies of the UN System", "Promotion and Protection of Rights of Vulnerable Groups in international law".

Requirements for the results of the course

The graduate should have the following professional competences (PC):

able to professionally apply normative legal acts in specific areas of legal activity, to implement the norms of substantive and procedural law in professional activity (PC-2);

able to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals (PC-3);

able to draw up an expert opinion reflecting the progress and results of the study on the issues raised by the initiator of the expert task (PC-4);

able to give qualified legal opinions and advice in specific areas of legal activity within the framework of the profile of the educational program (PC-5).

As a result, student must:

Be aware of:

- on the concept, history of formation, formation and development of international legal instruments and mechanisms to combat discrimination;
- on the concept, history of formation, formation and development of international legal ideas, tools and mechanisms on gender equality issues;
- on current problems, trends and prospects for the development of international cooperation on the elimination of discrimination and the promotion of gender equality;

Know:

- the appropriate terminology;
- the main international legal sources of anti-discrimination;
- basic approaches to the definition of the concept of "gender";
- the main problems of achieving gender equality in the field of civil and political, as well as social, economic and cultural rights;
- the main aspects of international legal protection of the rights of men;

Be able to:

- freely operate with the appropriate conceptual apparatus and use it competently;
- to analyze, interpret and correctly apply the norms of international treaties relating to discrimination and gender equality;
- to analyze and interpret the decisions of international bodies, organizations and individual states concerning discrimination and gender equality;
- to give qualified legal opinions on issues of discrimination and gender equality;
- develop proposals concerning the participation of the Russian Federation in international treaties on discrimination and gender equality;
- develop proposals for improving national legislation and law enforcement practices, taking into account the obligations of the Russian Federation under international treaties with regard to discrimination and gender equality;
- to carry out analytical studies and prepare expert opinions on specific issues of combating discrimination and achieving gender equality;
- independently identify and study new legal issues arising in the field of discrimination and gender equality;

- independently study and discuss both domestic and foreign special legal literature relating to discrimination and gender equality;

Be skilled to:

- work with normative legal acts that regulate international legal relations in the field of discrimination and gender equality;
- Analysis of various legal phenomena, legal facts, legal norms and legal relations, which are the objects of international legal regulation in this field;
- the resolution of legal problems and conflicts, the implementation of the rules of substantive and procedural law relating to discrimination and gender equality.

The volume of course and types of activities

Type	Total hours	Semesters	
			II
Total classes workload	32		32
Lectures			
Classes	32		32
Independent work	112		112
Volume, hours	144		144
Volume, credits	4		4

Contents of course

Part 1. Discrimination in international law: the concept, grounds, main sources and mechanisms of eradication

The concepts of equality and justice as the basis for understanding the problems of discrimination. Equality and justice in international law and social sciences.

The concept of discrimination in international law. The grounds for discrimination prohibited by the UN Charter, the International Bill of Human Rights, special conventions of universal and regional level. Traditional and newest grounds for discrimination. Negative and positive discrimination. The notion of special temporary measures.

The work of the UN Charter and Treaty Bodies on the Elimination of Discrimination. Elimination of discrimination at the regional level: The Council of Europe, the European Union, the Commonwealth of Independent States, and others.

Combating racial discrimination. Problems of discrimination on other grounds (in agreement with the audience).

Part 2. Concept and international legal significance of gender issues: empowerment of women

The history of the "women's issue" and its international legal significance. Modern sources of international law aimed at empowering women. The main international legal institutions of the universal level that promote the empowerment of women.

Civil and political rights of women. Separate international legal problems: women's rights and citizenship, violence against women, women and peace and security, etc.

Economic, social and cultural rights of women. Separate international legal problems: women and education, women's economic activity, etc.

Part 3. The concept and international legal significance of gender issues: other aspects

The problem of human understanding and human dignity as a prerequisite for the development of international law in gender issues. Reproductive sphere and human rights.

LGBT and human rights. Discrimination and differentiation in relation to LGBT people. LGBT and human rights in the sphere of marriage and family relations.

The rights of children or the right to have children from the standpoint of international law in a gender context. The problem of surrogate motherhood.

Men and discrimination. Men and women's rights.

Rights and duties, freedom and responsibility - balance within the framework of dichotomies as a pledge of disclosing the potential of each person and international legal means for achieving and maintaining it.

Sections of Course and Education forms

Sections	Lectures	Classes	Independent work	Total hours
1		12	37	49
2		10	37	47
3		10	38	48

Technical equipment

Inter-University Resource Center for Human Rights Master Studies (office 354), AU database, ECOEAS database, EAS database, SADC database, UN database, OHCHR database, Oxford Journals database, desktop computers, laptop PCs, a bookbinding machine, a projector with a screen, a magnetic board, a flip chart, a laminating machine and a multifunction device.

Additional resources

UN Audiovisual Library of International Law (<http://legal.un.org/avl/>), The Dag Hammarskjöld Library (<http://digitallibrary.un.org/>), Springer (<https://rd.springer.com/>). Business & Human Rights Resource Centre (<https://www.business-humanrights.org/>).

Sample topics of abstracts and essays

1. The concept of discrimination in contemporary international law.
2. The newest grounds for discrimination.
3. Positive discrimination in contemporary international law.
4. International legal mechanisms to hold accountable for discrimination.
5. Racial discrimination: modern forms and international legal means of counteraction.
6. The Durban process: content and international legal significance.
7. Compensation issues in the Durban process.
8. Time issues in the Durban process.
9. Russia's position in the Durban process.
10. The international legal framework, the importance and results of the work of the working group on people of African descent.
11. Peculiarities of the Status of Persons with a Migrant Past: International Legal Aspects.
12. International legal instruments, mechanisms and limits to counter discrimination against non-citizens.
13. International legal instruments and mechanisms to combat discrimination on religious grounds.
14. International legal instruments and mechanisms to combat discrimination by age.
15. International legal instruments and mechanisms for combating discrimination for health reasons.
16. International legal instruments and mechanisms to combat discrimination against HIV-infected people.
17. International legal instruments and mechanisms for combating discrimination on participation in trade unions.
18. International legal instruments and mechanisms for combating discrimination based on gender.
19. International legal instruments and mechanisms to counter discrimination on language.
20. International legal instruments and mechanisms for combating discrimination based on ethnic origin.
21. The concepts of "gender" and "gender" in contemporary international law.
22. Gender issues in the work of the United Nations.
23. United Nations structure on gender equality and the empowerment of women UN-Women: the international legal framework and main lines of action.
24. Gender issues in the work of the UN Charter bodies on the protection of human rights.
25. Gender issues in the work of the UN treaty bodies on the protection of human rights.

26. Gender aspects in the work of the World Health Organization.
27. Gender aspects in the work of the International Labor Organization.
28. Gender dimensions in the activities of the United Nations Educational, Scientific and Cultural Organization.
29. Gender aspects in the activities of the International Organization for Migration.
30. Gender issues in the work of the Council of Europe.
31. Gender issues in the work of the Organization for Security and Cooperation in Europe.
32. Gender issues in the work of the Commonwealth of Independent States.
33. Gender issues in the work of the European Union.
34. Gender aspects in the work of regional and subregional organizations in Africa.
35. Gender issues in the work of regional and subregional organizations in Latin America.
36. The concept and international legal significance of the principle of gender equality.
37. The history of gender studies in international law.
38. The history of gender studies in Russia.
39. Queer theory (queer theory) and its international legal significance.
40. The movement for women's rights and their international legal significance.
41. The correlation between the theory of feminism and gender theory in international law.
42. Fundamental works on gender issues and their international legal significance.
43. International legal instruments and mechanisms for achieving gender equality.
44. Content and significance of the resolution of the Human Rights Council of 17 June 2011 on "Human Rights, Sexual Orientation and Gender Identity".
45. Combating pornography as a gender problem in contemporary international law.
46. Combating trafficking in human beings as a gender issue in contemporary international law.
47. Legalization of prostitution as a gender problem in contemporary international law.
48. Domestic Violence as a Gender Problem in Contemporary International Law.
49. Prohibited methods of warfare as a gender problem in contemporary international law.
50. Women and armed conflict.
51. Problems of gender equality and political human rights.
52. The role of the media in achieving gender equality: the international legal aspect.
53. Reproductive rights of women.
54. Right to abortion as a gender issue in contemporary international law.
55. The movements for the rights of men and their international legal significance.
56. Men as a category of vulnerable persons in modern international law.
57. Gender aspects of internal displacement.
58. Gender aspects of migration.

59. Millennium and Sustainable Development Goals related to achieving gender equality.
60. Gender aspects of the realization of the right to health.
61. Gender in health.
62. Gender aspects of the realization of the right to education: primary education.
63. Gender aspects of the realization of the right to education: secondary education.
64. Gender aspects of the realization of the right to education: higher education.
65. Gender aspects of the realization of the right to work.

Bibliography

Core readings

1. Thornberry P. The International Convention on the Elimination of All Forms of Racial Discrimination: A Commentary. Oxford University Press, 2016. 580 p. Oxford Commentaries on International Law.
2. Women's Human Rights: CEDAW in International, Regional and National Law / Ed. by Hellum A., Sinding Aasen H. Cambridge University Press, 2015. Part of Studies on Human Rights Conventions
3. Алисиевич Е.С. Поощрение и защита прав уязвимых групп по международному праву: учебное пособие. М.: РУДН. - 2012. - 431 с.
4. Гендерное равенство в современном мире. Роль национальных механизмов / отв. ред. и сост. О.А.Воронина. М.: МАКС Пресс, 2008. – 768 с.
5. Защита личности от дискриминации: хрестоматия. В 3 томах. М., 2009. (Юристы за конституционные права и свободы).

Further readings

1. Borodina E., Kiseleva E.V., Semenova N.S. Dignity as a Traditional Value: International Legal Analysis // Indian Journal of Science and Technology. 2016. Т. 9. № 11. С. 89431.
2. Changing Nature of Religious Rights under International Law / Ed. by M.Evans, P.Petkoff, J.Rivers. Oxford University Press, 2015. 352 p.
3. Edwards A. Violence against Women under International Human Rights Law. Cambridge University Press, 2013.
4. Girl, disrupted. Briefing paper. 7 March, 2014. URL: <http://www.internal-displacement.org/publications/2014/girl-disrupted>.
5. Groth L. Engendering Protection: an Analysis of the 2009 Kampala Convention and its Provisions for Internally Displaced Women // International Journal of Refugee Law. 2011. Vol. 23. No. 2. P. 221-251.
6. Institutionalizing Rights and Religion: Competing Supremacies / Ed. by Batnitzky L., Dagan H. Cambridge University Press, 2017.

7. Kartashkin V.A. Human Rights and Traditional Values of Humankind // Вестник Российского университета дружбы народов. Серия: Юридические науки. 2012. № 3. С. 119-129.
8. Lippert-Rasmussen K. Born Free and Equal?: A Philosophical Inquiry into the Nature of Discrimination. Oxford University Press, 2013. 336 p.
9. Puppink G. Conscientious Objection and Human Rights: A Systematic Analysis. BRILL, 2017.
10. Semenova N.S., Kiseleva E.V., Ilyashevich M.V., Alisievich E.S. Traditional Values and Human Rights of LGBTI in the Framework of the UN and Council of Europe: International Legal Aspects // Mediterranean Journal of Social Sciences. 2015. Т. 6. № 4. С. 315-324.
11. Semenova N.S., Kiseleva E.V., Ilyashevich M.V., Alisievich E.S. Traditional Values and Human Rights of LGBT Under the Contemporary International Law // Mediterranean Journal of Social Sciences. 2015. Т. 6. № 5. С. 305-312.

Guidelines on the organization of the course:

Lectures. Oral systematic and coherent presentation of the material by section discipline. Lectures are held with the support of multimedia and audiovisual and presentation. Classes. The form of training workshops in which students with the assistance of a teacher discussing the reports, reports, essays and other forms of independent work. Seminars are held in the following forms: discussion of lecture material and questions for practical training, analysis and discussion of scientific papers, a list which is contained in this program, and performance with an analytical report on them. Methodological model of the learning process. In framework of classes the following techniques and methods: survey, discussion, interactive. Independent work. In a broad sense, the independent work of master should be understood as the set of all self-employment in the absence of trained teachers and in contact with him in the classroom and beyond (including during the training sessions). Here and also include working with primary sources: note taking, oral presentation with an analysis of the source. Forms of control. Under the two forms of control means in the form of certification testing, writing essays.

Fund of assessment tools for intermediate certification of students by discipline (module)

Materials for assessing the level of the educational materials of the course (evaluation materials), including questions on the topics of the course, concepts, roles and expected result for each task, examples of test tasks, an example of a hypothetical case, topics of reports / abstracts / term papers are developed in full and are available to students on the course page on esystem.rudn.ru.

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