

Module 11: Gender, Sexuality and Human Rights

Stage	1						
Semester	2						
Module Title	Gender, Sexuality and Human Rights						
Module Number/Reference	LLM-GSHR						
Module Status (Mandatory/Elective)	Elective for International Human Rights Law LL.M. and International Law LL.M.						
Module ECTS credit	10						
Module NFQ level (only if applicable)	9						
Pre-requisite Module Titles	Public International Law, Advanced Legal Research and Writing						
Co-requisite Module Titles	N/A						
Is this a capstone module? (Yes or No)	No						
List of Module Teaching Personnel	Dr. Tanya Ni Mhuirthile						
Contact Hours				Non-contact Hours			Total Effort (Hours)
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent work	
30						170	200
Allocation of Marks (Within the Module)							
	Continuous Assessment	Project	Practical	Final Exam	Total is always 100%		
Percentage contribution	50			50	100		

Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Demonstrate a detailed knowledge and in-depth understanding of issues of Gender, Sexuality and Human Rights Law
2. Apply advanced theoretical knowledge and in depth critical thinking to suggest credible and creative solutions to various issue identified in the field of Gender, Sexuality and Human Rights
3. Establish a systematic integrated and critical awareness of the possibility of deploying Human Rights Law to achieve equality while simultaneously demonstrating an awareness of the limitation of rights discourse in achieving such an aim
4. Synthesise and conceptualise a holistic picture of the dissonance between ostensible Human Rights protection as evidenced in international treaties and the enjoyment of Human Rights protections on the ground.
5. Distil complex and disparate sources of research and data in the field of Gender, Sexuality and Human Rights Law and express same with clarity and coherence.

6. Develop advanced reasoned arguments, challenging assumptions and reaching sound informed judgments about Gender, Sexuality and Human Rights issues
7. Communicate ideas orally in an effective manner and argue, advocate, present and persuade with clarity and accuracy

Module Objectives

This module combines analysis of current law with a critical exploration of the structures, potential, and limits of law and legal reform. The focus of the module is human rights, both as a legal regime with specific application to gender and sexuality issues, and as a political sphere within which issues relating to gender and sexuality are negotiated. The module includes discussions of domestic, European, and international developments. As such, this module provides grounding in the key issues of gender, sexuality and human rights discourse whilst ensuring that learners will gain an understanding and appreciation of those issues which are at the cutting edge of these discussions.

Module Aims (to provide learners with)

- a practical and theoretical understanding of Human Rights Law and its relevance to issues around Gender and Sexuality;
- the ability to locate the sources and apply in practice the principles of Human Rights Law as it relates to issues of Gender and Sexuality;
- the ability to draw comparisons and distinctions between treatment of Gender and Sexuality issues in different jurisdictions;
- the capacity to recognise how Human Rights Law can be deployed to further advance equality in relation to issues of Gender and Sexuality;
- a foundation for pursuing further study at doctoral level

Module Curriculum

- Topic 1: General Introduction to Gender Based Rights
- Topic 2: Identities: Gender Recognition.
- Topic 3: Multiculturalism: Comparative Genital Cuttings
- Topic 4: Choice: Abortion, Cosmetic Surgery and BDSM
- Topic 5: Kinship and Intimacy I: Assisted Human Reproduction
- Topic 6: Kinship and Intimacy II: Marriage Equality and Inequities
- Topic 7: Gender Based Violence: Sexual Offences, Trafficking, Trans and Homophobia
- Topic 8: Power Politics: Women in Power, Feminist Judgments
- Topic 9: Guest Lecture on a Topical Issue

Reading lists and other learning materials

- Alston, P., and Goodman, R., *International Human Rights* (Oxford University Press, USA, 2012)
- Charlesworth, H., and Chinkin, C.M., *The boundaries of international law: a feminist analysis* (JurisPublishing, 2000)
- Mullally, S., *Gender, Culture and Human Rights: Reclaiming Universalism* (Oxford: Hart Publishing, 2006)
- Butler, J., *Bodies That Matter: On the Discursive Limits of Sex* (Routledge, 1993)
- Butler, J., *Gender Trouble* (2nd ed, Routledge, 1999)
- Cornell, D., *At the Heart of Freedom : Feminism, Sex, and Equality* (Princeton University Press, 1998)
- Fineman, M., Jackson, J.E., and Romero, A.P., *Feminist and Queer Legal Theory: Intimate Encounters, Uncomfortable Conversations* (Ashgate, 2009)
- Gill, A.K., and Sundari, A., *Forced Marriage: Introducing a Social Justice and Human Rights Perspective* (Zed Books, 2011)
- Hosken, F.P., *The Hosken Report: Genital/Sexual Mutilation of Females* (4th ed., Women's International Network News, 1994)
- Hossain, S. and Welchman, L., *'Honour': Crimes, Paradigms and Violence Against Women* (Zed Books, 2005)
- Hunter, R., McGlynn, C., and Rackley, E. (eds.), *Feminist Judgments: From Theory to Practice* (Oxford: Hart Publishing, 2010)
- Korteweg, A.C. and Yurdakul, G. *Religion, Culture and the Politicization of Honour-Related Violence: A critical Analysis of Media and Policy Debate in Western Europe and North America*, Gender and Development Programme Paper No 12 (Geneva: UN Research Institute for Social Development, 2012)
- Manjoo, R., *Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences* UN Doc A/HRC/20/16
- Phillips, A., *'Multi Culturalism, Universalism and the Claims of Democracy'* Democracy, Governance and Human Rights, Programme Paper No 7 (Geneva: United Nations Research Institute for Social Development, 2001)
- Pillay, N., *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law* (New York: Office of the High Commissioner for Human Rights, 2012)
- Report of the Commission on Assisted Human Reproduction* (Dublin: Stationary Office, 2005)
- Spijkerboer, T., *Fleeing Homophobia: Sexual Orientation, Gender Identity and Asylum* (Routledge, 2011)
- The Yogyakarta Principles http://www.yogyakartaprinciples.org/principles_en.htm

Module Learning Environment

A learning environment that promotes collaborative learning is promoted and learners are encouraged to actively engage in all class discussions and exercises.

Module Teaching and Learning Strategy

The module is delivered by means of structured and participative style lectures. The learners are assigned reading the week previous to each class, and some learners are asked to lead the discussion of the material. Participation by all learners is vital in order to realise benefit from the module. Learners who have been asked to discuss a particular article are expected to provide a typed summary of the key points within the article (1-2 pages). This must be emailed to the lecturer and is uploaded on Moodle for the benefit of the entire class. The lecturer arranges for a guest lecture to be given on a topical issue in the area of Gender, Sexuality and Human Rights during the semester.

Range of modes of direct contact

Teaching consists of weekly lectures for which learners are expected to have previously completed assigned reading and prepared draft answers to certain questions. In addition learners are expected to present individually and in groups on various topics assigned to them throughout the semester.

Total contact hours: 30 Hours

Range of other learning methods

Independent learning and research supported with on line resources available through Moodle.

Total non-contact hours: 170 Hours

Module Assessment Strategy

Assessment Methods			
Element number	Weighting	Type	Description
1	50	Continuous Assessment	<p>The CA consists of two aspects:</p> <ol style="list-style-type: none"> 1. 4,000-5,000 word essay. Learners are expected to present an individual piece of coursework within this module from a list of titles provided. Learners are expected to critically assess issues, such as the potential within human rights law to promote change in the context of gender and sexuality issues. 2. Learners present the results of their research to the class and defend their conclusions and reform suggestions.
2	50	Examination	Closed book examination: a 3 hour exam which covers the breadth of the course and requires learners to answer 3 questions out of 6, testing their ability to apply knowledge learned throughout the module.

Diagnostic/ formative assessment

Feedback through formative assessment supports learners taking control of their own learning.

Further information on assessment

Marking criteria are distributed to learners with each assignment brief. These are used to provide learner direction on all summative assessments.

Assessment Strategy		
Module Learning Outcome	Element 1	Element 2
1. Demonstrate a detailed knowledge and in-depth understanding of issues of Gender, Sexuality and Human Rights Law.	✓	✓
2. Apply advanced theoretical knowledge and in depth critical thinking to suggest credible and creative solutions to various issue identified in the field of Gender, Sexuality and Human Rights.	✓	✓
3. Establish a systematic integrated and critical awareness of the possibility of deploying Human Rights law to achieve equality while simultaneously demonstrating an awareness of the limitation of rights discourse in achieving such an aim.	✓	✓
4. Synthesise and conceptualise a holistic picture of the dissonance between ostensible Human Rights protection as evidenced in international treaties and the enjoyment of Human Rights protections on the ground.	✓	✓
5. Distil complex and disparate sources of research and data in the field of Gender, Sexuality and Human Rights Law and express same with clarity and coherence.	✓	
6. Develop advanced reasoned arguments, challenging assumptions and reaching sound informed judgment about Gender, Sexuality and Human Rights Law issues	✓	✓
7. Communicate ideas orally in an effective fashion and argue, advocate, present and persuade with clarity and accuracy	✓	

Please see **Annex 2** for Faculty Marking Criteria Guidelines and **Annex 3** for Sample Examinations and Continuous Assessment along with Marking Criteria