**Dr Anna Śledzińska-Simon - Introduction to Human Rights, LLM 2019/20**

**Lecture 9**

**Human Rights and Women’s Rights**

The aim of this lecture is to:

* Study the concept of due diligence and its application in cases concerning women’s rights
* Explain the meaning of gender stereotypes and assess its impact on legal norms and decisions of public authorities
* Discuss the current challenges to effective protection of women’s rights.

**Take 4 STEPS**

**STEP 1**

Read a summary of the concept of **due diligence** and its application to cases concerning violence against women and domestic violence

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680593fc8>

In short, due diligence means that the state is responsible for a failure to effectively prevent human rights violations stemming from private parties or adequately react to such violations (investigate the case, punish the perpetrator, remedy the victim and establish laws/programs/policies preventing similar violations).

Please note that due diligence is also a specific duty of private corporations as human rights-bearers (carrying the duty to RESPECT HUMAN RIGHTS) – (optionally please see <https://mk0globalnapshvllfq4.kinstacdn.com/wp-content/uploads/2018/08/un-guiding-principles-on-business-and-human-rights.pdf>

Corporate responsibility for human rights violations is an example of the horizontal application of human rights – see Chapter V by W. Osiatyński, pp. 197-203.

**STEP 2**

Read the following decisions:

1. **Maria Da Pehna v. Brasil (2001)** by the Inter-American Commission of Human Rights

<https://blogs.lse.ac.uk/vaw/landmark-cases/a-z-of-cases/maria-de-penha-v-brazil/>

1. **Opuz v. Turkey (2009)** by the European Court of Human Rights

<https://hudoc.echr.coe.int/eng-press#{%22itemid%22:[%22003-2759276-3020932%22]}>

1. **Rantsev v. Cyprus and Russia (2010)** by the ECtHR

<https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22002-1142%22]}>

1. **Konstantin Markin v. Russia (2012)** by the ECtHR

<https://www.equalrightstrust.org/ertdocumentbank/120405%20KONSTANTIN%20MARKIN%20v%20russia%20PDF.pdf>

**STEP 3**

Read the article on the role of gender stereotypes in the case-law of the European Court of Human Rights

<https://www.corteidh.or.cr/tablas/r27637.pdf>

**STEP 4**

Prepare your answers to the following exam questions:

1. Discuss the application of the due diligence obligation in a selected decision concerning violence against women (see in particular here

<https://echr.coe.int/Documents/FS_Domestic_violence_ENG.pdf> or <https://echr.coe.int/Documents/FS_Violence_Woman_ENG.pdf> )

1. Why do laws on domestic violence work (not work) in practice? Give an example of a country of your choice.
2. Discuss state obligations under the European Convention of Human Rights regarding human trafficking (<https://echr.coe.int/Documents/FS_Trafficking_ENG.pdf>).
3. What type of differences in treatment based on gender could be justified?
4. Give an example of how gender stereotypes affect policy-making or law-making in a country of your choice.