Ana ZDRAVKOVIĆ, LL.M[*]

Krstić, Ivana, Marco Evola, Maria Isabel Ribes Moreno (eds). 2023. *Legal Issues of International Law from a Gender Perspective*. Cham: Springer, 224.[**]

"*What is most important is to cease legislating for all lives*
what is liveable only for some, and similarly,
to refrain from proscribing for all lives
what is unlivable for some."

\- Judith Butler, *Undoing Gender*

Hilary Charlesworth may have been right, at the time, in saying that international lawyers usually perceive themselves as partisans of virtues and crusaders of principles, so they find it arduous to believe that an international legal system does not deliver on its promise of equal respect for all persons (Charlesworth 1994, 1, 7). However, the authors of the papers compiled in the volume *Legal Issues of International Law from a Gender Perspective* actually forthrightly acknowledge the lack of a gender approach in international law and present original gender-sensitive and gender-competent insights. The book aims to oil the wheels of change regarding the dominant discourse in international law and to contribute to overcoming its gender blindness. Edited by Ivana Krstić from the University of Belgrade, Marco Evola from the LUMSA University Palermo, and Maria Isabel Ribes

[*] PhD Candidate and Researcher of Center for Legal Fundamentals, Faculty of Law University of Belgrade; Research Assistant at the Institute of Comparative Law, Serbia, *ana.zdravkovic@ius.bg.ac.rs*, *a.zdravkovic@iup.rs*.

[**] The review is a result of the research conducted by the author within her work at the Institute of Comparative Law financed by the Ministry of Science, Technological Development and Innovation of the Republic of Serbia under the Contract on realisation and financing of scientific research of SRO in 2023 registered under No. 451-03–47/2023–01/200049.

Moreno from the University of Cádiz, this is the third volume of the series *Gender Perspectives in Law*. The series attempts to provide gender-competent legal knowledge, which is pivotal for rethinking different legal fields with the objective of eliminating gender-based biases and discrimination. Apart from this volume, the series includes three books discussing feminist approaches to law, gender perspectives in private law, as well as public law and policies. The series editors, Dragica Vujadinović and Ivana Krstić, both from the University of Belgrade, jointly wrote the introductory part of the volume, which precedes ten authored papers, outlines the main ideas behind the series and offers detailed summaries of each chapter.

The book opens with the contribution titled "The Fight Against Discrimination on the Grounds of Sex, Sexual Orientation and Gender Identity in the External Relations of the European Union", written by one of the co-editors, Marco Evola, which analyses and compares the non-discrimination efforts of the European Union (EU) on grounds of sex, sexual orientation and gender identity, within both its internal and external action, with an emphasis on the latter. Among the valuable insights offered by this research is the fact that, even though gender equality permeates through all issues covered by the EU external action, efforts against discrimination based on sex, sexual orientation and gender identity can mostly be found with regard to EU accession and the European Neighbourhood Policy (p. 27). This approach – which is neither holistic nor homogenous, as the author ingeniously describes it – has led to the conclusion that EU recognizes the value of non-discrimination on the grounds of sex, sexual orientation, and gender identity solely for its benefits in achieving broader EU objectives (p. 27). Evola underlines that the Court of Justice of the European Union (CJEU) has failed to contribute to strengthening gender equality, as well as combating stereotypes and the root causes for discrimination against women and LGBTIQ persons, since it is still balancing between economically oriented and human rights-based approaches (pp. 7, 9). Tension between these two approaches can also be found in the practice of the EU institutions governing both internal and external action (p. 27). Although the major role that the economic rationale still plays in the EU structures is acknowledged throughout the paper, as is the fact that it was only after the adoption of the Lisbon Treaty that EU started to shift its focus towards the human rights arena and included non-discrimination in its external action (p. 29), it would be rather interesting if the paper more meticulously challenged the remark that this initially economic union is not truly equipped in terms of its competences to deal with major human rights issues, such as discrimination. Moreover, the conclusions of the paper could be considered as important

additional arguments confirming the pressing need for the EU accession to the European Convention on Human Rights (ECHR), whose monitoring body is actually progressively becoming gender-sensitive (p. 37).

In fact, Ivana Jelić offers an analytical overview of the approach to gender equality adopted by the abovementioned monitoring body, the European Court for Human Rights (ECtHR) in her paper "Feminist Justice and the European Court of Human Rights". It is acknowledged that, due to its famous use of evaluative interpretation,[1] the ECtHR continuously tends (and arguably succeeds) to protect human rights that were not explicitly enshrined in the ECHR, and gender-oriented rights are no exception (p. 36). Even though Jelić identifies the remarkable progress in the recent development of ECtHR case law, with groundbreaking verdicts regarding internal prostitution or bullying in the workplace, she also warns that there is still a considerable need to safeguard a significant number of women's rights (pp. 38–39). Unsurprisingly, the cases of direct gender discrimination under Article 14 are not very common before the ECtHR, either because of the legislative changes that Member States have already implemented or due to the ECtHR invoking the *Câmpeanu* formula,[2] which is "not as adequate as frequently used" (p. 42). What is more, Protocol No. 12 has not been referred to in cases concerning Article 14 (p. 43). Jelić is also unmistaken in her critique of the ECtHR for not using the *jura novit curia* principle when ruling on applications that do not claim violation of non-discrimination articles in gender-sensitive cases (p. 43). On the other hand, cases concerning indirect discrimination have appeared more often before the ECtHR, due to de facto inequalities caused by gender-neutral national provisions (p. 43). Notwithstanding the fact that the ECtHR is increasingly becoming gender-conscious, Jelić remarks that the Court is still reluctant to explicitly find violation of the principle of non-discrimination in such cases (p. 51). Finally, the analysis of the recent case law, together with the rather positive approach of the ECtHR to affirmative action for achieving factual gender equality implemented by some Member States, indicates that "there are more achievements to be commended than flaws to be corrected" (p. 51). The paper could pique one's curiosity to explore whether there is a link between the recent praiseworthy

[1] In words of the Court, ECHR is "a living instrument", which must be interpreted "in the light of present-day conditions" (*Tyrer v. The United Kingdom*, App. No. 5856/72, Judgment of 25 April 1978, para. 31).

[2] The Court uses the formulation that "there is no need to give a separate ruling on the remaining complaints" in order to explain (its usual) refraining from examining violations of Article 14 in cases where violations of other articles were found (p. 42). See *Centre for legal resources on behalf of Valentin Câmpeanu v. Romania*, App. No. 47848/08, Judgment of 14 July 2014, para. 156.

development in the jurisprudence of the ECtHR concerning feminist justice and the number of women judges sitting on the Strasbourg bench.[3] While this kind of correlation cannot be truly determined without empirical verification, it is intriguing that the percentage of female judges has been decreasing in recent years since its peak of over 40% in 2011 (Keller, Heri, Christ 2020, 184). In any case, the ECtHR remains closer to gender parity than most of the national courts of the Member States (Keller, Heri, Christ 2020, 196) and with the election of the first female President, Judge Síofra O'Leary, in 2022, it showed enthusiasm for further improvements.

One of the major challenges to gender equality is stereotypes regarding the social role of women, as determined by their reproductive capacity and function, which is the focus of Ludovica Poli's part "Female Reproduction and Sexuality: The Impact of Gender Stereotypes on Women's Rights in International Jurisprudence". The analysis is directed towards the case law of the ECtHR, as well as other UN treaty bodies, primarily the UN Human Rights Committee (HRC) and the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee), regarding gender-based violence, access to contraception and abortion and reproductive health in general (pp. 57–63). Especially important is Poli's scrutiny of obstetric violence, which was first codified in Latin America (pp. 62). The concept denominates unnecessary harmful practices by healthcare providers towards female patients, usually conducted during pregnancy and childbirth, such as physical and verbal abusive treatment, medical procedures (including sterilization) without consent or with coerced consent, and gross violations of privacy (pp. 62–63). Additionally, particular attention is paid to the *Carvalho Pinto de Sousa Morais v. Portugal* case, in which ECtHR ruled that a comparator is not required for determining discrimination based on a stereotype, as well as that gender stereotypes regarding women's sexuality and reproduction inevitably lead to intersectional discrimination (p. 65). In the conclusion of this distressing text, full of valuable testimonies and comparative practices, Poli highlights the role of education in combating gender-based violence and discrimination, together with the fact that protection of women's reproductive rights is a necessary precondition for their enjoyment of other human rights (p. 66). Further research could focus on stereotypes leading to

[3] Without any kind of disregard for judges' impartiality, adequate gender representation is an important aspect of every adjudicating body, since it has been proven that female judges may offer valuable insights regarding gender-sensitive issues simply by virtue of being part of an underrepresented, historically oppressed and particularly vulnerable group (Keller, Heri, Christ, 2020, 201).

violent and discriminatory conduct towards LGBTQIA+ persons, especially perinatal treatment of transmasculine individuals that are still capable of giving birth.[4]

One aspect of such a discrimination of LGBTQ people that is connected to labour is tackled within the contribution titled "Workplace Discrimination Towards LGBTQ Employees and Employee Candidates in the Job Market: A European Approach to the Workplace Discrimination Towards LGBTQ", co-authored by Alparslan Özaltuğ and Berfu Yalçın. Although aware of recent populist homophobic voices echoing around Europe, the authors shed light on the anti-discriminatory protection provided under both the EU legal framework and the ECHR (p. 70). The paper points out key directives that promote equal treatment but underlines that their implementation is essential for full realization of human rights (pp. 70–71). Several ECtHR and CJEU cases regarding hate speech, both in and out of work context, are examined (pp. 74–78). However, what could have been more thoroughly explained is that when the ECtHR assesses that hate speech which negates the fundamental values of the ECHR, such speech is excluded from the protection due to the Article 17, which prohibits the abuse of rights, whereas in other cases hate speech is treated within the restriction clause embodied in Article 10 para. 2 of the ECHR (European Court of Human Rights 2023, 1). Furthermore, the results of the research show that both adjudicating bodies accepted the impartiality of the enterprise as a legitimate ground for setting certain restrictions in the workplace that may appear to be discriminatory (pp. 78–80). Özaltuğ and Yalçın are particularly interested in how strenuous proving discrimination in the workplace can be, in spite of the fact that according to 2000/78/EC Directive, as soon as the victim provides evidence of a *prima facie* case, the burden shifts back to the respondent (p. 80). The authors identify several issues with regard to this Directive that are yet to be clarified by the CJEU, such as the exact meaning of the *prima facie* case, the extent of the victim status and the *ratione personae* scope of the relevant directive (pp. 80–84, 87). Finally, the paper alerts national courts and other subjects influencing the development of human rights law to limit the ramifications of the odd exception regarding churches that was accepted by various European states (p. 84). Namely, employees' beliefs or religion may play a role in employment qualifications concerning churches and other religious organizations as employers, thus discrimination on this ground is allowed, which can be particularly detrimental for LGBTQ candidates (p. 85).

[4] Such a case illustrating ignorance and incapability of medical personnel to deal with anyone who is not within cisgender and heterosexual framework was recorded in the UK (Greenfield, Topper, 2021).

Just like Özaltuğ and Yalçın, Rigmor Argren supports proper enforcement rather than legislation revisions, but in the field of the Law of Armed Conflict (LOAC), in her paper "A Gender-Sensitive Reading of the Obligation to Prevent War Crimes Under the Law of Armed Conflict" (p. 101). Scanning the LOAC from the feminist angle, the author suggests that a gender-sensitive reading of the LOAC is necessary, primarily concerning the obligation to prevent war crimes, in order to strengthen the protection of all persons impacted by the armed conflict (p. 91). Underlining that public international law is distinctly masculine – since the public has traditionally been a male sphere, while the private has been reserved for females – Argren qualifies the LOAC as "hyper-masculine" (pp. 93–94). The gendered aspect of international humanitarian law in general can be detected in that not only are women and men treated differently by law, but they are also affected differently by armed conflicts (pp. 95, 97). Women may be reasonably expected to suffer more than men in the same situations, such as forced displacement, simply because their situations and responsibilities are different, i.e., given that women are usually "the caretakers of children and the main food provider" (p. 105). In addition, war crimes can disproportionally affect women, such as those including indiscriminate destruction of homes and livelihoods, which enhances the requirement to fulfil the obligation of preventing them (p. 108). The qualification of sexual violence and rape as war crimes is particularly praised in the paper, together with the work of ad hoc tribunals for Former Yugoslavia (ICTY) and Rwanda (ICTR) in this regard (pp. 100–102). Finally, Argren highlights that within their preventive actions, States should revise their practices by applying a gender lens to their military manuals and rules of engagement, so that all war crimes, including those that disproportionally affect women, can be averted (p. 109).

Given that armed conflicts are one of the most frequent causes of migrations, along with the fact that during armed conflicts and forced migrations women and girls are at high risk of being subjected to sexual violence, discrimination and having health-related consequences (Jolof *et al*. 2022, 13),[5] the next topic naturally follows. Ivana Krstić evaluates international refugee law from a gender perspective in her chapter "The Recognition of Refugee Women in International Law". Starting from the unfortunate fact that both the 1951 Refugee Convention and its 1967 Protocol are gender-neutral and do not include sex/gender among the grounds for persecution, Krstić advocates for their gender-inclusive and

[5] Without diminishing the challenges that refugees experience regardless of their gender, there are findings highlighting numerous stressors specifically encountered by female refugees (Jolof *et al*. 2022, 13).

gender-sensitive interpretation (p. 115). Such an approach would enable either gender to fall within the category of membership of a particular social group (which is recognized as one of the grounds for persecution), or the recognition of intersectionality regarding gender in combination with other prescribed grounds for persecution, such as race, religion or nationality (pp. 119–125). She emphasizes that smaller groups of women, e.g., members of a tribe opposing female genital mutilation or married women in Guatemala who were unable to leave their relationships, were qualified as a particular social group (p. 125). What is more, Krstić applauds the fact that even some national courts accepted the broad concept of gender as a particular social group, though she warns that judges are generally reluctant to follow such an extensive viewpoint, concluding that it remains the ground for persecution that is the most difficult to prove (pp. 124–125). In addition, the paper analyses other universal and regional human rights instruments that may provide women refugees with complementary protection, focusing especially on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Istanbul Convention Against Violence Against Women and Domestic Violence (Istanbul Convention) (pp. 114, 121). Unlike CEDAW, the Istanbul Convention refers to the migration and refugee status and distinguishes female migrants and asylum seekers as particularly vulnerable to gender-based violence (p. 121). It also explicitly requires that gender-based violence is recognised as a form of persecution. The author reminds us that rape, genital mutilation, forced sterilization, domestic violence and human trafficking are some of the examples of gender-related forms of persecution (pp. 123, 127). Moreover, since gender-related forms of persecution are typically committed by private individuals, it is underlined that under EU Directive 2011/95 actors of persecution can also be non-State actors, as long as it is demonstrated that States (or international organisations) are unable or unwilling to provide protection (p. 127). Finally, Krstić explains the meaning of the gender-sensitive asylum procedure, which is another requirement of the Istanbul Convention, highlighting its main features (p. 128). Notwithstanding the remarkable development that can be traced within this branch of public international law, the author concludes that further steps should be taken in order to achieve full recognition and protection of women in this field (p. 130).

It is worth recalling that the situation of female migrants around the world becomes even more complicated once climate change and natural catastrophes are added to the equation. It is estimated that women and children are 14 times more likely to die in a climate-change induced disaster and 80 times more likely to be displaced by climate change (Tower 2020). Given that the position of environmental migrants is still not recognized and regulated by public international law, together with the fact that around 80

per cent of people displaced by climate change are women (OHCHR 2022), it is high time that the international community responded not only to environmental causes of migrations, but also to their gender ramifications. After all, it must not be forgotten that women and girls are not only vulnerable *to* displacement but also *in* displacement (Tower 2020).

The interconnection between gender and the environment is the topic of Bojana Čučković's article titled "Screening International Environmental Law Through Gender Lenses: Already Gender-Sensitive, Still Not Gender-Responsive?". Starting from the observation that international environmental law (IEL) seems to be more gender-sensitive compared to other branches of public international law, it is admitted that environmental degradation is intensifying gender inequality, while gender is enhancing vulnerability to pollution (p. 134). It is particularly striking that several authors found the same similarity between the environment and women, in that they are both objectified, subordinated and perceived as if they are made to serve the needs of others (p. 134). The paper begins with tracing the reasons for shifting focus from women to gender in IEL instruments and treaties (p. 138). This is immensely important since women are not vulnerable to environmental harm due to their sex, but because their gender and socially constructed roles lead to differential access to financial, natural and other resources, household division of labour, and lesser participation in decision-making (p. 138). Thus, "gender issues [...] cannot be limited to women's issues" (p. 138). Čučković also identifies the compartmentalization of engendering IEL, which means that gender mainstreaming is not evenly developed across IEL instruments (p. 139). Using the example of the UN Framework Convention on Climate Change, she explains that inclusion or absence of gender/women perspective in the basic treaty does not necessarily have any implications on further engendering of the particular area of environmental protection, because of the major importance that soft law instruments have in this regard (p. 139). Further, the paper turns to analysing the nature and content of engendering IEL, not only by differentiating between the provisions that are aimed more at achieving gender balance, compared to a wider concept of gender equality, but also by tracing the transformation of gender issues from being ad hoc to becoming permanently present on agendas of administrative and monitoring bodies within IEL (pp. 141–144). In spite of the increasing gender sensitivity of IEL, there is still "ample space for improvement" (p. 146–147). In order to become truly gender-responsive, it needs to recognize specific categories of women that are particularly vulnerable to environmental accidents and degradation, such as single mothers or rural women, and to take into account the multidimensionality of factors that disproportionally affect them (pp. 146–147). Finally, Čučković insists on developing further intersectional approach in environmental regimes and

including relevant gender-responsive provisions in national environmental legislation, together with dedicating national budgetary funds to gender-inclusive measures or implementing other initiatives that would increase the level of gender-responsiveness of the national environmental practices (p. 151). Interestingly enough, the balancing of the participation of women and men in decision-making is underlined several times as crucial, since women are often excluded from these processes within IEL (pp. 141, 146, 147).

Such underrepresentation of women, but this time regarding corporate boards, is under the spotlight in the paper "Putting Women's Rights to Work: The Participation of Women on Company Boards As a Human Rights Law Issue", co-authored by Linde Verhoeven and Alexandra Timmer. The analysis reveals that even though gender quotas on company boards have existed in Europe for two decades, national approaches to this matter vary dramatically, from hard law through soft law to no law at all (p. 154). What is more, the authors question the motivation behind the regulations of women's participation in decision-making, by casting light on the so-called "business case for diversity", which entails a rhetoric that justifies gender diversity based on its profitability and increased shareholder value (p. 157). Moreover, by using the CEDAW Committee's multi-layered conception of equality, it is analysed whether the CEDAW requires women's participation on company boards and to what extent, to determine that substantive equality cannot be achieved without proper representation of women and that failure to act in this regard can trigger state accountability (pp. 161–164). A substantive equality argument can also be found in the pages of the UN Guiding Principles on Business and Human Rights (UNGP), which is based on three pillars – Protect, Respect and Remedy, that are further analysed in the paper (pp. 164–166). The authors maintain that transformative equality mandates quotas to always be followed by other positive measures and policies tackling gender issues, especially those aimed at overcoming stereotypes that continue to disadvantage women, even after they become members of the board (pp. 166–168). Finally, Verhoeven and Timmer argue that, under the UNGP, companies are expected to act upon the underrepresentation of women on their boards as part of the responsibility to respect women's rights and the authors conclusively determine that all these obligations will become more crystalized and firmer in the future (pp. 170–171).

Still within the business sector, a progress related to placing gender provisions within international trade agreements is noticed by Mareike Fröhlich in her piece "Promoting Gender Equality in International Trade Agreements: Pioneering or Pipe Dream?". The paper opens with the assumption that countries which accepted trade liberalization are more successful in fostering gender equality (p. 180). However, the author points

out the difference between various industries, underlining that women are less likely to benefit from trade liberalization in male-intensive sectors, which must be considered when trade agreements are negotiated (p. 180). Fröhlich highlights that the progress achieved in the past two decades varies between introducing stand-alone chapters on gender and trying to gender mainstream the whole texts of the free trade agreements (Fröhlich, 2023, 183). Furthermore, 2020 was marked by the establishing of the WTO Informal Working Group on Trade and Gender, whose efforts are directed towards developing inclusive trade policies (p. 182). The author also claims that it was the inclusion of socially impactful topics, such as anti-discrimination provisions, environmental protection and sustainability, that urged focusing on gender issues (p. 182). The analysis shows the importance of adopting a gender perspective concerning trade liberalization, due to its effects on gender equality and women's economic empowerment and stresses the importance of trade liberalization's support of welfare and equality (p. 196). Even though the progress made thus far is commended, the author also admits that there is still much to be done in order to develop truly gender-responsive trade policies, especially since many countries are ignorant of gender issues (p. 196). Particular attention is dedicated to Chile and Canada as the most successful negotiators for gender mainstreaming, as well as the first multilateral agreement on trade and gender, from 2021 – Global Trade and Gender Agreement (pp. 184–187, 192–193). The paper concludes in anticipation of whether countries will join the agreement and continue to develop gender-responsive trade agreements, measures and policies, or whether this will all end as "a pipe dream" (p. 196).

Finally, the volume closes with the historical chapter "Standing Alone but Standing Tall: A Female Perspective of International Law from the Interwar Yugoslavia", in which Sanja Djajić aims to give a voice to "those who were silenced", while also challenging "the silence of today" (p. 200). It is a tale about international law depicted in its state between the two world wars from the perspectives of women in Yugoslavia, women in international law and the Balkan nations (p. 220). They all turned to it full of hope for its new and promising ideas, such as peace, progress and universalism (p. 220). The story is told from the angle of the inspiring personal history of Anka Godjevac Subbotić, the first and only female international lawyer in the interwar Yugoslavia, an exceptional personality who witnessed major changes that marked this period. Being the first woman to receive a doctorate in law at the University of Belgrade Faculty of Law in 1932, as well as the first person to be awarded a doctoral degree in Public International Law at the same university, Anka was a promising legal scholar in a patriarchal legal system with deeply rooted societal prejudices, where women had a nearly slave-like status (pp. 202, 203). In a word, women were legally allowed to

receive formal legal training, but not to practice law, in terms of becoming judges or public prosecutors (p. 204).[6] As for the academia, even though no formal restrictions were in place, women held no academic positions during this era (p. 204). Djajić carefully traces Anka's feminist efforts, from her academic papers, where she claimed that employment is necessary for the economic emancipation of women, without which there can be no good marriage (p. 206), to her participation in various international groups and organizations advocating for women's rights and making their fight a matter of international law (pp. 206, 208–215). Godjevac invested her efforts in lobbying for the equal rights principle regarding the nationality of married women, for which she was appointed expert within the national delegation to the Hague Codification Conference in 1930 (p. 210). From 1937, she was part of the Committee of Experts for the Legal Status of Women, established by the League of Nations, which was the first intergovernmental body to address the oppressed position of women worldwide as an international concern, and which would remain the League's first and only body whose composition was based on gender parity (pp. 211, 212). A year later, the World Woman's Party were founded, with the mission of ensuring that gender equality clauses were included in all international agreements, and Anka became the honorary secretary and member of its World Council (p. 213). Their efforts resulted in that such clauses found their place in the UN Charter and UN Declaration on Human Rights (p. 213). Djajić ultimately shows how international law of this era failed those who needed it most, primarily disadvantaged groups such as women and the peoples of Balkans, who remained on the fringes of the interwar stage (p. 219). Nevertheless, the author offers a somewhat more encouraging closure when suggesting that Anka is a symbol of empowerment and that we should all pick up the fight where she left off.

Nowadays the fight seems to be at least as complex as it was in Anka's time. While in some parts of the world the legal and factual position of women is more or less the same as it was in the interwar period, in more developed regions, such as in Europe where they managed to win at least nominal equality, they face other, novel challenges.[7] Regulations regarding the status and rights of LGBTQIA+ persons are only beginning to emerge

[6] They were, however, allowed to become advocates and members of the bar (pp. 202, 204).

[7] One such challenge has recently been traced by Éléonore Lépinard. She forewarns of rising femonationalism, which is the enrolment of feminist values in nationalist far-right political projects (Lépinard, 2020, 180) and appears in political discourse and policy debates in which nationalism, anti-immigrant sentiment, and Islamophobia are being promoted in the name of feminism (Lépinard, 2020, 18).

and only in old democracies. Therefore, it is safe to say that the book is in fact a much-needed contribution to this field, and it is welcomed in a time of crises, embodied in the rise of populism in Europe, multiple ongoing armed conflicts on different continents, and the recent end of the pandemic. Such events are infamous for diminishing rule of law, undermining human rights and worsening discrimination of those that are already marginalized.

The weaknesses regarding the gender-neutral gaze of international law identified in the book are also particularly important in the light of national law, because if states uphold gender stereotypes on the national plane – such as the one of men as breadwinners and women as caregivers – that is directly mirrored in the international arena.[8] On the bright side, international law does contribute to some international feminist strategies, which Charlesworth noticed in its focus on universal problems faced by women, irrespective of their cultural background, with the aim of overcoming the bog of essentialism (Charlesworth 1994, 10). International law does so, for example, by recognizing the challenges shared by women across the globe and providing them with multiple forums for advocacy, confrontation concerning these common issues, and codification of rules that could benefit them. Be that as it may, it must not be forgotten that there is also some truth in the opposite view, the one that defies sex as being the sole underlying reason of women's oppression,[9] and supports a more comprehensive understanding of their lives. The contributions in this volume succeed in following such a trend by continuously acknowledging the complex intersection between the different grounds for discrimination that women usually face, such as race, ethnicity, class, sexual orientation, age or family status. After all, there has long been no denying in international law that a certain amount of individualism is required for understanding the specific position of any member of the particularly vulnerable group in order to provide them with adequate protection.

No law student should go without being exposed to probably all the volumes in this series, as they are source of enlightenment that will shift their point of view, but this particular one should be mandatory reading for all undergraduates and postgraduates majoring in international law, because it will guide them on how to interpret and critically evaluate international legal norms in a gender-sensitive manner. It should also be recommended not only to legal practitioners working in this field, but also those engaged in human rights protection, such as judges, public prosecutors and public

[8] Charlesworth took similar stand concerning gender hierarchies (Charlesworth, 1994, 3).

[9] As argued by, for example, Catherine MacKinnon (MacKinnon, 1987). For "victimization rhetoric" see Ratna Kapur, 2002.

officials, for it is an eye-opening, captivating read that will raise their awareness about gender (and) law. As for scholars, they will certainly benefit from the volume due to its prominent authors and current topics.

Ultimately, the book is an undeniable contribution to the broader legal aspiration of equal respect and protection for all, even though it is debatable whether such a goal is attainable anytime soon, if ever. To achieve gender equality, as Anka Godjevac said, "a man must abandon prejudices on his superiority and woman's inferiority, [abandon his Balkan nature] and recognize a woman for *a human being*" (Godjevac 1928, 3, as cited on p. 207). And that is still an uphill battle.

REFERENCES

[1] Charlesworth, Hilary. 1994. Feminist Critiques of International Law and Their Critics. *Third World Legal Studies* 13: 1–16.

[2] European Court of Human Rights. 2023. *Factsheet – Hate speech*. *https://www.echr.coe.int/documents/fs_hate_speech_eng.pdf* (last visited 21 May 2023).

[3] Godjevac, Anka. 1928. O borbi polova. *Ženski pokret* 9:3.

[4] Greenfield, Mari, Yuval Topper. 2021. The Iatrogenic Harm of Binary Gender in Perinatal Care: How Perinatal Systems Insistence on a Gender Binary Risks Babies Lives. *Obstetric Violence Blog – Durham University*. *https://www.durham.ac.uk/research/institutes-and-centres/ethics-law-life-sciences/about-us/news/obstetric-violence-blog/trans-men-and-obstetric-violence/* (last visited 21 May 2023).

[5] Jolof, Linda, Patricia Rocca, Monir Mazaheri, Leah Okenwa Emegwa, Tommy Carlsson. 2022. Experiences of armed conflicts and forced migration among women from countries in the Middle East, Balkans, and Africa: a systematic review of qualitative studies. *Conflict and Health* 16(46): 2–16.

[6] Kapur, Ratna. 2002. The Tragedy of Victimization Rhetoric: Resurrecting the "Native" Subject in International/Post-Colonial Feminist Legal Politics. *Harvard Human Rights Law Journal* 15: 1–37.

[7] Keller, Helen, Corina Heri, Myriam Christ. 2020. Fifty Years of Women at the European Court of Human Rights. 179–205 in *Identity and Diversity on the International Bench – Who is the Judge?*, edited by Freya Baetens. Oxford: Oxford University Press.

[8] Lépinard, Éléonore. 2020. *Feminist Trouble – Intersectional Politics in Postsecular Times*. New York: Oxford University Press.

[9] Mackinnon, Catherine A. 1987. *Feminism Unmodified – Discourses on Life and Law*. Cambridge, Mass., London: Harvard University Press.

[10] Tower, Amali, 2020. The Gendered Impacts of Climate Displacement. *Climate Refugees*. *https://www.climate-refugees.org/perspectives/genderedimpactsofclimatechange* (last visited June 3 2023).

[11] UN Office of the High Commissioner for Human Rights (OHCHR), 2022. Climate change exacerbates violence against women and girls. *https://www.ohchr.org/en/stories/2022/07/climate-change-exacerbates-violence-against-women-and-girls* (last visited 3 June 2023).