CALL FOR PAPERS

Edited Book Volume

Gender, Human Rights and the Limits of Legal Frameworks: Challenging the Place of Women’s Rights in Post-Transition Countries

EDITORS

John Idriss Lahai, PhD
School of International Studies
Flinders University
Australia

Khanyisela Moyo, PhD
Transitional Justice Institute
University of Ulster
United Kingdom

The end of armed conflicts, the granting of political independence, the demise of authoritarian regimes and the conclusion or termination of the work of criminal tribunals and truth commissions does not necessarily stabilise gender relationships. It does not also signal an end to structural gender based discrimination and violence against women. Women continue to face enormous socio-legal challenges in the aftermath due, in part, to their identities as women. In addition, this is a result of the manner in which the vestiges of the recent societal armed conflict/authoritarian past may have helped in shaping post-transition justice reform processes. For instance, heteronormative societal understandings of, for example, incidences of gender based violence or the identity of female murders and criminals have had a major impact on how courts as platforms of power (over others) interpret and apply the law. The ways in which scenarios of violence against women are imagined and experienced; witnesses are led and cross examined; and evidences understood have contributed to, at best, the trivialisation of some of the core concerns for women (including women who are in conflict with the law) for much of these post-transition countries.

The legal imaginary around the identity of women have also opened up contested spaces for the transformation of legalistic language into an instrument for the patriarchal interpretation of content and context. It also influences the (re)framing and selection of facts, the grafting and linking of substantive and procedural issues in ways that either ends up in the alienation of women or in compromising due process. The existence of patriarchal resistance to women’s rights and equal political representation (viewed as a strategy for the promotion of gender-aware human rights practices) exposes the gender-insensitive nature of the legal modes employed by post-transition states and their courts systems (statutory and customary) on gender-specific issues. Thus, despite the existence of a plethora of global and local initiatives that continue to promote political liberalism, rule of law, gender equality and women’s rights as frameworks for post-war and post-authoritarian justice-sector governance reforms, the persistency of structural barriers have made it difficult for women and other vulnerable groups to use their personal and collective experiences as agentive possibilities for legal reforms in the aftermath.

What, then, are the implications of transitional justice initiatives: criminal tribunals, truth and reconciliation commissions, and the vetting of state institutions on the processes of gender justice reform in post-transition countries? As arenas for the contestation of power and identity, how gender sensitive (or insensitive, thereof) are the legalistic models employed by justice institutions, such as courts and individual justices in these post-transition countries; and how have they impacted on the lives of women who are in conflict
with the law? What are the strategies employed by right-based women’s groups to channel their expressive forms of agency, and alternative paths for the resolution of disputes and grievances, and the ultimate transformation of these strategies into frameworks for legal reform in post-transition countries? In what ways have the underlying legal and political ideas of justice and human rights, and the engendered identity-induced expressions of vulnerability, of ‘otherness,’ and of ‘place’; and of agency and personhood, impact the theoretical and discursive representation of the place of women’s rights in post-transition societies? How can gender-sensitive law reform be formulated and regulated in politically volatile post-transition societies?

To explore these questions, we invite interdisciplinary contributions from scholars and practitioners working on women’s rights issues, broadly defined, in post-transition countries in Africa, Latin America, the Middle East and South-East Asia and the Pacific regions. In the case of Africa we are particularly interested in abstracts that focus on countries that experienced the ‘Arab Spring Uprising’ in North Africa; and South Sudan, which although is still experiencing an intractable civil war, fits our definition of ‘post-transition’ having transitioned into an independent country from Sudan. With respect to the Pacific regions we are particularly interested in case studies from Sri Lanka and Timor Leste. Papers must engage with the strengths and limitations of gender and feminist studies, transitional justice theories — i.e. tort theory, retributive justice and restorative justice theories; legal studies (constitutionalism, human rights and international law), political science, sociology, and social and cultural anthropology.

Kindly submit your abstracts (of no more than 250 words, which should include a statement on methodology and conceptual framework) to the editors: Dr. John Idriss Lahai (john.lahai@flinders.edu.au) and Dr. Khanyisela Moyo (k.moyo@ulster.ac.uk).

The deadline for submission of abstracts is 30 June 2015. Invitations to contribute chapters will be sent out by late July, with draft chapters due preferably by 30 November 2015.