Gender Violence and the Rule of Law: Indigenous Communities in Australia and Post-war Liberia

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ABSTRACT

Overview
The gender agenda is borderless. Arguably, legal justice for Indigenous women and girls who have experienced gender violence has been characterised as unfair, inequitable, and sometimes arbitrary. Violence against women, clad in a myriad of shapes, forms, structures and categories, pervades cultures, societies and states. Unlike comparative studies, the research is founded on heuristic arguments derived from validating the formation, establishment and continuity of Indigenous critical mass in Liberia and Australia bound by common collectives in charting their very own path to justice and equality. While many studies have focused on “gender-based violence” and the “rule of law” in separate contexts, none has zoomed in on the particular extent to which the Western concept of the “rule of law” impacts upon gender violence in Indigenous communities of Australia and post-war Liberia.

Hypothesis
The principle of the “rule of law” is applied fairly and adequately when restoring justice to Indigenous women and girls who have suffered gender violence in Australia and post-war Liberia.

Research Question
Is the “rule of law” an essential axiom [an accepted truth that all is equal under the law] for restoring justice to Indigenous women and girls who are survivors of gender violence in Australia and post-war Liberia?

Objective
The main objective of the research is to examine the efficacy of the “rule of law” in restoring justice to Indigenous women and girls who have suffered gender violence (e.g., female genital cutting, rape, domestic violence, forced marriage, forced adoption, deaths in custody, land dispossession, patriarchy, paternalism, racism etc.).

Methodology
An interdisciplinary approach, grounded in theories of decolonization, (legal) feminism, and intersectionality, this research adopts a mixed method design drawing on case law, secondary statistical data, and survey instruments with service providers and Indigenous women advocates. Triangulated by content analysis of historical documents, case law and case studies, the research draws on a mixed (Indigenous and feminine) research methodologies. A survey of 231 services providers working with Indigenous women and girls and an interview of 29 Indigenous female advocates were conducted between October 2013 and September 2014 in both Australia and Liberia.

Findings and Results
Preliminary findings from the research study show that structural/cultural, institutional/state and interpersonal/community violence are intersecting factors responsible for violence against Indigenous women and girls in post-war Liberia and Australia. Despite cultural, historic, political and socio-economic dissimilarities entre Australia and Liberia, Indigenous women and girls in selected communities are disproportionately predisposed to violence perpetrated and orchestrated at three main levels. Although the rule of law is crucial and seen as an emancipatory tool for justice and redress, it is also used to discriminate against Indigenous peoples.

Conclusion
In conclusion, the study recommends the need for a more comprehensive research focused on Indigenous women and girls. That to effectively reduce violence against Indigenous women and girls, boys and men must be educated and encouraged to equally participate in gender justice advocacy work. A novelty, this research helps give global agency to Indigenous women and girls’ ways of being, knowing and doing justice.

Keywords: Aboriginal, Indigenous, Australia, Liberia, restorative justice, rule of law, international criminal law, feminism, violence against women, decolonisation