

Human Rights Protection, Democratic Deliberation, and Prevention of Violence against Women*

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Abstract

Implementations of human rights into enforceable laws generally involve this move: provide the protections embodied by internationally recognized human rights principles in a way that shows sensitivities to local contexts and customs. This move has come to structure major human rights approaches, including those addressing the phenomenon of violence against women.

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In this article, I argue that these approaches are largely ineffective because of this move. Moreover, in spite of combining with democratic deliberation, in a real-life case, what ends up being implemented is the kind of protection that preserves polygyny, which is a form of customary marriage that maintains the dependency of women. In practice, then, such protection is severely limited. While not rejecting the major approaches altogether, I attempt a rescue move by reconsidering what specifically is involved in the implementations of protections for women in terms of women's rights as human rights. I uncover that the *enforcement* component has been overlooked. Furthering this finding, I draw attention to a different and neglected strategy for addressing violence against women: the policing approach. By being closer to the ground, I argue, this alternative approach can help to achieve what the major approaches have thus far fallen short. As emergent from the best legal practices of preemption, deterrence, and predictive analysis of this phenomenon, I suggest that this approach has the greatest potential to make a genuine difference in the prevention of violence against women.

Key Words: women's rights as human rights, protection, deliberation, prevention, police