Centre of Law and Society
Canolfan y Gyfraith a Chymdeithas



The Centre of Law and Society presents: Readers meet Author session

Human rights penality and violence against women: The coloniality of disembodied justice by Silvana Tapia Tapia

Summary:

This is a regular event where we discuss an article selected by a member/s of the Centre for Law and Society which they regard as being of particular significance to research in law and society.

Abstract:

Despite the persistence of violence inside and around prisons, and the dubious adequacy of criminal law to respond to victim–survivors, international human rights (IHR) discourse increasingly promotes the mobilisation of the state's penal apparatus to respond to human rights violations, including violence against women (VAW). Using an anticolonial feminist approach, this article scrutinises the ontological and epistemological commitments underlying 'human rights penality,' by analysing features of the Western-colonial register vis-a-vis more relational worldviews. Separateness, abstraction, and transcendence broadly underpin the exclusion of embodied experience, context, and material reality from the juridical field. In the second part, through discourse analysis of Inter-American and European case law, the author shows the deployment of human rights penality, the displacement of experience, and the disregard of context in IHR discourse. VAW is construed as a procedural and penal matter: it is the absence of a penal process that courts regard as failure to protect women, rather than the state's inability/unwillingness to address structural subordination. Moreover, the 'virtues' attributed to the penal system justify its expansion, which facilitates the continuity of penal violence and debilitates alternative approaches to justice. Finally, the author posits penal abolition as an anticolonial praxis, pointing at examples of anti-carceral feminist work.

Discussants: Mattia Pinto, York Law School and Ahmed Memon, Cardiff University
Chair: Caer Smyth, Cardiff University

Date: Monday 23 November 2026

Time: 13:00 – 14:30

Teams link - Join the meeting now

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Passcode: Vv3Rq3YB