



**Oxford Human Rights Hub**  
A global perspective on human rights



## **International Conference on Affirmative Action and the Sustainable Development Goal of Gender Equality**

**22nd- 23rd September, 2018**

**Tiruchirappalli**

Tamil Nadu National Law School, Tiruchirappalli  
in collaboration with  
Oxford Human Rights Hub, Oxford University, United Kingdom

### **Call for Papers**

#### **Introduction**

In 2015 the United Nations adopted a resolution which laid down 17 Sustainable Development Goals (SDGs) for the purpose of “transforming our world” by 2030. The 5th goal in the list was to “Achieve gender equality and empower all women and girls” (Goal 5). Under this broad goal, the resolution also proposed specific targets, including “...full and effective participation and equal opportunities for leadership [for women] at all levels of decision-making in political, economic and public life”. National governments are free to adopt measures to achieve these targets and goals, while taking into account local conditions.

One of the most direct legislative or policy interventions that can be taken by States to achieve Goal 5 of the SDGs is affirmative action (AA) - positive discrimination in favour of women in leadership positions either through reserved quotas or through institutional preferences. Despite its success in increasing participation of women in leadership positions, AA remains controversial. Critics oppose AA on the grounds of it being anti-meritocratic, discriminatory against men, and paying inadequate attention to the economic as well as social disparities between different classes of women. Moreover, countries that have AA policies are still grappling with deeply entrenched gender inequalities, leading some to question the overall utility of AA.

India, for example, was one of the first countries to adopt AA policies favouring women in elected bodies. The 73rd and 74th Amendments to the Indian Constitution provided that not less than one-third of the seats in the village councils as well as urban municipalities should be reserved for

women. Further, the amendments provided that one-third of the chairpersons of both village councils and municipalities have to be women. Despite this constitutional push, gender equality in leadership positions in India remains a distant goal. Studies have shown that most reserved seats are held by female relatives of local male elites in villages, who act as proxies for the unelected male leaders and have little say in local governance. Further, there is little upward mobility amongst local women leaders, and very few of them are able to win seats in state or central level legislatures. Currently, only 11.8 percent of the members of the central legislature of India are women, putting India at the 148<sup>th</sup> position in the world rankings of women's representation in government by UN Women. A bill to provide reservation to women in the national legislature has been introduced numerous times in the parliament, but has on each occasion, failed to pass.

While AA in politics has been heavily debated, less attention has been given to AA in other positions of responsibility. India, for example, has used affirmative action to reserve seats for women in educational institutions as well as in public employment. This has been done without significant controversy, primarily because the original provisions in its Constitution permitted the State to make such "special provisions" in favour of women. AA policies are now being suggested in favour of women as directors in company boards, professors in academia, judges in the courts of law and civil servants. In general, however, academic attention to AA beyond politics, and its possibility of achieving Goal 5 of the SDGs has been largely ignored.

Another area which remains largely unexplored by scholars who study AA is that of intersectionality. Critics have shown that political reservations for women in India have largely benefitted the upper-caste, upper-class woman, which has led to further entrenchment between caste and class hierarchies in rural India. A similar criticism has been made by critical race feminists, who have long argued that "women of color are marginalized or erased in discourses over sex and gender, as well as over race and ethnicity" and therefore lose out disproportionately from AA policies. In effect, proponents of this view argue that AA achieves a formalistic, numerical representation of women which does not lead to the inclusive, transformative gender equality that the SDGs aim for.

This conference proposes to bring together scholars, practitioners and students working in the fields of law, statistics, economics, sociology, anthropology, public policy, gender studies and other social sciences, to explore the link between AA policies that favour women in positions of leadership and achieving target 5.5 of the SDGs.

## **I. Conference Sub-themes**

### **1. Efficacy of Affirmative Action in Achieving Gender Equality and Goal 5 of the SDGs**

The central question of the conference is whether AA policies lead to gender equality. This question is particularly pressing, given that States which have AA policies often continue to perform poorly on global indicators of gender equality. The argument supporting AA's potential to bring in sustainable social change has, until now, suffered from a lack of reliable time-series data. Debates on the issue have thus focused more on rhetoric and possibilities, rather than evidence. We therefore

invite papers which bring to the foreground, evidence that either supports or negates the link between AA and Goal 5. Submissions that investigate the claim that AA policies lead to an increase in numerical representation of women without leading to transformative and sustainable gender justice are encouraged. We are particularly interested in empirical studies on the efficacy of AA policies, which includes quantitative studies that aggregate existing survey data as well as case-studies based on ethnographic work. All such papers will inevitably have to adopt or develop indicators which measure progress towards Goal 5, and we thus encourage papers that create reliable empirical indices measuring Goal 5 targets for other scholars to use.

## **2. Affirmative Action for Women and Human Rights Law**

AA policies are often challenged on the grounds of violating one or more tenets of human rights law. In India, for example, caste-based AA policies were placed under judicial scrutiny as they allegedly violated the “equality before law” provision within the Indian Constitution. We therefore invite papers which answer the question: How do we resolve conflicts between AA policies for women and human rights law? More specifically, we encourage papers that look at comparative and theoretical analysis of AA and as well as submissions that locate AAs place within the larger domain of anti-discrimination law. We are also interested in papers which explore the relationship between AA and other gender-specific approaches, with protective legislation on the one hand, and maternity/parental leave, child-care facilities, social security etc. on the other. Papers may address whether these approaches compliment or are in conflict with each other, or explore the comparative efficacies of the two in achieving Goal 5. We also encourage submissions which seek to locate AA within the wider framework of CEDAW and other relevant international human rights instruments, as well as comparative law and social science.

## **3. Affirmative Action through Reservation Policies vs. Affirmative Action through Preference Policies**

While most AA policies focus on reservation, there exist other methods of positive discrimination in favour of women. AA is also possible through preference-based policies such as, *inter alia*, lowering minimum eligibility standards, adding additional selection points in a point-based selection system or creating work environments favourable to the preferred class. Despite its widespread use, especially in admissions to educational institutions, preference-based AA policies have not received enough academic attention. We thus invite papers which answer the question - How do preference based AA policies compare with those based on reservation?

## **4. Intersectionality in Affirmative Action: Situating Caste, Class And Race in the Affirmative Action Dialogue**

Class, caste and race continue to define the hierarchical domains in which AA policies for women might be situated. Consequently, AA policies are often criticised as benefiting the rich, upper-caste, white woman. Poor, lower-caste, coloured women continue to face multiple fronts of discrimination, in addition to discrimination due to gender. We invite papers which look into this

relationship between gender and other forms of discrimination, as well as those which address how AA should take this relationship into account. One method of taking into account intersectionality is “double dip” AA policies - positive discrimination in favour of certain groups within seats reserved for women. We encourage papers which favour or critique such policies, as well as those which are aimed at understanding the difference between gender-based AA and AA policies for race, caste and class.

### **5. Affirmative Action in Non-Political Institutions**

Scholarship on AA for women has largely been restricted to political representation. AA has however often been suggested as a policy to break the glass-ceiling in all leadership positions, including in the private sector. We thus invite papers which investigate the possibility of AA policies in non-political contexts such as courts, tribunals, civil services, companies and academia. We are particularly interested in submissions which address whether the contextual differences in institutions affect the application of AA policies in favour of women.

### **6. Affirmative Action: Strategies for Mobilisation**

The issue of AA for women has faced significant opposition despite extensive mobilization in its favour. AA policies that favour women have thus seldom found their way into legislation, possibly because men in these institutions want to maintain status quo. There is thus a need to understand the deeper structural dynamics that influence legislative processes which crystallize AA. We invite papers which attempt to understand and critique the strategies used by AA advocates to garner support for AA. Is there a need to reframe the AA debate in new and innovative ways? How can we integrate AA into the wider debate for gender equality, Goal 5 and the SDGs? What can we learn from strategies used in different States, by different actors in favour of AA? We encourage submissions which attempt to answer these questions.

**These themes are, of course, intended to be suggestive and we remain open to other novel approaches which study the link between affirmative action and gender justice.**

## **II. Conference Details**

The conference will be held on 22nd- 23rd September, 2018 at Tamil Nadu National Law School in Tiruchirappalli, India. The conference will run over the 2 days with parallel sessions in the morning, afternoon and evening.

Participants are expected to secure their own funds for airfare and accommodation. Local transportation and meals will be provided to the presenters. Should you require additional assistance, please contact us at [affirmativeaction.tnnls@gmail.com](mailto:affirmativeaction.tnnls@gmail.com).

### III. Conference Schedule

1.	Call for Papers	19th December, 2017
2.	Last date for submission of abstracts	28th February, 2018
3.	Intimation of selection of abstracts	30th March, 2018
4.	Last date for submission of draft papers	1st July, 2018
5.	Conference Dates	22nd- 23rd September, 2018

### IV. Submission Guidelines

Please email your abstract as an MS-Word (.doc, .docx) file without any identifying references to [affirmativeaction.tnnls@gmail.com](mailto:affirmativeaction.tnnls@gmail.com) with the subject-line “Abstract Submission”. Please attach a separate document containing the title of the proposed paper, name of the author(s) and name of the institution(s). Abstracts are due by 11:59 PM on 28th February, 2018. Abstracts must not exceed 800 words. Co-authorship is allowed.

Abstracts will be selected through a double-blind peer-review process. Selection will be based on originality, method and relevance to the conference theme as well as geographical and gender balance. Only one abstract per author will be considered. Selected authors will be notified by 30<sup>th</sup> March, 2018. Draft papers will be due on 1<sup>st</sup> July, 2018.

### V. Publication

Select conference papers will be published in a special edition of the TNNLS Law Review.

For clarifications, please write to [affirmativeaction.tnnls@gmail.com](mailto:affirmativeaction.tnnls@gmail.com). You can follow us on twitter @AATnnls and @OxHRH.