

## Editorial

Amsterdam Law Forum has come a long way since it published its first issue in September of 2008. From the beginning, it has taken a thematic approach, touching upon various issues at the convergence of law and society. The journal has addressed pressing societal issues such as the financial crisis and freedom of expression, and received contributions from young authors trying to publish as well as established academics from around the world.

Although there are many more interesting issues we could touch upon in our journal, the editorial team has decided to alter in a fundamental way the direction of the journal. Beginning with the summer issue, we will focus on international and transnational law, specializing in security and criminal law. We embrace an interdisciplinary approach to provide a fuller view of current legal, political and social developments in this field. Narrowing our scope gives us better possibilities to attract authors and readers who are interested in these topics, and give them a space for debate. Furthermore, by moving away from thematic issues, we hope to achieve our goal of becoming a peer-reviewed publication.

The topic of Amsterdam Law Forum's last thematic number is 'Legal Perspectives on Gender and Sexual Equality'. The appearance of this issue coincides with the diamond anniversary of gay marriage in the city of Amsterdam. On 1 April 2001, the world's first gay marriage took place here. This milestone was preceded by a fierce political struggle and only a handful of other countries followed suit and began allowing and recognising same-sex marriage. The debate on this issue clearly shows a convergence of law and morality, and we are very happy to present five authors willing to share their insights in this matter.

Allison Jernow examines the use of public morality justifications in constitutional challenges to laws that criminalize same sex relationships and the use of the notions of privacy and equality as counter-arguments to morality in court cases all over the world. Harry Hirsch examines the idea of freedom of association; because freedom to associate also gives individuals the right to not associate, this very idea, paradoxically, leads to exclusion and marginalisation. He argues therefore for a measure of state involvement, to regulate the mechanisms liberalism and thus achieve freedom and equality, looking at how liberal political theory understands this paradox and exploring case law.

At a more practical level, Ian Curry-Sumner traces the political decision-making process concerning same sex marriage in the Netherlands. He outlines the current state of the domestic laws with regard to the legal recognition of same sex relationships in Europe and discusses the developments in this field at the European Court of Justice and the European Court of Human Rights. To further

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the debate Lynn Wardle identifies some flaws in the legal thinking legalizing same-sex marriage. The author argues that the legalization of same-sex marriage will transform the social understanding of what marriage is, what it means, and what obligations it brings for married couples in ways that devalue and weaken the social institution of marriage. Arthur Leonard examines the impact of a series of decisions by United States District Court judges in 2010 on the ongoing struggle by sexual minorities to achieve equality before the law. According to the author, these decisions may indicate significant progress towards achieving legal equality for sexual minorities in the United States.

Another anniversary coinciding with this publication is in upcoming July; exactly one year ago UN Women was created, a United Nations organization dedicated to promoting gender equality and the empowerment of women. In too many societies, women are still marginalized and vulnerable to oppression and violence. Yet there is an increasing awareness of the role of women in (re)building society. 'Gender' has therefore become a popular term in the peace building discourse, but what does gender sensitivity actually entail?

Dale Buscher points to the need to understand 'gender' in the broadest sense, recognizing the social differences between females and males but also the differences within females and males. Broadening the interpretation of 'gender', however, does not make attention for the legal protection of women in any way redundant. In conflict situations women are still facing severe threats; in several African conflicts, sexual violence has been set in as a weapon of war. Nicole Maier discusses the status of the crime of rape under the Rome Statute of the ICC. Annemarie de Brouwer and Sandra Ka Hon Chu give a personal account of impact of sexual violence on women in Rwanda. Susan Martin reviews the impact of the 1951 United Nations Convention Relating to the Status of Refugees and the 1991 UNHCR Guidelines on the Protection of Refugee Women and identifies a gap between rhetoric and reality when it comes to equal and effective protection to female and male refugees.

Sarah van Walsum analyses the assumptions concerning the relationship between the family, the (welfare) state and citizenship that underlie current Dutch family migration policies. Next, the author compares the national with the European Union perspective showing considerable discrepancy between Dutch family migration law and EU law. Pascal Fournier addresses the relationship between gender equality and Islamic law in Africa and East Asia in terms of the legal reforms implemented at the national level as well as the practical reality of women's lived experiences. Karen Evans' article is concerned with women and girls coming under the remit of the criminal justice system. The author gives an account of the rise of gender responsive policy making in the late 20<sup>th</sup> century and explores the nature of its impact, as well as its sustainability within policy-making circles.

To expand upon the topics discussed in this issue, Amsterdam Law Forum organized a conference on 13 May 2011. We look back at a very interesting event with fruitful discussions and we are thankful that Ian Curry-Sumner, Dale Buscher, Susan Martin and Sarah van Walsum found the time to travel to Amsterdam and discuss with us their articles in more depth. Alderperson Andrée van Es, responsible for diversity and integration policies in the Amsterdam City Council, agreed to be the opening speaker at this event. You can find her speech as well as the conference report in the discussion section of this issue.

Amsterdam Law Forum is a young and ambitious journal always striving to improve our standards of quality, to attract new readership and to foster a continued discussion through providing a diversity of articles that are accessible to the broader public. We hope that our journal's new direction will further these ambitions.

Sofie Dreef  
Editor-in-Chief

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