

A. What is access to justice?

1. The conceptions of access to justice discussed above came largely from the practice of state justice systems and international human rights institutions. Communities have their own notions and articulations of justice as part of their social practice of law. Women in communities may have their own conceptions and practices of access to justice given their distinct grievances and experiences in navigating (or not) both state and non-state justice systems. Thus, it is critical to engage women users and non-users of state and non-state justice systems toward a conceptualization of access to justice that is not prescriptive. Women's perspectives should be the starting point of any study on women's access to justice, and women's active participation is essential to the process of developing programs that seek to enhance their access to justice.
2. A community's concept and practice of justice may be integrally linked to the concept of mutual obligations of the members of the community, articulated in such statements as "to enjoin what is good and forbid what is bad/evil," or "what is not shameful," or "what does not put the community at risk." Justice may also be what brings peace to the community. Sometimes there may be contestations between women's individual claims for justice and community values. Women need to be empowered to engage with the community's notions and practice of justice as well as with the construction and distilling of knowledge in their customary, indigenous or religious tradition towards being full participants in the evolution of the norms and processes of the tradition. At the same time, it is also important to explore how collective justice is related to women's notions of justice and their struggles for their own empowerment. Constructive practices of justice should be given the same attention in the research as discriminatory or harmful ones. The concept of restorative justice or its equivalent in the community may also be explored.
3. The sense of civility and decency in an indigenous or customary justice system may be different from that in a community-based state justice mechanism (e.g., the *Katarungang Pambarangay* mechanism in the Philippines) found in the same community. There are also negative notions of justice in communities, such as when people believe that justice is only for the rich, or that it is inefficient, slow, and corruptible. Frustrations with the justice system may be expressed in common expressions like "*ipasa-Diyos na lang*" (Leave it to God).
4. Some of the questions that may be included in this inquiry are:
 - (a) What are the *elements* and *indicators* of access to justice for women? What kinds of systems, structures, and mechanisms are essential in women's access to justice? What structural changes are needed to enhance women's access to justice?
 - (b) What *normative standards* should be used in evaluating non-state justice systems? What are the obligations of non-state justice systems under international human rights law? Who decides whether the norms of a non-state justice system are just or appropriate for women?