Some research considerations

1. The study of women's access to justice in Southeast Asia should take note of lessons from the histories of the countries in the region, both in the colonial and postcolonial periods. The impact on the poor and the disadvantaged, including women, of the colonial and postcolonial transplantation and imposition of laws and efforts to achieve a unitary state legal order should weigh in on any study on state and non-state justice systems.

2. Concerns have been raised regarding the effectiveness of direct interventions to make the normative rules of state and non-state justice systems conform to international human rights standards. It has been pointed out that without any general social acceptance or corresponding engagement with deeper processes of social change, formal changes in laws are ineffective in changing social behavior. Further, there is concern that interventions in traditional or customary legal systems may disrupt the fluid, dynamic and flexible nature of customary law and its dispute resolution function, which provides 'considerable space for contestation and adaptation,' and may actually reduce the spaces where women can engage in constructive contestation to advance their rights.[53] Formalizing traditional or indigenous non-state justice systems may also prejudice the effectiveness of these systems. These concerns must be taken into account both in the study of women's access to justice and in developing programs to enhance women's access to justice.

3. Advocating women's human rights in the context of religion and culture presents challenges. In conducting research, it is critical to have sensitivity and respect for the cultural norms and values of the community. The principles and standards of the Women's Convention may still be used to underpin any community-based advocacy, but its effectiveness would require invoking community values that are commensurable to human rights principles and standards, or finding the dynamic equivalence of human rights in the cultural or religious tradition, or identifying areas of convergence and compatibility. Communities have to be engaged in critically examining their own

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53. Chopra & Isser 2012; see, for example, UN Women 2011, p. 72.