

foreword

Women's access to justice is an essential component of the system of protection and enforcement of human rights. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) speaks repeatedly of the need for states to ensure that law and administrative practices are non-discriminatory while advancing women's equal rights, opportunity and participation.

Despite ratification of human rights treaties, the reality for too many women is that justice remains out of reach. Even where gender-responsive laws exist, women continue to be denied justice because of deficits in the implementation of laws and their inaccessibility to women as a consequence of intersecting inequalities. This is especially true for women who are poor, women from racial and ethnic minorities, refugee and displaced women, women with disabilities and indigenous women.

In its flagship report 'Progress of the World's Women: In Pursuit of Justice' UN Women asserts a conceptual framework for strengthening women's access to justice. The report highlights the ways in which governments and civil society are working together to reform laws and create new models for justice service delivery that meet women's needs. These include the need to put gender equality at the heart of the Millennium Development Goals, support women's legal organizations, support one-stop shops and specialized services to reduce attrition in the justice chain, train judges and monitor decisions, implement gender-sensitive law reform and increase women's access to courts and truth commissions during and after conflicts.

Similarly, despite the legislative process to eliminate direct and indirect forms of sex discrimination, women in Southeast Asia are still confronted with many harmful and discriminatory practices without adequate redress from the administration of justice. Actors in the justice sector may be constrained by laws that are not gender-responsive and may themselves perpetuate rigid and restrictive gender roles and stereotypes in their decision-making. This challenge is compounded in countries where there are plural legal systems, a combination of constitutional, customary, community-based and religious judicial or quasi-judicial decision making. States are called upon to ensure that the functioning of these plural systems is in conformity with international treaty obligations.

The complexity of respecting the diversities of cultures as dynamic systems of beliefs and practices while transforming aspects that violate women's rights is a key concern of CEDAW. Article 5 calls on states "To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women." This concern was reiterated at the Regional Southeast Asia Judicial Colloquium on Gender Equality Jurisprudence and the Role of the Judiciary in Promoting Women's Access to Justice where the participants, judicial officers