

5. Since many cultural and religious traditions put greater emphasis on social cohesion and harmony than on individual rights, women may be denied redress for rights violations when they access non-state justice mechanisms. In some cases, no relief can be obtained at all from a customary or religious legal system, particularly when it does not provide sanctions for acts of violence against women.⁵² Women are then left with the choice of accessing the state legal system, where it provides a remedy, or not accessing any state justice mechanism at all, especially when they are confronted with social and institutional barriers.
6. The questions that may be pursued in this area include:

State mechanisms

- (a) What state justice mechanisms are found in the community? If none is found in the community, where can they be found? Is their location accessible? How has location affected the filing of complaints or the resolution of disputes?
- (b) Do the state justice mechanisms apply to all, or do they apply only to a particular religious or ethnic group?
- (c) Are women familiar with the state justice mechanisms and how they operate?
- (d) What are the advantages, if any, of state mechanisms over non-state mechanisms?
- (e) What problems have women encountered with state justice mechanisms?
- (f) What beliefs or attitudes of the actors in the state justice system have adversely affected women who have accessed or tried to access the mechanisms?
- (g) What factors (personal, social, or institutional) have prevented women from accessing state justice mechanisms?

Non-state mechanisms

- (a) Is there any non-state institution or mechanism in the community that resolves disputes?
- (b) Is the non-state justice mechanism part of a religious or customary legal tradition?
- (c) How was this mechanism created? What is the source of its authority and legitimacy?
- (d) Who constitutes and controls the mechanism?

52. UN Women 2011, p. 69.