

Access to justice for women in plural legal systems of Southeast Asia¹

A Guidance Paper

This paper is part of the UN Women's efforts to provide guidance for its regional research project aimed at evaluating women's access to justice in the plural legal systems of Southeast Asia and determining how women's access to justice can be enhanced according to the standards of international human rights law. This paper defines the broad parameters of the inquiry, which can be detailed and refined further at the country level.

A. Legal pluralism and Southeast Asia

1. The understanding and meaning of *legal pluralism* vary, depending on the form and social field of the legal plurality described. In one limited sense, legal pluralism refers to *state legal pluralism*, which means that different bodies of state law apply to different groups of the population within the state, depending on ethnicity, religion, nationality, or locality. However, other legal orders operate within the state alongside the official legal system, and these sometimes complement, conflict, or overlap with the latter. This is *also* legal pluralism. It describes the social reality that what some groups or communities recognize as law may not be state law, and the institutions or mechanisms that enforce that law may not be of the state or part of the official legal system. Scholars note that this concept of legal pluralism is not settled, owing to the lack of agreement on what constitutes law outside of state law.²

1. Prepared by Evalyn G. Ursua for the UN Women (October 2013). This Paper integrates the comments and ideas from two workshops: the Peer Review Workshop on this Guidance Paper held on June 26-27, 2013 at Bangkok, Thailand and the National Workshop on UN Women's Research Guidance Paper on Women's Access to Justice in the Plural Legal Systems in Southeast Asia, August 20-21, 2013 at Quezon City, Philippines.

2. See Tamanaha 2009, p. 297.