

NAVIGATING COMPLEX PATHWAYS TO JUSTICE

Women and Customary and Informal Justice Systems

While it is important to recognize the complexity of engagement with customary and informal justice (CIJ) systems, there are models, lessons and approaches that can be shared to expand women's access to justice and gender equality.



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Recurring estimates show that globally, disputes are largely resolved outside of the formal courts, through CIJ systems. Issues of significance to women, such as inheritance, family formation, divorce, property rights, control and governance over land and natural resources, and even violence against women and girls, are resolved or adjudicated through informal mechanisms.

Despite their documented advantages, CIJ systems are often skewed against women and girls, favoring male-dominated structures, patriarchal values, and discriminatory and harmful outcomes for women and girls. While it is important to recognize the significant challenges of engagement with CIJ systems, there are also models, lessons and approaches that can be shared to pursue strategic engagement in line with Sustainable Development Goals (SDGs) 5 and 16, with the ultimate aim to expand women's access to justice and gender equality.

POLICY RECOMMENDATIONS ON WOMEN AND CIJ SYSTEMS

- 1** Ensure that women's human rights are recognized as central and indispensable to engagement with CIJ systems
- 2** Focus on empowering women to make informed decisions when seeking justice and to participate in and benefit from CIJ decision-making processes
- 3** Deepen efforts to support CIJ systems that are committed to improving women's rights and their access to justice
- 4** Facilitate safe environments for women to enjoy their rights and pursue justice
- 5** Ensure that women's voices at local, national, regional and international levels are heard and constitute a critical part of reform strategies
- 6** Strengthen investment in participatory and collaborative research that informs policy and programming on CIJ
- 7** Explore partnerships and strengthen alliances to build momentum for transformative change for justice for women and girls



As the international community strives to achieve Goals 5 and 16 of the 2030 Agenda for Sustainable Development, engaging with CIJ systems becomes increasingly important to realize justice for all and ensure that no one is left behind, especially the most vulnerable and marginalized.

ENTRY POINTS AND MODALITIES FOR ENGAGEMENT WITH CIJ SYSTEMS

EMPOWER WOMEN TO ACHIEVE JUSTICE

- » Strengthen women's knowledge of the law and their rights
- » Amplify women's voices and provide platforms for expression and action
- » Facilitate and build on the work of local women's organizations
- » Support women to navigate justice mechanisms, formal and informal

ADOPT AND IMPLEMENT NORMATIVE FRAMEWORKS THAT BENEFIT WOMEN AND PROTECT THEIR RIGHTS

- » Address gaps in the legal protection of women's rights
- » Advocate for gender-responsive normative reforms
- » Address challenges that arise in implementation

PURSUE GENDER-SENSITIVE REFORMS OF CIJ SYSTEMS

- » Improve gender sensitivity and responsiveness of CIJ actors
- » Strengthen representation and participation of women in CIJ decision-making
- » Locate and eliminate processes, procedures and practices that restrict or nullify women's human rights
- » Strengthen gender-sensitive accountability and oversight mechanisms

BUILD AND EXPAND ALLIANCES AND PARTNERSHIPS THAT SUPPORT WOMEN'S HUMAN RIGHTS IN CIJ SYSTEMS

STRENGTHEN RESEARCH ON WOMEN'S EXPERIENCES WITH CIJ SYSTEMS



In a bid to make justice accessible for all, IDLO has conducted a global consultation on CIJ systems. The global dialogue is informed by a series of publications titled “*Navigating Complex Pathways to Justice*” that seeks to advance policy dialogue and distil lessons from programming and research, to help realize Sustainable Development Goal 16.

Women and Customary and Informal Justice Systems is the third publication in the series, focusing on the relationship between women and CIJ systems. It brings together current research, expert perspectives and programmatic experience, addressing:

- » the evolution of legal and policy debates on women and CIJ;
- » challenges women encounter in accessing justice through CIJ systems;
- » gender-focused engagement entry points, modalities, and good practices for CIJ systems; and
- » policy recommendations to improve women’s rights and access to justice.

Read the full publications here:

