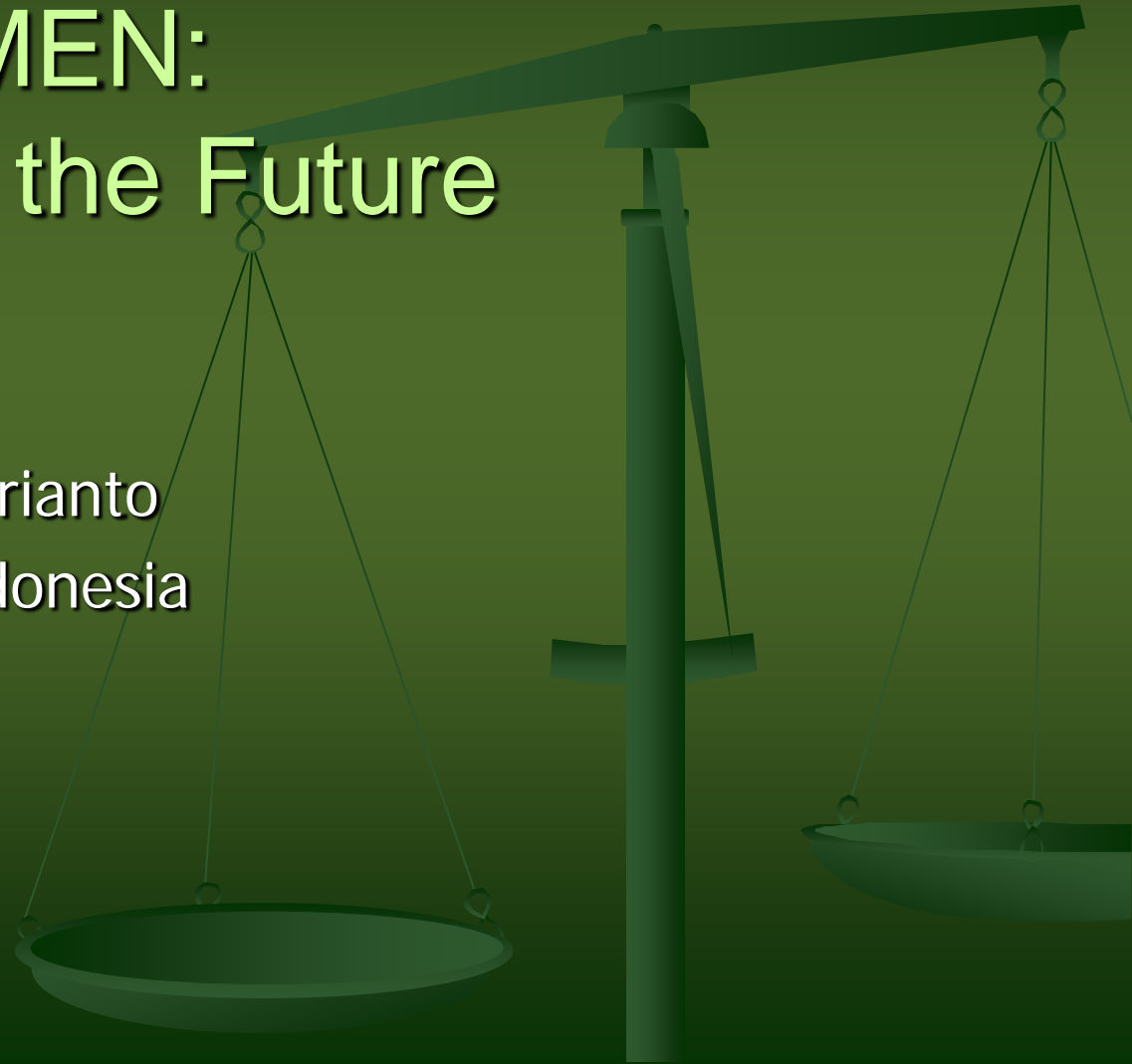
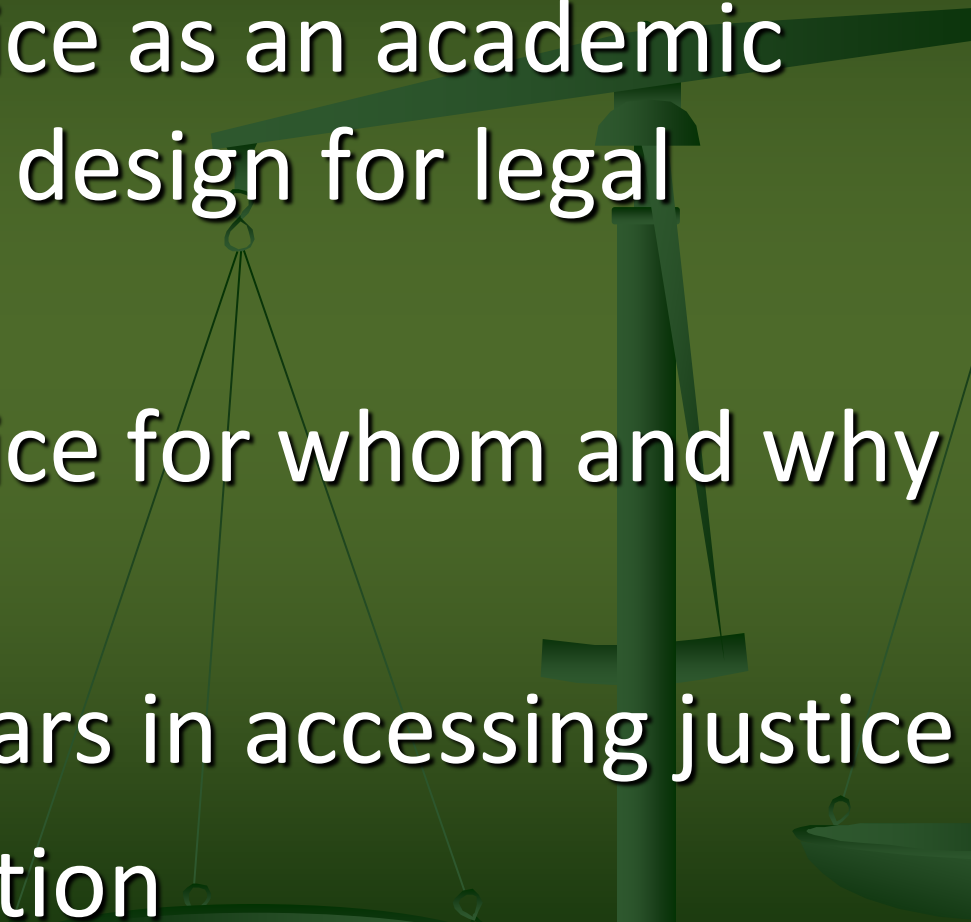


# ACCESS TO JUSTICE FOR WOMEN: A Hope for the Future

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# Outline

- Access to justice as an academic paradigm and design for legal development
  - Access to justice for whom and why ?
  - Four main pillars in accessing justice
  - Recommendation
- 

# Access to Justice (A2J)



- The third wave of legal development legacy after “*Law & Development Movement*” (1960) & “*Rule of Law Movement*” (1990)
- A2J was designed as a lesson learned from the failure of the two previous legacy/programs
- A2J is the new paradigm in analyzing poverty from legal perspective.
- Deconstruction in viewing poverty : → *Poverty is man made* (CLEP 2008)

# Various Definitions of Access to Justice (Bedner)

From:

- 'Access to Justice concerns the availability of legal aid for poor people' (paraphrase of the concept as implicit in the famous Dutch Access to Justice study *De weg naar het recht*, 1975)

to

- 'Access to Justice is the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards' (UNDP 2005)



# Various Definitions of Legal Empowerment (Bedner)

‘The use of legal services, often in combination with related development activities, to increase disadvantaged populations’ control over their lives’ (Golub 2006)

‘Fighting poverty by identifying and providing the poor with legal and institutional tools that allow them to benefit from greater security and to create wealth within the rule of law’ (CLEP 2006)

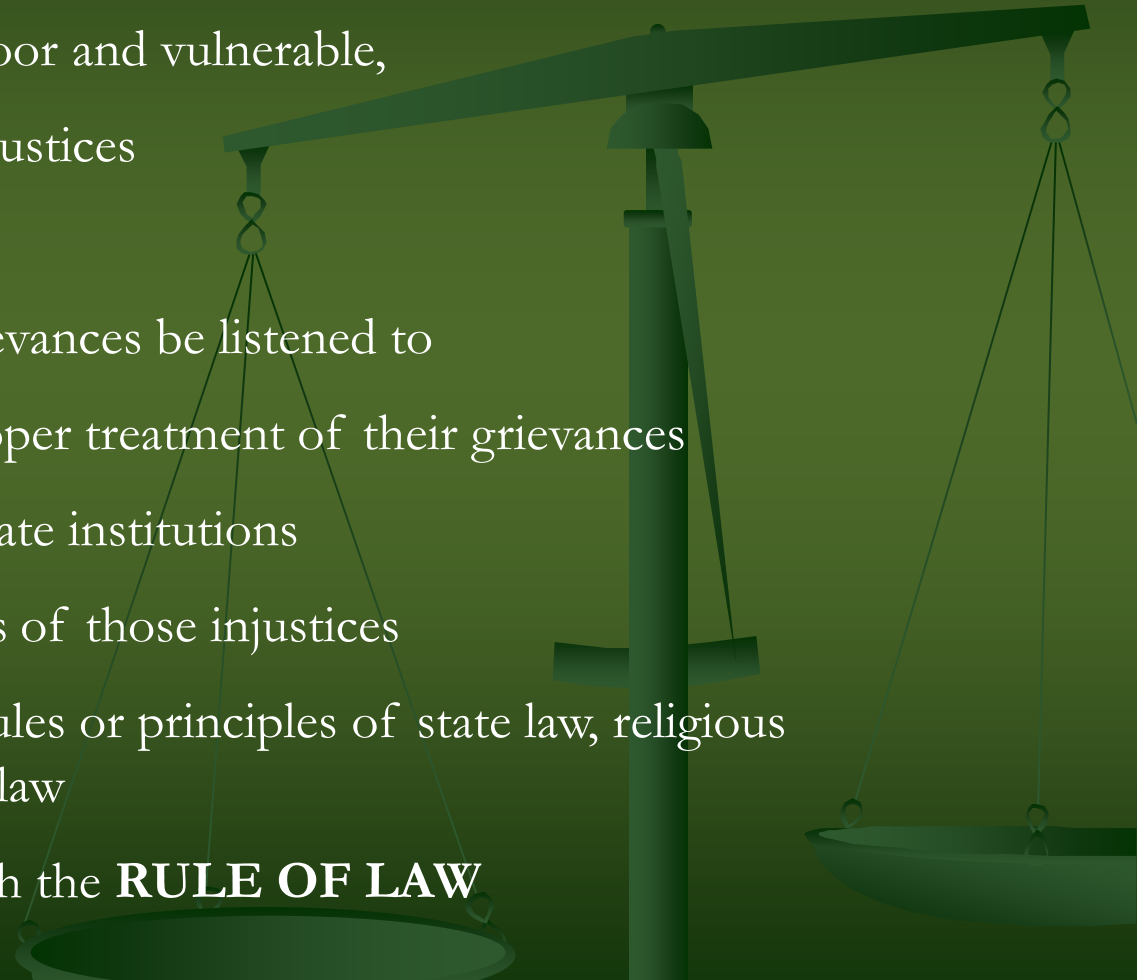
‘To create rights, capacities, and/or opportunities for the poor that give them new power to use law and legal tools to escape poverty and marginalization.’ (Bruce et al. 2007)



# 'Umbrella Definition' of A2J (Bedner & Vel

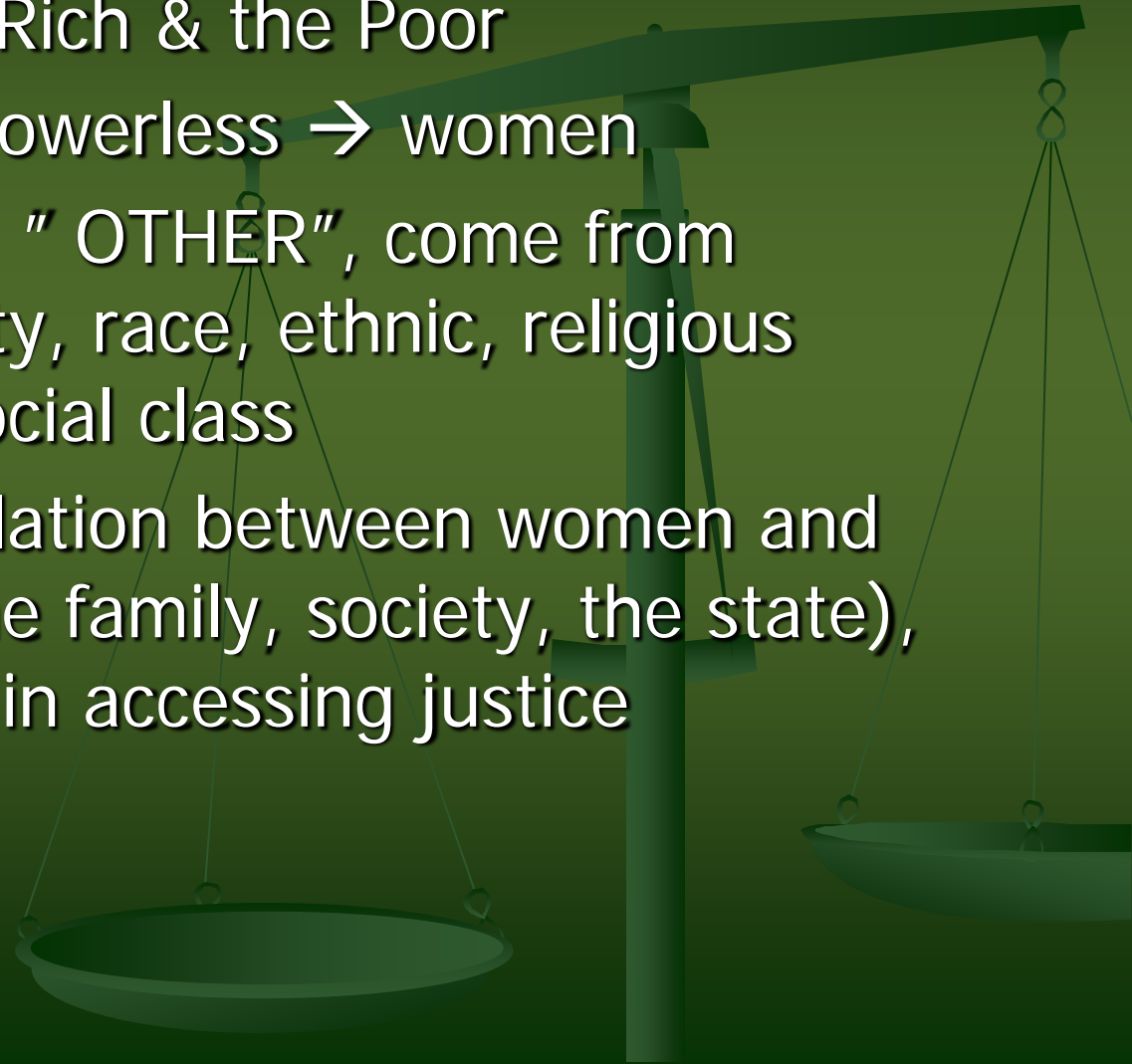
Access to justice exists if:

- People, notably poor and vulnerable,
- Suffering from injustices
- Have the ability
- To make their grievances be listened to
- And to obtain proper treatment of their grievances
- By state or non-state institutions
- Leading to redress of those injustices
- On the basis of rules or principles of state law, religious law or customary law
- In accordance with the **RULE OF LAW**



# Why “justice for women” ? NOT “justice for all” ?

- Gap between the Rich & the Poor
- The Poor = the powerless → women
- Women for being “ OTHER”, come from different nationality, race, ethnic, religious minority group, social class
- Unequal power relation between women and other actors (in the family, society, the state), constraints them in accessing justice



# Four Pillars in granting gender justice



- (1) The availability of good laws (law which promoting & granting gender equality)  
→ legal reform
- (2) Access to legal knowledge (for women & legal officials, executive, parliament members)
- (3) Access to legal identity
- (4) Access to legal aid & consultation



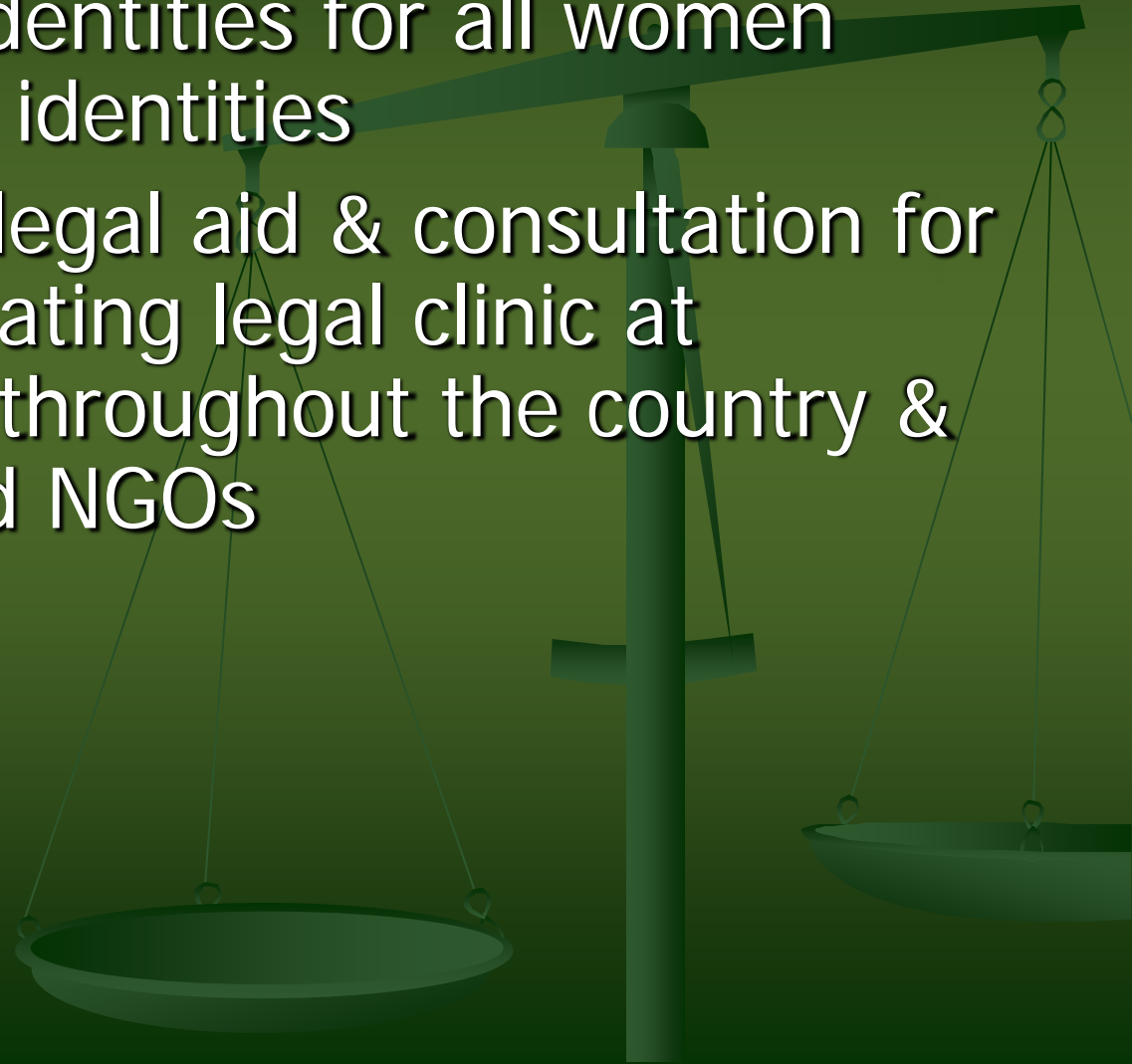
# Reccommendation



- ❑ Integrating legal development & other development in all sectors
- ❑ Legal Reform: amending & abolishing “bad laws” & introducing good laws making process
- ❑ Introducing “Integrated Criminal Justice System” :
  - ❑ (1) “one stop justice & crisis center”
  - ❑ (2) certified legal officers who are handling women cases in the court
  - ❑ (3) room for women cases in the Supreme Court

# ...continue

- ❑ Granting legal identities for all women regardless their identities
- ❑ Strengthening legal aid & consultation for women by activating legal clinic at faculties of law throughout the country & women legal aid NGOs



TERIMAKASIH

