

Concept Note

Women Must Be at the Table: A Simple Suggestion to Improve Meaningful Access to Justice for All Women

Many women are disappointed by law and justice because law and justice had no been helpful to those who faced troubles or were in vulnerable situations. Some in-depth researches from Japan and elsewhere illustrated two facts: Men and women of similar education and economic resources (income and/or job stability) express similar understandings and satisfaction toward law in action. Persons with higher education and/or better economic resources value their experience with law and legal systems much higher than those with less education and/or economic resources regardless of their gender. Let us not forget that in most countries, men, statistically, attain higher educational levels, and utilize more economic resources than women. If available means to achieve higher degrees and to enjoy economic conditions come hand-in-hand, as in many countries, the disappointment that many women express when they encountered law and justice may well reflect the reality of women and poverty intertwined.

Our first reaction for a better “Access to Justice for All Women” was that if there were more women lawyers, practitioners, barristers, solicitors, advocates (and of course, judges and prosecutors), women will be provided with adequate information and appropriate explanation than they can access today. We expected more gender-sensitive lawyering will eliminate misinformation or biased information and appropriate understanding of law and justice. Therefore, the key to improve “Access to Justice” will be to increase the number and percentage of women with functioning knowledge of law.

As many women are well aware, law and legal system are supposed be equally accessible to all in theory in many countries but not really in practice. Sometimes, there are bias within the system which reinforces stereotypes and places irrational barriers to those who wish to use it. (Ms. Miyashita’s story of barriers to effective enforcement of default payment concerning child support shows that no mothers with infants or small children were present when drawing up the scheme.) As we have long been arguing, in order to design bias-free system, and to adapt it to the reality of our lived lives, we need more women (and those who experienced or those who can easily imagine one’s life during childcare period) at the planning and decision-making process. Ms. Okwiry’s presentation about how to deal with Gender-Based-Violence with law can be a success with gender-centered approach, or Professor Takemura’s explanation of jus post bellum and how it should be for any long-lasting peace process also are to the point. We came to the conclusion that women need

to be not just sit at the table of decision-making but to actively participate at the table, and furthermore, to be taken seriously when they do. Until their voices were heard and taken seriously, we cannot expect that our active participation can bear fruit, and that we are finally able to live where rule of law is honored and appreciated. This is where we can really expect the meaningful “Access to Justice” is thriving for all of us.