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SHAPING NEW PATHWAYS TO JUSTICE

Is CEDAW behind the curve?

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Abstract

The increasing recognition that justice systems the world over are invariably “plural” poses challenges to both international development practitioners and human rights actors. A particular challenge is how to ensure that women, as a particularly vulnerable and marginalised group, can access justice in culturally diverse, legally plural settings, and how to ensure that the justice they access upholds their human rights. The publication by the CEDAW Committee of a general recommendation on access to justice in summer 2015, and its particular proposals in relation to plural justice systems, serve as my impetus for examining these issues afresh.

This study seeks to draw conclusions about the different ways in which the CEDAW Committee and other human rights bodies conceptualise justice when they discuss plural justice systems in their authoritative statements, and whether this impacts on the way in which these bodies engage with plural justice systems. It takes legal empowerment, an innovative method for promoting women’s access to justice, as a particular focus point for gaining insight into the CEDAW Committee’s approach. The aim of the study is to understand whether, in the context of plural justice systems, the CEDAW Committee is somewhat behind the curve in terms of exploring and endorsing new pathways for pursuing justice.

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