

WOMEN'S ACCESS TO JUSTICE: A SIGNIFICANT CHALLENGE

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ABSTRACT:

The right to access justice is a core human right; however, women globally encounter significant challenges in realizing this right. This paper examines the intricate obstacles that women face in their quest for justice, focusing on the, social, cultural, financial, and legal factors that perpetuate this disparity. It assesses the various injustices that women experience, such as gender-based violence, discrimination in property rights, and unequal opportunities for legal representation. Additionally, the paper analyzes the roles of both formal and informal justice systems, the ramifications of legal reforms, and the importance of empowering women to assert their rights. Finally, it offers recommendations for improving women's access to justice, emphasizing the necessity for a holistic and multi-sectoral approach.

Keywords: Gender inequality, Legal barriers, Discrimination, Access to courts, Legal aid, Human rights, Violence against women

Introduction:

Access to justice is a cornerstone of a just and equitable society. It ensures that individuals can effectively seek redress for grievances, uphold their rights, and hold duty-bearers accountable. Women around the world encounter considerable obstacles in obtaining justice, frequently as a result of a complicated interaction of legal, social, economic, and cultural influences. This disparity undermines women's empowerment, perpetuates gender inequality, and impedes sustainable development. This paper explores the multifaceted nature of this challenge, examining the various barriers women face and proposing potential solutions.¹⁷⁶

Forms of Injustice Faced by Women:

Women experience a wide range of injustices, many of which are specifically gendered or disproportionately affect women. These include:

Gender-Based Violence (GBV): This encompasses physical, sexual, psychological,

and economic violence, including domestic violence, sexual assault, female genital mutilation, and honour killings. GBV is often underreported due to stigma, fear of reprisal, and lack of access to support services.¹⁷⁷

Discrimination in Property Rights: Women often face discrimination in inheritance laws, land ownership, and access to credit, limiting their economic independence and security.¹⁷⁸

Unequal Access to Legal Representation: Women may lack the financial resources or legal literacy to engage lawyers, hindering their ability to navigate complex legal processes.

Discriminatory Laws and Practices: Some legal systems still contain discriminatory provisions against women, particularly in family law, employment law, and criminal law.

Denial of Equal Opportunities: Women may face discrimination in education, employment, and political participation, limiting their ability to achieve their full potential and exacerbating their vulnerability to injustice.

¹⁷⁶ <https://articles.manupatra.com/article-details/Access-to-Justice-for-Women-in-India>

¹⁷⁷ https://eige.europa.eu/gender-based-violence/what-is-gender-based-violence?language_content_entity=en

¹⁷⁸ <https://blog.ipleaders.in/gender-based-discrimination-property-rights/>

Barriers to Accessing Justice¹⁷⁹

Several interconnected factors impede women's access to justice:

Legal Barriers: Discriminatory laws, complex legal procedures, and lack of legal awareness can prevent women from effectively seeking redress.

Economic Barriers: Poverty, lack of financial resources, and dependence on male family members can limit women's ability to afford legal services and related costs.

Social and Cultural Obstacles: Established patriarchal values, gender biases, and societal stigma may deter women from coming forward to report crimes, seeking legal assistance, or challenging discriminatory practices. Traditional dispute resolution mechanisms, while sometimes offering accessible alternatives, can also perpetuate harmful gender norms.

Institutional Barriers: Corruption, lack of gender-sensitive training for justice sector personnel, and limited availability of female judges and lawyers can create an environment where women feel unwelcome or distrustful of the justice system.

Geographic Barriers: Women residing in rural regions frequently encounter significant obstacles in obtaining justice, primarily due to geographical remoteness, inadequate transportation options, and a scarcity of legal services.

The Role of Formal and Informal Justice Systems:

Formal Justice Systems: These are state-run institutions, including courts, police, and prisons. While designed to provide impartial justice, they often fail to adequately address women's needs due to the barriers mentioned above.

Informal Justice Systems: These are community-based mechanisms for resolving disputes, often involving traditional leaders or

elders. While they can be more accessible and culturally appropriate, they may also perpetuate discriminatory practices and reinforce patriarchal power structures. Engaging with informal systems is essential for advancing gender equality within their frameworks and operations.

The Impact of Legal Reforms:

Legal reforms aimed at promoting gender equality are crucial for improving women's access to justice. Examples include:

Enacting laws prohibiting GBV: These laws must be effectively implemented and enforced to provide meaningful protection for women.

Reforming inheritance and property laws: Equalizing property rights empowers women economically and reduces their vulnerability to abuse.

Increasing women's representation in the judiciary and law enforcement: This can create a more gender-sensitive and responsive justice system.

Providing legal aid and support services for women: This empowers women to navigate the legal system and claim their rights.

Empowering Women to Claim their Rights:¹⁸⁰

Empowering women to claim their rights is essential for improving access to justice. This involves:

Legal Literacy Programs: Educating women about their rights and legal options empowers them to seek redress for injustices.

Building Women's Leadership: Supporting women's organizations and leadership development strengthens their capacity to advocate for their rights and participate in decision-making processes.

Creating Safe Spaces: Providing safe spaces for women to share their experiences and access support services is crucial for addressing sensitive issues like GBV.

¹⁷⁹ <https://www.ghrd.org/wp-content/uploads/2024/04/Understanding-the-Barriers-Analysis-of-Womens-Access-to-Justice-april-2024.pdf>

¹⁸⁰ <https://www.un.org/nl/desa/empowering-women-achieve-global-goals>

Challenging Harmful Norms: Addressing the root causes of gender inequality through education and awareness campaigns is essential for long-term change.

Recommendations for Improving Women's Access to Justice:

A holistic and multi-sectoral approach is needed to address the complex challenges women face in accessing justice. Key recommendations include:

Strengthening Legal Frameworks: Enacting and enforcing gender-sensitive laws, reforming discriminatory legislation, and ensuring access to legal aid.

Improving the Capacity of Justice Sector Personnel: Providing gender-sensitive training for judges, lawyers, police officers, and other justice sector actors.

Enhancing Women's Legal Literacy: Implementing legal literacy programs and providing accessible information about women's rights.¹⁸¹

Supporting Women's Organizations: Providing funding and support to women's organizations working on access to justice issues.

Addressing Social and Cultural Barriers: Addressing detrimental gender norms and advocating for gender equality through educational initiatives and awareness campaigns.

Strengthening Data Collection and Monitoring: Collecting data on women's access to justice to track progress and identify areas for improvement.

Promoting Collaboration and Coordination: Fostering collaboration between government agencies, civil society organizations, and international actors working on access to justice.

Investing in Research: Further research is needed to understand the specific barriers

women face in different contexts and to develop evidence-based solutions.

Conclusion

Women's access to justice constitutes a fundamental human right and is essential for the realization of gender equality and sustainable development. The obstacles encountered by women are complex and varied, necessitating a holistic and cooperative strategy. By fortifying legal frameworks, improving the skills of justice sector personnel, empowering women to claim their rights, and tackling the underlying causes of gender inequality, we can create a more just and equitable society in which all women enjoy equal access to justice. This initiative requires sustained commitment, collaboration, and investment from governments, civil society organizations, and the international community. Only through these united efforts can we ensure that women's voices are amplified, their rights safeguarded, and their access to justice transformed into a tangible reality.

¹⁸¹ <https://journals.indexcopernicus.com/api/file/viewByFileId/1826961>