



GENDER STEREOTYPING AND THE JUDICIARY

A WORKSHOP GUIDE

Professional Training Series No. 22



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New York and Geneva, 2020

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ABBREVIATIONS AND ACRONYMS

CEDAW	Committee on the Elimination of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
GBV	gender-based violence
LGBTI	lesbian, gay, bisexual, transgender and intersex
OHCHR	Office of the United Nations High Commissioner for Human Rights
SRHR	sexual and reproductive health and rights

ABOUT THIS WORKSHOP GUIDE

This *Workshop Guide* provides guidance for organizing and holding workshops to raise the awareness of judges at the national or regional level about the role of the judiciary in addressing wrongful gender stereotyping. It provides a suggested programme and methodology and a detailed outline for a number of sessions, with presentations, notes and exercises that can be adapted to different contexts and needs.

The *Workshop Guide* focuses on gender stereotyping in cases related to sexual and reproductive health and rights and gender-based violence. Other areas may, however, be subsequently added. The publication is based mainly on a number of studies conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR): *Gender stereotyping as a human rights violation*, “Eliminating judicial stereotyping: equal access to justice for women in gender-based violence cases” and the “Background paper on the role of the judiciary in addressing the harmful gender stereotypes related to sexual and reproductive health and rights: a review of case law”. The *Workshop Guide* also draws on OHCHR’s *Human Rights in the Administration of Justice: A Facilitator’s Guide on Human Rights for Judges, Prosecutors and Lawyers* (in collaboration with the International Bar Association); the *Guide for the Judiciary on Applying a*

Human Rights-Based Approach to Health (in collaboration with other partners); Chapter 22 (“*Trial observation and monitoring the administration of justice*”) of the OHCHR *Manual on Human Rights Monitoring*, and the *Training Manual for Judges and Prosecutors on Ensuring Women’s Access to Justice*, which was developed by the Council of Europe with input from OHCHR. The methodology of the *Guide* takes into account OHCHR’s training methodology, as set out in *From Planning to Impact: A Manual on Human Rights Training Methodology* and *Evaluating Human Rights Training Activities: A Handbook for Human Rights Educators* (in collaboration with Equitas). This *Workshop Guide* was tested and refined at a pilot workshop in Buenos Aires, Argentina, in November 2017.

The above-mentioned research unveiled a significant number of court cases in which judicial gender stereotyping had played a role. Judicial gender stereotyping occurs when judges reach a view on cases based on preconceived beliefs, specific attributes, characteristics or roles by reason only of a person’s sex or gender. This can happen either because judges have not addressed gender stereotypes in their decisions or deliberations (for example, by not explicitly addressing laws and policies that perpetuate harmful gender stereotypes or by failing to challenge the reasoning of lower courts that

have engaged in gender stereotyping) or because they have perpetuated wrongful gender stereotyping themselves. This has a significant impact on the rights of women and LGBTI persons in particular.¹

This *Workshop Guide* has been developed in a manner that allows it to feed into – and be adapted to – broader capacity-building activities with judges, facilitated by OHCHR and organizations such as judicial training institutions. In addition, the publication provides space for expansion into other areas where judicial gender stereotyping may arise beyond cases involving sexual and reproductive health and rights and gender-based violence (e.g. cases concerning family law, labour law or property law), and it can

be adapted for use by other stakeholders within the judicial system, including prosecutors and lawyers.

Organizers or facilitators should tailor the methodology and the content of the presentations to the particular needs, objectives and context of the country or region, building on a specific needs assessment exercise involving participants and using a pre-workshop questionnaire (see [annex II](#)). Organizers or facilitators should always keep their slides and case studies up to date, where appropriate, and should include jurisprudence from the country or region concerned in order to make the workshop particularly relevant for participants.

¹ This includes the failure to effectively investigate, prosecute and sentence for sexual violence against women because of, for example, the stereotype according to which women should dress and behave modestly or the stereotype that men have (or should have) a strong libido.

Part I

A WORKSHOP ON THE ROLE OF THE JUDICIARY IN ADDRESSING GENDER STEREOTYPING



Objectives and Scope

The workshop is aimed at increasing the capacity of judges to identify gender stereotyping in the judiciary and to overcome gender stereotyping, with a view to strengthening the protection of human rights and access to justice, particularly for women and other persons who are marginalized by reason of their sex, gender identity and/or sexual orientation.

By the end of the workshop, participants should be able to:

- (a) Explain international human rights norms and standards related to gender stereotyping;
- (b) Describe the impact of judicial gender stereotyping on the enjoyment of human rights;
- (c) Identify and critically assess judicial gender stereotypes and stereotyping;
- (d) Develop concrete follow-up actions, engagement and evaluation as part of a broader national or regional strategy to address judicial gender stereotyping.

The workshop could have a national scope and may be carried out with judges from the same country, or a regional scope, with judges from different countries (preferably those working at the highest level). The expected outcomes and the methodology may have to be adapted accordingly, including

with regard to the experts to be invited and the topics to be discussed.²

The subject of gender mainstreaming in the judiciary will be covered briefly and only insofar as it relates to judicial gender stereotyping. Although close attention will be paid to how judicial gender stereotyping intersects with and is exacerbated by stereotyping based on other factors such as age, ethnicity and disability, these other factors will feature only insofar as they interact with gender stereotyping. The workshop is not intended to cover international human rights norms and standards related to sexual and reproductive health and rights and gender-based violence in depth, as there are separate and dedicated OHCHR training guides and materials available on these topics.³

Where possible, a communication strategy should be developed around the workshop to raise awareness of the event and of judicial stereotyping as a human rights concern, including through images, live content and video interviews. This could also include a web story, based on interviews with participants and organizers, highlighting the importance of addressing judicial gender stereotyping and the impact of the workshop. In addition, a public workshop report could be produced following the event in order to highlight its impact and the lessons learned, which could inform subsequent workshops and follow-up activities. Facilitators may consider broadcasting the sessions online or

² For further guidance on how to adapt materials to a regional context, see OHCHR, *Reporting to the United Nations Human Rights Treaty Bodies Training Guide: Part II – Notes for Facilitators* (2017).

³ For more information, see www.ohchr.org/EN/PublicationsResources/Pages/Publications.aspx.

through any other means of communication, or they could organize online lecture sessions so that those who are not able to participate in person can still benefit and engage. It should always be ensured that prior consent

has been granted by the participants for any communications that concern them individually (e.g. photographs, interviews or quotes), noting any security or privacy concerns they may have.

Participants



Judges are the main target audience of the workshop, particularly (but not exclusively) those working at the highest instance. Judges working

in different areas of the law (criminal law, administrative law and civil law) and from geographically diverse regions within the country or different countries within the region should be included, if possible. It is also important to ensure as much diversity in participation as possible. Diversity should be reflected in all functions and at all levels, in terms of sex, gender identity, sexual orientation, disability, age and ethnicity, among other characteristics. In planning the workshop, accessibility should also be a priority consideration. Other actors within the judiciary who provide support for judges (e.g. judicial or trial law clerks and members of judicial training institutions) might also be invited to participate.

If the workshop brings together judges who do not already know each other (which could particularly be the case for a regional workshop), it is important to make sure that participants are comfortable about sharing their experiences and that a safe space is established. Facilitators may consider organizing a networking and relationship-building activity for the evening before the

workshop or on day 1 of the workshop as a way to build connections between participants.

Each workshop should be adapted to take into account specific factors such as the experience, capacities and actual needs of the participants; a specific needs assessment exercise is therefore advised. The workshop is designed for a maximum of 25 participants to ensure everyone's active participation in the practical exercises and to allow them to share their experiences.

It is advisable, whenever possible, to partner with national or regional courts in the country or region where the workshop will be held. Such partnerships can include judicial training institutions and gender, women's rights, human rights or related units mandated with integrating gender and/or human rights into the work of the courts, especially at the highest instance. Partnerships can also include universities, law schools, national human rights institutions, United Nations agencies and civil society organizations. They can function as key entry points, depending on the specific context, as well as being partners for developing and supporting implementation and for ensuring follow-up engagement after the workshop. An assessment of potential partnerships prior to organizing a workshop is therefore essential.

Facilitators



Facilitators should possess human rights expertise in the areas of gender, women's rights, sexual and reproductive health and rights and gender-based

violence, and they should be experienced in training or facilitation, preferably with the judiciary. They may be OHCHR human rights officers or gender advisors, or similar staff from partner organizations (such as another United Nations agency or a civil society organization). Inviting resource persons such as legal professionals, experts or others with specific knowledge or practice (for example

with national jurisprudence or regional human rights mechanisms – perhaps dealing with courts, commissions or special procedures of the Human Rights Council) ensures a peer-to-peer approach, broadens the workshop's legitimacy and facilitates discussion.

Several weeks before the workshop, and having carried out research on the judges attending, the organizers should identify one or two judges among the participants who have decided a relevant case, who could be asked to present a very brief presentation outlining the facts of the case and how it was decided.

Background research and materials



In preparation for the workshop, recommendations by international, regional and national human rights mechanisms pertaining to the country or countries

covered by the workshop should be compiled in relation to the prevalence of harmful gender stereotypes and wrongful gender stereotyping concerning gender-based violence and sexual and reproductive health and rights, also referring to access to justice. These can include the concluding observations of treaty bodies, country reports by special procedure mandate holders and recommendations made in the context of the universal periodic review, or recommendations and decisions by regional mechanisms.

It is important to gather information about recently concluded and ongoing court cases where gender stereotypes have played a role,

and about sexual and reproductive health and rights and gender-based violence in the country or countries of the participants. This should include information on laws, policies and practices that are being discussed or have been adopted. Facilitators will then be able to identify the main topics of interest and the more controversial issues, and can adapt the case studies and discussions to make them more relevant, topical and of interest to the judges in the particular contexts concerned.

Workshop facilitator(s) should collect context-specific information through examples, documents and cases (such as those featured in recent news stories); other case-law examples can be drawn from the key OHCHR studies on gender stereotyping mentioned above.

Participants should briefly consider the background research and body of work

that OHCHR and other international and regional organizations have developed in this area. At the end of the workshop, participants should receive a USB stick with all relevant workshop materials, including concept notes, contact information and lists of participants (subject to their individual consent). Relevant workshop materials should include follow-up actions identified

in the final session, as well as information sheets, case studies and exercises handed out during the workshop.

Where possible, hard-copy certificates of participation/completion should be presented to each participant at the end of the workshop, preferably by a senior representative of the main organizer.

Methodology



The workshop is designed to provide practical guidance for judges on how to address judicial stereotyping and how to explicitly identify, counter and dismantle

gender stereotyping. In this light, sufficient time should be reserved for participants to analyse and discuss concrete cases where judicial gender stereotyping has been identified. The exercises and activities contained in this *Workshop Guide* are aimed at ensuring that judges can discuss and share their views and experiences, as well as challenges, good practices and relevant case law.

In order to assess the audience's level of understanding and capacity in relation to gender stereotyping, a pre-workshop questionnaire should be sent to participants for completion well before the workshop is held (see [annex II](#)). In addition to soliciting information through these questionnaires, facilitators should conduct research into the participants' profiles. For example, if a workshop is organized in partnership with the gender unit of a country's supreme court, the facilitator can enquire with its staff about the capacity, interests and experience of the participants.

The involvement of participants in the design, preparation, delivery and evaluation of the workshop will enhance their ownership of the event and its relevance to them. Opportunities for involvement by participants include:

- Ensuring their input into the design of the workshop, including through the pre-workshop questionnaires, and taking their expectations into account
- Fostering a peer-learning approach by allocating time for discussion and presentations by participants of their views and experiences
- Using case studies and group exercises
- Using evaluation tools at the end of both day 1 (to inform and adapt the methodology for day 2 by means of a short questionnaire) and day 2 (final evaluation)
- Developing concrete follow-up actions.

To encourage participation, it is important to provide a confidential and safe space where judges can share their views, experiences, challenges and good practices and discuss relevant case law. To address any conversations that divert the focus of the session, a flip chart or similar aid can be used to "park" questions or concerns, such as issues deemed to be controversial, that can be addressed at a later stage.

Agenda



The workshop is planned to last two days, although budgetary constraints or other considerations might require its duration to be adjusted. If this is the case, the results of the pre-workshop needs assessment exercise should indicate the particular focus of the workshop (e.g. more

time on conceptual issues, on cases involving sexual and reproductive health and rights or gender-based violence, or on the development of follow-up actions). Ideally, the workshop should be part of a larger human rights and/or gender mainstreaming/integration training programme for judges.

The suggested agenda is as follows:

→ Day 1	
8.45 a.m. – 9 a.m.	Registration
9 a.m. – 10 a.m.	Session 1: Opening and introduction to the workshop
10 a.m. – 10.15 a.m.	Coffee break
10.15 a.m. – 11.30 a.m.	Session 2: Key concepts and women's access to justice
11.30 a.m. – 12.15 p.m.	Session 3: Gender stereotyping
12.15 p.m. – 1.15 p.m.	Lunch
1.15 p.m. – 3 p.m.	Session 3: Gender stereotyping (continued)
3 p.m. – 3.15 p.m.	Coffee break
3.15 p.m. – 5.30 p.m.	Session 4: Gender stereotyping in GBV cases
5.30 p.m. – 6 p.m.	Recap and evaluation of the day

→ Day 2	
8.45 a.m. – 9 a.m.	Registration
9 a.m. – 9.30 a.m.	Recap of Day 1 by participants and discussion of parked items
9.30 a.m. – 10.30 a.m.	Session 5: Gender stereotyping in SRHR cases
10.30 a.m. – 10.45 a.m.	Coffee break
10.45 a.m. – noon	Session 5: Gender stereotyping in SRHR cases (continued)
Noon – 1.30 p.m.	Session 6: Good practices and looking ahead
1.30 p.m. – 2.30 p.m.	Lunch
2.30 p.m. – 3.45 p.m.	Session 6: Good practices and looking ahead (continued)
3.45 p.m. – 4 p.m.	Coffee break
4 p.m. – 5.30 p.m.	Session 7: Recap, evaluation and close

Follow-up



The workshop encourages participants to identify follow-up actions to overcome judicial gender stereotyping, integrating good practices and lessons

learned from the workshop.

Depending on local, national and/or regional needs and resource availability, these follow-up actions could take the form of:

- Technical assistance to judges around the country or region
- Follow-up workshops or training sessions at the subnational or national level
- Webinars, online video lectures and/or round-table discussions for and with judicial actors who did not participate in the workshop
- Facilitating dialogue with international and regional mechanisms, where possible, on the issues discussed
- Studies or research on the prevalence of judicial gender stereotyping, to inform practice
- Developing a protocol or guidance for judges on judicial gender stereotyping or more broadly on integrating gender into their work
- Establishing or empowering a monitoring mechanism or units (e.g. a national human rights institution or gender units in all courts) on judicial gender stereotyping
- Incorporating judicial gender stereotyping in the training curricula of judges and other judicial actors (including through judicial training institutes and universities)
- Organizing peer-to-peer sessions among judges, including through the use of online tools and communications, in which experiences, views and challenges can be discussed
- Organizing round tables, seminars and other events for judges to share good practices on eliminating judicial gender stereotyping
- Setting up a mechanism in charge of gender equality issues inside the judiciary, and building alliances with such bodies to advance the elimination of gender stereotyping
- Supporting the establishment of an informal pool of trained experts or community of practice.

Part II

OVERALL STRUCTURE AND OUTLINE OF EACH SESSION



STRUCTURE OF THE WORKSHOP

The model workshop is divided into three modules and seven sessions, to be conducted by three facilitators (or two at the very minimum), supported administratively by at least one person. The time dedicated to each session and the specific exercises should take into account the knowledge and experience of participants. Suggested minimum time allocations are indicated in the draft agenda and in each of the session plans below. Each session should preferably be led by one facilitator and supported by another individual (e.g. a case-study exercise led by one of the participants or a facilitator).

The suggested overall structure of the workshop is set out below.

→ Module I: Introduction and conceptual background

Session 1: Opening and introduction to the workshop

- I. Opening and introduction to the workshop
- II. Overview of workshop objectives, agenda and methodology
- III. Introduction of facilitator(s) and participants, and an overview of expectations
- IV. Q&A

Session 2: Key concepts and women's access to justice

- I. Presentation by facilitator
- II. Presentation by special invitee or participant
- III. Q&A

Session 3: Gender stereotyping

- I. Exercise on building a definition of gender stereotypes and stereotyping
- II. Presentation by facilitator on conceptual framework
- III. Group work with news clippings
- IV. Presentation of group work and wrap-up by a facilitator

→ Module II: Judicial gender stereotyping in practice

Note: This module can be expanded, following further research on gender stereotyping, into other areas (e.g. labour law, family law or property law).

Session 4: Gender stereotyping in cases of gender-based violence (GBV)

- I. Brief presentation of a recent judgment by one or two judges
- II. Presentation by facilitator
- III. Group exercise on hypothetical cases
- IV. Group presentations and wrap-up

Session 5: Gender stereotyping in cases of sexual and reproductive health and rights (SRHR)

- I. Brief presentation of a recent judgment by one or two judges
- II. Presentation by facilitator
- III. Group exercise on hypothetical cases
- IV. Group presentations and wrap-up

→ Module III: Strategies for eliminating judicial gender stereotyping

Session 6: Good practices and looking ahead

- I. Presentation by facilitator
- II. Presentation(s) by special invitee(s)/expert panel
- III. Looking-ahead exercise
- IV. Wrap-up

Session 7: Recap, evaluation and close

- I. Recap
- II. Discussion of parked items
- III. Plenary oral evaluation
- IV. Written evaluation
- V. Presentation of certificates and closing ceremony

Module I: Introduction and conceptual background

SESSION 1: OPENING AND INTRODUCTION TO THE WORKSHOP

Session plan for facilitators



SESSION SEQUENCE

1. Opening and introduction to the workshop
2. Overview of workshop objectives, agenda and methodology
3. Introductions of facilitator(s) and participants; overview of expectations
4. Q&A



TOTAL DURATION

1 hour



VENUE REQUIREMENTS

Spacious training room, arranged to promote an informal atmosphere and accommodate group work; preferably round tables with 4 to 5 persons per table and a maximum of 25 participants



EQUIPMENT

- Laptop or desktop computer, projector, flip charts, pin-up or bulletin boards
- Sticky cards or notes in different colours and shapes (arrow-shaped, round/oval)
- Pins, tape or reusable adhesive
- Markers in different colours



MATERIALS FOR FACILITATORS

- Workshop agenda, concept note and list of participants
- Sign-in sheets (if used)
- Presentation slides, Session 1



DOCUMENTS FOR PARTICIPANTS

Welcome pack with notepad, pen and folder containing printed materials:

- concept note
- agenda
- list of participants and resource persons
- logistical note
- handouts for Day 1 sessions

Overview of the session

The purpose of this introductory session is to welcome and introduce the participants, as well as the organizers, facilitators and other experts who will contribute. The objectives, expected outcomes, methodology and agenda of the workshop will be reviewed.



Session sequence and methodology

1. Opening and introduction to the workshop



If the workshop is led by OHCHR, it should begin, where possible, with welcome statements by a senior representative of OHCHR and/or the United Nations country team. Thereafter, the organizers will set out the objectives and scope of the workshop and will introduce the facilitation team and resource persons.

It should be emphasized that the workshop is grounded in and based upon international human rights law, and that these norms and standards will form the basis of discussions throughout, including on any sensitive issues that may arise (e.g. abortion, sex work or harmful traditional practices). It is important to stress, in particular, that the workshop should build on pertinent jurisprudence from international and regional human rights mechanisms, on national jurisprudence from around the world and on research by OHCHR and other international and regional organizations.

2. Overview of methodology



Organizers or facilitators will provide a brief overview of the programme or agenda, which will be distributed to participants, and they will explain the methodology. Facilitators should emphasize that a key objective of the workshop is to identify ways to put the content into practice, and participants should keep this in mind throughout the workshop.

Facilitators should draw up “ground rules” for participants (e.g. on safe space and encouraging active participation and interaction). They should also identify a place (e.g. a flip chart or whiteboard) to “park” any sensitive or lengthy items for discussion at a later stage.

If sign-in sheets are used, each participant should sign them at the start of every morning and afternoon session. Organizers should seek the agreement of the participants to share their names and contact information and to allow the workshop to be reported on publicly.

3. Presentation of participants and sharing of expectations



The facilitator will ask the participants to briefly introduce themselves, mentioning their roles within the judiciary (or other function) and any relevant experience in relation to the issues to be covered in the workshop. They will also be asked to share one expectation they have from the workshop, writing it down on a sticky card or sticky note (one card = one idea) and sticking it to the flip chart or wall. The facilitator will organize the ideas into relevant categories, and the flip chart (or wall) will be used again during the final evaluation session.







4. Q&A



Facilitators answer questions from participants.

SESSION 2: KEY CONCEPTS AND WOMEN'S ACCESS TO JUSTICE

Session plan for facilitators

	SESSION SEQUENCE	<ol style="list-style-type: none">1. Presentation by facilitator2. Presentation by resource person or participant3. Q&A
	TOTAL DURATION	1 hour 15 minutes
	VENUE REQUIREMENTS	Spacious training room
	EQUIPMENT	Laptop or desktop computer and projector
	MATERIALS FOR FACILITATORS	<ul style="list-style-type: none">■ Presentation slides, Session 2■ OHCHR <i>Human Rights in the Administration of Justice</i>, Chapter 4■ Council of Europe <i>Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice</i>
	DOCUMENTS FOR PARTICIPANTS	Handout to cover key concepts and provide an overview of international human rights law and mechanisms, drawing on, e.g., CEDAW general recommendations Nos. 31, 33 and 35.

Overview of the session

This session's purpose is to reflect on the importance of, and gender-specific challenges concerning, women's access to justice, as well as the key role that the judiciary has to play in integrating a gender perspective into its work. The session will elaborate upon key concepts such as sex, gender, sexual orientation and gender identity.



Session Sequence

1. Presentation by facilitator



This presentation should provide an overview of international human rights law as it relates to access to justice, emphasizing the main international and regional human rights treaties and covering the international human rights mechanisms (particularly United Nations treaty monitoring bodies). The presentation should highlight the importance of this framework for the work of the judiciary. A brief Q&A will follow the presentation.

The scope of this presentation will depend on the existing level of knowledge of the participants, as assessed during the workshop design phase.

2. Presentation by resource person or participant



Ideally, a judge with relevant experience should give this presentation. The judge should be from the host country or region, or from a country with a similar legal system. Alternatively, a member of the judiciary (e.g. from a gender unit) can share positive experiences.

The presentation should highlight the importance of integrating a gender perspective and should raise awareness of and stimulate discussion on the socioeconomic, cultural and institutional barriers that women and LGBTI persons in particular face when seeking access to justice at each stage of the judicial process. The speaker can emphasize the key role that the judiciary can play in countering discrimination and upholding women's rights and the human rights of people regarding their sexual orientation and gender identity.

The speaker can also relate any personal experiences, anecdotes, existing guidance and good practices in advancing gender equality and human rights in the judiciary (e.g. recent judgments, institutionalization of gender inside the courts, manuals and protocols among other good practices).

The facilitator should be encouraged to complement and perhaps present part of this session using the accompanying session slides (available on the OHCHR website, under [Publications/Professional Training Series](#)). The key is for certain concepts around access to justice and around gender, sexual orientation and gender identity to be explained before deepening the focus of the workshop on judicial gender stereotyping.

3. Q&A



The facilitator will moderate a brief question-and-answer session.



Key learning objectives

By the end of the session, participants will be able to:

- (a) Describe international human rights law and mechanisms and explain why they are relevant for the judiciary;
- (b) Identify the discrimination and barriers that women and LGBTI persons face in access to justice at different stages of the process;
- (c) Discuss the importance of integrating a gender perspective into the work of the judiciary.

SESSION 3: GENDER STEREOTYPING

Session plan for facilitators



SESSION SEQUENCE

1. Exercise on building a definition of gender stereotypes and stereotyping
2. Presentation by facilitator of conceptual framework and relevant international human rights law
3. Group work with news clippings
4. Presentation of group work and wrap-up



TOTAL DURATION

2 hours 30 minutes



VENUE REQUIREMENTS

- Spacious training room
- At least 3 separate break-out rooms for group work, or use different corners of the meeting room if other rooms are not available



EQUIPMENT

- Laptop or desktop computer, projector, flip charts, pin-up or bulletin boards
- Sticky cards or notes in different colours and shapes
- Pins, tape or reusable adhesive
- Markers in different colours



MATERIALS FOR FACILITATORS

- Presentation slides, Session 3
- *Gender stereotyping as a human rights violation* (OHCHR study)



DOCUMENTS FOR PARTICIPANTS

- *Gender stereotyping as a human rights violation* (may be provided electronically at the end of the workshop)
- Exercise handouts ([annexes III and IV](#))

Overview of the session

The purpose of this session is to provide a conceptual understanding of gender stereotypes, gender stereotyping and judicial stereotyping and their effects on human rights. The relevant international human rights norms and standards, as well as case-law examples from international, regional and national judicial and quasi-judicial bodies, will also be discussed.



Session Sequence

1. Exercise on building a definition of gender stereotypes and stereotyping (60 minutes)

First, participants will be asked to reflect on, identify and individually write down what a **gender stereotype** is (5 minutes). They will then be divided into groups to discuss and agree a common definition (20 minutes), covering any key elements, with one definition per group clearly written out on a flip chart. Each group will then briefly share their definition in plenary (20 minutes). The facilitator should ensure that the definitions of each group remain clearly visible throughout the session to allow them to be referred to.

Then, two flip charts will be placed at the front of the room; one will say “MEN” at the top and the other “WOMEN”. Each participant will be given sticky notes and will be asked to write down and stick on each chart one common stereotype associated with women and men respectively (10 minutes). Facilitators should stress that participants do not need to put their name on the sticky notes – the stereotypes mentioned are not a reflection of their own views; rather, they should reflect what they have experienced. The facilitator will group the responses and will compare the gender stereotypes that participants have identified with the group definitions. The facilitator will then seek to further refine some elements of the definitions provided, working together with participants where necessary (10 minutes). The intention is primarily to consider, discuss and highlight different interpretations and thoughts on what gender stereotypes are, before going into the presentation.

It is important for the facilitator to stress that everyone has biases and stereotypes, but also to emphasize the need for self-reflection among judicial actors, countering any biases or stereotypes that participants – as well as the facilitator – may themselves possess.

2. Presentation on gender stereotyping (40 minutes)

The facilitator will deliver a presentation on the following concepts: gender stereotypes, gender stereotyping and judicial stereotyping, and their linkage to international human rights norms and standards. The presentation should also cover the specific legal obligations of the judiciary, as a branch of the State, under international human rights law regarding the elimination of gender stereotypes, with some recent examples of judicial stereotyping from decisions by international, regional and national courts or human rights mechanisms. The facilitator should draw on some of the definitions and comments made by the entire group in the previous exercise, which will help make this presentation as interactive as possible. A brief Q&A will follow the presentation.

3. Group work with news clippings



(25 minutes)

Participants will be divided into three (or more) groups. Each group will analyse different news clippings about recent judgments related to women's human rights and issues of gender identity and sexual orientation. Each group should review their news clippings and should discuss and prepare answers to the following questions on a flip chart (see [annex IV](#)):

1. Can you identify any gender stereotypes in your news clippings?
2. Are these gender stereotypes harmful? Could they generally lead to wrongful gender stereotyping? If so, how? What are the potential human rights impacts?
3. How can these stereotypes affect each stage of the judicial process?
4. How can gender stereotyping be prevented, both inside and outside the courtroom?

4. Presentation by each group and wrap-up



(25 minutes)

Each group will make a brief presentation in plenary on their discussions about the news clippings, followed by a Q&A. The facilitator will then wrap up the discussion.



Key learning objectives

By the end of the session, participants will be able to:

- (a) Describe discriminatory gender stereotypes and stereotyping and explain how they impact upon, and can lead to violations of, human rights;
- (b) Name different kinds of gender stereotypes, recognize the intersectionality of gender stereotypes and stereotypes based on other characteristics (e.g. age, race or disability) and explain how wrongful gender stereotyping, including judicial gender stereotyping, can undermine the human rights of women and girls in particular, but also those of men, boys and those who identify differently;
- (c) Indicate the State's human rights obligations to address and dismantle wrongful gender stereotyping and identify the role of the judiciary in this context;
- (d) Recognize gender stereotypes and stereotyping in a given case throughout each stage of the judicial process, indicating their potential impact upon human rights;
- (e) Recognize that everyone, including facilitators and participants, possesses biases and stereotypes and that critical self-reflection is necessary to ensure that stereotypes do not influence judicial decision-making;
- (f) Explain how judges can play an important role in identifying, explicitly addressing and dismantling wrongful gender stereotyping.

Module II:

Judicial gender stereotyping in practice

SESSION 4: GENDER STEREOTYPING IN GENDER-BASED VIOLENCE CASES

Session plan for facilitators



SESSION SEQUENCE

1. Brief presentation of a recent judgment by one or two judges
2. Presentation by facilitator
3. Group exercise on hypothetical cases
4. Group presentations and wrap-up



TOTAL DURATION

2 hours 15 minutes



VENUE REQUIREMENTS

- Spacious training room
- At least 3 separate rooms for group work, or use different corners of the meeting room if other rooms are not available



EQUIPMENT

- Laptop or desktop computer, projector, flip charts, pin-up or bulletin boards
- Sticky cards or paper in different colours and shapes
- Pins, tape or reusable adhesive
- Markers in different colours



MATERIALS FOR FACILITATORS

- Presentation slides, Session 4
- "Eliminating gender stereotyping: equal access to justice for women in gender-based violence cases" (OHCHR study)
- *Gender stereotyping as a human rights violation* (OHCHR study)
- Council of Europe *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice*
- Selection of relevant jurisprudence from national and regional courts and international and regional human rights mechanisms



DOCUMENTS FOR PARTICIPANTS

- "Eliminating gender stereotyping: equal access to justice for women in gender-based violence cases" (OHCHR study) (may be provided electronically at the end of the workshop)
- Council of Europe *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice* (may be provided electronically at the end of the workshop)
- Exercise handouts ([annex V](#))
- Handout with key concepts and definitions

Overview of the session

This session's purpose is to create a shared basic understanding of the international human rights norms and standards relevant to gender-based violence.⁴ The session will also help participants to understand, unpack and identify judicial stereotyping in cases involving gender-based violence and to understand how stereotyping affects human rights.



Session Sequence

1. Brief presentation of a recent judgment by one or two judges



(20 minutes)

As indicated above, one or two judges (or other participants and/or a special invitee) will briefly present the facts of a case concerning gender-based violence where stereotypes may have played a role, outlining how the case was decided and whether and how gender stereotypes were addressed. Where a suitable presenter cannot be identified, this would provide a space to ask participants if they have any experiences they wish to share.

The presentation(s) will be followed by a session for questions, comments and answers.

2. Presentation by facilitator



(40 minutes)

The facilitator will present the main international (and, where relevant, regional) human rights norms and standards relevant to gender-based violence and some common stereotypes around GBV. The facilitator should highlight how these stereotypes may manifest themselves in court cases, including through judicial stereotyping, explaining their impact on human rights.⁵

The presentation should emphasize the positive role judges can play to explicitly address such stereotyping, and will conclude with a brief discussion to identify the human rights that participants believe are affected by judicial stereotyping in cases related to gender-based violence and to explore how this stereotyping may undermine access to justice for victims and survivors.

A brief Q&A will follow. The facilitator should highlight links with the experiences shared in the first part of the session.

⁴ Gender-based violence against women (GBV) refers to violence that is directed against a woman because she is a woman or violence that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. For more information, see CEDAW general recommendation No. 35.

⁵ The presentation should be based on the OHCHR study "Eliminating gender stereotyping: equal access to justice for women in gender-based violence cases".

3. Group exercise on hypothetical cases



Participants will be divided into three or more groups to work on case studies. If there is a larger number of groups, the facilitator can double them up – e.g. two groups on one case study and two groups on another (see [annex V](#)). Each group will be given a summary of a case related to gender-based violence and will be asked to answer a set of questions, to assess whether there were harmful gender stereotypes or wrongful gender stereotyping that affected how the issue was resolved and to ascertain how they would have dealt with it. The use of flip charts and sticky notes should be encouraged.

This *Workshop Guide* provides a number of case-study examples based on real-life cases, which may be supplemented if required while using the same guiding questions.

4. Group presentations and wrap-up



Each group will report in plenary, giving a quick recap of the case study and providing answers to the guiding questions. This will be followed by a Q&A discussion.

The facilitator should wrap up the session by linking the hypothetical cases, where possible, to similar cases decided by national courts and regional and international human rights mechanisms.



Key learning objectives

By the end of the session, participants will be able to:

- (a) Explain the main international (and regional) human rights norms and standards relating to GBV;
- (b) Identify common gender stereotypes related to GBV and describe how these may lead to access to justice being undermined for victims or survivors, in particular women and girls;
- (c) Analyse existing case law, highlighting the pervasiveness of judicial gender stereotyping and its impact on human rights;
- (d) Describe the positive role the judiciary has played to explicitly address wrongful gender stereotyping in GBV cases;
- (e) Explicitly identify and critically assess harmful gender stereotypes in their own judicial reasoning and that of others.

SESSION 5: GENDER STEREOTYPING IN SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS CASES

Session plan for facilitators



SESSION SEQUENCE

1. Brief presentation of a recent judgment by one or two judges
2. Presentation by facilitator
3. Group exercise on hypothetical cases
4. Group presentations and wrap-up



TOTAL DURATION

2 hours 15 minutes



VENUE REQUIREMENTS

- Spacious training room
- At least 3 separate rooms for group work, or use different corners of the meeting room if other rooms are not available



EQUIPMENT

- Laptop or desktop computer, projector, flip charts, pin-up or bulletin boards
- Sticky cards or paper in different colours and shapes
- Pins, tape or reusable adhesive
- Markers in different colours



MATERIALS FOR FACILITATORS

- Presentation slides, Session 5
- “Background paper on the role of the judiciary in addressing the harmful gender stereotypes related to sexual and reproductive health and rights” (OHCHR study)
- *Gender stereotyping as a human rights violation* (OHCHR study)
- Council of Europe *Training Manual for Judges and Prosecutors on Ensuring Women’s Access to Justice*
- Selection of relevant jurisprudence from national courts and regional and international human rights mechanisms



DOCUMENTS FOR PARTICIPANTS

- “Background paper on the role of the judiciary in addressing the harmful gender stereotypes related to sexual and reproductive health and rights” (OHCHR study) (may be provided electronically at the end of the workshop)
- Exercise handouts ([annex VI](#))
- Handout with key concepts and definitions

Overview of the session

This session's purpose is to create a shared basic understanding of the international human rights norms and standards concerning sexual and reproductive health and rights. The session will also help participants to understand, unpack and identify judicial stereotyping in cases involving sexual and reproductive health and rights and to understand how stereotyping affects human rights.



Session Sequence

1. Brief presentation of a recent judgment by one or two judges



(20 minutes)

As indicated above, one or two judges (or other participants and/or a special invitee) will briefly present the facts of a case concerning sexual and reproductive health and rights where stereotypes may have played a role, outlining how the case was decided, and whether and how gender stereotypes were addressed. Where a suitable presenter cannot be identified, this would provide a space to ask participants if they have any experiences they wish to share.

The presentation(s) will be followed by a session for questions, comments and answers.

2. Presentation by facilitator



(40 minutes)

The facilitator will present the main international (and, where relevant, regional) human rights norms and standards concerning sexual and reproductive health and rights and some common stereotypes around SRHR. The facilitator should highlight how these stereotypes may manifest themselves in court cases, including through judicial stereotyping, explaining their impact on human rights.⁶ The presentation should emphasize the positive role judges can play to explicitly address wrongful gender stereotyping in cases involving sexual and reproductive health and rights, and will conclude with a brief discussion to identify the human rights that participants believe are affected by judicial stereotyping in cases related to SRHR and to explore how this stereotyping may undermine access to justice.

A brief Q&A will follow. The facilitator should highlight links with the experiences shared in the first part of the session.

⁶ The presentation should be based on OHCHR's "Background paper on the role of the judiciary in addressing the harmful gender stereotypes related to sexual and reproductive health and rights: a review of case law".

3. Group exercise on hypothetical cases



Participants will be divided into three or more groups to work on case studies. If there is a larger number of groups, the facilitator can double them up – e.g. two groups on one case study and two groups on another (see [annex VI](#)). Each group will be given a summary of a case related to sexual and reproductive health and rights and will be asked to answer a set of questions, to assess whether there were harmful gender stereotypes or wrongful gender stereotyping that affected how the issue was resolved and to ascertain how they would have dealt with it. The use of flip charts and sticky notes should be encouraged.

This *Workshop Guide* provides a number of case-study examples based on real-life cases, which may be supplemented if required while using the same guiding questions.

4. Group presentations and wrap-up



Each group will report in plenary, giving a quick recap of the case study and providing answers to the guiding questions. This will be followed by a Q&A discussion.

The facilitator should wrap up the session by linking the hypothetical cases, where possible, to similar cases decided by national courts and regional and international human rights mechanisms.



Key learning objectives

By the end of the session, participants will be able to:

- (a) Explain the main international (and regional) human rights norms and standards on SRHR;
- (b) Identify common gender stereotypes related to SRHR and describe how they may lead to access to justice being undermined, in particular for women and girls;
- (c) Analyse existing case law, highlighting the pervasiveness of judicial gender stereotyping and its impact on human rights;
- (d) Describe the positive role the judiciary has played to explicitly address wrongful gender stereotyping in SRHR cases;
- (e) Explicitly identify and critically assess harmful gender stereotypes in their own judicial reasoning and that of others.

Module III: Strategies for eliminating judicial gender stereotyping

SESSION 6: GOOD PRACTICES AND LOOKING AHEAD

Session plan for facilitators



SESSION SEQUENCE

1. Presentation by facilitator
2. Presentation(s) by resource person(s)/expert panel
3. Looking-ahead exercise
4. Wrap-up



TOTAL DURATION

2 hours 45 minutes



VENUE REQUIREMENTS

- Spacious training room
- At least 3 separate rooms for group work, or use different corners of the meeting room if other rooms are not available



EQUIPMENT

- Laptop or desktop computer, projector, flip charts, pin-up or bulletin boards
- Sticky cards or paper in different colours and shapes
- Pins, tape or reusable adhesive
- Markers in different colours



MATERIALS FOR FACILITATORS

- Presentation slides, Session 6
- "Background paper on the role of the judiciary in addressing the harmful gender stereotypes related to sexual and reproductive health and rights" (OHCHR study)
- *Gender stereotyping as a human rights violation* (OHCHR study)
- Council of Europe *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice*
- Selection of relevant jurisprudence from national and regional courts and regional and international human rights mechanisms



DOCUMENTS FOR PARTICIPANTS

- "Eliminating gender stereotyping: equal access to justice for women in gender-based violence cases" (OHCHR study) (may be provided electronically at the end of the workshop)
- "Background paper on the role of the judiciary in addressing the harmful gender stereotypes related to sexual and reproductive health and rights" (OHCHR study) (may be provided electronically at the end of the workshop)
- Council of Europe *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice* (may be provided electronically at the end of the workshop)

Overview of the session

This session's purpose is to unpack how the judiciary can play and has played a positive role in addressing wrongful gender stereotyping, and to highlight good practices so as to raise participants' awareness about the transformative effects that their actions can have.

The session is also aimed at identifying potential follow-up actions by the participants, the judiciary, OHCHR and/or partners, detailing any support required.



Session Sequence

1. Presentation by facilitator



This presentation should highlight the positive role judges can play in addressing gender stereotyping. It will discuss examples of good practice in addressing judicial stereotyping, highlighting how those practices may be applicable in the country or region where the workshop is being held. The facilitator will then initiate an exercise in which participants can share their experiences on how gender stereotypes and stereotyping have come up in their work and how they were or could have been addressed.

2. Presentation(s) by special invitee(s)/expert panel



This presentation should be given by a specialist, expert or a number of experts who have examples of good practice to share. It should highlight how the good practice was initiated, how it was implemented and what challenges arose.⁷ In this context, the invitees can emphasize the key role that the judiciary played. The presentation should be moderated by the facilitator, who will allow some time for Q&A.

3. Looking-ahead exercise



This part of the session should encourage participants to have a plenary discussion on current challenges, gaps and concrete follow-up actions that can or should be taken to address and prevent judicial gender stereotyping, mentioning the actors in charge of such actions. The facilitator can use flip charts to write down the suggestions using the following columns – subdivided for short-term and long-term actions:

⁷ One example is the development of *Judicial Decision-Making with a Gender Perspective: A Protocol* (*Protocolo para Juzgar con Perspectiva de Género: Haciendo Realidad el Derecho a la Igualdad*).

Actions	Individual	Judiciary	Timeframe	OHCHR support	Monitoring method

Alternatively, a “carrousel” may be used. Participants should be split into four groups around four key themes that will have been identified throughout the workshop (e.g. laws, policies, rules and regulations; capacity building, training and tools; advocacy, awareness and promoting good practices; and research and expert analysis or monitoring). Participants will discuss each of them and then rotate. For workshops organized by OHCHR, a final discussion in plenary can focus on what the Office does and can do to support participants in the future.

The purpose of the exercise is for participants to reflect on the entire workshop and to consider potential steps to tackle judicial stereotyping where those measures work. A further intention is to identify how various stakeholders, including State(s), OHCHR, partners and participants, can best work together to monitor and evaluate the outcome of the workshop over subsequent years, and how the workshop’s impact can be measured.

Lastly, the facilitator should encourage the establishment of a community of practice (including through online platforms) at the national and/or regional level, where experiences on addressing stereotyping in court cases can be shared.

4. Wrap-up (15 minutes)



The facilitator will wrap up the discussion, exploring how the concepts discussed in the workshop can be put into practice, emphasizing the role of various stakeholders, including OHCHR and other partners, and outlining how they can provide support.



Key learning objectives

By the end of the session, participants will be able to:

- (a) Describe some of the good practices adopted around the world to address judicial gender stereotyping;
- (b) Identify concrete action points for the future.

SESSION 7: RECAP, DISCUSSION OF PARKED ITEMS, EVALUATION AND CLOSE

Session plan for facilitators



SESSION SEQUENCE

1. Recap
2. Discussion of parked items
3. Joint oral evaluation
4. Written evaluation
5. Presentation of certificates and closing ceremony



TOTAL DURATION

2 hours 30 minutes (if required)



VENUE REQUIREMENTS

- Spacious training room



EQUIPMENT

- Laptop or desktop computer, projector, flip charts, pin-up or bulletin boards
- Sticky cards or paper in different colours and shapes
- Pins, tape or reusable adhesive
- Markers in different colours
- USB stick with all documentation



MATERIALS FOR FACILITATORS

- Presentation slides, Session 7
- “Eliminating gender stereotyping: equal access to justice for women in gender-based violence cases” (OHCHR study)
- “Background paper on the role of the judiciary in addressing the harmful gender stereotypes related to sexual and reproductive health and rights” (OHCHR study)
- *Gender stereotyping as a human rights violation* (OHCHR study)
- Council of Europe *Training Manual for Judges and Prosecutors on Ensuring Women’s Access to Justice*
- Selection of relevant jurisprudence of national courts and regional and international human rights mechanisms



DOCUMENTS FOR PARTICIPANTS

- Evaluation questionnaire ([annex VII](#))
- Certificates of completion

Overview of the session

This session's purpose is to summarize action points and opportunities, evaluate the workshop and close the event.



Session Sequence

1. Recap



The facilitator will recount the main points addressed during the workshop and will highlight the importance of the role of the judiciary in facilitating access to justice through the dismantling of gender stereotypes and stereotyping.

2. Discussion of parked items (1 hour)



The facilitator will raise the parked items for a last discussion in plenary.

3. Plenary oral evaluation



Participants will look back at the outcome expectation chart that was filled in at the beginning of the workshop, and will be invited to discuss whether or not their expectations were met. One exercise that can be used involves a flip-chart drawing of a target, with the centre signifying being on target. The target as a whole can be used in relation to four different themes decided upon with the participants (e.g. facilitation, meeting of objectives, knowledge gained on judicial stereotyping and actions identified).

4. Written evaluation



Participants will be invited to fill out the evaluation questionnaire ([annex VII](#)).

5. Presentation of certificates and closing ceremony



Facilitators will be responsible for arranging the certificate presentation ceremony and making closing remarks.

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AND REFERENCES



1. UNITED NATIONS TREATIES

- International Covenant on Civil and Political Rights, 16 December 1966
- International Covenant on Economic, Social and Cultural Rights, 16 December 1966
- Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979
- Convention on the Rights of the Child, 20 November 1989
- Convention on the Rights of Persons with Disabilities, 13 December 2006

2. UNITED NATIONS TREATY BODY GENERAL COMMENTS AND RECOMMENDATIONS

- **Committee on the Elimination of Discrimination against Women (CEDAW)**, general recommendation No. 24 (1999) on women and health
- CEDAW, general recommendation No. 28 (2010) on the core obligations of States parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women
- CEDAW and Committee on the Rights of the Child (CRC), joint general recommendation No. 31 and general comment No. 18 (2014) on harmful practices
- CEDAW, general recommendation No. 33 (2015) on women's access to justice
- CEDAW, general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19

- **Committee on Economic, Social and Cultural Rights (CESCR)**, general comment No. 14 (2000) on the right to the highest attainable standard of health
- CESCR, general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights
- CESCR, general comment No. 22 (2016) on the right to sexual and reproductive health

- **Human Rights Committee**, general comment No. 28 (2000) on the equality of rights between men and women
- Human Rights Committee, general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant

- **Committee on the Rights of the Child (CRC)**, general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health
- **Committee on the Rights of Persons with Disabilities (CRPD)**, general comment No. 3 (2016) on women and girls with disabilities

3. DECISIONS ADOPTED BY UNITED NATIONS TREATY BODIES THROUGH INDIVIDUAL COMMUNICATIONS AND INQUIRY PROCEEDINGS

- **CEDAW**, *A.T. v. Hungary* (CEDAW/C/32/D/2/2003) (Lack of appropriate prevention or investigation of a domestic violence case)
- CEDAW, *A.S. v. Hungary* (CEDAW/C/36/D/4/2004) (Gender stereotyping on the forced sterilization of a Roma woman).
- CEDAW, *Vienna Intervention Centre against Domestic Violence and Association for Women's Access to Justice on behalf of Hakan Goekce, Handan Goekce and Guelue Goekce v. Austria* (CEDAW/C/39/D/5/2005) (Judicial gender stereotyping in a domestic violence case)
- CEDAW, *Vienna Intervention Centre against Domestic Violence and Association for Women's Access to Justice on behalf of Banu Akbak, Gülen Khan and Melissa Özdemir v. Austria* (CEDAW/C/39/D/6/2005) (Lack of access to justice for a victim of domestic violence)
- CEDAW, *Karen Tayag Vertido v. The Philippines* (CEDAW/C/46/D/18/2008) (Judicial gender stereotyping in a rape case)
- CEDAW, *V.K. v. Bulgaria* (CEDAW/C/49/D/20/2008) (Lack of access to justice in a domestic violence case)
- CEDAW, *Maria de Lourdes da Silva Pimentel v. Brazil* (CEDAW/C/49/D/17/2008) (Preventable maternal death of an Afro-Brazilian woman and the obligations of the State)
- CEDAW, *T.P.F. v. Peru* (CEDAW/C/50/D/22/2009) (Lack of access to legal abortion for a young woman whose life and health was in danger)
- CEDAW, *Isatou Jallow v. Bulgaria* (CEDAW/C/52/D/32/2011) (Failure to provide effective protection against domestic violence)
- CEDAW, *R.K.B. v. Turkey* (CEDAW/C/51/D/28/2010) (Failure to ensure de facto equal treatment in employment)
- CEDAW, *R.P.B v. The Philippines* (CEDAW/C/57/D/34/2011) (Gender and disability stereotyping in the judiciary in a rape case)
- CEDAW, *Report on Mexico* (CEDAW/C/2005/OP.8/MEXICO) (Murder and disappearances of women and girls in Ciudad Juárez and elsewhere in Chihuahua)
- CEDAW, *Summary of the inquiry concerning the Philippines* (CEDAW/C/OP.8/PHL/1) (Lack of access to contraceptives in public health facilities in Manila due to an executive order by the mayor, and the consequences on the life and health of women)

- **Human Rights Committee**, *Nicholas Toonen v. Australia* (CCPR/C/50/D/488/1992) (Discrimination in access to marriage equality for same-sex couples)
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- Human Rights Committee, *V.D.A. v. Argentina* (CCPR/C/101/D/1608/2007) (Failure to provide access to legal abortion in a case concerning the rape of a girl with disabilities)
- Human Rights Committee, *L.N.P. v. Argentine Republic* (CCPR/C/102/D/1610/2007) (Discrimination against a girl of indigenous origin who was a victim of rape)

- Human Rights Committee, *Amanda Jane Mellet v. Ireland* (CCPR/C/116/D/2324/2013) (Failure to provide access to abortion in a case involving foetal abnormalities)
- Human Rights Committee, *Siobhán Whelan v. Ireland* (CCPR/C/119/D/2425/2014) (Failure to provide access to abortion when a woman's life was at risk)

4. REPORTS BY UNITED NATIONS SPECIAL PROCEDURE MANDATE HOLDERS

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- **Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health** on the right to health and the reduction of maternal mortality (A/61/338)
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- **Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment** on abuses in health-care settings (A/HRC/22/53)

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- Council of Europe, *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice* (2017)
- OHCHR, "Background paper on the role of the judiciary in addressing the harmful gender stereotypes related to sexual and reproductive health and rights: a review of case law" (2018)
- OHCHR, *From Planning to Impact: A Manual on Human Rights Training Methodology* (2019)

ANNEXES

Examples of evaluation tools and training materials, including questionnaires, exercises, handouts and case studies



ANNEX I

EXAMPLE OF CONCEPT NOTE

The role of the judiciary in addressing gender stereotypes

Introduction

The workshop is aimed at increasing the capacity of judges to identify and overcome gender stereotyping, with a view to enhancing the protection of human rights and access to justice, particularly for women and other persons who are marginalized by reason of their sex, gender identity and/or sexual orientation.

Gender stereotypes are opinions or generalized prejudices about attributes or characteristics that men and women possess or supposedly should possess, or about the social functions that both women and men perform or supposedly should perform. A gender stereotype is harmful when it limits the ability of men and women to develop their personal faculties, pursue a professional career and make decisions about their lives and life projects. Harmful stereotypes can be hostile or negative (for example, that women are irrational) or seemingly benign (for example, that women are caring). However, on the basis of the latter stereotype, that women are more caring or are primarily destined to be mothers, the responsibilities of caring for children tend to fall almost exclusively on them.

Background

The challenges that women face in accessing justice have been attributed in part to judicial stereotyping.¹ Judicial stereotyping refers to the practice of attributing specific attributes, characteristics or roles to an individual solely because of their membership of a social group (for example, women). In this sense, it is relevant to emphasize the positive role that judges can play, and have played, in explicitly identifying and dismantling stereotypes through judicial practice, in particular in their judicial decisions.

Certain practices of the judicial system, however, have normalized and perpetuated harmful gender stereotypes by not explicitly addressing or questioning erroneous examples. While there is growing international and regional jurisprudence on the impact of stereotypes on the enjoyment of the right to an effective remedy in cases of gender-based violence, judicial stereotypes may affect the ability of women to exercise their rights in other areas too, including sexual and reproductive health.

¹ See, for example, CEDAW general recommendation No. 33 (2015) on women's access to justice, paras. 26–29; and OHCHR, *Gender stereotyping as a human rights violation*, "Eliminating judicial stereotyping" and "Background paper on the role of the judiciary".

Both the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities impose obligations on States on how to address stereotyping.² Other United Nations human rights mechanisms have addressed these issues on the basis of the right to non-discrimination and equality. Regional human rights mechanisms have also required States parties to eliminate stereotyping, including the stereotypes used by those who administer justice. These obligations apply to all State entities, including the judiciary. In practice, this means that the judiciary must:³

- Refrain from stereotyping (obligation to respect)
- Ensure that stereotyping does not violate human rights (obligation to protect)
- Ensure that women can exercise and enjoy the right not to suffer harmful gender stereotypes (obligation to comply).

Objectives and expected results of this workshop

The workshop is expected to raise awareness, promote the exchange of experiences and enhance the ability of the judiciary to identify, address and counteract harmful gender stereotypes in line with international human rights norms and standards. By the end of the workshop, participants should be able to:

- (a) Explain international human rights norms and standards related to gender stereotyping;
- (b) Describe the impact of judicial gender stereotyping on the enjoyment of human rights;
- (c) Identify and critically assess judicial gender stereotypes and stereotyping;
- (d) Develop concrete follow-up actions, engagement and evaluation as part of a broader national or regional strategy to address judicial gender stereotyping.

Workshop participants

Judges are the main target audience of the workshop, particularly (but not exclusively) those working at the highest instance. It is recommended to include judges working in different areas of the law (criminal law, administrative law and civil law) and from geographically diverse regions within the country or different countries within the region. It is also important to ensure as much diversity in participation as possible. This diversity should be valued for all functions and at all levels, in terms of sex, gender identity, sexual orientation, disability, age and ethnicity, among other characteristics. In planning the workshop, it is essential to consider accessibility. Other actors within the judiciary who provide support for judges (e.g. judicial or trial law clerks and members of judicial training institutions) may also be considered as participants.

² Article 5 (a) of the Convention on the Elimination of All Forms of Discrimination against Women requires that States take all appropriate measures to modify the social and cultural patterns of the conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women. Article 8 (1) (b) of the Convention on the Rights of Persons with Disabilities requires States to adopt immediate, effective and appropriate measures to combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life.

³ See articles 2 (f) and 5 (a) of the Convention on the Elimination of All Forms of Discrimination against Women as referenced in OHCHR, "Eliminating judicial stereotyping", pp. 6–7.

Workshop methodology

The workshop will be subject to a participatory methodology consisting of brief theory-based presentations, group exercises and case studies (international and regional jurisprudence and/or national decisions and practices). Ample opportunity will be given to participants to share their experiences, opinions and concerns. The sharing of experiences by members of the judiciary from other countries in the region is encouraged. Emphasis will be placed on participatory activities and on the identification of follow-up actions in order to put the contents of the workshop into practice.

ANNEX II

PRE-WORKSHOP QUESTIONNAIRE

1. Have you relied upon international and/or regional human rights treaties and/or jurisprudence in your work? Please briefly explain.

2. Have you ever engaged with international and/or regional human rights mechanisms? Please explain.

3. In your view, what is gender stereotyping and how does it impact on human rights, including access to justice?

4. Can you identify specific obstacles that women and/or LGBTI persons face when accessing justice?

5. Does gender stereotyping occur in the judiciary?

6. Please indicate whether you have participated in workshops or training courses on the following issues:

- (a) International human rights law and mechanisms;
- (b) Gender;
- (c) Gender stereotyping;
- (d) Women's access to justice;
- (e) Other related issues.

7. What are your expectations for the workshop?

ANNEX III

BUILDING A DEFINITION OF GENDER STEREOTYPES AND STEREOTYPING

PART 1 – BUILDING A DEFINITION OF GENDER STEREOTYPES

Facilitator will form groups of four participants.

Instructions for groups:

1. Individually, each member of the group will take five minutes to write down a definition of gender stereotypes on a sticky note.
2. Each member of the group will share their definition with another member of their group, and they will attempt to reach a common definition.
3. The four members of the group will agree on a common definition.
4. Each group will share their agreed definition in plenary, followed by a discussion guided by the facilitator.

PART 2 – UNDERSTANDING GENDER STEREOTYPING

Instructions for participants:

1. There are two flip charts in the room: one headed “MEN” and another headed “WOMEN”.
2. Write down (using sticky notes) one common stereotype associated with women and one associated with men, and attach them to the appropriate flip charts.

ANNEX IV

NEWS CLIPPINGS EXERCISE

Instructions for groups:

1. You have in front of you a compilation of news clippings regarding a recent case related to women's rights and gender equality.
2. Review the news clippings and respond as a group to the following questions:
 - (a) Can you identify any gender stereotypes in the press clippings?
 - (b) Are these harmful gender stereotypes? Could they generally lead to wrongful gender stereotyping? If so, how? What are the potential human rights impacts?
 - (c) How might these stereotypes affect each stage of the judicial process?
 - (d) How can gender stereotyping be prevented both inside and outside the courtroom?

ANNEX V

GENDER-BASED VIOLENCE CASES

Case 1

Elena is a young columnist for a national newspaper. One evening, she was walking alone through a busy neighbourhood when a taxi driver drove past her and slowed down, telling her to get into the car if she wanted to spend a night like she'd never spent before in her life. Elena refused and tried to get away from the taxi. Several blocks later, with the taxi driver still following her, she found a bar and went inside to wait for the taxi driver to go away. She wrote down the taxi's licence plate number on a napkin. The following week, Elena published an account of the incident in her weekly column and filed a complaint of harassment against the taxi driver. In response, she received anonymous attacks that questioned the contents of her article, asking why she was walking alone at night and criticizing the potential impact of the article on the taxi driver, who could lose his job.

Answer the following questions:

What are the gender stereotypes in this scenario?

How did these gender stereotypes affect the various decisions that were made?

Could these gender stereotypes impact on the person's enjoyment of human rights?

If this scenario presented itself in your court, how would you adjudicate the matter, and what remedies (if any) would you apply?

Case 2

Gabriela was raped by one of her university professors. Given the high profile of her professor, Gabriela never dared to report the assault, as she did not want to be labelled as a troublemaker. Five years after the rape, she learned that another student had accused and reported the same professor of rape. Gabriela felt responsible for having kept silent, and decided to report her own rape. When she arrived at the police station, the police officer told her that she was not the only person who had recently come forward with similar allegations against the professor. Moreover, the police officer told Gabriela that he believed that she was only reporting the matter in order to obtain compensation. The police officer also told her that, had she been a real victim, she would have reported the rape sooner.

Answer the following questions:

What are the gender stereotypes in this scenario?

How did these gender stereotypes affect the various decisions that were made?

Could these gender stereotypes impact on the person's enjoyment of human rights?

If this scenario presented itself in your court, how would you adjudicate the matter, and what remedies (if any) would you apply?

Case 3

Elisabeth was 17 when she was forced to marry a 30-year-old man. Her husband was often violent towards her. However, as there was no place for her to go nor anyone to support her, Elisabeth felt that there was nothing she could do. One evening, she arrived home late after visiting her mother in a remote part of town. In anger, Elisabeth's husband strangled her to death. When the police arrived at their house, the husband told them that he had found his wife dead after she had committed suicide. He also told the police he had bathed her "to keep her image pure". The police did not investigate the matter further and declared that Elisabeth had committed suicide. Elisabeth's mother complained to the police for not investigating her daughter's death.

Answer the following questions:

What are the gender stereotypes in this scenario?

How did these gender stereotypes affect the various decisions that were made?

Could these gender stereotypes impact on the person's enjoyment of human rights?

If this scenario presented itself in your court, how would you adjudicate the matter, and what remedies (if any) would you apply?

ANNEX VI

SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS CASES

Case 1

When she was 11 years old, Sofia began to be sexually abused by an adult family member, as a result of which she became pregnant at 13 years old. Faced with despair and fear at having to accuse someone in her family, Sofia tried to commit suicide by throwing herself in front of a car. She was taken to hospital, where it was determined that the damage to her body (paraplegia of the lower and upper limbs) made urgent surgical intervention necessary in order to avoid serious disability. In spite of her operation being scheduled, it was suspended, as the medical personnel discovered that she was pregnant and the operation would put the foetus at risk. Sofia and her mother requested that the pregnancy be terminated, which, although legal, was denied for various reasons. Subsequently, Sofia had a spontaneous abortion. Three and a half months later, Sofia had the surgery; however, the delay in the operation had serious repercussions, as Sofia is now paralyzed from the neck down.

Answer the following questions:

What are the gender stereotypes in this scenario?

How did these gender stereotypes affect the various decisions that were made?

Could these gender stereotypes impact on the person's enjoyment of human rights?

If this scenario presented itself in your court, how would you adjudicate the matter, and what remedies (if any) would you apply?

Case 2

The Parliament of the Republic of Centralia approved new legislation to protect the rights of children and adolescents in the country. This legislation was the product of years of work between the Government and civil society, with the intention of establishing a regulatory framework for government action with respect to minors according to a holistic approach. A few days after the regulations entered into force, the National Association of Parents challenged several articles of the legislation establishing some of the State's obligations on education and health care. With regard to education, they challenged the State's obligation to ensure substantive equality in the provision of education (i.e. without distinguishing between students on the basis of sex or sexual orientation, among other characteristics). In the opinion of the parents, this rule infringed their parental right to raise their children according to their beliefs and imposed the vision of the civil society organizations that had participated in the drafting of the regulations. With regard to health care, the National Association of Parents challenged the obligation on health-care personnel to provide contraception on demand. In the opinion of the parents, this measure infringed the rights of their children to integrity, health and safety, as it promoted sexual practices that threatened the family.

Answer the following questions:

What are the gender stereotypes in this scenario?

How did these gender stereotypes affect the various decisions that were made?

Could these gender stereotypes impact on the person's enjoyment of human rights?

If this scenario presented itself in your court, how would you adjudicate the matter, and what remedies (if any) would you apply?

Case 3

Marco is a trans man who changed his legal identity two years ago. During the transition process he was accompanied by his partner Roberto, with whom he has had a relationship for 10 years. Roberto is an architect in a respected firm, in which he enjoys various benefits such as one month of vacation a year, productivity bonuses and good medical insurance cover for him and his family. Roberto and Marco married when Marco acquired his new legal identity. Four months after the wedding, Marco fainted suddenly and, in hospital, the doctor informed them that Marco was pregnant. The doctor noted a series of complications that placed Marco and the foetus at risk, thereby requiring specialist treatment. The next day, Roberto informed his insurance company in order to make use of his policy. However, on reviewing the claim, the insurer declared that the insurance policy would only cover a pregnant wife, and not Marco and Roberto.

Answer the following questions:

What are the gender stereotypes in this scenario?

How did these gender stereotypes affect the various decisions that were made?

Could these gender stereotypes impact on the person's enjoyment of human rights?

If this scenario presented itself in your court, how would you adjudicate the matter, and what remedies (if any) would you apply?

ANNEX VII

EVALUATION QUESTIONNAIRE

Please note that this questionnaire should be kept confidential. Therefore, participants should not be asked to write their name on the evaluation sheet.

On a scale of 1 (strongly agree) to 4 (strongly disagree), how do you assess the achievement of the workshop's objectives?

1. Now that I have completed the workshop, I feel I am better able to:

- a) Explain international human rights norms and standards related to gender stereotyping

1 Strongly agree	2 Agree	3 Disagree	4 Strongly disagree

- b) Describe the human rights impact of judicial gender stereotyping

1 Strongly agree	2 Agree	3 Disagree	4 Strongly disagree

- c) Identify and critically assess judicial gender stereotypes and stereotyping

1 Strongly agree	2 Agree	3 Disagree	4 Strongly disagree

- d) Develop concrete follow-up actions, engagement and evaluation as part of a broader national/regional strategy to overcome judicial gender stereotyping

1 Strongly agree	2 Agree	3 Disagree	4 Strongly disagree

Additional comments:

2. How relevant was the workshop to your work?

1 Highly relevant	2 Somewhat relevant	3 Not very relevant	4 Not at all relevant

Additional comments:

3. Did this workshop change your perceptions on gender stereotyping in the judiciary?

Please explain:

4. How would you rate the following?

a. Facilitation of the workshop

1 Excellent	2 Good	3 Poor	4 Very poor

b. Organization of the workshop

1 Excellent	2 Good	3 Poor	4 Very poor

c. Workshop activities

1 Excellent	2 Good	3 Poor	4 Very poor

d. Materials for the workshop

1 Excellent	2 Good	3 Poor	4 Very poor

Additional comments:

5. Which parts of the workshop did you find the most useful and least useful, and why?**6. What suggestions do you have for improving the workshop?****7. What other activities could organizers undertake to address gender stereotyping in the judiciary?**



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