

# Gender Stereotyping and the Judiciary



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## Session 2.

# Key Concepts and Women's Access to Justice

1. Key concepts
2. Women's access to justice and the barriers they may face
3. International human rights system



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# Key concepts

**Sex**

**Gender**

**Gender  
equality**

**Gender  
identity**

**Gender-based  
discrimination**

**Sexual  
orientation**

**Gender  
integration**

# Sex and gender

## Sex

- Biological and physiological characteristics that typically define men and women
- *Biological differences.*

## Gender

- Socially constructed identities, attributes and roles assigned to men and women based on these biological differences.
- *Socially constructed.*

# Sex and gender

- Sex and gender discrimination are prohibited under international human rights law.
- Sex and gender discrimination includes discrimination against women but is not limited to it.



# Women's access to justice

- Women's access to justice encompasses processes to ensure that the whole system is sensitive and responsive to the needs and realities of both women and men and empowers them throughout the justice chain.



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# Women's access to justice

- Women face persistent inequalities in both national and international legal systems.
- Justice systems tend to reflect the power imbalances inherent in any society, and they reinforce the privilege and the interests of the powerful.
- Women face a variety of:
  - **legal, institutional barriers**
  - **socio-economic and cultural barriers in accessing justice**
- Stereotypes represent one of the main barriers women face when accessing justice.



# Components of Women's Access to Justice

- **Justiciability**
- **Availability**
- **Accessibility**
- **Good quality**
- **Provision of remedies**
- **Accountability of justice systems**



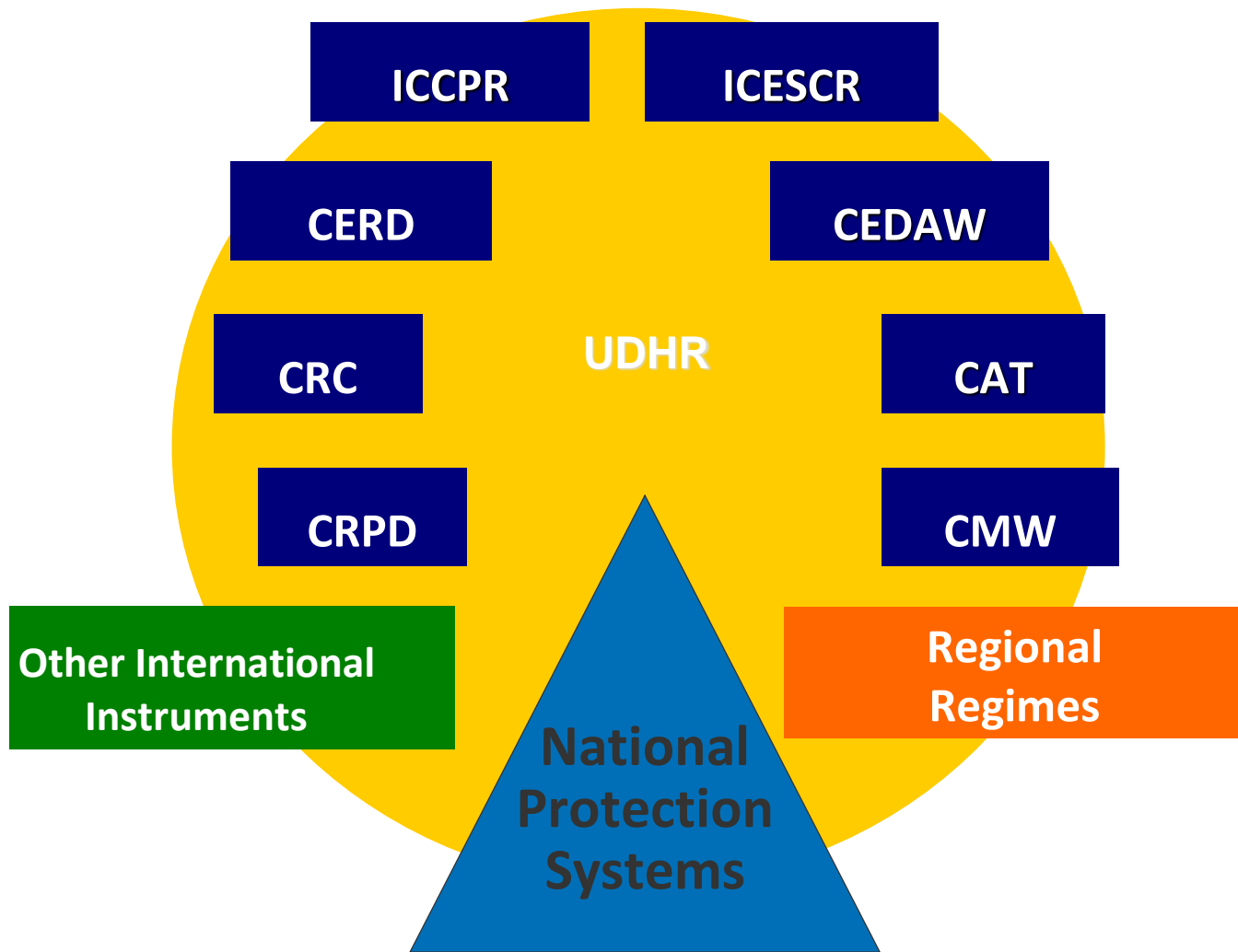
# What are human rights?

- ...Universal legal guarantees;  
...civil, political, economic, social and cultural;  
...protect human values (freedom, equality, dignity)  
...inherent to individuals and, to some extent, groups;  
...reflected in international norms and standards;  
...legally binding on States.



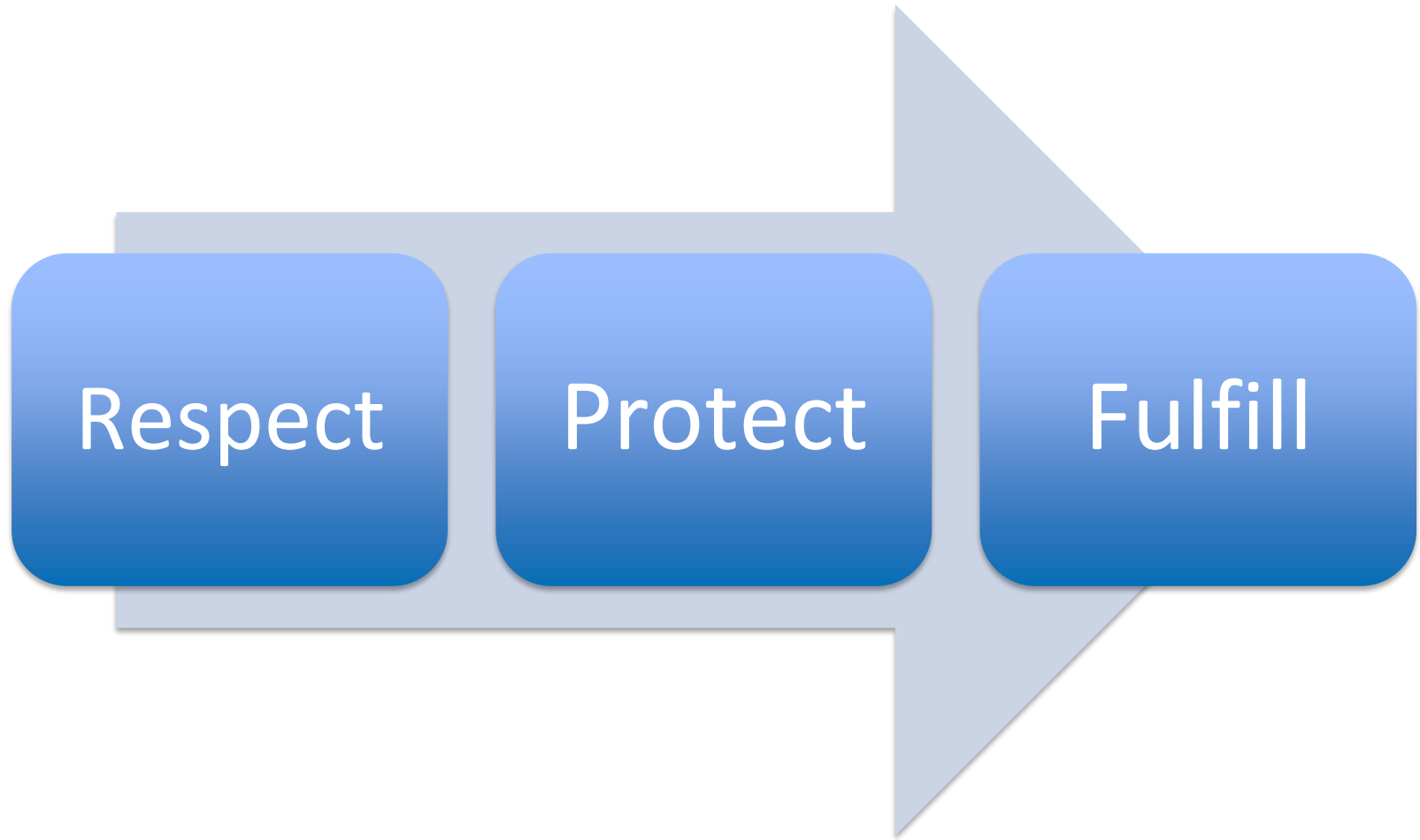
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# Human rights instruments



Graphic taken from presentation in the UN Common Learning package.

# States' obligations



# Human Rights Mechanisms

Universal  
Periodic Review

Treaty Bodies

Special  
Procedures



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# Human rights mechanisms – UN treaty monitoring bodies

- Are committees of independent experts that monitor the implementation by the States of the core human rights treaties.
- Mechanisms to monitor compliance:
  - Periodic reports (concluding observations)
  - General comments/observations
  - Individual cases (decisions)
  - Inquiry procedures



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# Human rights mechanisms – Universal Periodic Review (UPR)

- Involves a review of the human rights record of all UN member States.
- Is a universal State-driven process, under the auspices of the Human Rights Council.
- A report with recommendations is produced after the review of the State.



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# Human rights mechanisms – Special Procedures

- Are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.
- They undertake country visits, receive and send communications to States, produce reports (thematic and country-specific), participate in expert meetings and advocacy.



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# The human rights architecture and the judiciary

**How is this human rights architecture connected to the judiciary at national level?**



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