

Rule Of Law Technical Note:

Connecting Gender and People-Centered Justice

Gender, Rule of Law Programming and People-Centered Justice

With the adoption of USAID's new [Rule of Law Policy](#) and related frameworks and tools by other international donors and actors, people-centered justice (PCJ) is now at the forefront of rule of law programming. PCJ is an approach to promoting the rule of law that starts with what people need and want when they seek justice; it puts people, their legal problems, and justice needs at the center of justice systems and services. To effectively close the justice gap, PCJ approaches require an understanding of gender and social norms, of how women and men are differently impacted on their justice journeys, whether through formal or informal mechanisms or institutions.

Public perception and trust of justice systems has been on the decline, while authoritarianism and disinformation have increased. Both men and women have had negative experiences with justice institutions, experienced lack of access to justice, and been faced with inefficiencies in or non-existent services to solve their problems.

According to a 2023 [World Justice Project Report](#) women face greater barriers to justice than men in nearly 70% of the countries surveyed. They also face more hardships as a consequence of their legal problems in 62% of the countries surveyed. PCJ addresses this by empowering all people to know, use and shape the law, adapting systems to respond to people's needs, and rebuilding trust through new social contracts.

Gender and the Rule of Law

Gender is a source of power based on the different roles and responsibilities assigned to women and men, often creating an imbalance of power and freedoms, including for those who do not fit traditional definitions of gender. Healthy democracies and effective justice systems require the full and free participation of all members of society, regardless of sexual orientation and gender identity. Women and girls are all too often impacted by weak rule of law, facing barriers to justice because of limited income, discriminatory laws and practice, gender-based violence, and exclusion from decision-making positions.

Even in countries where effective laws exist, implementation is often impacted by local customs and norms, with many women unaware of their rights or how to assert them. But where gender equality and women's empowerment intersect with the rule of law, there are significant gains not only in the justice and legal sectors but also improved family health, better education for children, reduced vulnerability to HIV/AIDS and communicable diseases, better family finances, and greater economic development for countries.

Countries with weak formal protections tend to be countries where women are unable to seek adequate, safe, and fair paths to justice. As noted in the Georgetown Institute for Women Peace, and Security's [WPS Index 2023/24](#), "nine of the dozen worst-performing countries in access to justice also score below the global average in absence of legal discrimination." The index also notes that "13 of the 14 countries with fully equal legal codes for women and men score higher than 3 points out of 4 on access to justice."

Gender refers to a socially constructed set of rules, responsibilities, entitlements, and behaviors associated with being a man, a woman, or a gender diverse individual, and the relationships between and among people according to these constructs. These social definitions and their consequences differ among and within cultures, change over time, and intersect with other factors (e.g., age, class, disability, ethnicity, race, religion, citizenship, and sexual orientation). Though these concepts are linked, the term gender is not interchangeable with the terms women, sex, gender identity, or gender expression.

Source: USAID's Gender Equality and Women's Empowerment Policy. For more definitions, see ADS 205.

Rule of law assistance activities and reforms that facilitate PCJ should incorporate gender beginning with the design phase. PCJ is not a one size fits all approach and must take into account differing needs and roles, as well as the impact activities may have on different groups of people. Interventions should be tailored based on data, research, and defining those specific needs.

Within justice **systems** gendered needs are best addressed with data and evidence-based solutions. This information can be gathered through country gender analysis, including analyzing laws and policies to ensure legislation and procedures are gender sensitive, focused on promoting equality, and comply with international standards. Gender audits of institutional processes and regulations, as well as gender budgeting, can improve gender equality and inclusion, ensuring the necessary funding to transform systems.

People-centered rule of law **services** should include gender sensitive court processes, accessible legal aid including paralegal and community justice services, alternative dispute resolution services, witness/victim protection mechanisms, and survivor centered approaches for victims of violence. Addressing the specific norms and needs of an individual **society** requires a nuanced approach such as targeted legal awareness and gender sensitivity campaigns, particularly to address gender-based violence and trafficking in persons. Successful approaches require community engagement, justice needs surveys, and justice journey mapping exercises that can right-size solutions designed to make justice more easily accessible and ensure that all people can exercise their rights.

Applying a Gender Focus to People-Centered Justice

Laws themselves can be discriminatory, such as those that limit who one can marry, barring women from land ownership, limiting equal access to passports, labor laws that exclude women from certain jobs under the pretext of health protections, prohibitions on opening bank accounts or starting a business, etc. But even laws that appear "gender-neutral" (i.e., those that do not explicitly differentiate between men and women) can still have adverse discriminatory effects on a practical level. How laws are implemented and enforced are

often affected by discriminatory attitudes. In fact, de jure and de facto equality has not been achieved in any country in the world. Women are disproportionately affected when practical restrictions impose burdens on their mobility and time, when financial limitations make it impossible for them to start a business, and when they are unable to inherit or transfer land. These practical limitations mean that most legal issues in developing countries are resolved outside of formal systems.

According to the [World Justice Project](#), while 53% of women report experiencing a legal problem within the last two years, only 13% turned to an authority or third party to help resolve the problem. Some of the most common issues experienced by women include housing issues, utility disruptions, faulty or damaged goods, and problems with professional services. WJP reporting revealed that 67% of women who resolved their legal problems knew where to get advice regarding the issue compared with 52% of women whose legal problem remained unresolved. Of those women reporting legal problems, 42% experienced a hardship as a result with 29% experiencing a physical or stress-related illness due to the legal issue. Significantly, 21% lost their job or needed to relocate; such hardships clearly impact women's ability to fully participate in the economy and in public life.

Effective solutions to these challenges can include building partnerships of justice, legal, and social service providers to offer more holistic remedies, enhancing the transparency of judicial decision making to build public confidence, and utilizing behavior change strategies to increase public engagement, oversight, demand for, and trust in justice services. Rule of law programs have found success in building the capacity of CSOs to coordinate with justice institutions, better representing women, youth, LGBTQI communities, and other vulnerable populations. The strengthening of paralegal networks and community justice advocates has also offered opportunities to meet the needs of local communities and more fully address gender disparities.

Underrepresentation of women in the judiciary and as leaders in the legal profession also needs to be addressed in order to realize women's equal access to justice as well as their right to equal participation as decision makers. Even when women hold leadership positions, they can be subject to bias and discrimination or relegated to legal issues that are considered appropriate for women, such as family law. Women judges and lawyers are often subject to additional scrutiny, both by male colleagues and by the public who have been influenced by negative stereotypes. They also face violence in both its online and offline manifestations just for doing their job. Evidence suggests that having more women judges and front-line officials can create a better environment for women accessing the justice system.

People centered justice activities that focus on gender may include supporting women's judges' associations, mentoring for legal professionals that engage both women and men, women's leadership programs, and integrating gender into strategic planning for courts. Training for all judicial personnel on gender equality, courtroom practice, engaging with witnesses, and user-friendly services can also promote PCJ concepts and help ensure better access to justice. Additional mechanisms for addressing gender challenges include utilizing problem-solving courts and specialized mechanisms that address specific justice needs and prevent a recurrence of the same issues. Promoting initiatives that allow for community engagement including the ability to observe proceedings, learn how courts work and the services they offer, and to better understand the role of the judiciary can build trust and promote democracy for all. Recognizing that women constitute the largest group of users of customary and informal justice systems, a PCJ approach must also look at

strengthening women's participation and leadership in those institutions and explore diverse pathways to ensuring those institutions provide women with just solutions to their legal problems.

Additional References

[Rule of Law Technical Note: Integrating Gender and Women's Empowerment into People-Centered Justice](#)

Additional Resources

[USAID Rule of Law Policy](#)

[USAID Gender and Women's Empowerment Policy](#)

[The U.S. National Action Plan on Women, Peace and Security](#)

[The U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally](#)

[Pathfinders Justice for Women Report](#)

