

# Rule Of Law Technical Note:

## Integrating Gender and Women's Empowerment into People-Centered Justice

USAID's [Rule of Law Policy](#) outlines a people-centered justice (PCJ) approach to programming that focuses on what people need and want when they seek justice; making it critical to understand the differing needs and wants of people based on their gender. Effectively closing the justice gap also means working to close the gender gap. To achieve that goal, rule of law programming must be informed by and integrate PCJ approaches that understand gender and social norms, of how women and men and gender diverse individuals are differently impacted on their justice journeys, whether through formal or informal mechanisms or institutions.

According to the [World Justice Project](#), women face greater barriers to justice than men in nearly 70% of the countries surveyed and the gender gap in access to justice is observed in nearly 80% of countries with a high level of gender inequality. Women's inclusion, justice, and security have declined due to the global pandemic with widening disparities across countries. Countries at the top continue to improve while those at the bottom get worse, reflecting the rising global inequality in wealth and income. However, even where advances have been made, there have been significant attacks on gender equity and equality, often as part of attacks on democracy.

**Providing better gender justice data.** Comprehensive, sex-disaggregated data has long been needed to more effectively address gender inequalities and meet the legal needs of women and girls, especially those resulting from or exacerbated by conflict and pandemic. Effective justice policy making requires better data to inform decision-making that is based in fact. Program activities such as justice needs analysis, court user satisfaction surveys, and community focus groups offer opportunities for developing innovative data collection mechanisms, including working with stakeholders to develop standard practices to compile and analyze gender data. This information can help identify gaps and provide the information that leaders need to advance gender equality through the justice system and services. Going beyond merely collecting sex-disaggregated data, this information should focus on how people experience services differently, how gender impacts perceptions of both formal and informal justice systems, and how to better adapt and meet those specific needs.

**Advancing gender justice budgeting.** Inclusive or gender responsive budgeting is an effective tool for addressing inequalities. This budgeting mechanism provides a more equitable distribution of

resources for women, offers a source of gender data, and when led by women typically results in better community and family services. Some examples that result from gender budgeting include providing flexible work options, child care assistance, language interpretation, workplace accommodations for those with physical and mental disabilities, and dedicated units or facilities for women and girls, including at courts and police stations.

### **Advancing women’s participation and leadership.**

Women and girls should be equal participants in formal political processes, as well as quasi-formal and informal processes and mechanisms such as labor associations, civic movements, and social media, and as community justice advocates and human rights defenders. This equality of representation helps democracies be more responsive to people’s needs and priorities, improve rights protections, and strengthen respect for the rule of law. Increasing women’s full and meaningful participation in politics and public life requires an understanding of how gender norms affect democracy and the rule of law. Efforts solely focused on capacity building for women, legal reforms, or on quotas will not resolve issues of power imbalances between men and women in public life. Change must come from addressing resistance to inclusion, including patriarchal norms and discriminatory laws, while also enhancing women’s confidence and capacity to participate. Evidence suggests that having more women judges and front-line justice providers creates a better environment for women to access the justice system. Successful practices also include gender equality training for both judges and informal justice leaders, as well as capacity building and training of legal professionals, court staff, and law enforcement to incorporate gender sensitive processes and people-centered attitudes.

**Preventing cycles of violence.** Gender-Based Violence is any harmful threat or act directed at an individual or group based on actual or perceived sex, gender, gender identity or expression, sex characteristics, sexual orientation, and/or lack of adherence to varying socially constructed norms around masculinity and femininity.<sup>1</sup> While anyone may experience GBV, women, girls, and gender non-conforming individuals have disproportionate risks due to their unequal status in society. Typically, GBV, including sexual violence, increases during conflict and people have less access to medical and psycho-social support services. These impediments mean that women and girls, in particular, have less of a say in how they lead their daily lives with a decreased ability to influence how they experience the rule of law. Unfortunately, violence against women in politics and public life is also increasing; women seeking or assuming positions of leadership are more vulnerable than men to both physical violence and to technology facilitated gender-based violence (TFGBV). PCJ prevention-oriented activities such as laws specifically recognizing and addressing domestic violence, improving techniques for solving domestic violence and gender-based crimes and increasing the number of victims who receive legal, medical, and psycho-social support, combined with strengthening

## EXAMPLES OF PEOPLE-CENTERED JUSTICE PROGRAMMING

Thuthuzela Care Centers (TCCs) in South Africa offer a streamlined process for survivors to receive comprehensive care and find support from police and medical staff specially trained to deal with SGBV with a one-stop approach and designed to meet the specific needs of survivors.

The Women’s Legal Rights (WLR) Initiative supported a local grassroots effort to obtain 20,000 signatures for a “citizen’s bill” that resulted in the adoption of the Law Against Violence in Family Relations in Albania.

Ukraine is the first country to organize specific national consultations on PCJ, leading to roadmaps for government action on both GBV and informal employment. A working group, which included experts in domestic violence and engaged survivors about their needs and expectations, focused on how restraining orders are issued, providing citizens with multiple pathways to justice and empowering them to hold the justice system accountable.

<sup>1</sup> [US Strategy to Prevent and Respond To Gender-Based Violence](#)

gender-sensitivity within the judiciary, prosecution, and legal aid, can offer survivors of violence better access to quality justice.

**Responding to crises: learning from the COVID-19 pandemic.** The COVID-19 pandemic exposed and exacerbated gender inequalities with women simultaneously taking on increased responsibilities at home and work, while facing increased health threats to themselves and their families. With the loss of childcare, many women were prevented from continuing or seeking employment and based on social and gender norms, the burden of care fell disproportionately on women. Alongside an increase in intimate partner violence, women victims were less able to find assistance with shelters closed and lacking the financial independence to escape the relationship. These issues were even more acute for women living in poverty and those from ethnic and other types of minority populations. The response to the pandemic provides lessons learned for using technology, providing better resources to women and families, and the need for more equitable systems such as video hearings for courts, particularly related to protection orders for victims and those at risk of intimate partner violence and online resources to apply for assistance.

**Addressing climate change.** Women are disproportionately affected by extreme weather events and climate-related stresses. Despite being the primary agricultural workers in many developing countries, women enjoy limited property rights, and little say in how land is used and protected. As front-line workers and those who often bear the brunt of climate change in their communities, women have significant experience that can be utilized to design and implement innovative and effective solutions. A people-centered justice approach can capitalize on that experience to find right-sized solutions to climate-related and environmental problems that fit in local communities and on a national scale, including community advocacy, social accountability mechanisms, and public interest litigation. There is growing evidence that women's participation and leadership in climate governance is associated with better resource allocation, disaster readiness and more ambitious climate action.<sup>2</sup>

**Promoting equality and equity.** While equality and equity are often used interchangeably, they are not the same. Equality means everyone is treated the same way (in terms of rights, responsibilities and opportunities) while equity means everyone is provided with what they need to succeed. In countries where USAID works, inequality and structural discrimination is almost always present and therefore, equity initiatives are necessary to achieve equality. Removing discriminatory provisions in personal status laws may ensure legal equality in marriage, divorce, custody, and inheritance, but those rights will not be realized without addressing the de facto barriers to access. This would include, for example, challenging social norms that deter women from seeking divorce, providing legal aid for women who, to a greater extent than men, lack the resources needed for legal representation, and increasing the accessibility of personal status courts to account for the time and resource constraints disproportionately faced by women.

**Addressing intersectionality.** Women have multiple social identities that can affect their privileges or be the source of discrimination and oppression. Applying an intersectional lens in designing programming takes into account overlapping identities of sex, sexual orientation, gender identity, gender expression, class, race, age, disability, nationality, and other social identities. Illiteracy and poverty also create significant barriers for accessing justice and participating in democratic processes. In the context of promoting gender equality and empowering women, this approach also takes into account that unequal power relations not only exist between people of different genders but also among women. A people-centered justice approach is grounded in data that takes into account the specific needs and priorities of women from marginalized groups

---

<sup>2</sup> [People and planet together: Why women and girls are at the heart of climate action \(worldbank.org\)](https://www.worldbank.org/en/voices/2020/04/people-and-planet-together-why-women-and-girls-are-at-the-heart-of-climate-action)

and promotes their inclusion, not only as beneficiaries, but in leadership and decision making, starting with program design.

## **Additional References**

[Rule of Law Technical Note: Connecting Gender and People Centered Justice](#)

## **Additional Resources**

[USAID Rule of Law Policy](#)

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

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

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

[Pathfinders Justice for Women High Level Group Report](#)

