

Conduct and Control in the Court-Gender Sensitization

Punjab Judicial Academy

GTP 2018

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January 2018

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Objectives of the Session

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TOPIC 1 Discuss what gender sensitization means

TOPIC 2 Understand the meaning of sex, gender, gender roles, gender stereotyping

TOPIC 3 Understand why gender stereotyping is an issue

TOPIC 4 Discuss why we have these gendered views

TOPIC 5 Understand unconscious or implicit bias and the effect on judicial decision-making

TOPIC 6 Discuss ways to address and reduce unconscious bias

1 activity to assist understanding and discussion

The Session will be interactive and encourage participation and discussion throughout

TOPIC 1 Gender Sensitisation- Starting From Where We Are

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ACTIVITY

- A card will be handed out to each of you
- You will be asked to tick the box to indicate whether you regard the word as being a characteristic, job or an object associated with being a woman or a man
- The cards will be collected without identifying who answered the question and we can discuss the content of the cards collectively
- This will be a simple activity taking 20 minutes

What is Gender Sensitization

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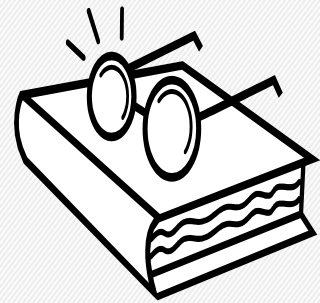
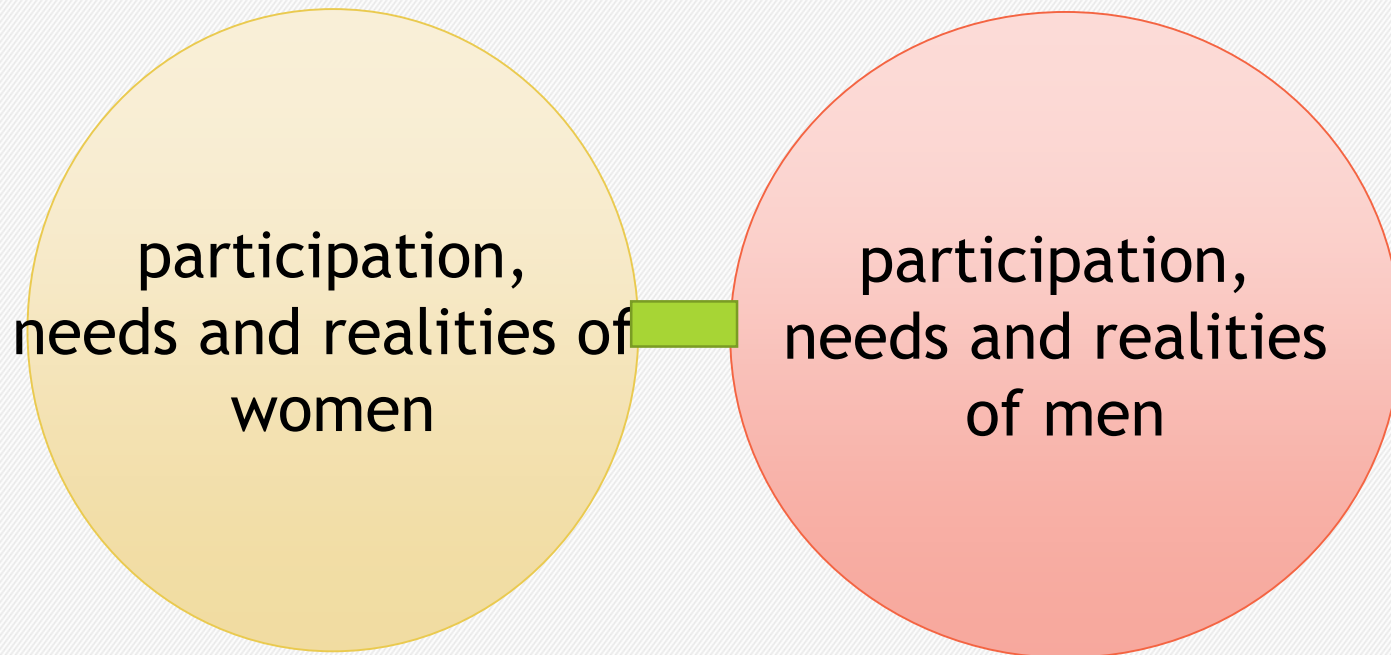
- Gender sensitization is a process
- How we categorize or generalize about people based on their sex
- How we assume characteristics about people based on their sex
- How we have beliefs/myths/views about men and women
- It is not anti-male
- Gender sensitization requires personal reflection about:
 - **why** we have these beliefs/myths/views
 - **where** they come from
 - **how** are these views are perpetuated
 - **what** we can do to eliminate these simplistic assumptions

Gender sensitization and Equality

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- Gender equality is about the equal valuing of women and men in society
- Recognising the similarities and differences between women and men
- We need equal and respectful partnerships between men and women
- Research worldwide shows that men in society are more valued than women
- Gender sensitisation and equality requires us to use a gender lens

- Think of a gender lens as putting on spectacles



- Our sight or vision is the combination of what each eye sees

Sex Of A Person

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- Biological differences between men and women
- Functional differences between women and men due to reproductive potential
- Determined by genes
- The terms “men” and “women” or “male” and “female” are biological terms
- The sex of a person is unchangeable (with rare exceptions)

Gender of a person

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- Gender refers to the culturally or socially constructed roles ascribed to men and women
- Gender = biological sex + cultural or sociological factors in society
- Gender identifies the social relations between men and women
- The terms "masculine" and "feminine" refer to the gender of a person
- Unlike the sex of a person, as gender is cultural and social it can be changed

Gender stereotyping

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- Gender stereotyping = ascribing behaviours or characteristics to a person simply because they are male and female, rather than who they are
- Gender stereotyping = assuming characteristics about a person based on beliefs or myths about men and women
- Gender stereotyping = making simplistic generalisations about a person based on traditional or cultural characteristics

TRADITIONAL GENDER	STEREOTYPES
<u>FEMININE</u>	<u>MASCULINE</u>
Not aggressive	Aggressive
Dependent	Independent
Easily influenced	Not easily influenced
Submissive	Dominant
Passive	Active
Home- oriented	Worldly
Easily hurt emotionally	Not easily hurt emotionally
Indecisive	Decisive
Talkative	Not at all talkative
Gentle	Tough
Sensitive to other's feelings	Less sensitive to other's feelings
Very desirous of security	Not very desirous of security
Cries a lot	Rarely cries
Emotional	Logical
Verbal	Analytical
Kind	Cruel
Tactful	Blunt
Nurturing	Not Nurturing

Gender Identity

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- Gender identity refers to a person's private subjective sense of their own sex
- Most people identify themselves as either male or female
- Some people identify themselves as being lesbian, gay, transsexual, transgender, bisexual or intersex (LGBTI)
- Persons who identify as LGBTI are also ascribed gender roles and are gender stereotyped
- LGBTI persons are often less valued and lack equality in comparison with either males or females

Sex Role and Gender Role

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Sex Role

- A role or function resulting from biological functions because the person is male or female
- Eg pregnancy and breastfeeding are female sex roles because only females can give birth to children

Gender Role

- A role or function ascribed by society as being appropriate for a male or female
- Often has little to do with the biological sex role
- Eg childminding is not a biological function of women
- men and women are equally capable of childminding

Gender Roles and Gender Stereotypes

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Gender Roles and Gender Stereotypes are linked



Gender Roles - Production and Reproduction

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PRODUCTION ROLE

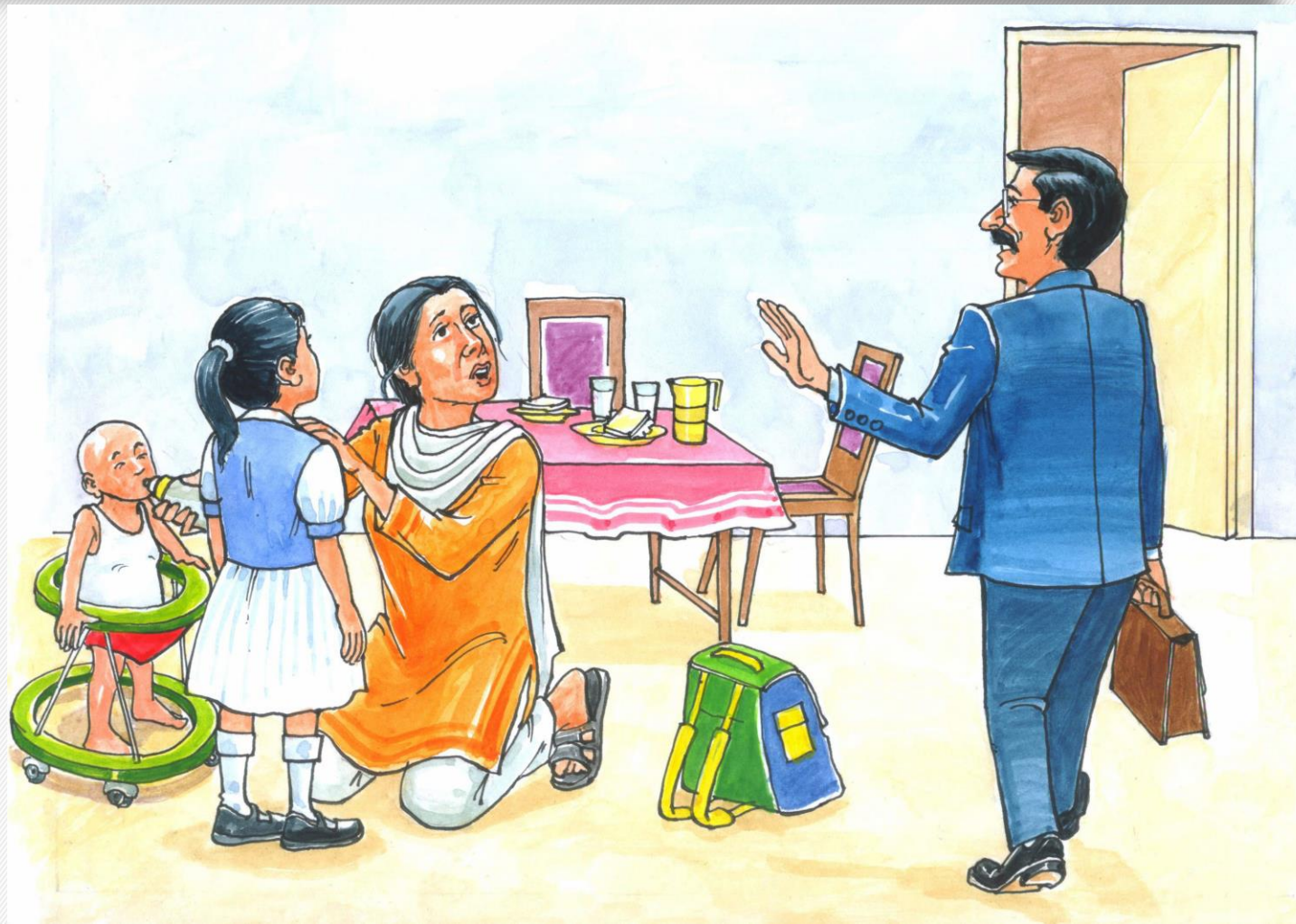
- Producing goods or services which are ascribed economic value
- Considered a male role attracting money or wages
- Public or visible role
- When men do work around the house they tend to do the same types of jobs which are done by men in the labour market

REPRODUCTION ROLE

- Undertaking child-rearing and housekeeping which are not ascribed an economic value
- Considered a female role and is unpaid in the home
- Private and less visible role
- When women are employed in the labour market, they tend to do work or provide services which replicate their reproductive role

What Does This Picture Depict?

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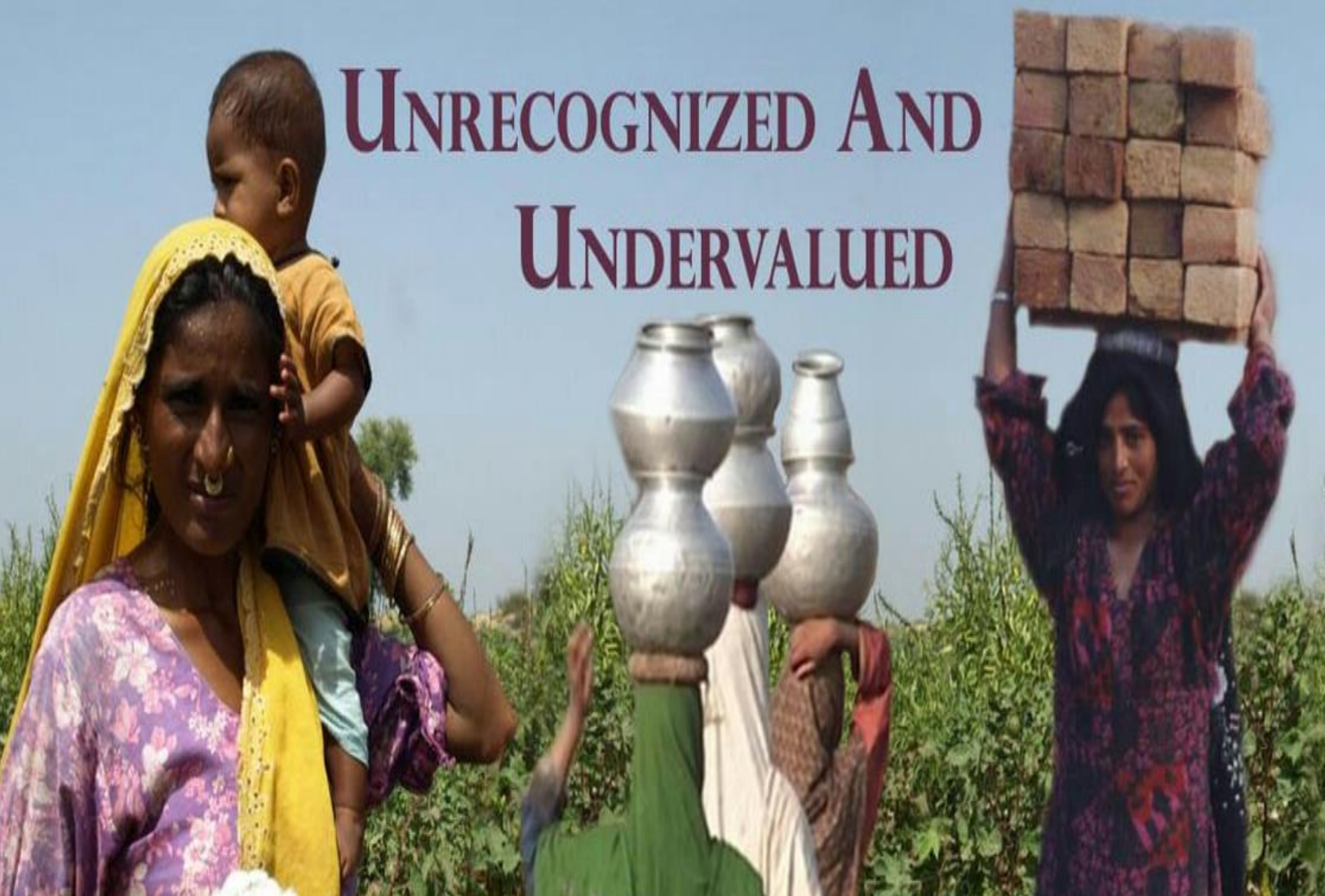


Topic 3 Why are Gender roles an issue?

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- Gender roles are commonly wrongly regarded as being sex roles
- If roles are regarded as sex roles they are unchangeable
- Wrong attribution of gender role results in women continually being undervalued in the home, in society and in the workforce
- Correctly identifying gender roles enables changes to be made in society and redress discrimination and inequality

UNRECOGNIZED AND UNDERVALUED



Topic 4 Why Do We Have These Gendered Views?

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- Childhood experiences?
- Education at school?
- Religion?
- Mass Media?
- Language?
- Other?

Conforming to Society's belief of Masculine and Feminine?

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Childhood

- Treating boys and girls differently from birth
- Dressing them differently
- Giving them a different choice of toys
- Reinforcing by speaking about a “strong boy” and a “pretty girl”
- Telling boys that they should not cry
- Requiring girls to help their mothers with housework and the boys to play sport
- Spending more time with boys

Conforming to Society's belief of Masculine and Feminine?

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Education

اردو جماعت ہشتم : صوبہ سرحد

نامے میرے نام (صفحہ ۱۱۶): اب تم بارہ برس کی ہوئیں وہ وقت قریب آ گیا ہے کہ تم پرانے گھر کی گھرنے والی ہو۔ کچھ لیاقت نہ ہوئی تو ناک کٹ جائے گی۔ کھیل تماشے کا وقت ختم ہوا۔

صبر کا پھل : ملکہ کے ہاں اگر اس بار بھی لڑکی پیدا ہوئی تو اسے پیدا ہوتے ہی قتل کر دینا۔ خدا سے بیٹا دے جو سلطنت کا وارث ہو۔

اولاد زینہ کے لئے دعائیں اور مسجدوں میں التجائیں کیں (صفحہ ۷)

پھر ایک رات اس نے مردانہ لباس پہنا اور شہزادے کی تلاش میں کسی نامعلوم منزل کی طرف روانہ ہو گئی (صفحہ ۱۲)

اردو جماعت ششم : صوبہ سرحد

صبح سویرے : ایک دو سال پہلے نازیہ بھی انکے ساتھ یہر کو آ یا کرتی تھی۔ مگر اب وہ بڑی ہو گئی ہے۔ بڑی لڑکیوں کا یوں بھی باہر آنا اچھا نہیں لگتا۔ پھر اسے ناشتہ تیار کرنے میں ماں کی مدد کرنا ہوتی ہے
بیٹا! آج کل پڑھائی کیسی جا رہی ہے
نازیہ بیٹی! تم دسترخواں لگا دو

نازیہ دسترخواں سے برتن اٹھاتے ہوئے سلیم سے کہتی ہے (صفحہ ۱۹)
کسی کے ہاں بیٹا پیدا ہو یا شادی کا موقع ہو تو فارنگ ضرور کی جاتی ہے۔ (صفحہ ۱۲۹)

اردو جماعت نہم : صوبہ سرحد

مرحوم کی یاد میں : دورے ایسا معلوم ہو رہا تھا جیسے کوئی عورت آنا گوندھ رہی ہو۔ مجھے اس مشابہت کا احساس بہت تیز تھا جس کی وجہ سے میرے ماتھے پر پسینہ آ گیا۔ (صفحہ ۱۰۱)
ٹوکيو : جاپان خاص الخاص مردوں کا ملک ہے۔ بچپن سے لڑکی کو مرد کی خاطر تو اشع کرنی سکھائی جاتی ہے۔

اردو جماعت نہم: بلوچستان

گھر سے گھر تک : "جب لڑکیوں کو دیکھنے آتے ہیں تو آہستہ بولتے ہیں۔ یوں سمجھو کہ ہر پردے کے پیچھے کوئی کھڑا تمہاری باتیں سن رہا ہے"

اردو جماعت پنجم: بلوچستان

"تھوڑی ہی دیر میں امام بخش کی بیٹی سکینہ نے مہمانوں کے ہاتھ دھو لئے۔ دسترخوان بچھا اور بڑے سلیقے سے کھانا لگایا۔ اس کے بعد امام بخش کی بیوی نے سکینہ کو مہمانوں کے لیے دستر لائے کو کہا"

Conforming to Society's Belief of Masculine and Feminine?

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Education at school

- Subjects available at school
- Girls doing history, language, arts and boys doing maths and sciences
- Electives available to girls include home economics, cooking and sewing
- Electives for boys include carpentry and computer studies
- Gender content in text books
- Gender images in textbooks and visual aids
- Islamic books used in teaching may be gender specific

Conforming to Society's Belief of Masculine and Feminine?

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- Religion



Conforming to Society's Belief of Masculine and Feminine?

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Religion

- Normative teachings of Islam and diverse cultural practices among Muslims in Pakistan
- Cultural and community influences (local and foreign) on the practice of Islam and the roles ascribed to men and women in Pakistan
- Personal understanding and interpretation of Qur'an and the Sunnah
- Lack of debate and innovation in religion in a male-dominated society
- Role of leading women in Islam is not highlighted hence no advancement

The Media Portrayals

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Victim of gang rape sold for the fourteenth time.

بار بار بکنا غریب
کی بیٹی کا مقدر اجتماعی زیادتی کی شکار
خوزادی وین بار نیلام 14

Twenty people subject two sisters to violence and parade them naked in public.

اوکاڑہ 20 افراد نے بہنوں کی تشدد برہنہ کر کے گھماتے رہے

A young woman publicly beats up a bearded old man.

بھرے بازار میں دوشیزہ نے داڑھی والے شخص کی ٹھکانی کر دی

Brother beats sister to a pulp.

بھائی نے بہن کو مار مار کر لڑھکھا کر دیا

Newly wed bride is violated.

نویا ہوتا ہے آبرو ہو گئی

Youth kills his sister and his mother for the sake of honor.

غیرت مند نوجوان نے اپنی ماں اور اس کے آشنا کو قتل کر دیا

Conforming to Society's Belief of Masculine and Feminine?

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- Language is the most subtle but most pervasive form of reinforcing gender stereotypes
- Sexist language reinforces how we perceive gender
- Gender sensitive use of language in the Court is important for the victim, society and to discourage criminals.
- *State of Punjab v Gurmit Singh & Ors*, 1996 AIR 1393

Language in the courtroom - case examples

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- Some simple but important examples in court decisions which are patronising or suggest gender roles :

Current usage	Preferable alternative
Lady Doctor	Doctor
Female lawyer	Lawyer
Male nurse	Nurse
Male secretary	Secretary
Working mother	Wage earner
Lady Justices	Justices

TOPIC 5 What is Unconscious or Implicit Bias?

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- Scientific evidence reveals that as humans we make unconscious people preferences or biases about people
- Our brains are hardwired to rapidly categorize people instinctively using obvious and visible categories:

gender, age, size,
physical-attractiveness,
disability, accent, social
background,

social orientation,
nationality, religion,
education and even a job
title

These affect how we engage with people and make decisions about them

Unconscious or implicit bias

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- Judges perceive themselves as being “fair” and “independent” of bias
- Without further personal enquiry, potential “blind spots” may go unrecognized
- Research shows we value, support and defend those who are most like ourselves
- Judges need to unpack their attitudes about people and cultural values so as to avoid unconscious bias

Risk Factors for Judges

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- Emotional states
- Ambiguity
- Distracted or pressured decision-making circumstances
- Resultant low-effort reasoning

Topic 6 How can judges reduce unconscious bias?

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- Take notes
- Set out reasoning
- Seek feedback and assistance from other judges
- Regularly engage in training sessions
- Regularly question personal assumptions and beliefs
- Slow down decision-making process where possible

Final summary

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- This whole session has been a process of gender sensitisation
- Reflecting on individual personal views about gender, culture and society
- Discussing influences which come from backgrounds and society
- Discussing the effect which gender stereotypes and unconscious bias can have on judicial work
- Gender sensitisation requires modification and change
- As Nelson Mandela said:
“change your thoughts and you change your world”

What does this picture say about gender roles?

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General References

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