Engendering justice: a gender assessment’s impact on project design

Services are more efficient and equitable when targeted to the different needs of men and women. A gender assessment, focused on a specific issue or sector, is a cost-effective tool for improving project performance and meeting poor people’s needs.

Gender equality is an important indicator of a country’s progress toward sustainable development and is one of the Millennium Development Goals. Yet World Bank teams often find gender equality a difficult concept to include in projects. One solution is to conduct a targeted gender assessment, which can help ensure that a project design addresses gender concerns and promotes equitable access to public services. Such an assessment was conducted in 2001–02 as part of the preparation of Peru’s Justice Services Improvement Project.

Access to justice in Peru

In 2000–01 Peru’s government was in transition, and the country’s “justice sector” was weak. (A justice sector generally extends far beyond the courts, and includes services provided by community-based peace judges, alternative dispute resolution agencies, ministries of justice, police, prosecutors, forensic doctors, social workers, probation officers, legal aid attorneys, public defenders, law schools, bar associations, legislative committees, and others.) Poor access to justice has long been recognized as a problem in Peru, reflecting factors such as inefficient institutions, costly services, and a disconnect between service supply and demand. Justice services are limited—with just 1 judge for every 15,000 Peruvians—and unevenly distributed, affecting rural populations disproportionately. Most courts are in urban centers, and few district court judges are in rural areas. Moreover, the costs of justice services (including court and legal fees, transportation expenses, and occasional bribes) are often unaffordable. Although pro-poor services such as legal aid are available in some cities, they rarely reach rural poor people. The number of public defenders is also grossly insufficient, with 249 defenders serving a population of 26.1 million—more than three-quarters of whom are poor or extremely poor. Making matters worse, most citizens have little respect for courts and related institutions, thanks to protracted, nontransparent procedures that result in unpredictable outcomes. Similarly, judicial decisions often ignore the difficulties facing litigants, such as women’s economic dependence and litigants’ low education levels and difficulty understanding complex legal procedures, and fail to reflect cultural differences, again dissuading users.

While preparing the Justice Services Improvement Project, it became clear to the Bank team that many of these weaknesses hurt women much more than men. Because Peruvian women are far less educated than men, they are less informed about the law and their legal rights. Their economic dependence on their male partners also discourages them from resorting to the courts, even in cases of domestic violence. Given women’s family responsibilities, the family court system—with its rules on child custody, marriage dissolution, and alimony—is especially important for them. Yet that system is especially dys-
functional, with long trials and uninformed judicial decisions. Given these preliminary findings, the Bank team decided to conduct a gender assessment as part of the project’s preparation, with a focus on identifying access issues and obstacles.

The assessment’s methodology
A gender assessment in the law and justice sector includes a review of relevant literature, examines the national legal framework (including laws and legislation), analyzes statistics on the use of judicial services by men and women, and can include interviews of court users (box 1). The first step in understanding obstacles to justice in Peru was based on the work of both governmental and non-governmental organizations (NGOs). This work was a surprisingly rich source of information, with sophisticated analysis of access to justice issues.

Another important resource for the gender assessment was “Uses and Users of the Justice System in Peru” (González Mantilla and others 2002), a Bank-supported analysis of 1,250 cases filed in the judicial district of Lima—which handles more than half of the country’s caseload for civil, labor, and family matters. The study provided a solid basis for statistical analysis of the patterns of users of these courts. Here the definition of the justice sector and its institutions was crucial to determining the scope of the gender assessment. Although the judiciary played a paramount role in providing statistics and other research, the study was not limited to a review of one agency’s gender responsiveness.

The assessment’s findings
The assessment revealed that women and men have different justice needs and tend to use justice services based on their societal roles. Men were more likely to use such services, whether in specialized courts (accounting for 56 percent of those who filed or initiated cases) or courts run by peace justices (58 percent). Men also tended to be the active litigants in commercial, contractual, and credit-related cases. When it came to family court litigation, women were generally the plaintiffs in cases involving child support, domestic violence, and dissolution of marriage, while men were usually the defendants in juvenile crime and child custody cases (figure 1).

The gender assessment also found that, given the differentiated use of justice services by men and women, the institutional weaknesses of family courts exacerbated gender inequalities in the sector. Women were particularly affected by family courts’ slow responses to child support and domestic violence cases. In 2002, when the assessment was conducted, nearly three-quarters of child support cases filed by women in 1998 had yet to be resolved by family courts (figure 2). In cases where a judgment was reached, bene-

**Figure 1** Women users tend to file domestic violence and child support cases...

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Men (%)</th>
<th>Women (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic violence</td>
<td>20%</td>
<td>80%</td>
</tr>
<tr>
<td>Juvenile crime</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Child custody</td>
<td>77%</td>
<td>23%</td>
</tr>
<tr>
<td>Child support</td>
<td>17%</td>
<td>83%</td>
</tr>
<tr>
<td>Dissolution of marriage</td>
<td>48%</td>
<td>52%</td>
</tr>
</tbody>
</table>

*Note: Data are for 1998. Source: González Mantilla and others 2002.*

**Figure 2** ...Yet such cases often do not reach judgment

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Reached a Judgment</th>
<th>Did not reach a Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic violence</td>
<td>20%</td>
<td>80%</td>
</tr>
<tr>
<td>Child support</td>
<td>17%</td>
<td>83%</td>
</tr>
</tbody>
</table>

*Note: Data are for 2002, based on cases filed in 1998. Source: Gender assessment of Peru’s Justice Services Improvement Project.*
Poorly functioning judicial systems can exacerbate gender inequalities and increase poverty among women.

The link between gender equity and service delivery by legal institutions was made more directly in the Bank’s World Development Report 2000/2001: Attacking Poverty. Drawing on examples of legal discrimination and analysis of disparate treatment by state institutions of male and female users, the report concluded that “legal systems play a key part, either reinforcing customary gender rights and roles—or deliberately seeking to alter them. Also important is the provision of public goods and services, which often bypass women unless specific efforts are made to reach them” (World Bank 2001b, p. 118). The report also suggests that state institutions need to be more open and accountable, supported by legal systems that foster economic growth and equity. Similarly, the report Engendering Development, which outlines the Bank’s gender strategy, highlights the role of judicial institutions in achieving gender equality. The report says that “efforts to strengthen the enforcement capabilities of countries’ judicial and administrative agencies are critical to achieving gender equality in basic rights” (World Bank 2001a, p. 17).
under disparities in service delivery at both formal and informal levels. The project includes financing to train lay justices of the peace and community leaders on subjects such as mediation techniques and handling of family conflicts, including discussions of gender-related issues. It also seeks to strengthen the operational capabilities of the family court system to deal more effectively with domestic violence, dissolution of marriage, and child support cases through technical assistance for the design and implementation of an inventory and referral system, in connection with existing social services in Peru. Finally, during implementation the project team will involve gender specialists in various activities, with a focus on the access issue.

**Conclusion**

Efforts to strengthen the enforcement capabilities of countries’ justice agencies are critical to achieving gender equality in the application of basic rights, such as due process. As the Peru Justice Services Improvement Project’s use of a gender assessment in project preparation shows, access to public services—including justice—is not gender neutral. The assessment showed where the system was failing women and what reforms were needed. While examining user needs makes service delivery more efficient, specifically targeting the different needs of men and women can make services not only more efficient, but more equitable as well.

**Further reading**


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