



ADDRESSING GENDER AND OTHER STEREOTYPES IN COURT

A handbook for the Judiciary



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FOREWORD

It is with immense pleasure that I present the ***Handbook on Addressing Gender and Other Stereotypes in Court***. This landmark resource represents a significant step forward in strengthening equality, fairness, and integrity within our justice system.

Drawing inspiration from international examples, specifically the landmark Handbooks of the Supreme Courts of India and the Philippines, Tanzania has taken the lead in Africa by creating this unique resource for our judiciary. This Handbook reflects our unwavering commitment to ensuring that our courts are spaces where justice is administered impartially and without bias. Crucially, this work directly advances the Tanzania Development Vision 2050, which is predicated on guaranteeing every individual the rights, freedoms, and protections enshrined in our Constitution.

The development of this Handbook has been a truly consultative process, guided by a Technical Working Group including Hon. Dr. Juliana L. Masabo, Judge of the High Court of Tanzania, Hon. Salma A. Hassan, Judge of the High Court of Zanzibar, Hon. Asina A. Omari, Judge of the High Court of Tanzania, Hon. Dr. Mwajuma K. Juma, Judge of the High Court of Tanzania, Hon. Aisha Z. Bade, Judge of the High Court of Tanzania, Mr. Stephen W. Magoha, Assistant Director of Administration, Hon. Husna A. Rweikiza, Resident Magistrate, and Hon. Hafsa H. Shelimo Resident Magistrate, and was coordinated by the Institute of Judicial Administration (IJA) Lushoto, with the support of the Regional Project *Promotion of Rule of Law and Judiciary in Africa* as part of the German Cooperation implemented by GIZ. Through a series of workshops, the Working Group has drawn from international, regional, and national legal instruments, best practices, and the lived experiences of judicial officers to produce a practical, context-specific tool for our courts.

This Handbook is expected to serve as a strong basis for continuous professional discussions and to inform the future practice of judges and magistrates. We encourage all legal practitioners to engage with its contents, for example, by writing articles that explore this vital topic from the distinct perspectives of lawyers, prosecutors, and other legal professionals.

I commend all those who contributed to this significant achievement and invite judicial officers and practitioners to use this Handbook as a guide in our shared mission to advance justice, equality, and the rule of law.

Hon. Justice. Dr. Paul F. Kihwelo

Justice of Appeal and Principal, IJA

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INTRODUCTION

The administration of justice in Tanzania is primarily governed by the Judiciary, which derives its authority from the Constitution of the United Republic of Tanzania and the Constitution of Zanzibar. Both the Constitution guarantee equality before the law and the presumption of innocence. As the primary arbiters of the law, judges and magistrates play a critical role in ensuring that every individual receives a fair trial and is treated equally before the law, without bias or prejudice. However, like all institutions, the judiciary is not immune to the influence of societal norms and assumptions, including gender stereotypes. These stereotypes, which are deeply ingrained and often unconscious, can impact judicial decision-making, courtroom dynamics, and public confidence in the judicial system. They can hinder a judge's ability to perform their functions objectively and fairly, influence the decision that parties particularly vulnerable groups such as women and children receive before the court. Left unaddressed, gender stereotypes can undermine the impartiality and integrity that are the bedrock of judicial practice.

This Handbook equips judicial officers with the practical tools and insights necessary to identify, understand, and combat gender stereotypes in their judicial work. It draws on international legal standards, case law, case studies, and best practices to help judges and magistrates deliver fair, unbiased decisions that reflect the diverse realities of the people they serve. Recognising and addressing gender stereotypes is not only a matter of legal and ethical obligation but a constitutional duty to observe the principle of impartiality in the administration of justice. It will also help strengthen public trust in the judiciary.

Need for the handbook.

The Judiciary has developed several important tools and resources on specific thematic areas, such as sentencing guidelines, mediation manuals, and exhibit management guidelines, all of which have greatly supported judicial officers in the discharge of their duties. Despite these advancements, there has not yet been a dedicated resource addressing the issue of gender stereotypes within judicial processes.

While a "Gender Justice Strategic Framework of the Judiciary" and a "Gender Bench Book on Women's Rights by the Tanzania Women Judges' Association" exist, these documents do not comprehensively tackle the question of stereotypes or provide practical guidance on how judicial officers can identify and address them in their work. This gap is significant because gender stereotypes often influence how justice is perceived and delivered, often unconsciously, thereby impacting the principles of impartiality, equality and fairness.

Moreover, key policy instruments, including the **Tanzania Development Vision 2050, Women and Gender Development Policy of 2000, The National Guidelines for Mainstreaming Gender into Environment of 2014, the National Strategy for Gender Development of 2008**, and the **Gender Justice Strategic Framework 2023** of the Judiciary, have all underscored the importance of eliminating gender and other stereotypes in the society. Addressing gender stereotypes in the justice system directly contributes to the realization of this constitutional entitlement by promoting equal treatment and non-discrimination for all.

With this background and in response to these strategic priorities, the need for a handbook on gender stereotypes has emerged. This handbook seeks to fill the existing gap, provide practical guidance to judicial officers and align judicial practice with the national commitment toward gender equality, inclusivity and fairness in the administration of justice.

The Handbook further recognises that not all cultural traditions and customary practices are inherently negative. Indeed, many traditions and cultural values within Tanzanian society promote dignity, respect, unity, and social cohesion, and continue to play an important role in shaping community life and social harmony. Such values can support principles of justice, mutual respect, and peaceful coexistence when applied in a manner that is consistent with constitutional guarantees and human rights standards. It is therefore important for judicial officers to distinguish between cultural practices that uphold human dignity and those that perpetuate stereotypes, ensuring that the law is applied in a way that respects positive cultural values while firmly addressing practices that undermine fairness and equality before the law.

Objectives of the Handbook

This handbook aims to give judicial officers and other professionals in the justice system a quick reference to help address gender stereotypes in courts. The handbook contains practical guidance on how to:

- i. Identify and challenge gender stereotypes in legal reasoning and decision-making.
- ii. Enhance an inclusive courtroom environment that respects all participants in proceedings.
- iii. Apply a gender-sensitive lens to the interpretation and application of the law.
- iv. Reflect on and mitigate unconscious bias in their judicial practice.
- v. Understand and implement best practices for promoting equality, fairness and justice for all regardless of gender, sex or status.
- vi. Use case studies and relevant examples to improve practice.
- vii. Promote gender equity within the judiciary and the broader legal system.

By engaging with the ideas and strategies presented here, judges and magistrates can contribute to a judicial practice in which every person is treated with dignity, and the law is applied equitably.

Structure of the Handbook

The Handbook is divided into four key parts, each systematically addressing gender stereotypes in courts, their impact on the administration of justice, and the protection of individual rights. The structure is as follows:

Part One: Introduces the concept of stereotypes and examines gender stereotypes as a distinct subset of these beliefs. It explains how such stereotypes are formed, transmitted and sustained over time, tracing their deep-rooted influence on the law. This section illustrates the effects of gender and other stereotypes in access to justice and provides practical examples of how these biases emerge in day-to-day judicial practice. It emphasises the crucial role of judges

and magistrates in recognizing and challenging stereotypes within their courtrooms, among colleagues and in public discourse.

Part Two: Reviews the international, regional and national legal and policy frameworks for addressing gender stereotypes in judicial settings. It also highlights how these instruments inform best practices for judicial officers both globally and within Tanzania.

Part Three: Offers practical tools and guidelines for judicial officers and justice sector stakeholders to combat gender and other stereotypes effectively. This section also provides a list of common stereotypical terms and expressions that should be avoided and suggests neutral, non-biased alternatives to promote fairness and inclusivity in judicial language.

Part Four: Compiles useful links and resources for judicial use, it also presents a glossary of key terms referenced throughout the Handbook to assist readers in understanding and applying the concepts discussed.



PART ONE



1.0 UNDERSTANDING STEREOTYPES

Testing your stereotype thinking:

PRACTICAL EXERCISE ONE: Who is this baby?

Take a few minutes and write down what you think this baby's life story will be as they grow up.



Imagine the picture and note down the following:

Who is the baby in the picture?

What are their personality characteristics?

What kind of school do they go to?

What is their family life like?

What sports do they like to play?

Who will they be when they grow up?

Now that you have imagined the baby's life story, consider the following questions:

1. Did you make any assumptions about if the baby in the picture is a boy or a girl? Why did you make that assumption? Did you assume that the baby in the photo was the same gender as you?
2. How did your assumptions about the baby's gender influence the personality and characteristics you ascribed to them in the rest of their life story? If your baby was a boy, would you think of them as adventurous and boisterous? If your baby was a girl, was she thoughtful, caring and kind to others?
3. How did the baby's gender impact the life you imagined for them as they grew up? For example, did you think about a female baby's story in terms of her role as a mother, a wife or a caregiver? Did you describe a male baby in terms of their future career or sporting achievements?
4. If I told you now that the baby was NOT the gender you imagined, what would you have to change about the baby's life story? Would their level of achievement be the same at school? Would their career choice(s) and career path be the same?
5. If the baby is a boy, what do you think his risks of being exposed to violence are as he grows up? If the baby is a girl, what are her risks of being exposed to violence? What shapes the differences?
6. Was it difficult to determine whether the baby was a boy or a girl because the picture doesn't present any of the clues, we usually use to orient ourselves, like pink clothes for girls or blue clothes for boys? What other visual clues would you have liked to have?
7. From where did you draw the ideas and standards that shaped your baby's life story? Can you identify how these may differ if the baby is a boy or a girl? Make a list of these gendered expectations and assumptions.
8. How have gendered assumptions, norms and expectations shaped your own life story?

This exercise demonstrates how we use stereotypes – ingrained assumptions about the roles, behaviours, and capacities of men and women – to understand how social life is structured. It also helps to illustrate how we use appearance as a cue to shape the expectations, social norms and values that we expect someone to follow and how we respond to them in turn.

The exercise also illustrates how gender, social norms and values combine to create unequal expectations in society, and how it may shape life outcomes, including exposure to violence, discrimination and bias.

1.1 What are Stereotypes?

Stereotypes are generalised, preconceived and often exaggerated ideas about individuals or groups of persons that can lead to biased treatment.¹ It can be categorised into conscious and unconscious stereotypes. Whether conscious or unconscious, stereotypes may be based on: gender, race, ethnicity, sexuality, social class, disability, age, nationality, religion, and political affiliation. They are not based on individual traits or facts, but rather reflect assumptions and prejudices that may not accurately reflect reality.

¹ Graham Gooch and Micheal Williams, (2015). *A Dictionary of Law Enforcement*, (2nd edition). Oxford University Press.

Stereotypes can take positive or negative forms, but either can lead to biased thinking and unfair treatment. For example, assuming that women are naturally nurturing might seem a positive assessment, but it can lead to discrimination in professional settings by implying they are less suited for economic activities and leadership roles.

Stereotypes frequently involve oversimplifying complex information and facts about a person or group into a single characteristic. They undermine our ability to consider the individuality and diversity of the person or group being stereotyped. Think about Section 219 (1) of the Penal Code [Cap. 16 R.E. 2023], which states:

“... a person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes the child to die before it has an existence independent of its mother, shall be guilty of child destruction and on conviction, shall be liable to imprisonment for life.”

It may hinder the ability to consider specific circumstances that lead to the commission of the offence, due to a generalized style in which the provision is crafted.

Stereotypes can induce strong emotional responses, such as fear, anger, or dislike. They can hinder our ability to feel empathy or understand others and prevent us from properly considering other people’s experiences and perspectives. When emotions are heightened, our rational thinking may become clouded, and we may rely on our preconceived notions or views, which may be based on damaging stereotypes. We may consequently perceive a situation selectively or disregard information that does not conform to our view of a person or group.

Stereotypes operate subconsciously, influencing our thoughts, attitudes, behaviour and decisions without being consciously aware that this is happening. See page 8 of *Republic v. Elizabeth Michael Kimemeta @ Lulu*.² They can result in distorted views and conclusions and influence how people perceive, judge and interact with others, often reinforcing societal inequalities.

In the judicial context, stereotypes threaten the rule of law by obscuring rational judgment, undermining credibility, and leading to misapplication of the law. In the judiciary, these stereotypes can manifest in subtle yet impactful ways, influencing perceptions of credibility, the application of legal standards, and the outcomes of cases. As a result, stereotypes weaken public trust in the legal system, creating barriers to fair trials and access to effective justice. Think about the law criminalising “prostitution” in Tanzania versus the possibility of a person regarded as a prostitute being legally able to lodge a complaint regarding sexual violence and get a fair trial, even where she is not charged with the said prostitution. Consider her confidence to report the offence, chances of being handled politely by the police, and the likelihood of being viewed as a trustworthy witness giving credible evidence. Addressing them is essential to ensuring impartiality and upholding the right to a fair and just legal process.

The table below shows different types of stereotypes but is not to be considered as an exhaustive list:

2 Criminal Sessions Case No. 125 of 2012, the High Court of Tanzania at Dar es Salaam

TYPE OF STEREOTYPE	DEFINITION	EXAMPLES
Racial and Ethnic Stereotypes	Generalized beliefs about people based on their race or ethnicity.	Assuming that a certain race is inherently lazy, aggressive, or intellectually superior/inferior.
Gender Stereotypes	Assumptions about abilities, roles or characteristics based on gender.	- Believing women are less rational, or that all men are aggressive and dominant. - Thinking that caregiving roles are only suited for women.
Age Stereotypes	Beliefs about people based on their age group.	- Assuming older adults are very forgetful or young people are wild and irresponsible. - Thinking that middle-aged individuals are out of touch with technology.
Occupational Stereotypes	Generalizations about people based on their profession.	- Thinking all lawyers are dishonest and solely motivated by money, or assuming all teachers are patient but dull. - Ascribing recklessness to all motorcyclists (bodaboda). - Assuming all artists are impractical or lack business sense.
Cultural Stereotypes	Assumptions about individuals based on their cultural background or nationality.	Believing people from a certain culture are violent, misers, money-minded, boisterous or good people.
Religious Stereotypes	Ideas about individuals based on their religion.	Assuming members of a particular religion are all extremists.
Socioeconomic Stereotypes	Judgments based on a person's economic status.	Thinking wealthy people are all greedy, or poor people are all lazy.
Physical or Appearance Stereotypes	Judging people based on their physical appearance, body size, or style.	- Assuming someone is unprofessional because of their dress code. - Thinking that people with tattoos are rebellious or untrustworthy.

1.2 Defining gender stereotypes, roles and expectations in the judicial context

Gender stereotypes are generalized views or preconceptions about attributes or characteristics that are or ought to be possessed by women and men, or the roles that are or should be performed by men and women.³ Gender stereotypes can be both positive and negative, for example, “women are nurturing” or “women are weak.”⁴

Examples of Gender Stereotypes

Gender stereotypes are assumptions about the roles, behaviours, and characteristics that men and women are supposed to have. In the judicial context, these stereotypes can unconsciously influence the way judges, magistrates and other legal actors assess credibility, assign responsibility, and make decisions. Understanding common examples of gender stereotypes helps judicial officers recognize and challenge biases, ensuring that all parties are treated fairly and equitably in line with the law.

- i. **Victimhood assumptions:** Men are often assumed to be strong and dominant, creating a stereotype that men cannot be victims of domestic violence or sexual assault, resulting in underreporting or a lack of seriousness in handling such cases.
- ii. **Credibility in testimony:** Women may be stereotyped as overly emotional or less rational, leading to doubts about their credibility in sexual or domestic violence cases.
- iii. **Child custody cases:** Women are often presumed to be the natural caregivers, while men are viewed mainly as financial providers, overshadowing actual evidence about the best interests of the child.
- iv. **Occupational stereotypes:** In divorce proceedings, men in political or business roles may be assumed to be the primary breadwinners, while women’s careers are sometimes viewed as secondary or less important and are required to prove more than men in the division of matrimonial properties.
- v. **Appearance-based judgments:** A female complainant’s credibility may be unfairly questioned because of her clothing in a sexual assault case.
- vi. **Stereotyping male defendants:** A man with a “tough” physical appearance may be stereotyped as aggressive or violent, even before evidence is fully considered.

It is important to note that gender stereotyping can either be harmful or wrongful depending on the circumstances. Harmful stereotypes perpetuate inequalities for example, the traditional view of women as care givers means that child care responsibilities often fall exclusively on women.⁵ Stereotyping is harmful when it influences judicial officers to make decisions based on preconceived gender roles rather than evidence and law, while stereotyping is wrongful when it results in direct violations of constitutional, legal and human rights.⁶

The illustration below shows examples of harmful and wrongful stereotyping.

³ UNHCR, *Gender stereotypes and Stereotyping and women’s Rights*, September 2014

⁴ *Ibid*

⁵ OHCHR *commissioned study on eliminating judicial stereotyping (2014)* and OHCHR-Commissioned Report: *Gender Stereotyping as a Human Rights Violation* (2013).

⁶ *Ibid*

HARMFUL STEREOTYPING	WRONGFUL STEREOTYPING
Assuming that a certain ethnic group is inherently aggressive, violent or misers.	Assuming that mothers are always better caretakers than fathers, leading to automatic custody decisions favouring mothers without considering the child's best interests.
Assuming women accused of crimes together with their male partners are naive or misled by men and therefore less responsible for the crime committed.	Presuming men cannot be victims of domestic or sexual violence, leading to a failure to acknowledge and prosecute these crimes.
Questioning the credibility of survivors of gender-based violence who delay reporting rape or assault.	Assuming men always have the financial capacity to pay maintenance regardless of their actual economic situation.
Assuming men are the sole breadwinners, thereby placing a higher burden on women to prove their contribution to matrimonial property.	Not criminalizing marital rape, perceiving that women are the sexual property of men, and failing to investigate, prosecute and sentence sexual violence against women. ⁷
Assigning fixed attributes, behaviours, or roles to a woman or man solely because of their gender, regardless of their individual abilities, circumstances or personal choices.	Believing that victims of sexual violence agreed to sexual acts, as they were not dressing and behaving "modestly." ⁸

PRACTICAL EXERCISE TWO: What are the expectations of gender roles?

A quick exercise will help you examine how gender stereotypes manifest in your social and court environments. On a piece of paper, make a list of ways society expects one to 'act like a man' or 'behave like a lady.' Your list/table should look something like this:

ACT LIKE A MAN	BEHAVE LIKE A LADY
Be strong, confident, unemotional like a man	Be polite, gentle, nurturing, and submissive like a lady

Use the list that you have made to reflect on the following questions:

⁷ UNHDR, *Gender stereotypes and Stereotyping and women's Rights*, September 2014

⁸ *ibid*

1. How are 'real men' supposed to act? How are 'good women' supposed to act? What common features can you ascribe to each group, and how do the two groups differ?
2. How do communication styles differ for 'real men' and 'good women'?
3. How should 'real men' and 'good women' behave in relationships?
4. Are any of the stereotypes about men harmful to them, for example, promoting aggressive or problematic behaviour, or limiting the kinds of feelings and emotions that they should express?
5. Which of the stereotypes about women are empowering and which ones are limiting? How do they empower or limit, respectively?
6. What kinds of words and labels are used to describe men and women who do not conform to these gender stereotypes? How comfortable are people using these labels to describe people in Tanzanian society?
7. What kinds of behaviours and actions do people use to keep others in these socially prescribed roles? Are any of these behaviours harmful?

Gender stereotypes are widespread and often accepted even though they can be harmful or wrongful. They can be so pervasive that they can shape our behaviour, even though we are not aware of it. As we move into the next section to help us understand how we absorb these norms and beliefs, it may be helpful to think about strategies that one could use to counter the kinds of stereotypes that we discuss.

1.3 Where do gender stereotypes come from?

Gender stereotypes are not unique to Tanzania. They create obstacles to the equal enjoyment of freedoms and rights for women and men worldwide. They are extremely challenging to shift because they are deeply rooted in society. Tanzanian society remains largely patriarchal, where men often hold greater power and authority in political, social, and economic spheres. Although progress has been made in promoting gender equality within the policy and legal framework, men continue to dominate leadership and decision-making positions. This reinforces traditional gender roles of men as the provider and head of the family and women as dependent. Consequently, many Tanzanians still believe that men should make the most important family decisions and are the rightful owners of property.⁹ Because patriarchy benefits from maintaining these rigid roles, it often discourages challenges to gender stereotypes.

People are socialised to hold gender stereotypes in conscious and unconscious ways. From early childhood, we absorb the behaviours and expectations we see around us. These norms are portrayed in the media and in our families. They are transmitted through religious institutions and teachings, and in our social and cultural practices.

Magazines, TV shows and movies typically portray women as caregivers, love interests or needing to be 'saved' by a strong and heroic man. **Advertisements** often show women performing household chores, reinforcing the stereotype that domestic work is a woman's duty, while men are depicted as professionals or experts. Women in leadership and politics are

⁹ United Nations Development Programme (2020), *Tanzania Human Development Report 2022/23*.

often scrutinised by the **news media** for their appearance or are asked about balancing work and family responsibilities, while men are asked about policy positions or achievements.

Children's toys similarly emphasise rigid gender roles: boys' toys (such as action figures, cars and games) encourage aggression, adventure and risk-taking, while girls' toys like dolls, princesses and kitchen sets emphasise domestic skills, beauty and nurturing.

Popular music contains lyrics that objectify women by portraying them as the passive objects of dominant men's sexual desire, frequently depicting men as aggressive and controlling and women as sultry seductresses. These depictions can undermine women's value in society and entrench derogatory gender norms.

Gender stereotypes are also modelled in our families and communities. As children, we absorb information about expected gender roles through observing the interactions between our parents, siblings and extended family members. These interactions often underscore patriarchal gender norms, which teach women to value family-based caregiving roles, while men prize leadership, power and wealth.

Parents frequently unconsciously reinforce gender norms about masculinity and femininity. They dictate the so called appropriate emotional expression: boys are told to be tough and avoid crying, while girls should be caring and polite. They also often divide chores along gender lines, which means that the girls help with cooking and cleaning while boys do outdoor tasks and repair items. Families may also offer different educational opportunities and, therefore, career options based on gender.

Stereotypes are also learned through **social interactions** in our peer groups and communities. Children learn what is appropriate behaviour through both positive and negative reinforcement, in other words, by being rewarded for 'good' behaviour, and by being criticised or shamed for acting in ways that do not conform to gender stereotypes. For example, girls may be praised for taking care of classmates but criticised for being 'bossy' when they take the lead in a group activity. Boys may be rewarded for being dominant or assertive with their peers (particularly female peers), but may be teased for taking part in activities that are considered feminine.

Religious traditions, teachings and practices can provide a vital sense of identity and moral guidance for people and communities. However, they can also reinforce gender stereotypes by promoting rigid, traditional roles that exemplify men as protectors and leaders, while women are subordinate. While some religions have begun to reinterpret their traditions to empower both women and men, some religious codes still restrict a woman's ability to undertake income-generating work, inherit assets or divorce their spouse and bar them from serving in positions of spiritual leadership.

Gendered norms can also be reinforced through **cultural practices and beliefs**, which transmit and underscore rigid and traditional gender roles through the stories that are passed down from generation to generation and through notions of acceptable and appropriate behaviour.

1.4 How do Gender Stereotypes affect Society?

As we are used to the kinds of norms, language and ideas that underpin gender stereotypes, it can be easy to think that they are neutral constructs that simply describe gender differences. However, the discussion above illustrates that gender stereotypes are not neutral because they enforce rigid expectations on people based on their gender rather than their personal

abilities or choices. Even where stereotypes appear to use positive values (for example, being caring or obedient), the effect of the stereotype can be harmful and limit someone's options and opportunities.

Stereotypes reinforce inequality by creating barriers to education, employment and leadership, and limit the potential of groups of people based on traditional ideas of what is appropriate. Gender stereotypes fuel economic disadvantage, gaps in access to professional work and legal biases. They affect the mental and emotional well-being of both men and women and can perpetuate discrimination and marginalisation of particular groups of people.

1.5 Gender Stereotypes and the Courts

Gender stereotypes are a pervasive feature of courts worldwide and constitute a significant barrier to equal treatment before the law. Research has shown that deeply ingrained gender stereotypes influence legal systems, policies, and societal attitudes in ways that can create biased laws and discriminatory judicial decisions that violate people's human rights.¹⁰ This happens through both explicit stereotypes, where laws directly enforce gender roles (for example, by assuming women are primary caregivers) and through implicit stereotypes, where legal systems use gendered assumptions in legislating and decision-making. Both forms of gender stereotyping led to discriminatory legal outcomes and can undermine women's access to justice.¹¹

Justice stakeholders such as Judges, magistrates, private practitioners, public attorneys, court clerks and police officers are products of their society: they are socialised to adhere to many of the gender stereotyping norms and beliefs discussed above. They have grown up in our society, which is characterised by deeply embedded cultural norms. They are also shaped by the institutional culture of criminal justice that dictates how we think about manifestations of crime, victims and punishment for groups of offenders, often differentiated along gender lines.

Just like other people in Tanzania, judges and magistrates may, therefore, have traditional, stereotypical ideas about gender that influence how they perceive men and women who encounter the criminal justice system. These ideas manifest throughout the criminal justice process, starting from the point of arrest (where a police officer may assess whether someone is an 'appropriate' or 'deserving' suspect) to the investigation (which may centre on dominant or aggressive men as more likely offenders). Prosecutors may also rely on gendered stereotypes when drafting charges and presenting the case, while the defence may draw on these problematic ideas during cross-examination and argument. Judges and Magistrates may rely on gendered stereotypes as part of a judgment or in determining a sentence. In the case of *Wambura Kigingwa vs Republic* [2022] TZCA 283, the trial court demanded corroboration of the victim's evidence. On appeal, the High Court and the Court of Appeal stated that if the trial court is satisfied that the victim is telling nothing but the truth, there is no need for corroboration. The Court of Appeal went further and laid down the rule that in sexual offences, the best evidence comes from the victim.

¹⁰ Cook and Cusack, 2010.

¹¹ Cook and Cusack, 2010.

1.6 Colonial Roots: Gender Stereotypes and the Architecture of the Law

Gender stereotypes are embedded in the structural and institutional architecture of the courts and the law. Many legal systems have historically been founded on male-centric perspectives, influencing how laws are interpreted and applied. Colonialism embedded and formalised gender inequalities in the African continent, giving far more recognition to men than to women and thereby indelibly changing gender roles and relations.¹² The establishment of colonial policies and laws brought with them rigid gender binaries that subordinated women and established the idea that men should hold positions of power. Colonial laws also transferred land rights to men and introduced Western marriage and family laws that promoted male-headed households and patriarchal family structures. Women were stripped of roles they had previously enjoyed, such as rulers and traders and were judged in terms of their acceptance of Western patriarchal standards, including appropriate expressions of sexuality.¹³

These patriarchal values and practices are still prevalent in many societies and remain embedded in the country's laws and policies.¹⁴ While Tanzanian statutory law (the Land Act and Village Land Act) explicitly grants women the right to acquire, hold, and deal with land in their own name, persistent cultural practices and patriarchal systems have often resulted in women being denied or excluded from receiving compensation directly. In some rural areas, women's access to land is often secondary, derived from their relationship with male relatives (husbands or fathers), making them vulnerable to losing land rights and compensation during divorce, widowhood, or land acquisition for investment.¹⁵

Historically, Tanzania's common law, inherited from colonial times, has played a significant role in perpetuating stereotypes, particularly around gender-based violence, viewing victims of rape with suspicion and distrust and justifying their differential treatment under the law. For example, the cautionary rule in sexual offence cases, which dates back to 1671 when Sir Matthew Hale, of the King's Bench in England, declared that allegations of rape should be treated with suspicion, holds that judges should treat such evidence with greater caution than any other crime as "rape is an accusation easily to be made and hard to be proved, and harder yet to be defended by the party accused." Lord Justice Salmon, writing in 1969 in *R vs. Henry & Manning*¹⁶ concurred, arguing that in cases of alleged sexual offences, it is "really dangerous to convict on the evidence of the woman or girl alone [...] because human experience has shown that in these cases girls and women do sometimes tell an entirely false story which is very easy to fabricate, but extremely difficult to refute."

The common law enshrined prevailing mythology and stereotypes in sexual offence cases by making it extremely difficult for the complainant to establish her credibility and prevent cross-examination and speculation regarding her moral character. Judges had continued to draw on these gender stereotypes under the guise of seeking proof beyond a reasonable doubt. Unlike before, where courts required additional corroborating evidence beyond the victim's testimony, the law has now been developed in Tanzania to accommodate the position that the best evidence comes from the victim, which has made it easier for survivors to prove their

12 Agbaje, 2021.

13 Oyewumi, 1997; Lugones, 2010.

14 Tannvi and Narayana, 2022.

15 Benjamine Gaspar Miku, et al, *Equal Access to Land Ownership Between Men and Women in Tanzania: Does the Legal System Matter?* AJASSS Volume 5, Issue No. 2, 2023, pp. 243-257, <https://dx.doi.org/10.4314/ajasss.v5i2.12>.

16 *R vs. Henry & Manning* (1969) 53 Crim. App Rep 150, 153

cases, and judges have treated their evidence with reliability, even without corroboration. See the case of *Wambura Kigingi*¹⁷ and *Selemani Makumba*.¹⁸

1.7 How do Gender Stereotypes Manifest in the Law?

Gender stereotypes can significantly influence judicial decision-making, courtroom dynamics, and legal outcomes. They can lead to biased interpretations of laws, unequal treatment of individuals and miscarriage of justice. Below, we discuss some ways that gender stereotypes play out in practice.

1.7.1 Stereotyping and the Administration of Justice

Judges, magistrates, private practitioners, State attorneys and other court personnel may hold unconscious biases that result in stereotyping individuals in the course of administration of justice. In such cases, women may be denied justice because patriarchal mindsets sometimes make it difficult for judges or magistrates to see beyond the stereotypical roles that are assigned to women in traditional societies.

Some examples of how these stereotypes work in practice are listed in the table below:

ISSUE	DESCRIPTION
Victim Blaming	Victim-blaming occurs when responsibility for a crime or harm is shifted onto the victim rather than the perpetrator. This is particularly relevant in cases of sexual and gender-based violence. Gender stereotypes play a significant role in reinforcing victim-blaming attitudes, often making it harder for survivors to seek justice and support. These stereotypes manifest throughout the criminal justice system and often imply that a victim's actions or behaviour contribute to their experience. Examples of questions and statements that exhibit victim-blaming attitudes are: "Why didn't you fight back?" or "You were asking for it" or "Women who experience domestic violence only have themselves to blame." When victims are blamed for their victimisation, they can feel shame, self-doubt and trauma, making recovery even more difficult. These kinds of attitudes create barriers for women to report to the criminal justice system or make them drop out of the process because of the way they are treated. Offenders are also less likely to be held accountable for their actions when judges, police and prosecutors hold these kinds of gender stereotypes.

¹⁷ *Wambura Kigingi vs Republic (Criminal Appeal 301 of 2018) [2022] TZCA 283 (13 May 2022)*

¹⁸ *Selemani Makumba vs Republic (Criminal Appeal 94 of 1999) [2006] TZCA 96 (21 August 2006)*

ISSUE	DESCRIPTION
Credibility and Testimony Bias	Women’s testimonies, especially in cases of sexual violence or domestic abuse, may be questioned based on stereotypes that women are emotional, unreliable or vindictive. Conversely, men may face bias when claiming that they are victims of abuse, as they are expected to be strong and not vulnerable. These stereotypes result in differential treatment before the law.
Appearance and demeanour	Gendered norms about what “good” or “virtuous” women wear result in stereotypical assumptions that a woman’s attire or behaviour suggests that she is promiscuous or of questionable moral character. Women who come across as more masculine through their clothing or demeanour are considered less friendly, less attractive, less trustworthy and less likeable.¹⁹ Similarly, men who dress or interact in ways that are traditionally considered more feminine are considered soft, weak or less “worthy” as a man. In the criminal justice system, these kinds of stereotypes undermine people’s credibility as victims and may discourage victims from reporting to the criminal justice system.
Derogatory gender-based terms	Derogatory gender-based terms are negative or dismissive remarks that use biased or discriminatory depictions of the roles, abilities and behaviours of people. They also frequently denote the person’s value in the moral order, and, when used by judges, can be part of the definition of what is criminally offensive.²⁰ They are often coupled with stereotypical views of sexuality and may rely on tropes like “men not able to control their sexual urges” when deciding cases of sexual and gender-based violence. Using derogatory terms in court proceedings perpetuates gender stereotypes and can undermine the dignity and rights of individuals. Examples include using phrases like ‘women belong in the kitchen,’ describing women as ‘sluts’ or ‘whores,’ describing a woman’s marital status as resulting from “extremely wicked or villainous designs” or ‘seductive acts.’²¹

19 Lower, J. (2018). *Style speaks: Clothing Judgments, Gender Stereotypes, and Expectancy Violations of Professional Women*.

20 Crofts, P., & Methven, E. (2024). *Introduction to Special Issue on Unmasking Power in Criminal Law and Justice. Current Issues in Criminal Justice*, 36(2), 129-134.

21 See Sharma, 2023.

ISSUE	DESCRIPTION
Disparities in Sentencing	Gender stereotypes can influence judicial decisions, often leading to sentencing disparities where men and women receive different punishments for similar crimes. Judges may be more lenient towards women, especially if they are first-time offenders or present a picture of a remorseful one-time offender. On the other hand, women who defy gender stereotypes by being involved in violent crimes, or crimes against the family (such as infanticide), are treated harshly because they deviate from socially expected behaviours. Even though women offenders are a relatively small proportion of sentenced prisoners around the world, using stereotypes in this way perpetuates biases and reduces the legitimacy of the criminal justice system. Conversely, gender stereotypical beliefs can also result in lower sentences for men convicted of violence against women. For example, in the case of <i>Republic v. Elvans s/o Cyprian Luvundu</i>, [2005] TZHC 171, the High Court of Tanzania stated: <i>“While I accept that under normal circumstances the factors given by the defence Counsel are good mitigating factors; in this case, the accused deserves severe punishment. This is because the offence was committed in the course of domestic violence. The deceased is one of those women who have lost their lives because of domestic violence. The Constitution of the United Republic of Tanzania safeguards the right to life. No one is allowed to take away the life of another person without a lawful cause. Domestic violence is not a lawful course. Besides, the Convention on the Elimination of All Forms of Violence against Women (CEDAW) requires that violence against women should be eradicated. Tanzania is a party to the convention. There have been a lot of public outcries to stop domestic violence. In this case, apart from the accused kicking the deceased, he strangled her. This court cannot accept the excuse of drunkenness because the accused was once warned not to kick the deceased, and he stopped. Later on, he strangled the deceased to death.”</i> This approach reflected prevailing gender stereotypes about the roles of women and men within marriage. Today, however, the position has shifted, and such stereotypes are increasingly challenged, with courts recognizing that domestic violence is a serious criminal offence and that victims are entitled to full legal protection.

1.7.2 Limited Access to Justice

Stereotypes create systemic barriers that prevent marginalised groups from fully accessing justice. Some examples of areas of law that are prone to stereotyping are listed in the table below:

AREA OF LAW	DESCRIPTION
Inheritance	Although the law guarantees equal inheritance rights regardless of gender, entrenched customary practices continue to limit or deny rightful heirs their entitlement. For example, widows and girl children are often excluded from inheriting clan land despite their legal rights.
Rape	Although Tanzania's Penal Code defines rape as a criminal offence, it excludes non-consensual intercourse within marriage. This gap has often been interpreted to mean that marital rape cannot be prosecuted. As a result, women who experience sexual violence from their husbands face significant barriers to accessing justice. Deeply rooted gender stereotypes such as the belief that women must remain married, obey their husbands, and never refuse sexual demands, further discourage women from seeking legal protection or redress.
Credibility of testimony	Although the law prohibits deciding cases based on extraneous factors, such as assumptions that women are inherently "emotional," "untruthful," or "prone to exaggeration," these stereotypes sometimes influence judges or magistrates. Such biases can result in unfair questioning, biased credibility assessments, and unequal treatment in court. Gender stereotypes, therefore, shape how the legal system evaluates testimony, making it more difficult for women to come forward as witnesses or pursue justice. These prejudices can discourage women from initiating cases or participating fully in legal proceedings, ultimately limiting their access to justice.
Parenting and custody	Gender biases can significantly influence decisions in family law cases. The fact that women are stereotypically assumed to be better caregivers of children can shape child custody and visitation rights along traditional gender roles. For example, even when both parents are equally involved in raising children, the courts often concentrate caregiving responsibilities among women, presuming that they are the more nurturing parent. At the same time, fathers may struggle to obtain custody or may receive very restricted custody or visitation rights even when they are fully capable of providing care because the courts believe that men prioritise work over caring for children. Mothers who work long hours, are unmarried, or do not fit traditional gender roles (like the 'self-sacrificing mother') may face judicial bias, as courts may view them as less suitable caregivers.

AREA OF LAW	DESCRIPTION
'Reasonable man' standards	The 'reasonable man standard' (now preferably referred to as the 'reasonable person standard') is a foundational legal principle used to determine negligence. The test asks whether a reasonably prudent person would act in a similar way under similar circumstances. Unfortunately, this seemingly neutral test is also susceptible to gender biases: many of the standards of behaviour are assessed against male-centred standards or norms, which makes it harder for women to demonstrate harm. In Tanzania, sexual harassment offers a clear example: Section 138D of the Penal Code defines it to include 'words, sounds or gestures' that are 'intended to insult the modesty of any woman.' However, permissive stereotypical standards about acceptable sexualised behaviour by men in the pursuit of a woman, and biased views that hold that women should be flattered by this behaviour, make it difficult to succeed in bringing a case of sexual harassment.

1.8 Gender Stereotypes and the Courts Today

Colonial biased notions of gender endure until today, and as is demonstrated above, extend beyond cases of sexual offences. Gendered stereotypes are evident in laws on marriage, divorce, custody and property rights. Although these stereotypical ideas about gender remain institutionalised in both statutory (Western) and customary legal systems,²² they may also provide an important site for challenge and reform, including by judges.

Many criminal justice personnel have never confronted their own unconscious, biased notions about gender. They may not understand how these biases affect their everyday practice, which can make challenging the traditional gender biases and stereotypes difficult.

Colleagues and institutions may be resistant to challenges their thinking for fear of undermining the justice system's legitimacy. Practitioners may be blind to the biases in processes and in law, believing instead that the transparency of the trial and review processes guarantees fair and equitable treatment before the law.

Very few judges have been equipped with comprehensive information about the legal frameworks, norms and standards that protect people from discriminatory treatment based on their gender. Fewer still have been trained on how to understand and challenge biases and promote gender inclusive practice. Yet, judges are uniquely positioned to educate colleagues and the public by challenging gender stereotypes when they are used in the courtroom.

In practice, this may mean that a victim's report or testimony about a sexual offence is viewed with suspicion because she did not report the offence immediately, or did not appear sufficiently distressed at the time of reporting, even though there is well-documented evidence that such a delay is part of a normal trauma response to rape. See the cases of Selemani Makumba vs.

²² Equality Now Africa, 2024.

Republic and Mwita Isombe @Sam vs. Republic²³. Conversely, an unexplained delay in naming a suspect casts a witness's credibility into question. See the case of Hango Omary Hango vs Republic²⁴. Reliance on stereotypes may mean that police do not view a complainant as a 'good' or 'ideal' victim, and thus fail to investigate her case properly or on time, resulting in a critical loss of evidence that affects the quality of the prosecution and the likelihood of holding the offender accountable. Stereotypes may also mean that the police do not give a case the priority it deserves, which means that investigations drag on and cases are eventually withdrawn because they were not prepared within a reasonable time.

In this context, the judiciary plays a corrective and protective role: courts, through their oversight of pre-trial processes, assessment of investigative diligence, and control over adjournments and disclosure, can mitigate the effects of stereotype-driven investigative failures. Judicial officers are also obligated to ensure that proceedings are conducted without reliance on gender or social stereotypes, to safeguard equality before the law, protect the dignity of complainants, and prevent systemic bias from undermining the administration of justice.



23 [*Mwita Isombe @ Sam vs Republic \(Criminal Appeal No. 639 of 2021\) \[2024\] TZCA 1239 \(10 December 2024\)*](#)

24 [*Hango Omary Hango vs Republic \(Criminal Appeal No. 445 of 2022\) \[2025\] TZCA 12 \(3 February 2025\)*](#)

PART TWO



2.0 GUIDING LEGAL FRAMEWORKS

The discriminatory impact of gender stereotyping in the justice system has come under increased scrutiny worldwide, prompting efforts like the ***Supreme Court of India's Handbook on Combating Gender Stereotypes***²⁵ and the ***Philippines Guidelines on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette***²⁶. These efforts recognize that delivering fair, impartial, and non-discriminatory justice is challenged by the persistence of gender stereotyping in our courts and police stations, and they provide practical suggestions for shifting these norms and biases.

A key challenge in producing non-discriminatory judgments is that domestic legal frameworks and existing case law sometimes embed stereotypical ideas and biases. While judges can follow precedent set by earlier judgments, there are important international, regional, and national laws that can help craft a jurisprudence underpinned by principles of equality and non-discrimination. These frameworks can be used to make better decisions. Being mindful of the inherent stereotypes and pitfalls in Tanzania's existing case law is essential for judges who want to ensure they avoid gender stereotypes when considering and handing down their own judgements.

This section introduces the enabling legal framework (conventions, protocols, treaties and laws) for preventing or addressing gender stereotypes and gender-based discrimination to ensure that everyone has the right to equitable access to justice. It demonstrates how these key principles are reflected in the guidelines for the conduct of Tanzanian judges and magistrates.

2.1 INTERNATIONAL INSTRUMENTS

International laws and treaties recognize non-discrimination, equality before the law, and the presumption of innocence as fundamental human rights, and they place clear obligations on States to eliminate practices that undermine these principles, including gender and other stereotypes. Such stereotypes, whether explicit or implicit, can result in unequal treatment, bias in decision-making, and barriers to access to justice. International legal frameworks therefore require States to prohibit all forms of discrimination, including those based on sex, gender, and other social characteristics, and to take active steps to ensure that justice systems operate fairly and without prejudice.

The key provisions of international law that underpin the elimination of gender and other stereotypes, as well as the promotion of equality before the law, are summarized in the table below.

²⁵ <https://ruralindiaonline.org/en/library/resource/handbook-on-combating-gender-stereotypes/>

²⁶ <https://sc.judiciary.gov.ph/guidelines-on-the-use-of-gender-fair-language-in-the-judiciary-and-gender-fair-courtroom-etiquette/>

INSTRUMENT	PROVISION(S)	EFFECT
Universal Declaration of Human Rights, 1948	Article 2 entitles all people to the freedoms protected in the declaration “without distinction of any kind”, including based on sex (along with language, religion, political or other opinion, national or social origin, property or birth). Article 7 guarantees equality before the law and protection against discrimination.	The language in these provisions entrenches equality and non-discrimination as key principles of the rule of law. It is also replicated in regional instruments, including the African Charter on Human and Peoples’ Rights (among others), and has been used as a foundation for other United Nations treaties that protect against discrimination for women, indigenous peoples, migrants, minorities, people with disabilities, or based on race or religion.
International Covenant on Civil and Political Rights (ICCPR), 1966	Article 2 (1) of the ICCPR obligates state parties to respect and protect the rights of all people without distinction of any kind. Article 3 requires states to ensure the equal rights of men and women. Article 26 entitles all persons to equality before the law, equal protection under the law and protection from discrimination.	The ICCPR doesn’t address gender stereotyping directly, but the Human Rights Committee (HRC) has interpreted the above provisions of the ICCPR to require states to act against it because stereotyping can lead to discrimination and inequality. ²⁷ Signatories are bound to implement the provisions of the ICCPR, although states are left to determine the content of the specific measures that they will implement. ²⁸
International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966	Article 3 requires states to ensure the equal enjoyment of economic, social and cultural rights by women and men.	The Committee on Economic, Social and Cultural Rights (CESCR) has interpreted this to require states to eliminate practices that ‘perpetuate the notion of inferiority or superiority of either of the sexes and stereotyped roles for men and women.’ ²⁹

²⁷ See, e.g., Human Rights Committee (HRC), General Comment No. 28, UN Doc. HRI/GEN/1/Rev.9 (Vol. I) (2000), para. 5; HRC, Concluding Observations: Cameroon, UN Doc. CCPR/C/CMR/CO/4 (4 August 2010), para. 8.

²⁸ Tanzania ratified ICCPR and ICESCR in 1976.

²⁹ Committee on Economic, Social and Cultural Rights, General Comment 16, Article 3: the equal right of men and women to the enjoyment of all economic, social and cultural rights (Thirty-fourth session, 2005), U.N. Doc. E/C.12/2005/3 (2005)

INSTRUMENT	PROVISION(S)	EFFECT
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	CEDAW's provisions prohibit gender stereotypes more comprehensively than any other convention. Article 5(a) requires state parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women to eliminate practices (including prejudices and customary practices) which are 'based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women.' Article 5(b) requires states to ensure that there is a 'recognition of the common responsibility of men and women in the upbringing and development of their children.' Article 2(f) requires states to 'modify or abolish existing laws, customs and practices which constitute discrimination against women.'	Taken together, the provisions and framing of CEDAW not only create explicit obligations on states to act to address harmful stereotypes and wrongful gender stereotyping, but also acknowledge that states have a duty to change how the roles of men and women in society underpin gender discrimination. The CEDAW Committee has adopted several General Recommendations that provide specific guidance for states on combating gender stereotyping and bias. General Recommendation (GR) 19 'Violence Against Women', GR. 33 'Women's Access to Justice', and GR. 35 'Gender-Based Violence Against Women' is particularly relevant to gender stereotypes³⁰.

2.2 REGIONAL INSTRUMENTS

African regional law address gender stereotypes primarily through instruments like the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (known also as the Maputo Protocol), the SADC Protocol on Gender and Development and the African Youth Charter. Taken together, these instruments mandate state parties to eliminate gender-based discriminatory practices and modify the harmful social and cultural patterns that perpetuate gendered stereotypes. They propose the implementation of measures that target gender stereotyping and discrimination and promote equality across the spectrum (including in education, media, public spaces and curriculum) in order to meet this goal.

Key African instruments are set out in the table below:

³⁰ Tanzania ratified CEDAW in 1985

INSTRUMENT	PROVISION(S)	EFFECT
African Charter on Human and Peoples' Rights (ACPHR), 1981	Article 2 guarantees rights without distinction, including based on sex (or other grounds including race, ethnic group, colour, language, religion, political or any other opinion, national and social origin, fortune, birth or other status). Article 3 guarantees the right to equality before the law and protection under the law. Article 18(3) obliges states to eliminate all forms of discrimination against women and ensure the protection of women's rights as set out under international law. ³¹	Although it did not specifically address gender stereotyping, the ACPHR established the basis for legal equality and non-discrimination.
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), 2003	Article 2 provides that member states combat all forms of discrimination against women through appropriate legislative, institutional and other measures. Article 2(2) mandates that they 'modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies' to eliminate 'harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for women and men.' Article 4 protects the right to life, integrity and security of the person and requires under 4(2)(d) that states eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women. Article 5 mandates the elimination of practices and customs that are harmful to women and mandates the provision of services to victims (including legal and judicial support). Article 8 promotes equality before the law, including 'effective access for women to judicial and legal services,' law enforcement organs that are 'equipped to effectively interpret and enforce gender equality rights and the reform of existing discriminatory laws and practices to promote and protect the rights of women. Article 26(1) obliges state parties to ensure that the Protocol's provisions are implemented under domestic law.	Established to address the experiences and realities of women in Africa and to ensure that their rights are protected under international law. ³² The Maputo Protocol is the most comprehensive regional legal instrument on women's rights in Africa. It explicitly addresses harmful gender norms, stereotypes and social and cultural practices and obliges member states to adopt legislative and other measures to address gendered discriminatory practices. The Protocol requires states to provide appropriate remedies to any woman whose rights or freedoms have been violated. Notably, the Protocol requires states to provide gender-sensitive training for legal and judicial officers and encourages law reform to address gender inequality and discrimination based on stereotyping. ³³

³¹ Tanzania ratified ACPHR in 1984

³² Banda (2005), p 66-67.

³³ Tanzania ratified the Maputo Protocol on 3 March 2007, and deposited it on 7 May 2007 without any reservations

INSTRUMENT	PROVISION(S)	EFFECT
The SADC Protocol on Gender and Development, 2008	Article 2(1) sets out that state parties must harmonise national legislation, policies, strategies and programmes with relevant international and regional instruments that protect the rights and equality of women and girls. Article 4 requires the elimination of laws and practices that affect women's fundamental rights. Article 7 requires states to ensure that women have equal protection under the law and access to justice, including that they are treated equally in judicial proceedings, that the state implements measures to ensure they have equal access as complainants, and that the state implements programmes to address gender bias and stereotypes in the legal system. Part 6 addresses mechanisms and timelines for addressing gender-based violence, including survivor support services, legal representation and law reform (among other initiatives). The Preamble defines what gender stereotypes are.	The Protocol aims to eliminate discrimination and achieve gender equality by harmonising the development and implementation of gender responsive legislation, policies and programmes. The Protocol sets realistic, measurable targets, time frames and indicators for achieving gender equality. The Protocol clearly addresses constitutional and legal rights and gender-based violence. ³⁴

³⁴ Tanzania ratified the The SADC Protocol on Gender and Development, 2008 in 2008.

2.3 Guiding Principles (Soft Law),³⁵ Gender Stereotypes and Criminal Justice Practice

Despite the recognition of the discriminatory impact of gender stereotypes on human rights under international law, harmful practices and ideas unfortunately permeate the criminal justice system.

2.3.1 The UN Special Rapporteur on Violence Against Women and the UN Special Rapporteur on the Independence of Judges and Lawyers have noted that:

- i. Patriarchal notions, myths and stereotypes about gendered roles, women and men **impact the investigation of gender-based violence cases and treatment of victims** (who are predominantly women) when they report and testify during trial. This leads to high levels of attrition in cases of sexual and gender-based violence.³⁶

³⁵ Soft law refers to international guidelines, resolutions, declarations or principles that are not legally binding. Unlike hard law, which is legally enforceable through treaties or customary international law, soft law has no formal legal power, but it still exerts pressure on states through its impact on public opinion and international reputation.

³⁶ Manjoo (2013), para. 47 and 53.

- ii. Gender stereotypes and biased decision-making can **impact the sanctioning of perpetrators**, resulting in a 'significant problem of impunity' in cases of sexual and gender-based violence.³⁷
- iii. Gender stereotypes can **cause gender-biased behaviour by court officials** (including judges) and discrimination against women by the criminal justice system in general. This is especially noticeable in rape and violence against women.³⁸
- iv. Gender stereotypes **impact the procedures and rules of evidence in the criminal justice system**. Examples include the belief that physical violence is required to show a lack of consent; women's evidence requires corroboration because they are unreliable or likely to lie; women should be sexually available; a woman's silence during rape implies consent; previous sexual experience predisposes women to be sexually available to others; women are responsible for sexual attacks; it is not possible to rape a sex worker; women who have been raped are dishonoured and not victimised.³⁹
- v. Gender stereotypes can have a compounding effect, for example, where stereotypes about women, gender roles, and disability combine to produce specific stereotypes that are harmful to disabled women and girls. Their experiences of discrimination and rights violations may differ from those of other women, and they may require specific considerations and accommodations from the criminal justice system as a result.⁴⁰

2.3.2 The CEDAW Committee

This Committee has issued two General Recommendations that underline the responsibility of state parties in addressing stereotyping and contain provisions that focus specifically on the responsibilities of the criminal justice system.

- a) General Recommendation No. 33, issued in 2015, requires states to provide awareness-raising and capacity-building programmes for judges, prosecutors, lawyers, law enforcement officials, law students and other professionals who play an important role in violence against women and family matters. The Recommendation guides that these programmes should raise awareness about the negative impact of stereotyping and gender bias, and encourage advocacy among criminal justice personnel to address issues like:
 - i. The credibility and weight given to women's voices, arguments and testimony, as parties and witnesses.
 - ii. The inflexible standards used by judges and prosecutors in deciding what they consider to be appropriate behaviour for women.
 - iii. The need for improved justice outcomes for women who are victims of gender-based violence.
 - iv. The importance of using international human rights law and domestic legislation that prohibits discrimination against women.

³⁷ Manjoo (2013), para. 53.

³⁸ Manjoo (2013), para. 41.

³⁹ Knaul (2011b), para. 19; Knaul (2011a), paras. 22(6) and 46.

⁴⁰ United Nations, *Convention on the Rights of Persons with Disabilities*, 2006, article 8(1)(b). Also see, for example, Cornelsen (2012), 119-120.

- b) General Recommendation No. 35, followed in 2017, further mandated that party states should ‘build the capacity of the judiciary, including in the context of transitional justice mechanisms’ to ensure their independence, impartiality and integrity. The Recommendation proposes that judicial bodies refrain from ‘engaging in any act or practice of discrimination or gender-based violence against women’ and that they should ‘strictly apply all criminal law provisions punishing such violence’ and ensure that ‘all legal procedures in cases involving allegations of gender-based violence against women are impartial and fair, and unaffected by gender stereotypes or discriminatory interpretation of legal provisions, including international law.’⁴¹

2.3.3 The Guidelines on Combating Sexual Violence and its Consequences in Africa

It was adopted by the African Commission on Human and Peoples’ Rights in 2017. The Guidelines aim to support African Union member states in effectively implementing their commitments to combat sexual violence and call on them to take measures to guarantee access to justice for survivors, investigate cases effectively and prosecute offenders expeditiously. The Guidelines promote training for personnel in the medical, forensic, policing and judicial fields to build capacity and combat the stereotypes and patriarchal beliefs that undermine survivors’ rights and access to justice.

2.3.4 The Southern African Development Community (SADC) Model Law on Gender-Based Violence

It was adopted in 2016 and serves as a non-binding guide to assist SADC member states in drafting or amending their domestic legislation on gender-based violence. It addresses gender stereotypes as both a cause and a consequence of gender-based violence and mandates that states should modify or abolish existing laws that are discriminatory or that rely on harmful stereotypes, customs and practices based on sex and/or gender. The Model Law promotes the elimination of gender stereotypes in judicial practice through, among other initiatives, gender-sensitive training for judicial officers and other criminal justice actors that equips them to avoid bias or stereotyping in the administration of justice. The Model Law is founded on the principle that victims of gender-based violence should be treated with dignity and respect, without judgment based on stereotyped assumptions (for example, about how a ‘real’ victim should behave). Judicial officers and court officials must be trained to recognise and counteract victim-blaming myths and narratives.

2.3.5 East Africa Community, Gender Policy⁴²

The East African Community Gender Policy provides a comprehensive regional framework for mainstreaming gender equality, non-discrimination, and women’s empowerment across policies, programmes, projects, and budgetary processes within Partner States. Anchored in the Treaty for the Establishment of the East African Community, the Policy seeks to address historical and structural inequalities by promoting equal participation of women and men in socio-economic development, governance, and decision-making processes.

This policy emphasizes the need to challenge entrenched roles and stereotypes that contribute

⁴¹ CEDAW Committee (2017), *General Recommendation No. 35*.

⁴² EAC Secretariat Arusha, Tanzania May 2018

to inequality, exclusion, and discrimination within society. It is founded on eight guiding principles, among which gender inclusiveness is central. This principle calls for the elimination of stereotypes, prejudices, and harmful practices that undermine equality and limit the full participation of individuals, particularly women and other marginalized groups.

In the judicial context, the Policy reinforces the obligation of institutions to ensure that laws, procedures, and practices are free from bias and discrimination. It therefore supports efforts to eliminate gender and other stereotypes within the administration of justice, ensuring that all individuals are treated with dignity, fairness, and equality before the law.

2.3.6 Regional Gender Policy for Judiciaries in East Africa ⁴³

A significant milestone by the EAMJA⁴⁴ is the development of the Regional Gender Policy for Judiciaries in East Africa. This Policy is anchored on six guiding principles, including the principle of ensuring quality in justice service delivery. It aims to integrate gender considerations into judicial systems, accelerate gender mainstreaming, and promote equal participation within the administration of justice.

The Policy places particular emphasis on improving the quality of justice by ensuring that judicial officers conduct proceedings with impartiality and consciously eliminate gender stereotypes and biases in decision-making. Its key focus areas include increasing the representation of women in judicial leadership, establishing gender-responsive and inclusive working environments within the Judiciary, and strengthening access to justice, particularly for survivors of gender-based violence.

It also provides a structured framework for judicial institutions in the region to promote fairness, equality, and accountability, while ensuring that justice systems are responsive to the needs of all court users without discrimination.

2.3.7 The Bangalore Principles of Judicial Conduct

The Bangalore Principles were developed in 2002 to promote judicial accountability, strengthen judicial independence, and thus enhance confidence in the judiciary worldwide. The principles, which are key international standards on the ethical values expected of judges, do not mention gender stereotyping specifically. However, they imply the rejection of gender stereotypes, biases, and discriminatory treatment through their emphasis on the values of equality, impartiality and integrity.

The principles' utility in combating gender stereotyping and discrimination rests on four of the values addressed in the document:

⁴³ Developed in 2019

⁴⁴ East African Magistrates and Judges Association

VALUE	EFFECT
Value 2: Impartiality	This principle requires judges to step aside from cases where they cannot remain impartial. Bias can arise when judges rely on gender stereotypes, such as assuming a “real victim” reports immediately or blaming women’s attire for sexual violence. It may also appear in language, humour, or even body language that shows disbelief or prejudice toward a party or witness.
Value 3: Integrity	This principle notes that it is essential to the proper discharge of the judicial office. Relying on gendered stereotypes and biases in making judicial decisions undermines the integrity of the judicial system because it creates discrimination and unequal treatment before the law. An example may be where a judge gives a harsher sentence to a woman compared to a man convicted of the same offence because she violates societal norms about women as ‘good’ or ‘virtuous.’
Value 5: Equality	It emphasises equal treatment for all, requiring judges to understand and respect diversity, including gender differences. The principles warn against stereotyping and mandate
Value 6: Competence and Diligence	Highlights that judges must be competent and diligent to perform their duties effectively. It calls on them to continuously improve their knowledge, skills, and personal qualities. Judges are also expected to stay updated on international law and human rights standards. This requires regular training not only in legal matters but also in social and gender-related issues.

2.3.8 The Code of Conduct and Ethics for Judicial Officers⁴⁵

The Code of Conduct and Ethics for Judicial Officers provides the ethical foundation guiding the behaviour and professional responsibilities of judicial officers in the discharge of their duties. The Code draws substantial inspiration from the Bangalore Principles of Judicial Conduct and incorporates internationally recognized judicial values such as independence, integrity, impartiality, equality, propriety, competence, and diligence. These principles are intended to ensure that judicial officers administer justice fairly, objectively, and in a manner that preserves the dignity and credibility of the Judiciary.

The Code obliges Judges and Magistrates to avoid language, behaviour, or attitudes that may demonstrate bias, prejudice, or discriminatory assumptions, including stereotypes. Judicial officers are expected to conduct proceedings in a manner that promotes equality before the law and public confidence in the impartiality of the courts. By establishing binding ethical standards and accountability mechanisms, the Code serves as an important domestic instrument for advancing non-discrimination, protecting human dignity, and reinforcing public trust in the administration of justice.

⁴⁵ Government Notice NO. 1001. Published On 20/11/2020

2.4 NATIONAL INSTRUMENTS

Tanzania has enacted a number of laws aimed at promoting gender equality and addressing practices that give rise to gender stereotypes. Although some of these laws do not expressly refer to stereotypes, their provisions are understood to target and mitigate discriminatory norms and unequal treatment based on gender. The Constitution of the United Republic of Tanzania provides the foundational framework in this regard, containing clear guarantees of equality and non-discrimination. In particular, Article 13(1) affirms equal rights and opportunities for both men and women in all spheres of life, thereby reinforcing the obligation to eliminate gender-based disparities and promote substantive equality.

2.4.1 The Penal Code⁴⁶

The Penal Code is the principal criminal law addressing offences against the person, including a number of sexual offences such as rape, defilement, indecent assault, forced marriage, and female genital mutilation. These provisions provide a legal framework for prosecuting offenders and ensuring access to justice for survivors. Over time, legislative reforms have strengthened these protections, reflecting Tanzania's commitment to upholding constitutional guarantees of equality and aligning with international human rights standards on the prevention of violence and discrimination.

However, despite these advancements, certain provisions within the Penal Code have been critiqued for reflecting or reinforcing gender stereotypes. For instance, the traditional definition of rape has historically been framed in a manner that assumes a female victim and male perpetrator and focuses on limited forms of sexual violence, which may exclude other experiences and reinforce narrow gender roles.

2.4.2 The Employment and Labour Relations Act (ELRA)⁴⁷

The Employment and Labour Relations Act provide a comprehensive framework for promoting equality and fair treatment in the workplace. Section 7 expressly prohibits discrimination in employment on a number of grounds, including sex, gender, pregnancy, marital status, and disability, covering recruitment, terms and conditions of employment, promotion, and termination. It also addresses workplace harassment, including sexual harassment, and places a duty on employers to take proactive steps to prevent discriminatory practices.

The Act further advances gender equality through provisions on parental rights. Sections 34 and 35 provide for maternity and paternity leave respectively, recognizing the role of both parents in caregiving. Maternity leave is more extensive, reflecting biological and health considerations, while paternity leave though limited in duration represents an important statutory acknowledgment of shared parental responsibility and a shift away from traditional gender roles that assign caregiving exclusively to women.

2.4.3 The Law of the Child Act,⁴⁸

The Law of the Child Act gives domestic effect to key principles of the Convention on the Rights of the Child by establishing a comprehensive legal framework for the protection, care, and

⁴⁶ Cap 16 [R.E 2023].

⁴⁷ Act No 6 of 2004

⁴⁸ Act No 21 of 2009

development of children. Central to the Act is the principle of the “best interests of the child,” which must guide all decisions and actions affecting children, regardless of their sex, social status, or background. The Act outlines a number of rights, including the right to protection from abuse, neglect, harmful cultural practices, and exploitation, and it creates specific offences relating to child abuse, thereby strengthening accountability and safeguarding mechanisms within both family and institutional settings.

Importantly, the Act promotes equality and non-discrimination by ensuring that all children are treated with dignity and fairness, without regard to gender or other status. It challenges harmful stereotypes that may disadvantage certain groups of children such as girls, children with disabilities, or those from marginalized backgrounds by emphasizing equal protection and access to justice. In the judicial context, the Act requires courts and other authorities to adopt child-sensitive procedures, reinforcing the obligation to avoid assumptions or biases that may undermine the rights and welfare of the child.

2.4.4 Other Laws

Other laws within Tanzania’s legal framework also contribute, directly or indirectly, to addressing gender inequality and challenging harmful stereotypes. These include the Prevention and Combating of Corruption Act⁴⁹, which promotes integrity and accountability in public and private sectors; the Anti-Trafficking in Persons Act⁵⁰, which provides protection against trafficking of persons; the Law of Marriage Act⁵¹, which governs marital relations and has been subject to ongoing critique and reform discussions due to provisions that may reflect outdated gender roles; and the HIV and AIDS (Prevention and Control) Act⁵², which seeks to protect the rights of persons living with HIV and combat stigma and discrimination.

While these laws serve different regulatory purposes, they collectively contribute to promoting equality, protecting vulnerable groups, and addressing structural and social inequalities within society. Some of these statutes, particularly the Law of Marriage Act, have been noted for containing provisions that may perpetuate gender stereotypes, such as those relating to age of marriage or roles within the family, thereby highlighting the need for progressive interpretation and ongoing legal reform.

Section 13 of the Law of Marriage Act permits a girl to get married at the age of fifteen with the approval of her parents, whereas boys are not allowed to marry until they turn eighteen, which is the age of majority. By establishing different standards based on sex, this provision perpetuates gender stereotypes and constitutes a direct form of discrimination against girls. The Court of Appeal’s decision in the Rebecca Gyumi’s case⁵³ in 2019 confirmed the High Court’s ruling that the clause was discriminatory because it allowed females to marry at the age of 15, respectively, which discriminated against them. The government was directed by the court to change the clause within a year, but as of right now, nothing has been done. This is further reinforced by Section 138 (1) of the Penal Code, which states that a man who marries a girl before she turns eighteen is not allowed to have sex with her until she is eighteen. Although it simply forbids sexual activity, this clause nonetheless enforces child marriage. It is difficult to put into practice because there is no justification for getting married and then waiting three

49 [CAP. 329 R.E. 2023]

50 [CAP. 432 R.E. 2023]

51 [CAP. 29 R.E. 2023]

52 [CAP. 431 R.E. 2023]

53 *Attorney General vs Rebeca Z. Gyumi (Civil Appeal 204 of 2017) [2019] TZCA 348 (23 October 2019)*

years to have sex. Also, Sections 19 and 20 of the Tanzania Citizenship Act⁵⁴ indirectly reinforce gender inequality by privileging paternal nationality in the determination of a child's citizenship, placing primary reliance on the father's nationality, a position which, in practice, limits women's ability to equally pass citizenship to their children.



54 Cap 357, Act No 6 of 1995

PART THREE



3.0 PRACTICAL GUIDELINES FOR JUDGES AND MAGISTRATES

This section provides practical guidance for Judges and Magistrates on how to identify, address, and eliminate gender stereotypes within judicial processes and courtroom practice. The guidance draws from international best practices, African regional legal instruments, and relevant judicial standards, including the Code of Conduct and Ethics for Judicial Officers in Tanzania discussed in the preceding chapter.

3.1 What can Judges and Magistrates Do?

International, regional, and national legal frameworks provide strong guidance on the elimination of gender and other stereotypes within the administration of justice. However, translating these legal standards into practical and consistent judicial conduct requires deliberate action by judges and magistrates in their day-to-day work. Judicial officers are uniquely positioned to influence courtroom culture, shape legal interpretation, and ensure that justice processes remain fair, impartial, respectful, and free from prejudice.

The following guidelines provide practical and context-specific measures that judicial officers can adopt to recognize, prevent, and address gender and other forms stereotypes.

3.1.1 Use and Promote Sensitive and Neutral Language

Judges and Magistrates should ensure that the language used in court proceedings, judicial decisions, and professional interactions is respectful, impartial, and free from discriminatory assumptions. Language plays an important role in shaping perceptions, reinforcing attitudes, and influencing how parties and witnesses are treated within the justice system. Words or expressions that demean, ridicule, or perpetuate stereotypes can undermine dignity, discourage access to justice, and weaken public confidence in the Judiciary.

Using gender-sensitive or neutral language does not simply mean avoiding offensive expressions. It also requires avoiding unnecessary references to gender where gender is irrelevant to the issue before the court. Judicial officers should therefore refrain from using terms, descriptions, or labels that reinforce traditional assumptions about the roles, behaviour, morality, or capabilities of men and women.

Judges and Magistrates should also guide advocates, witnesses, and court users toward the use of respectful and neutral language during proceedings. Where discriminatory or stereotypical language is used, the court should intervene appropriately and direct parties to rephrase statements in a respectful and objective manner. This includes preventing language that humiliates survivors of violence, ridicules vulnerable parties, or reinforces assumptions about how individuals are expected to behave because of their gender, age, disability, marital status, religion, or social background.

Examples of good judicial practice include:

- Referring to individuals by their professional titles rather than gendered descriptions.
- Avoiding moralistic labels such as “promiscuous,” “loose,” “emotional,” or “aggressive” unless directly relevant and supported by evidence.
- Using terms such as “police officer” instead of “policeman” and “chairperson” instead of “chairman.”
- Referring to a person affected by sexual violence according to their preferred terminology, such as “survivor” or “victim.”

The consistent use of neutral and respectful language contributes significantly to creating a courtroom environment that promotes equality, dignity, and inclusion.

The table below gives examples of common words or phrases that carry unfair assumptions so that judges can avoid them and choose better alternatives:

STOP USING	START USING	STOP USING	START USING
Man	human being	anchor-man	Anchor
man-made disaster	human-induced disaster	business man, business woman	business executive, manager, business owner, retailer
Noblemen	noble persons	cameraman	photographer
Forefather	Ancestor	no man’s land	neutral zone
Layman	Layperson	craftsman	artisan, craftsperson
Manhood	adulthood, maturity	foremen	Supervisors
Criminal	accused/child in conflict with the law	young man/ woman	youth, adolescent, teenager
one-man show	one-person show / solo exhibitor	firemen	fire fighters
founding fathers	Founders	watchmen	Guards
landlord/ landlady	owner, proprietor, lessor	pressmen	members of the press
Manpower	labour force	policemen, policewomen	police officers
man-made	handmade, artificial	draftsman	Drafter

STOP USING	START USING	STOP USING	START USING
Albino	A person living with albinism	Madam Judge / Your Ladyship	Judge / My Lord
Spokesman	Spokesperson	mother earth	earth/planet

Some examples of gender-neutral ways to describe roles are:

STEREOTYPING LANGUAGE	ALTERNATIVE LANGUAGE
Referring to a female Judge as 'Madam judge.'	Simply refer to a female Judge with the title of 'Judge.' Although this practice is described as gentle respect or decorum, it distinguishes them based on gender. Ask yourself whether you would refer to a man as 'Mister judge.' If you would not, it is likely gentle sexism.
Referring to a 'policeman' or 'policewoman.'	Use the gender-neutral term 'police officer.'
Describing a witness as 'unreliable,' 'emotional' or 'hysterical.'	Use more appropriate adjectives to describe the person's behaviour or demeanour, rather than to categorise them using adjectives that carry veiled meaning. For example, describe the witness as 'expressive' or 'passionate' or 'upset.'
Using terms like "working mother" or "stay-at-home dad" to categorise individuals based on traditional gender roles.	Refer to individuals based on their roles or occupations without emphasizing gender, such as "parent" or "caregiver."
Referring to a woman as a 'victim' when she refers to herself as a 'survivor'	A person affected by sexual violence may identify as either a 'survivor' or 'victim.' While both terms are applicable, the individual's expressed preference must be respected.

3.1.2 Know and Use the Law to Combat Gender Stereotypes

Judges and Magistrates should actively utilize constitutional principles, legislation, judicial precedents, and international human rights standards to challenge stereotypes and discriminatory practices in judicial proceedings. Courts play a central role in shaping social attitudes and promoting equality through interpretation and application of the law.

The Judiciary has already developed jurisprudence that incorporates international human rights principles, including equality and non-discrimination, even in areas where domestic legislation may not expressly address gender stereotypes. Judicial officers should therefore rely on progressive interpretations of the law to ensure that decisions uphold fairness, dignity, and equal protection for all persons.

Judicial officers should particularly ensure that stereotypes do not influence the assessment of evidence, credibility of witnesses, sentencing decisions, or determination of rights and responsibilities. Building a body of jurisprudence that openly challenges stereotypes contributes to long-term institutional change and guides future judicial practice.

The table below gives examples of cases where courts have challenged gender stereotypes:

ISSUE	CASE REFERENCE	SUMMARY
Division of Matrimonial Property	Salehe Abdallah vs Mwajabu Abdi Kiure [2012] TZHC 186 (18 October 2012)	The applicant appealed after the District Court reversed a Primary Court decree dividing matrimonial assets following a consent divorce. The Primary Court had ordered the husband to pay the wife TShs 5,500,000 as her share of the matrimonial house, left the husband with a Land Cruiser, and allocated outstanding debt obligations; the District Court later awarded the matrimonial house to the wife. This Court examined custody and maintenance obligations, statutory criteria under section 114(2) of the Law of Marriage Act, and the record concerning other jointly acquired assets (a Suzuki Vitara, Land Cruiser, a plot, bank funds and a jointtours business). The court found significant contradictions and insufficient evidence about dispositions, valuations and business profits, rendering the record inadequate for a fair division. It held that custody or maintenance duties do not automatically dictate ownership of the house. The appeal was partly allowed: the matter must be reheard de novo before another magistrate, the respondent and child may remain in the matrimonial house pending final determination, parties must maintain the status quo over assets, and each party bears their own costs. The court noted that; “Currently; TZS. 5,500,000/= is insufficient to acquire a small-scale plot at a decent area leave alone raising a building. No party should be a victim of circumstances and stereotype. unless all the above issues are made clear through proof, the ends of justice as far as the rights of the parties are concerned will definitely remain at a crossroad thus resulting into miscarriage of justice the state of affairs which this Court is not ready to rest a hand in blessing.”
Return of dowry	<i>Matano Mazengo Chambila vs Sulusi Shamba Kasili</i> [2025] TZHC 2141	The appellant sought recovery of cattle, goats and money paid as dowry after divorce. The trial court granted recovery but the first appellate court reversed. On further appeal the primary issue was whether dowry paid in contemplation of a contracted marriage is recoverable after dissolution. The High Court reviewed statutory

ISSUE	CASE REFERENCE	SUMMARY
		provisions and authorities, notably section 71 of the Law of Marriage Act and authorities holding that gifts given in contemplation of a marriage become absolute once the marriage is contracted. The court held customary rules allowing dowry recovery post-divorce are displaced by the Law of Marriage Act and the Judicature provisions; the couple's lack of children or blame for breakdown are irrelevant to a post-contract claim. Preliminary objections about procedural irregularity and arguing beyond grounds were rejected as improper and unfounded, with the court noting the electronic case management system eliminates physical record transmission. Concluding that dowry is not recoverable after a contracted marriage, the court dismissed the appeal and ordered costs. The Judge addressed the issue of gender stereotypes in this case on page 10 where she stated that; <i>'[...] I am of the considered view that, in addition to reducing women into commodities, the customary laws for recovery of dowry in marriages not blessed with children, equate women to baby-making machines and presuppose that all men are fertile, which is biologically incorrect [...] Even if the recovery of dowry was permissible, infertility would not be a good ground for such recovery unless it is proven that it is the wife, not the husband, who suffers from infertility, in which case, it would also have remained problematic, as it would have entailed punishing or blaming the wife for infertility.</i> <i>Be it as it may, apart from being repugnant to the law, the practice of dowry recovery perpetuates gender stereotypes and undermines women's intrinsic values as individuals, hence fostering gender inequality.'</i>
Child Marriage / Age of Marriage	<i>Rebeca Z. Gyumi vs Attorney General [2016] TZHC 2023</i> and <i>Attorney General vs Rebeca Z. Gyumi [2019] TZCA 348.</i>	The original case sought to challenge the provisions of Tanzania's marriage laws on the basis that the law discriminated against girl children by allowing them to be married at a younger age than boys. The court held that sections 13 and 17 of the Law of Marriage Act, which set different minimum age limits for marriage for boys and girls, were unconstitutional. The Court instructed the State to amend the law within one year to bring it into line with international standards and obligations that set the age of consent to marriage at 18 for both boys and girls.

ISSUE	CASE REFERENCE	SUMMARY
		The State appealed the ruling, arguing that the difference in marriage age (18 for boys and 15 for girls) was not discriminatory. In part, they based this on the reasoning that it protected girls from the risks of having children born out of wedlock by allowing them to marry younger, given that they are likely engaging in sexual activity before the age of 18. The Appellate court was not persuaded. Recognising that the Law on Marriage was written in 1971 and had become outdated against modern standards, they held that the provisions also unfairly discriminated against girl children in contravention of Tanzania's commitments under international and regional law. The Court also found that affording children the ability to marry is not a protection, but rather exposes them to 'serious matrimonial obligations and health risks like domestic and gender-based violence, psychological distress, miscarriage and teenage pregnancies.' They also concluded that the provisions do not offer any more protection to girls than they would to boys of the same age, nor 'give equal treatment between a boy and a girl child.' Consequently, the provision violates Articles 12 and 13 of Tanzania's Constitution, and held that 'sections 13 and 17 of the [Law on Marriage Act] have lost their usefulness, thus they deserve to be declared null and void.' The Court upheld the timeframe of one year for the legislature to amend the Marriage Act. To date, the Government of Tanzania has not complied with this ruling, and the age of marriage for girls remains 15 in law.
Inheritance and children born outside of marriage	<i>Beatrice Brigh-ton Kaman-ga and An-other vs Zia-da William Ka-manga [2020] TZHC 1428.</i>	This case dealt with a probate claim that had been 'pending for more than 30 years, and which had been the subject of several other litigations, complaints to various authorities and the source of hatred between the parties and the family as a whole.' The gist of the complaint was that the executrix (Zaida Kamanga) was misappropriating her late father's estate for her own benefit and without due regard to the interests of the appellants, who were his children and heirs. The Court, in determining whether the appellants, being children born out of wedlock, could inherit their father's

ISSUE	CASE REFERENCE	SUMMARY
		property, declared that customary law on the issue was outdated. The High Court Judge noted that the law was outdated: <i>'[...] I am aware of the contrary position, which is in para (43) of the second schedule to the Local Customary Law (Declaration) (No. 4) Order, GNs 436 of 1967 and 219 of 1967 (SHERIA ZA URITHI), which is coached "Watoto wasio halali hawawezi kurithi upande wa kiume katika urithi usiona wosia" but that law is no longer valid in view of the coming into force of the Law of the Child 2009 Act. The concept of "illegitimate child," children born out of wedlock, has no room in this country any more. The Act, which came into compliance with the provisions of the United Nations Convention on the Rights of the Child 1989 to which Tanzania is a signatory, has banned that concept.'</i>
Delay in reporting of sexual offence / Credibility of survivor	<i>Selemani Hassani vs Republic</i> [2022] TZCA 127.	<i>The appellant had been convicted of raping an 8-year-old child and ensured her silence through 'an enduring threat to slaughter her should she dare divulge the details of the sexual attack.' There was a short delay between the offence and the child's disclosure to her mother, after which she received a medical examination that corroborated the allegation of rape.</i> <i>The appellant relied on an earlier case, Marwa Wangiti,⁵⁵ to argue that the delay in reporting 'severely dented the complainant's credibility and reliability.' The judge in Marwa Wangiti had held that '[t]he ability of a witness to name a suspect at the earliest opportunity is an all-important assurance of his credibility, in the same way as unexplained delay or complete failure to do so should put a prudent court to Inquiry.'</i> <i>The Appellate court disagreed, noting the impact of a delay in reporting on the credibility of the victim could not be considered in the absence of the particular circumstances of the case concerned. The judges noted that:</i> <i>'We think that while it can apply fairly unrestrictedly in respect of, say, cases involving property offences, it will not apply with equal force in cases concerning sexual offences where immaturity of the victim, death threats or shame associated with such offences may dissuade</i>

⁵⁵ *Marwa Wangiti Mwita and Another vs Republic (Criminal Appeal 6 of 1995) [2000] TZCA 23 (12 June 2000)*

ISSUE	CASE REFERENCE	SUMMARY
		<i>the victim from reporting the matter with promptitude</i> <i>[...] By any yardstick, [the victim] was a vulnerable person who could not be expected to report her ordeal swiftly unless a conducive and assuring setting for questioning was created. That is why she initially kept crying uncontrollably when her mother interrogated her to find out what the matter was with her [...] In the premises, we go along with Ms. George that the delay complained of is rational and explicable.'</i>
Reliance on stereotypes based on custom	<i>Leonard Jonathan vs Republic</i> [2001] TZHC 73.	The appellant appealed his conviction and sentence for rape after a trial court acquitted three coaccused and convicted him. The prosecution case was that the complainant was seized while returning from church, taken to the appellant's house, detained in a locked room and sexually assaulted by the appellant with assistance from a cosuspect. The complainant's father and other witnesses broke into the room and rescued her. A PF.3 medical report recorded bruises, spermatozoa on private parts, strangulation and other injuries. The appellant admitted intercourse but asserted he had ambushed and married the complainant under customary Chagga norms because he could not afford a Christian marriage. The High Court held the prosecution proved the offence beyond reasonable doubt: the PF.3 and eyewitnesses corroborated nonconsent and violence. The court rejected the customary marriage defence as factually and legally untenable marriage requires free and full consent under domestic law and international instruments. The statutory sentence under the Sexual Offences Special Provisions Act was upheld and the appeal dismissed. The Court noted about stereotypes that may arise from customs when it said; <i>"The defence contracting a Chagga customary marriage through the rape is improbable and fallacious in fact and law" and the passage condemning "the obnoxious customary practice of grabbing women, locking them up and sexually assaulting them in the name of Chagga customary marriage."</i>

ISSUE	CASE REFERENCE	SUMMARY
Customary law prohibition on women inheriting land	<i>Asaeli Ndossi vs Elisifa Jackson Ndossi</i> [2002] TZHC 2059.	The applicant, the deceased's younger brother, appealed the revocation of letters of administration which had been granted to him by a primary court. The respondent, the deceased's widow, had successfully challenged that appointment in the District Court. The High Court examined the estate inventory showing registered land, bank accounts and shares, and concluded the primary court lacked jurisdiction to determine matters affecting registered land under section 18(1)(a)(i). The court also found that an administrator must have an interest in the estate under section 2A(a) of the Fifth Schedule to the Magistrates Courts Act; the applicant was not an heir, whereas the widow and the couple's minor children were natural beneficiaries. Invoking constitutional protections and ratified international instruments protecting widows and children, the court held the proceedings in the courts below to be a nullity. The District Court's reversal was appropriate, but because of lack of jurisdiction the proper outcome was nullification. The widow was directed to institute probate in the High Court to obtain authority to administer the estate. The appeal was dismissed with costs.
Rights of Widows	<i>Naftal Joseph Kalalu v. Angela Mashirima</i> [2002] TZHC 2055.	The respondent petitioned the Primary Court for letters of administration over her late husband's estate claiming customary marriage and fifteen years' cohabitation with three children. The appellant, the deceased's father, objected in the District Court on grounds of lack of service and that the respondent was not a legal wife; the District Court dismissed his objections. On second appeal the High Court considered evidence of cohabitation, the Law of Marriage Act (section 160) and authority on presumed marriages (<i>John Kirakwe v Iddi Siko</i>), and found no proof of divorce to rebut marital status. The High Court also accepted the trial evidence that the appellant had notice of proceedings. Importantly, the court held that the Chagga customary rule (para 20 GN 436/1963) that would deny widows administration rights is discriminatory and contrary to constitutional equality and Tanzania's obligations under CEDAW, and thus could not justify denying appointment. The Primary Court's appointment of the respondent as administratrix was lawful and the appeal was dismissed with costs.

ISSUE	CASE REFERENCE	SUMMARY
		The Court noted that: <i>'The Chagga customary practice contained in paragraph 20 of the Law of Inheritance in GN 436 of 1963, which does not allow a widow of the deceased to manage the estate of her deceased husband and instead requires male clan members surviving the deceased to do so is discriminatory [...] If a husband is allowed to administer the estate of his deceased wife without any conditions whatsoever, there is no good reason why a surviving wife should be denied such a right. It is gender discrimination which is barred by the Constitution of the United Republic of Tanzania [...] The court should never allow the death of the deceased to be used as an opportunity for people other than the beneficiaries of the estate of the deceased to benefit from such estate, under pretext of discriminatory customary practices.</i>

3.1.3 Advocate for Law Reform

Judges and Magistrates play an important role not only in interpreting the law but also in contributing to legal and institutional reform. Through judgments, professional engagement, judicial dialogue, and recommendations, judicial officers can identify gaps in the law and highlight provisions that perpetuate inequality or harmful stereotypes.

Several laws across jurisdictions have undergone reform to address discrimination, gender-based violence, harmful cultural practices, and unequal treatment. In Tanzania, judicial decisions have also contributed to reform efforts, including in areas such as child marriage and equality rights. For example, in **Attorney General v Rebeca Z. Gyumi**, the court directed reforms concerning the age of marriage, recognizing the harmful impact of discriminatory legal provisions.

However, legal reform alone is insufficient if societal attitudes and institutional practices remain unchanged. Judicial officers should therefore support broader awareness initiatives aimed at challenging harmful norms, empowering vulnerable groups, and promoting public understanding of equality and human rights.

Law reform efforts should also be inclusive and participatory. Judicial officers should recognize that marginalized groups including women, persons with disabilities, children, and economically disadvantaged communities may face barriers in expressing their experiences and needs. Meaningful consultation and representation are therefore essential to ensuring that reforms respond to lived realities and promote substantive justice.

3.1.4. Implement Practical Changes in Case Management and Courtroom Procedures

Judges and Magistrates should ensure that courtroom procedures and case management

practices promote safety, dignity, and equal access to justice for all court users, particularly vulnerable persons and survivors of violence. Court processes that are insensitive, delayed, or hostile may retraumatize parties and discourage reporting or participation in proceedings.

Practical measures that judicial officers may implement include:

- Maintaining effective case management practices to minimize unnecessary delays in hearing and determination of cases.
- Utilizing case flow management committees and stakeholder forums to promote trauma-informed and victim-sensitive approaches.
- Ensuring that irrelevant, humiliating, discriminatory, or gender-biased questioning is not permitted during proceedings.
- Allowing short adjournments or recesses where vulnerable witnesses or survivors become distressed during testimony.
- Facilitating referral of vulnerable parties to counselling or psychosocial support services where appropriate.
- Conducting proceedings involving sensitive matters in a manner that protects privacy and dignity.
- Encouraging coordination among justice stakeholders, including police officers, prosecutors, social welfare officers, and medical personnel, to ensure sensitive handling of cases involving vulnerable groups.

Efficient, respectful, and victim-centred courtroom procedures improve the quality of justice and strengthen confidence in the legal system.

3.1.5. Reflect on Privilege and Challenge Discriminatory Practices

Judges and Magistrates are also in a unique position to make changes beyond their own language: they set the tone for engagement in their courtrooms and chambers. Although this is less obvious than directly stereotyping language, things like body language, gestures, practices and traditions can also be places where gendered stereotypes and sexist beliefs are conveyed or enabled. Everyday examples include:

- iii. Exhibiting a facial expression or demeanour in court that inappropriately signals disbelief of a witness.
- iv. Using a nickname or slur that is gendered or derogatory to refer to someone (or listening to someone else do so).
- v. Telling a male court worker or court user to act 'more like a man.'
- vi. Judging someone for not fitting into stereotypes of femininity, for example, being a stay-at-home parent or caregiver.
- vii. Allowing descriptions of women as generally manipulative, deceitful or needing to be kept in their place.
- viii. Making inappropriate comments about someone's appearance (this could be in overtly sexualised comments or making comments about their body shape or grooming).

- ix. Justifying problematic behaviour using the adage 'boys will be boys.'
- x. Making assumptions about courtroom roles, for example, that a woman is an assistant or a clerk rather than an attorney, a judge, or a Magistrate.

Eradicating gender stereotypes and sexism in the courtroom requires that judges not only understand how these behaviours manifest, but also that they recognise them (in their own and others' interactions) and call them out. Judges and Magistrates should therefore regularly evaluate their own decisions and attitudes for implicit bias and challenge sexist attitudes (respectfully) when they see them unfold in front of them. To make a gender-fair courtroom, judges and magistrates should do the following:

- a) **Refrain from any act or proceeding that will demean, embarrass, humiliate or degrade any party by reason of gender.** For example, in conducting an arraignment in criminal cases, if the information contains allegations that would expose either the offended party or the accused to ridicule or debasement related to their gender, the public should be excluded, and the reading of the information should be done only in the presence of the parties and their respective counsel, unless the reading of the information is waived. Similarly, reception of testimonial evidence that might invite gender- revilement or gender-bias, or has a tendency of exposing any party to embarrassment or degradation by reason of gender, should be restricted to the parties and their counsel.
- b) **Refrain from perpetuating gender stereotypes.** For example, do not make one counsel go first with her cross-examination because she is female, saying "ladies first." Or do not make a male court attendee stand up to give up his seat for a female court attendee by saying, "You are a man, after all." Comments, jokes, and remarks with sexual content, or jokes and remarks that insinuate gender stereotypes, should not be tolerated in the courtroom setting. For example, remarking that a lawyer appears to be more organized because she is a woman is unacceptable.
- c) **Avoid comments on or insinuations related to physical appearance that may draw unwanted attention to one's gender.** For example, calling attention to a lawyer's pregnancy while she is conducting business may affect how others perceive her.
- d) **Judicial officers, court personnel, and litigants are all responsible for observing gender-fair language and etiquette in the courts.** Gender insensitive acts or omissions committed in one's presence should be courteously but discreetly corrected most respectfully.

3.1.6 Training is a key tool to combat the use of stereotypes

Education and training are crucial in addressing judicial stereotyping and ensuring that harmful stereotypes do not influence decision-making. Judges, magistrates and other court officials should be encouraged to undergo regular training on gender and stereotypes, and their roles and responsibilities under instruments such as international and regional law and the Tanzanian Code of Judicial Conduct. Judges, magistrates and other court officials should also be provided with specific knowledge and resources that can improve practice in areas of the law that are susceptible to stereotyping.

While training, seminars and resources should be provided for members of the judiciary, judges can also undertake local initiatives within their own courts to start conversations about making decisions based on law and fact, identifying stereotypes, understanding their harms,

and debunking stereotypes. Best-practice models show that training for judges and justice professionals is most successful when it follows a peer-to-peer model, rather than using external trainers who are not judges and/or are not from the same country.⁵⁶

Practical Checklist for Judges and Magistrates in Identifying and Addressing Gender and Other Stereotypes

The following checklist is intended to assist Judges and Magistrates in reflecting critically on possible gender and other stereotypes that may arise during judicial proceedings, legal interpretation, decision-making, and courtroom interactions.

The checklist may be used before, during, and after proceedings to ensure that justice is administered fairly, impartially, and without prejudice.

A. Understanding the Issue Before the Court

- ☐ Have I considered how the issue before the court is commonly perceived within society?
- ☐ Have I reflected on whether these common perceptions are influenced by stereotypes, cultural expectations, or traditional gender roles?
- ☐ Have I considered whether the issue has been described or framed differently for men and women, or for persons from marginalized groups?
- ☐ Have I examined whether the facts of the case are being interpreted based on evidence or on assumptions about how individuals “should” behave?
- ☐ Would I approach this issue differently if the gender, age, social status, disability, religion, or background of the parties were reversed?

B. Assessing Bias and Stereotypes

- ☐ Am I relying solely on evidence and applicable law rather than personal beliefs or social expectations?
- ☐ Have I avoided assumptions relating to morality, appearance, family roles, or behaviour?
- ☐ Have I questioned whether dominant social norms may be influencing my understanding of the dispute?
- ☐ Have I considered how stereotypes may affect credibility assessments, especially in cases involving sexual offences, domestic violence, inheritance, custody, or matrimonial disputes?

C. Considering Social and Cultural Context

- ☐ Have I considered cultural, economic, political, legal, and social factors that may affect the experiences of the parties before the court?
- ☐ Have I recognized that certain cultural traditions may promote dignity and social cohesion, while others may perpetuate discrimination or inequality?
- ☐ Have I considered whether power structures within the family, community, or society may have affected the conduct or choices of the parties?

⁵⁶ DCAF; OSCE/ODIHR; UN Women (2019).

- ☐ Have I remained sensitive to the experiences of vulnerable or marginalized persons, including women, children, persons with disabilities, and economically disadvantaged individuals?

D. Courtroom Conduct and Communication

- ☐ Have I used respectful, neutral, and gender-sensitive language throughout the proceedings?
- ☐ Have I prevented humiliating, discriminatory, or irrelevant questioning during testimony?
- ☐ Have I ensured that court users are treated with dignity regardless of gender, status, occupation, disability, or background?
- ☐ Have I avoided comments, gestures, or conduct that may communicate bias, disbelief, ridicule, or prejudice?
- ☐ Have I intervened appropriately where advocates, witnesses, or parties use discriminatory or stereotypical language?

E. Protecting Vulnerable Parties and Witnesses

- ☐ Have I ensured that the courtroom environment is safe and respectful for victims, survivors, and vulnerable witnesses?
- ☐ Have I considered practical measures to minimize re-traumatization, including short recesses, privacy protections, or referral to support services where appropriate?
- ☐ Have I ensured that proceedings involving sensitive matters are conducted in a manner that protects dignity and confidentiality?
- ☐ Have I considered the broader psychological, emotional, social, and economic impact of violence or discrimination on the affected person?

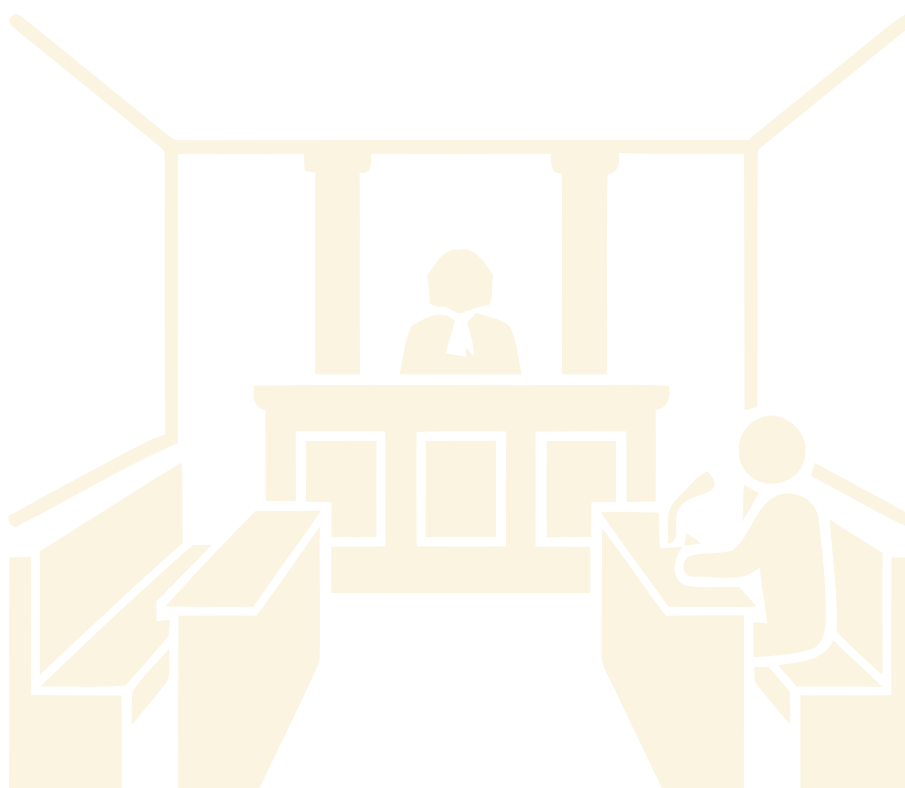
F. Judgment and Decision-Making

- ☐ Does my decision clearly demonstrate impartiality and equality before the law?
- ☐ Is my reasoning based on evidence, legal principles, and constitutional values rather than stereotypes or assumptions?
- ☐ Have I avoided language in the judgment that reinforces harmful stereotypes or discriminatory attitudes?
- ☐ Have I applied relevant national, regional, and international human rights standards where appropriate?
- ☐ Would the reasoning in this decision inspire public confidence in the fairness and integrity of the Judiciary?

G. Continuous Learning and Reflection

- ☐ Have I engaged with judicial training materials, research, or case law addressing stereotypes and discrimination?
- ☐ Have I reflected on how my own experiences, beliefs, or assumptions may unconsciously influence judicial practice?

- ☐ Have I encouraged peer discussions and professional dialogue on fairness, equality, and stereotype-free adjudication within my court?
- ☐ Have I considered engaging with victim-support services, social welfare professionals, or community initiatives to deepen my understanding of the lived realities of vulnerable groups?



PART FOUR



4.0 USEFUL LINKS & TERMINOLOGY

4.1 RESOURCES AND TRAINING MATERIALS ON GENDER & STEREOTYPING

PUBLISHER	TITLE AND/OR LINK
Judiciary of Tanzania	<i>Gender Justice Strategic Framework</i> (2023)
Tanzania Women Judges Association (TAJWA)	<i>Gender Benchbook on Women's Rights</i> (2021) https://tanzlii.org/akn/tz/doc/jot-documents-and-guidelines/2021-11-15/gender-benchbook-on-womens-rights/eng@2021-11-15
Office of the High Commissioner for Human Rights	<i>Gender Stereotyping and the Judiciary: A Workshop Guide</i> (2020) https://www.ohchr.org/en/publications/training-and-education-publications/gender-stereotyping-and-judiciary-workshop-guide
Equality Now	<i>Training Guide on the Application of the Maputo Protocol in Judicial Decision-Making</i> (2025) https://equalitynow.storage.googleapis.com/wp-content/uploads/2025/04/29082109/Manual-on-Application-of-Maputo-Protocol.pdf
Equality Now	<i>Manual on the Application of the Maputo Protocol in Judicial Decision-Making</i> (2025) https://equalitynow.storage.googleapis.com/wp-content/uploads/2025/04/29082209/Training-Guide-on-Application-of-Maputo-Protocol.pdf
United Nations Office on Drugs and Crime Southern Africa (UNODC SA)	<i>Handbook for Court Support and Preparation Officers (CSPOs): Preparing and Supporting Witnesses of Gender-Based Violence in Court</i> , 2020. https://www.unodc.org/documents/southernafrica/Publications/CriminalJusticeIntegrity/GBV/UNODC_PARTICIPANT_MANUAL_FINAL_WEB.pdf

4.2 GLOSSARY OF TERMS

TERM	DEFINITION
Access to Justice	Relates to whether individuals, groups and communities realize de facto justice from the enforcement of substantive law as well as quality of justice meted out on them by the justice delivery system.
Discrimination	Any distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of an individual's human rights and fundamental freedoms.¹ This difference in treatment can be based on grounds such as race, colour, language, religion, belief, caste, employment, political opinion, nationality, social origin, disability, age, location, region, indigenous and minority status, sex, gender, sexual orientation, gender identity, or other status. Discrimination may be direct (differentiated treatment which adversely affects the enjoyment of rights of one group in particular) or indirect (treatment that seems to be neutral, but whose consequences adversely affect the enjoyment of rights of one or more groups in particular).²
Gender and Sex	Sex refers to the biological difference of women and men while the term gender refers to the culturally and socially determined characteristics, values, norms, roles, attitudes and beliefs attributed to women and men through constructed identity in a society. Gender relationships differ from one social setting to another and can change from time to time.
Gender Bias	Occurs when there are gender disparities and differential treatments given to people on the basis of sex such as resources and opportunities for better life.
Gender discrimination	Occurs when one sex is treated either better or worse than the other on the basis of sex.
Gender Equality	Refers to equal treatment of women and men members of a community in provision and access to goods and services required to meet their social needs. Equal enjoyment of goods, opportunities, resources and rewards by women and men. Gender equality is not a women's issue; it should concern and fully engage both women and men. Equality between women and men is seen as both a human rights issue and a precondition for, and indicator of, sustainable, people-centred development.³

¹ Tanzania Women Judges Association (2021).

² Council of Europe (2023).

³ UN Women, *Concepts and Definitions*.

TERM	DEFINITION
Gender Equity	Is synonymous with fair opportunity in access to social services. Gender equity therefore means fair opportunity and access to social services for both women and men. It includes fair treatment before the law, the undeniable right to life by each member of the community.
Gender Mainstreaming	Involves the integration of gender concerns into laws, policies, programmes, projects, monitoring and evaluation processes with the objective of reducing inequalities between women and men. It refers to a process of planning for specific needs of both women and men at all levels, with the ultimate goal of achieving gender equality and equity.
Gender Negative	Uses gender norms, roles and stereotypes that reinforce gender inequalities. ⁴
Gender Neutral	Gender is not considered relevant to development outcome. Gender norms, roles and relations are not affected (worsened or improved). ⁵
Gender Sensitive	To understand and give consideration to socio-cultural norms and discriminations in order to acknowledge the different rights, roles & responsibilities of women and men in the community and the relationships between them. Gender sensitive policy, program, administrative and financial activities, and organizational procedures will: differentiate between the capacities, needs and priorities of women and men; ensure that the views and ideas of both women and men are taken seriously; consider the implications of decisions on the situation of women relative to men; and take actions to address inequalities or imbalance between women and men.⁶
Gender Stereotype	A generalized view or preconception about the attributes, characteristics or roles that are or ought to be possessed by or performed by women and men. A gender stereotype is harmful when it limits women's and men's capacity to develop their personal abilities, pursue their professional careers and make choices about their lives. Gender stereotypes perpetuate gender inequality. ⁷

⁴ UN Women Training Centre, *Gender Equality Glossary*,

⁵ UN Women Training Centre, *Gender Equality Glossary*.

⁶ UN REDD, *Glossary of Terms Used in REDD+SES*, <https://www.un-redd.org/glossary/gender-sensitive>.

⁷ OHCHR, *Gender Stereotyping: OHCHR and Women's Human Rights and Gender Equality*, <https://www.ohchr.org/en/women/gender-stereotyping>.

TERM	DEFINITION
Gender Stereotyping	The practice of ascribing to an individual woman or man specific attributes, characteristics, or roles by reason only of her or his membership in the social group of women or men. Gender stereotyping is wrongful when it results in a violation(s) of human rights and fundamental freedoms. ⁸
Judge	Can also mean Magistrate.
Judicial Stereotyping	The practice of Judges ascribing specific attributes, characteristics or roles to an individual by reason only of her or his membership in a particular social group and perpetuating harmful stereotypes through their failure to challenge those stereotypes. ⁹
Sex	Refers to anatomical sex characteristics, reproductive organs, hormonal and/or chromosomal patterns.
Sexual Gender-based Violence	Sexual Gender-based violence refers to any sexual act or unwanted sexual comments or advances using coercion, threats of harm or physical force, by any person regardless of their relationship to the survivor, in any setting. It is usually driven by power differences and perceived gender norms. ¹⁰
Unconscious Bias	A prejudice or stereotype that individuals hold about certain groups of people that they aren't consciously aware of having. Unconscious bias, or implicit bias, describes a subconscious attitude that affects the way individuals feel and think about others around them. Subconscious attitudes aren't necessarily as well-formed as coherent thoughts, but they can be very ingrained and impact the emotional and rational responses of individuals in everyday situations. ¹¹
Victim	Persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of the law. ¹²

⁸ OHCHR, *Gender Stereotyping: OHCHR and Women's Human Rights and Gender Equality*.

⁹ UNODC SA (2020).

¹⁰ UNODC SA (2020).

¹¹ *Reiners*, updated by Unwin (2024).

¹² UNGA Resolution 40/34 (29 November 1985).

TERM	DEFINITION
Victim-centred	A systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a non-judgmental manner. This approach seeks to minimise traumatisation associated with criminal justice processes by providing support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their offenders brought to justice. ¹³
Vulnerable groups	Particular groups of people who, due to adverse social, economic, cultural and practices present in society are weak and marginalized or have traditionally been victims of violations and these include widows, divorced, children, elderly people, persons with disabilities, migrants, refugees and economic hardship.



¹³ Office of Justice Programs (n.d.).

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