

REPORT FOR
GENDER-BASED STEREOTYPES IN THE LEGAL FIELD

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CAMPUS LUIGI EINAUDI, University of Turin

CLOSING REMARKS

by

Cesarina Manassero

Thank you to the organizer, in particular, to the University of Turin and to Professor Joëlle Long, who invited me to participate to this important conference.

I would like not only to say thank you for this conference and for the dialogue of today, but for the possibility to participate to the project JUSTEqual as Committee for Equal Rights at the Chamber of Lawyers in Turin. For our Committee it was a great honour to have the chance to discuss about the topic we have developed along this session of studies.

Here I represent the practical/professional point of view of lawyers and barristers, in particular of women lawyers, who often defend women victims of violence or in general persons victims of discrimination.

Let me start by saying that the first article of the statutes of UIA (Union Internationale des Avocats, International Union/Association of Lawyers) adopted in Rome in 1998, affirms that the UIA will take measures necessary to promote **respect** for the **principles of non-discrimination and gender equality also in language field**. The Governing Board ensures compliance with the principles of non-discrimination, equality and **diversity**.

The Resolution on Sustainability and the Role of Legal Profession, adopted in 2023, resolves to develop **awareness and best practices for lawyers and law firms** to **achieve gender equality** and to promote a **culture and a decision-making framework** based on **diversity respect and inclusion principle**.

Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on **combating violence against women and domestic violence** is also a very important document.

This latest document must be related with the **Charter on the fundamental principles on access to justice of women victims of violence**, developed by the Women's Lawyers Committee of the UIA, adopted in Paris, on March 8, 2022, underlines that violence is not only physical and sexual but also emotional, psychological and that a **correct use of gender language could promote a culture of respect and inclusion where the stereotypes could be canceled**.

It is interesting to note that at the very beginning of this Chart it is highlighted that **competent Tribunals** and other public institutions gave a vital role in providing **legal services and legal aid to prompt redress for the harm suffered by women victims of violence**.

This important document was subscribed also by our Committee this year so that's why we are trying to develop proactive initiatives to ensure the respect of those principles.

The key words on Discrimination against Women remain **prevention and preventive measures which should include all kinds of initiatives at a cultural change**:

- **Awareness raising campaigns** to counter discrimination and promote a fair, inclusive, fair procedures in courts;
- **Education** through strengthening social, emotional, empathy and learning how to develop respectful relations;
- **Prevention and Creating an Awareness** includes preventing the cultivation of **harmful gender stereotypes** in order to eradicate the idea of the inferiority of women, all stereotyped roles of women and men;
- **Promoting a culture** to ensure that elements such as religion, tradition, honour, are not perceived as justifying or giving rise to a more lenient treatment of offenses of violence against women or domestic violence;
- Prevention and preventive measures should encourage men and boys to act as positive role models to support equality between men and women, and **aiming also to overcome Stereotypes** whereby, men are inhibited from reaching out for help in situations of violence directed against them.

The bottom line is that each of us needs to come away from events such as today's and keep awareness growing and play the part on an every-day basis.

Questions:

We need to continue asking ourselves, and I ask you today, to provide replies and suggestions:

What can Chambers of Lawyers, Association of Lawyers, Committees for Equal Rights do better to bridge gender-based stereotypes in family or criminal procedures related with gender violence or in general violence against women?

Fabio Pinelli, the Vice-President of CSM, Superior Council of Magistrates, affirms that the **criminal trials** are like a “**civilization of words**”, where a particular use of language could alter and falsify the real meaning of Justice.

John Austin, in 1955, during some lectures at the Harvard University, affirmed that “Word create and do the things”. I observe that this lecture is still not completely understood in the legal world.

We always have to think that the decisions don't remain into some drawers of dusty Courts but through social medias and TV and newspapers go out of the private sphere of Justice. They become public. As Professor Susan Ehrlich, from York University in Toronto, underlines that texts get around the world, shaping social inequalities. Texts are often removed from their original source and they constructs facts and events.

The topic is not only linguistic; it is now institutional. When a Judge is writing a motivation for the sentence, or a Lawyer like me is writing a defensive act, must pay attention not only to technical procedures and rules but also to the public meaning that this document will reach.

Francesca Spasiano, an Italian Lawyer, President of D.i.Re (Women Lawyers connected against Violence), during an interview about recent cases of judicial documents and decisions tainted by stereotypes, used an important formula, **Judicial Stereotypes**, to describe this kind of defects of the judicial decisions.

It is important to work to promote another culture through the judicial decisions, because stereotypes and prejudices operate at the level of cultural automatism with an inter-sectional perspective, as Professor Paola Maria Torrioni underlines.

If we erase stereotypes from judicial acts we can contribute to create trust in institutions and a more respectful society.

In a trial, the Word must be a Guarantee; the Word is also Power, to use a Greek word, Katéchon, a garrison that restrains and guarantees people's rights.

Justice doesn't speak not only within the trials but also to the civil society. The language of Justice constructs or deconstructs the basic principles of Fairness and Equality.

In conclusion, I would like to remember the words of Roman Krznaric, a social philosopher who writes about the power of ideas to bring changes, in the book *History for tomorrow: Inspiration from the past for the future of humanity*, one of the most important challenges is: Bridging the inequality gap through every possible way.

This project is really one of this important tool which can contribute to create more Equality in the Word and in the legal field

The inter-professional dimension is a great value. When we combine scientific research with a practical point of view we can really reach the goals of this project.

As Sara Veggi underlined today only with clarity, accessibility to judicial discourse and with a revision of legal language we can contribute to get beyond the obstacles and we can erase a masculine framework, typical of legal language.

Legal field is a site of symbolic reproduction, as professor Torrioni highlights; legal practitioners must not forget this important issue.

Thank you.