

GENDJUS

Brief description of the project

Human wellbeing and inclusive societies crucially depend on citizens' access to fundamental rights without discrimination of any kind. Yet, only manifest discrimination is usually detected and prohibited by law, including international human rights law. More subtle forms of discrimination, which can derive from prejudices, stereotypical views and biased attitudes are still difficult to be identified and tackled effectively both in discourse and law. New methodologies and interdisciplinary approaches therefore need to be explored to look at the actors at the core of the system of protection against discrimination: international human rights bodies, the European Union and, where relevant, highest national courts. In the general belief that these actors are immune from prejudice, stereotypes and bias, their activity is often unexplored under such a perspective in the relevant legal and linguistic literature.

The GenDjus project aims at testing and challenging this assumption. It is conceived as an interdisciplinary research project in the areas of Discourse and Law on Gender and Sexuality for the investigation of the impact of prejudice, stereotypes and bias on the three international human rights courts (ECtHR, IACtHR, ACtHPR), the Court of Justice of the EU and the highest national courts in Italy. An effective protection of individuals can be indeed achieved through language: if words are unable to express the need for protection that underlies certain demands for justice, then there is a risk of not only violating human rights applicable to the concrete situation, but also of fueling obstacles to fundamental freedoms across the EU.

That is why, by means of a corpus-based analysis of judicial texts in Italian, English and Spanish, the project explores as a testbed a specific area where these subtle forms of discrimination seem to be more persistent, i.e., sexual, reproductive and parental rights, and it does so from both a linguistic and a legal point of view. Identifying such practices and understanding them - in order to eradicate them through language and law - can contribute to the improvement of the functioning of justice and to the enjoyment of fundamental rights without any discrimination based on gender, sexual orientation or gender identity, thus avoiding time-consuming and costly court proceedings. While advancing innovative methodologies to detect new forms of discrimination, the project identifies concrete ways to improve judicial discourse(s) and avoid the unconscious reiteration of negative attitudes against gender and sexual minorities in the international/EU/Italian spheres.

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