



INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

STATEMENT BY THE DIRECTOR-GENERAL, Ms JAN BEAGLE

Women Delivering Justice: Achieving Parity in the Justice System

Zoom webinar

Opening remarks

18 March 2021

Good morning, good afternoon, and good evening,

I am Jan Beagle, Director-General of the International Development Law Organization.

A warm welcome to you all. It is a pleasure to open this event on Women Delivering Justice: Achieving Parity in the Justice Sector.

I would like to thank our partners: the Permanent Missions of Italy and New Zealand to the United Nations, the International Association of Women Judges, the American Bar Association, and the Institute for African Women in Law, for supporting this event.

I am speaking to you from Rome, the headquarters of IDLO. It is a pity that we cannot be together in person, but I am pleased that so many have joined us from around the world.

I am also delighted to welcome our great panel of eminent jurists and scholars joining us today from Tunisia, Mauritius, Kenya, the United States, and my own country, New Zealand.

We could not have a better group to discuss an incredibly important and timely issue.

The ability of women to participate fully and equally in all aspects of public and private life is both an inalienable human right, and a fundamental requirement of inclusive and participatory governance.

As the Committee on the Elimination of All Forms of Discrimination Against Women has noted, any society where women are excluded from public life and decision-making cannot call itself truly democratic.

This is particularly important for the justice sector, which develops, enforces and adjudicates laws and policies that govern broad aspects of political, economic and social life.

Ensuring that women have an active role in shaping justice systems - not just as justice seekers, but also as policymakers, adjudicators and implementers of justice policies - is key to strengthening people's confidence in the justice system's ability to work equally and impartially.

Women's participation brings a diversity of experience that helps ground the administration of justice in lived reality, and makes laws and institutions more responsive to the specific justice challenges faced by women and girls.

Around the world, women judges have made ground-breaking decisions that have transformed the way in which criminal justice has been viewed for decades, even centuries, especially in cases involving rape, sexual violence, and forced marriage, among others.

Women lawyers have been in the forefront of campaigns to protect the rights of women, children, the poor, refugees, and other vulnerable populations.

In traditional settings or in cases of assault or intimate partner violence, women seeking justice are often more comfortable dealing with other women as police officers, judges, lawyers and court officials.

Women judges have led the way to ensure that the court environment is more accommodating for the full range of litigants, including for example, extending special protection measures for trauma victims or providing facilities that increase accessibility for nursing mothers.

That is why, it is not only unfortunate, but also unfair, and an impediment to development, that women's participation in the justice sector, including in the judiciary, remains low.

While in recent decades the number of women in the sector has increased, there continues to be a global gender imbalance at all levels.

The International Court of Justice, established in 1945, did not have one female member until Dame Rosalyn Higgins was elected in 1995. Out of 108 judges only 4 have been women.

In Europe, OECD research suggests that women are close to reaching parity in lower courts, but that women make up only 28% of appeal courts judges, and 18% in high courts.

A United Nations study on Women Judiciary in the Arab States showed that only 80 out of 12,000 judges were women, a representation rate of less than one-percent.

These figures demonstrate an egregious lack of parity, despite decades of commitments and declarations on gender equality.

Around the world, a panoply of formal and informal barriers combine to keep women out of the justice sector and limit their ability to be promoted.

These range from stereotypes and prejudiced attitudes, to a lack of transparency in recruitment and promotion processes, or legal and social restrictions on women's mobility and access to finance which can act as major obstacles.

Given the compelling case for gender equality in the justice sector, dismantling these barriers must be our collective priority.

The COVID crisis has made this clearer than ever.

IDLO mainstreams gender equality throughout our work, but we also have focused interventions on addressing the specific justice challenges faced by women and girls.

Enhancing women's representation and leadership in the justice sector is one such priority.

This includes reviewing relevant laws and policies governing the justice sector.

For instance, in Kenya we partnered with the National Gender and Equality Commission, and the International Association of Women Judges, to conduct a "gender audit" of the judiciary.

It analysed the judiciary's legal, policy and institutional framework and made several recommendations to promote gender inclusion, equity and equality.

This tool can be made available in other countries.

IDLO also works in countries experiencing, or emerging from, conflict to ensure that women justice professionals have the necessary protection and resources to participate in the justice sector.

As part of an initiative to understand, and help mitigate, the impact of insecurity in the justice sector in Afghanistan, we are working to ensure that justice professionals, particularly women, can work more safely in rural or remote areas.

We know that the presence of women role models and mentors on the bench has a positive effect in inspiring female students to follow in their footsteps.

So it is important to support women's judges and legal networks at the national, regional and international levels.

In Uganda, for example, IDLO is supporting the National Association of Women Judges in advocating for gender-responsive justice in the courts.

A crucial and often overlooked component are customary and informal justice systems, where the majority of the world's disputes, particularly those involving family and personal law, are resolved.

Ensuring women's participation in such systems, which are traditionally male dominated, is an important way to increase access to justice and respect for the rights of women and girls.

In Somalia, where IDLO is promoting access to justice through Alternative Dispute Resolution centres that use the customary Xeer system to resolve disputes, we work to include women as adjudicators, counsellors and advisors. These women are critical to cases involving domestic violence, and other forms of gender-based violence, and support women to raise their concerns to the ADR panels, which are still predominantly male.

Much more of course needs to be done.

A key impediment to change is the lack of publicly available and consistently monitored national data on women's participation.

Even with a dedicated SDG target on the proportion of positions in public institutions, data on women justice professionals continues to be incomplete and inconsistent.

There is an urgent need to develop an international comparable data methodology to measure all aspects of women's participation in the justice sector.

At IDLO we have been working to address this deficit by publishing reports capturing regional data on women justice professionals.

IDLO has conducted research in Afghanistan, Tunisia and Kenya. The work with national partners has combined quantitative and qualitative data to highlight gender disparities, and recommended concrete actions to increase the number of women justice professionals.

In conclusion, our experience shows that while there is a long way to go before we reach parity, it is an achievable goal, if we all work together.

As the late Justice Ginsburg said, “Women belong in all places where decisions are being made. It shouldn’t be that women are the exception.”

I look forward to hearing your insights on bridging the gender gap in the justice sector.

I am pleased to hand over to our moderator, Ilaria.

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