

The Depiction of Women in the Judiciary: Progress Towards Parity

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Abstract: *The significance of women's representation in the judiciary is multifaceted. In addition to promoting inclusivity within the legal system and fostering a representative approach to adjudication, the provision of inspiration to future female judges serves as a sustained source of motivation for them to pursue their objectives. Although there has been a historical disparity in the level of equality within the court, efforts are being made to address this issue. This is seen via the recent adoption of a United Nations General Assembly Resolution that designates 10 March as the International Day of Women Judges. The Resolution, which has been formulated by the State of Qatar, serves as concrete evidence of a noticeable and favorable transformation taking place in many geographical areas.*

Keywords: parity, legal profession, judicial, gender equality, women's representation, stereotyping

I. INTRODUCTION

In the context of African and Arab judiciaries, there seems to be a noticeable correction of the longstanding significant imbalance that has persisted for several decades. According to UN Women, the proportion of female workers in these regions was less than 30 percent ten years ago. However, recent progress on the Beijing Declaration indicates a significant and quick increase in these figures. Significantly, this include the highest courts when pivotal rulings are rendered. Africa now has a total of six female Chief Justices serving in various African nations, namely Ethiopia, Niger, Lesotho, Sudan, Côte d'Ivoire, and Zambia.

Despite facing several challenges, numerous women have played a pivotal role in facilitating this advancement, successfully surmounting prejudices and attaining esteemed positions within the highest judicial bodies. In the year 1959, Judge Zakia Hakki of Iraq achieved the distinction of becoming the inaugural female justice in the Arab region. Subsequent to this advancement, there was a surge in the integration of women into the judiciary, as evidenced by the acceptance of women judges in Morocco and Tunisia throughout the 1960s.

Significant progress has been made by women in the Indian legal domain, since a sizeable proportion of them have attained prominence in the roles of lawyers, judges, and legal scholars, despite facing considerable obstacles. This study paper aims to examine the historical progression of women in the Indian legal profession, encompassing the early periods of British colonial rule up till the present era. This study aims to investigate the obstacles and challenges encountered by women in their pursuit of entry and success within the legal profession, and to assess their influence on the advancement of this field.

Throughout history, the legal profession in India has exhibited a notable prevalence of male dominance. Women were only allowed to participate in the judicial system during long legal conflicts, and even then, their presence in the courts was restricted until the late 20th century. In the twenty-first century, globalization has broadened the opportunities for Indian women to participate in legal education and training. The implementation of modernism has led to a reduction in the courtroom atmosphere and the elimination of customary macho chauvinism within the region. In the year 1846, persons who met the necessary criteria, regardless of their ethnic or religious background, were afforded the chance to embark on a professional path in the field of law. The legal legislation continued to ban women from pursuing employment in this industry because it did not explicitly mention women. Women were formerly disqualified from pursuing a career in the legal profession until the implementation of the Legal Practitioner's (Women) Act, III of 1923. Nevertheless, this Act formally conferred upon women the privilege to engage in the legal profession.

The effects of insufficient representation of women in the judiciary are described by Omnia Gadalla, the founder of the Egyptian charity 'Her Honor Setting the Bar'. "As a university lecturer, I have been deeply affected by students' inquiries regarding the consequences of gender-based prejudice and the underrepresentation of women in the judiciary," she observes. The dearth of female judges within the Egyptian court has not only had adverse implications for the integrity of legal systems, but it also carries significant social consequences for forthcoming cohorts. The marginalization of women in the court has significant implications for their self-perception, as they are often subjected to negative feedback from their peers, who express the belief that they lack the necessary qualifications to pursue careers in various fields, such as judicial positions.

According to a research conducted by the International Commission of Jurists (ICJ), it was determined that the underrepresentation of women in the judiciary can frequently be attributed to the perpetuation of gender stereotypes. Based on data from UN Women, three countries in the Arab area have a complete ban on women serving as judges, while in three other nations, the proportion of female judges is less than one percent. Female judges included in the study proposed that transparent selection and appointment processes could enhance this situation in numerous instances.

During a panel deliberation conducted in March 2021 as a component of the supplementary conference organized by the Global Judicial Integrity Network at the 14th United Nations Crime Congress, Chief Justice Meaza Ashenafi of Ethiopia provided a comprehensive account of a personal encounter that aligns with the conclusions drawn by the International Court of Justice (ICJ). The participation of women in the judiciary remains very low on a global scale, including in Ethiopia, notwithstanding some notable advancements. The representation of women in federal courts in Ethiopia is 108 out of a total of 344 judges. Upon my graduation from law school, I was the sole female student who commenced her legal education in that particular year. In recent years, there has been a significant growth in the number of young women completing their legal education. However, it is important to note that the representation of women in the judiciary remains quite low. The primary elements contributing to the issue are rigorous and exclusive recruitment procedures, gender biases, restricted availability of job prospects, and women's hesitancy to pursue careers in the judiciary.

After examining the historical context of women in the legal profession, we can now examine the current situation. The research article authored by Saurabh Kumar Mishra provides evidence supporting the notion that the increasing representation of women in the legal profession represents a favorable shift in societal perspectives. It is worrisome that a substantial proportion of female practitioners fail to obtain an adequate number of cases, resulting in inadequate compensation. Moreover, female legal professionals frequently face significant obstacles in the realm of matrimony and child-rearing.

Although a significant number of women choose the legal profession as their main career path, the vast majority of them leave this field soon after getting married. Only a minuscule proportion of women has the ability to persist beyond the age of forty, which is quite remarkable. Presently, legal practitioners have amassed significant knowledge and have attained the pinnacle of their professional careers. The issue of gender-based bias against female legal practitioners in the professional sphere is of considerable importance. The survey notably omitted a particular inquiry regarding sexual harassment, considering the sensitivities of women. Conversely, sexual harassment was encompassed within the more expansive classification of gender-based prejudice. This serves as an illustration that even within the legal profession, which strives to uphold justice for all individuals, it is not immune to bias and mistreatment, sometimes of a sexual nature, targeting its own female population.

There exists a dearth of scholarly investigations pertaining to the global participation of women within the judiciary, with a specific emphasis on the African continent. This limitation hinders the ability to accurately assess the advancements that have been achieved, as well as offer encouraging illustrations for ambitious young female judges. Dr. Jarpa Dawuni, the Executive Director of the Institute for African Women in Law, elucidates her motivation to undertake research and disseminate narratives of female pioneers within the judiciary, with the aim of fostering consciousness and motivation among her peers. The lack of documentation regarding the experiences of women in the legal profession in Africa significantly reduces the potential for mentoring new women. I was inspired to recount the narratives of female judges around Africa who successfully transitioned from domestic courts to international courts. These female judges are truly impressive - they were from modest origins, lacked mentors or guidance, and had to

balance their professional and personal commitments. The majority of these women had to confront patriarchy within their own country, as well as a mixture of patriarchy and racism on a global scale. Notwithstanding the various intersectional obstacles, these female judges flourished.

II. CONCLUSION

In the international judicial community, the significance of female representation is of utmost importance. Attorney Omnia Gadalla elucidates her inclination towards drawing inspiration from the memoirs of female justices such as Iranian Judge Shirin Ebadi and American Justice Ruth Bader Ginsburg, emphasizing the notion that support transcends geographical borders.

The primary objective of the Global Judicial Integrity Network is to facilitate the convergence of female judges, enabling them to gain insights from one another's personal encounters and foster a sense of unity. Annually, on the 10th of March, the global community convenes to commemorate the advancements achieved and foster consciousness regarding the forthcoming obstacles.

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