CONFERENCE REPORT

Virtue Foundation

Senior Roundtable on

Women and the Judiciary

March 31 – April 1, 2011

United States Supreme Court
National Museum for Women in the Arts
United States Department of State
Washington, D.C.

Hosted by the Virtue Foundation, in collaboration with the Avon Global Center for Women and Justice at Cornell Law School, the International Association of Women Judges, Lawyers Without Borders, the Leitner Center for International Law and Justice at Fordham Law School, Hon. Justice Sandra Day O’Connor, and the United States Department of State
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EXECUTIVE SUMMARY

Investing in women and girls has an incredible "multiplier effect" for the economic and social advancement of communities. Over the years, the Virtue Foundation Institute for Innovation and Philanthropy has come to recognize the important role that judges, especially women judges, can play in sustainable development and the strengthening of rule of law both through their contributions to an impartial judiciary as well as through their role in the implementation and enforcement of laws, particularly those that provide access to justice for women and girls. As set forth in more detail below, the Virtue Foundation Senior Roundtable on Women and the Judiciary sought to convene and support women judges who the Foundation believes are strong leaders and agents of change toward improving access to justice, rule of law, and sustainable development.

On March 31 and April 1, 2011, the Virtue Foundation hosted the Senior Roundtable on Women in the Judiciary in Washington, D.C. as part of the Women Judges in the Pipeline Initiative, which works to create and increase opportunities for women in the developing world to become and advance as judges. Virtue Foundation, in collaboration with the Avon Global Center for Women and Justice and International Human Rights Clinic at Cornell Law School, the International Association of Women Judges, Lawyers Without Borders, the Leitner Center for International Law and Justice at Fordham Law School, and Hon. Justice Sandra Day O'Connor, and the United States Department of State brought together approximately 50 senior women judges from the United States, Hungary, Ghana, Kenya, the Gambia, Benin, Tanzania, Canada, Australia, India, Argentina, Panama, and Mexico. Roundtable participants discussed barriers to women’s entry to and advancement in the judiciary, and proposed strategies for overcoming these barriers in order to improve access to justice, particularly for women and girls.

By way of background, this was the fourth year that distinguished judges and other leaders have convened to discuss issues of particular import to women judges at forums including the U.S. Supreme Court and the U.S. State Department. While previous gatherings have focused on eradicating gender-based violence and increasing access to justice for women and girls, this year’s Roundtable event focused on sustainable development, rule of law and the impact of women judges, with a special emphasis on the obstacles and solutions to increasing the participation of women in judiciaries throughout the world.

This Conference Report summarizes the discussions held during the 2011 Roundtable sessions and the recommendations advanced by the participants. By highlighting the barriers that prevent women from entering or advancing within the judiciary and the solutions to those barriers that were identified, the report seeks to serve as a resource for the Roundtable participants and others in implementing measures to increase women’s participation in judiciaries throughout the world.

Opening Reception: United States Supreme Court
The Virtue Foundation Senior Roundtable on Women and the Judiciary commenced on Thursday evening, March 31st, with a reception at the United States Supreme Court. Dr. Joan LaRovere, Virtue Foundation’s Co-Founder and Vice President, and Dr. Ebby Elahi, Virtue Foundation’s Director of International Programming and Global Health, welcomed participants to the Roundtable and framed the Roundtable event by discussing the importance of focusing on improving gender parity in the judiciary for sustainable development, the rule of law, and poverty reduction. Tina Brown, Editor-in-Chief of Newsweek Daily Beast next spoke about the Women in the World Initiative, which highlights and supports stories and solutions for women’s advancement, as well as the importance of nurturing women leaders in all professions and decision making positions.

Ambassador Melanne Verveer, the U.S. Ambassador-at-Large for Global Women’s Issues, remarked on the positive impact of supporting women leaders globally before introducing the three women Associate Justices of the U.S. Supreme Court in attendance: Justices Ginsburg, Sotomayor and Kagan. Former Associate Justice Sandra Day O’Connor was unable to attend the reception, but had expressed her regret and support for the Roundtable event.

Justice Sonia Sotomayor, the Supreme Court’s third woman and first judge of Hispanic descent, spoke about the role young women can play in effecting change globally. Justice Elena Kagan, the Court’s fourth woman judge, followed, noting that gender inequality in the judiciary remains a problem everywhere, including in the United States. Judge Ann C. Williams of the U.S. Court of Appeals for the Seventh Circuit closed the evening’s event by eloquently highlighting the importance of increasing the participation of women in the judiciary for justice and the rule of law.

**Session 1: Opening Plenary and Survey Results**

The Opening Plenary session began with remarks by Kim K. Azzarelli, Co-Founder and Steering Committee Chair of the Avon Global Center for Women and Justice. Ms. Azzarelli emphasized the impact and change that can be effected through empowering women, girls, boys, and men.

Next, Dean Stewart J. Schwab, Dean and Professor of Law at Cornell Law School, continued with introductory remarks, emphasizing Cornell Law School’s long tradition of supporting women and now its deep commitment to supporting the judiciary toward eradicating gender-based violence against women and girls.

The first panel then presented background and provided commentary on the results of the Virtue Foundation Women Judges in the Pipeline survey that was developed in collaboration with Cornell Law School’s Avon Global Center for Women and Justice and International Human Rights Clinic and administered to the Roundtable participants prior to the event. The survey was designed to assess barriers to women’s entry and advancement in the judiciary based on conference participants’ knowledge and experiences. [See Annex 1]
After Professor Sital Kalantry, Faculty Director of the Avon Global Center for Women and Justice at Cornell Law School, introduced the methodology and purpose of the survey instrument, Virtue Foundation’s Co-Founder and Vice President Dr. Joan LaRovere, Justice Martha Koome of the Kenya High Court and Judge Ann C. Williams of the U.S. Court of Appeals for the Seventh Circuit led a cross-national discussion and commentary on the Women Judges in the Pipeline survey findings. According to the panelists, women in the United States and Kenya, like those in many of the survey respondents’ countries, face the following barriers to women’s entry and advancement in the judiciary: lack of finances; lack of female role models; perceptions of the judiciary as a male institution; inadequate professional networks for women; and the need to balance work and family responsibilities. Survey respondents also highlighted the importance of political connections, performance, and education in women's entry and advancement. The participants also emphasized the important role that judges can play in overcoming these barriers by exercising leadership in creative ways. [See Annex 2]

Professor Paolo Galizzi, Director of the Leitner Center’s Sustainable Development Legal Initiative at Fordham Law School, closed the survey discussion with an explanation of the “4-P” philosophy of solutions: Power, People, Passion, and Partnerships. Professor Galizzi concluded with two brief descriptions of projects related to women in the judiciary: the Ghana Supreme Court Judicial Clerkship Program and the Ghana Jurist in Residence Program.1

Session 2: Case Study Presentations

During the second panel, distinguished women-judges, including Her Ladyship Chief Justice Georgina T. Wood of the Supreme Court of Ghana; Justice Elena Inés Highton de Nolasco, Vice President of the Supreme Court of Argentina; and Justice Gita Mittal of the Delhi High Court in India, presented case studies on countries’ judicial systems, the state of women judges in these systems, and innovative solutions toward improving gender parity in the judiciary.

Chief Justice Wood described the state of Ghana’s judiciary, the operations of the court system, and the merit-based judicial appointments process in Ghana. She explained how the subordinate status of women in Ghana, which she attributed to the patriarchal nature of society, presents a barrier to women’s participation on the bench. For instance, 45% of women are illiterate, as compared to 28% of men. She also discussed the status of women in the judiciary, which has seen improvement in recent years. Chief Justice Wood described the challenges of integrating women into the judiciary and discussed some of Ghana’s capacity-building programs, such as the Ghana Family Justice Center that is currently being established.2

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Justice Elena Inés Highton de Nolasco gave an overview of Argentina’s federal and provincial judicial systems, and the judiciary’s methods of appointment. She noted that a 1994 amendment to the Argentine Constitution facilitated the appointment of women judges by establishing a judicial council that relies on merit-based factors in nominating candidates. She suggested that lack of educational opportunities is not a barrier to women’s participation in the judiciary as the Argentine government provides free education from primary school to university. On the other hand, lack of female role models and negative stereotypes about the abilities and characteristics of women are moderate barriers, and women’s struggle to balance work and family and lack of networks and connections are significant barriers. Justice Highton de Nolasco discussed several initiatives that have been implemented to address gender issues, such as the Argentine Association of Women Judges’ training program on human rights and the Domestic Violence and Women’s Offices, which were set up by the Supreme Court. Finally, she pointed to the need for increased social awareness about gender equality, gender training and greater transparency in the judicial selection process.

Hon. Justice Gita Mittal of the Delhi High Court emphasized the importance of individual initiative in placing women in leadership roles. She noted that it is essential to encourage women to achieve in all areas of the law and not only focus on traditionally gender-related issues. Justice Mittal described India’s judiciary and women’s participation in it, which increased from 5.4% in 1985 to 7.65% in 2005. She explained that a dearth of female role models is a significant barrier to women’s entry in India’s judiciary. Justice Mittal explained that women are more likely to be assigned to Family Courts or to be given less challenging responsibilities, which prevents them from becoming effective leaders. She called for several changes: a focus on systemic and attitudinal adaptation in addition to closing the gender gap in the judiciary; use of objective criteria such as exams as the basis for judicial appointments; and the use of creative solutions to overcome barriers to women entering and excelling in the judiciary.

**Session 3: Judge-led Roundtable Discussions**

During the third Roundtable session participants broke into groups of ten and discussed five questions presented to them by the Virtue Foundation. Some of the key points addressed in the discussion include:

- *Increased participation of women in judiciaries would be beneficial because of the experiences and perspectives women bring to the bench.* Participants explained that some women judges tend to view their jobs more holistically in light of community needs than do their male counterparts, which can, in turn, result in a more transparent and accessible judiciary. [For discussion of women judges’ potential for furthering sustainable development, see Annex]

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5.] Additionally, participants felt that women bring experiences and perspectives to the bench that represent those of half of the community and therefore make the judiciary more democratic. Similarly, women’s presence on the bench expands the awareness of male judges of women’s issues and perspectives, which may have a positive effect on their decisions. Participants also felt that women tend to be less susceptible to corruption than are many male judges.

- **Across jurisdictions, women face many obstacles and challenges to becoming and advancing as judges.** Participants overwhelmingly said that balancing work with family responsibilities is a significant barrier, particularly in jurisdictions where judges are regularly transferred or promoted to different locations. Participants noted that the system of judicial transfers does not present an obstacle to most male judges, because their families can more easily move with them to the location of a new job. Other barriers identified included old boys’ networks, lack of awareness about gender discrimination, the high cost of education, patriarchal culture, and the lowering of judicial compensation when there is increased female participation in the judiciary.

- **Increasing the participation of women in the judiciary requires multiple and creative strategies.** Judges emphasized the importance of empowerment programs and mentorships for young girls, women law students, and young women lawyers, as well as methods for recognizing women lawyers and judges who perform well. Numerous suggestions were made for helping women juggle family and work commitments, such as implementing flexible work schedules and establishing professional childcare services in the workplace. Judges suggested including men who are committed to gender equality in initiatives addressing the gender disparity in the judiciary. They called for the increased provision of services by women’s bar associations, greater transparency in the judicial appointments process, and increased visibility and accessibility of women role models.

- **Participants’ own jurisdictions offer valuable examples of strategies to increase women’s participation in the judiciary.** Judges discussed programs in their countries in which judges have reached out to their communities or women judges and lawyers. Many countries have legal mentorships and training seminars conducted by local branches of the International Federation of Women Lawyers or the International Association of Women Judges. Some jurisdictions have implemented programs to address particular needs or issues facing their communities. Examples include: a project developed by Panama’s women judges to improve the juvenile justice system and change its focus from punishment to rehabilitation; the New York Center for Juvenile Justice’s efforts to improve the treatment of children in the juvenile justice  

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4 http://www.nycjj.org/
system; the Argentine Women’s Office and Domestic Violence Office; and programs instituted in schools in the U.S., Kenya, and Tanzania, among others, to promote interest among students, especially girls, in judicial careers.

- The barriers to women’s participation in the judiciary are similar across borders. When asked what insights they took away from the morning’s presentations, the judges said that they learned how the barriers to participation in the judiciary that women in their jurisdictions face are similar to those that women confront in many other countries. They consequently realized the importance of establishing networks of women judges throughout the world. Many judges also noted that the conference highlighted the significant role they can play to combat gender biases in their countries.

Session 4: Discussions Summary

Following the breakout session, Judge Virginia Kendall of the U.S. District Court for the Northern District of Illinois led a discussion to tie together the various themes of the day toward solutions to barriers for women entering and advancing in judiciaries globally. Participants shared their suggestions for increasing the number of women in the judiciary, such as through mentorship and youth outreach programs. Another central theme was the importance of including men in the struggle to achieve equality in the judiciary.

The judges discussed the different approaches of many male and female judges. They noted that women tend to collaborate more frequently than their male counterparts, which can contribute in valuable ways to the bench. The judges also explained that female and male judges can play an important role in educating members of the public about issues of gender equality both within and outside the judiciary, and noted that such engagement is becoming increasingly accepted.

Barriers to entry and advancement within the judiciary were also discussed, including financial difficulties and long-distance transfers. To solve the problem of being transferred to remote areas to which spouses and children cannot easily relocate, judges offered several suggestions, including video conferencing for preliminary proceedings and programs to help spouses find work after transfer.

The participants also offered suggestions for subsequent Virtue Foundation programs. Many participants recommended that more male judges should be invited to the next roundtable event. Proposed topics included the use of modern

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media to spread awareness of women in the judiciary and follow up on issues and proposals discussed at this year’s roundtable.

Session 5: Women in the World Panel Discussion

The final Roundtable panel was the Newsweek Daily Beast Women in the World discussion on “Social Innovation, Africa and the Role of Women Judges” held at the U.S. Department of State. Panelists included Her Ladyship Chief Justice Georgina Wood, Chief Justice of the Supreme Court of Ghana; Judge Ann C. Williams of the U.S. Court of Appeals for the Seventh Circuit; Dr. Ebby Elahi, Virtue Foundation Director of International Programming and Global Health; and Kakenya Ntaiya, founder of the Kakenya Center for Excellence in Kenya. The event was hosted by U.S. Ambassador-At-Large for Global Women’s Issues Melanne Verveer and moderated by Andrea Mitchell, NBC News Chief Foreign Affairs Correspondent. Mitchell engaged panelists in an insightful discussion on the importance of grassroots advocacy, the role of the judiciary in supporting this advocacy, and the special role that women judges can play in solving problems, building consensus, and strengthening development efforts.

RECOMMENDATIONS FOR INCREASING WOMEN’S PARTICIPATION IN THE JUDICIARY

Throughout the event, Roundtable participants discussed a number of next steps and recommendations to promote women’s participation and advancement in the judiciary.

To Virtue Foundation and Partners:

- Follow up on Roundtable outcomes by providing project assistance, promoting continuity and monitoring what was learned or implemented by participants.
- Include participants from diverse backgrounds, including non-judges, in future surveys and conferences. In particular, consider inviting male judges to the next senior roundtable.
- Focus on youth outreach to encourage women’s entry into the legal field and the judiciary. Specifically, reach out to girls at young ages through programs that bring girls into court and explain the judicial system. Promote perceptions of judgeships as desirable and obtainable career options.
- Facilitate training, networking and career counseling programs for young women lawyers and law students to ensure they acquire the education and skills needed to become a judge if desired.
- Promote gender sensitization programs for judges.
- Maintain statistics of women’s participation in judiciaries around the world in order to monitor progress towards equality and promote targeted advocacy.
To Women Judges:

- Establish formal mentorship programs in which senior women judges mentor junior women judges as well as aspiring women judges, and engage in informal mentoring.
- For senior women judges, try, to the extent appropriate and feasible, to serve as a role model for junior women judges.
- Partner with civil society actors who can assist in promoting access to justice and gender equality. To facilitate such work, establish an impartial body to counsel judges on the ethical boundaries of a judge’s role outside of the courtroom.
- If long-distance transfers or travel are a hardship for women judges, consider promoting the use of technological innovations to reduce the need for travel, for example, by using video conferencing for preliminary hearings.
- Take on leadership positions and responsibilities that do not focus on gender issues, and take advantage of opportunities to learn new skills and be groomed for advancement.
- Reach out to young girls by explaining the benefits of working in the judiciary, setting up visits to courts, and present judgeships as desirable and obtainable career options.
- Consider establishing or advocating for the establishment of “Court Days,” on which courts are open and local citizens can familiarize themselves with judicial processes.
- Include male colleagues in gender initiatives and sensitization programs in order to increase support from a wider base.
- Actively participate in or establish organizational networks for women judges, such as a branch of the International Federation of Women Lawyers or of the International Association of Women Judges.

To National Judiciaries and Governments:

- Establish a minimum quota for women’s participation in the judiciary.
- Implement consistent and comprehensive gender sensitization programs for judges.
- Increase judicial salaries in order to maintain the prestige of the judiciary, draw candidates burdened with high educational debts, attract highly qualified candidates, and prevent the degradation of judicial prestige as more women become involved.
- Use objective criteria, such as competitive examinations, to select candidates for judgeships and to promote judges within the judiciary.
- Promote transparency and accountability in the judicial appointments process.
• Ensure that judicial facilities provide adequate child care services. Accommodate family situations through other means, such as flexible or alternative work schedules.
• Consider establishing a Judicial Code of Conduct Committee to facilitate appropriate and effective collaborations between judges and civil society.
• Provide training, networking and career counseling to young lawyers or law students to ensure they acquire the knowledge and skills necessary to become a judge if desired.
• Establish programs that reach out to young girls by explaining the benefits of working in the judiciary, setting up visits to courts, making judgeships seem like desirable and obtainable career options.
• Consider establishing “Court Days,” where courts are open to the public and citizens can familiarize themselves with judicial processes.

To Civil Society:

• Establish programs that reach out to young girls from diverse backgrounds and provide them with exposure to the judiciary and encouragement to pursue judicial careers.
• Provide career counseling to young lawyers or law students to ensure they acquire the training and skill set required to become a judge if desired.
• Promote or conduct gender sensitization programs for judges.
• Increase awareness of capacity-building and empowerment programs.
• Provide opportunities for women judges and aspiring women judges to network.
• Maintain statistics of women’s participation in judiciaries around the world in order to monitor progress towards equality and engage in targeted programming.
The Virtue Foundation Senior Roundtable on Women and the Judiciary commenced on Thursday evening, March 31st, with a reception at the United States Supreme Court. Dr. Joan LaRovere, Virtue Foundation Co-Founder and Vice President, and Dr. Ebby Elahi, Virtue Foundation Director of International Programming and Global Health, welcomed participants to the Roundtable and framed the Roundtable event by discussing the importance of focusing on improving gender parity in the judiciary for sustainable development, the rule of law, and poverty reduction. Tina Brown, Editor-in-Chief of Newsweek Daily Beast next spoke about the Women in the World Initiative, which highlights and supports stories and solutions for women’s advancement, as well as the importance of nurturing women leaders in all professions and decision-making positions.
Ambassador Melanne Verveer, the U.S. Ambassador-at-Large for Global Women’s Issues, remarked on the positive impact of supporting women leaders globally before introducing the three women Associate Justices of the U.S. Supreme Court in attendance: Justice Ruth Bader Ginsburg, Justice Sonia Sotomayor, and Justice Elena Kagan. Former Associate Justice Sandra Day O’Connor was unable to attend the reception, but had expressed her regret and support for the Roundtable. Justice Sonia Sotomayor, the Supreme Court’s third woman and first Justice of Hispanic descent, spoke about the role young women can play in effecting change globally. Justice Elena Kagan, the Court’s fourth woman Justice, followed, noting that gender inequality is a problem everywhere, including in the United States. Judge Ann C. Williams of the U.S. Court of Appeals for the Seventh Circuit closed the evening by eloquently highlighting the importance of increasing the participation of women in the judiciary for justice and the rule of law, and paraphrasing Robert F. Kennedy’s famous quote:

Each time a [wo]man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, [s]he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.6

SESSION 1: OPENING PLENARY AND SURVEY RESULTS

Opening Remarks: Kim K. Azzarelli, Co-Founder & Steering Committee Chair, Avon Global Center for Women & Justice at Cornell Law School

Dean Stewart J. Schwab, Dean and Professor of Law, Cornell Law School

Introduction: Professor Sital Kalantry, Associate Clinical Professor of Law and Faculty Director of the Avon Global Center for Women and Justice, Cornell Law School

Moderator: Dr. Joan LaRovere, Co-Founder and Vice President, Virtue Foundation and Director, Pediatric Cardiac Intensive Care Unit, The Royal Brompton Hospital, London

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**Opening Remarks**

Kim K. Azzarelli and Dean Stewart J. Schwab opened the program with introductory remarks. They welcomed the Roundtable participants and highlighted the importance of the gathering and of the increased participation of women in judiciaries around the world.

The Opening Plenary session began with remarks by Kim K. Azzarelli, Co-Founder and Steering Committee Chair of the Avon Global Center for Women and Justice. Ms. Azzarelli emphasized the impact and change that can be effected through empowering women, girls and a few good men.

Next, Dean Stewart J. Schwab, Dean and Professor of Law at Cornell Law School, continued with introductory remarks, emphasizing Cornell Law School’s long tradition of supporting women and now its deep commitment to supporting the judiciary toward eradicating gender-based violence against women and girls.

**Introduction: Overview of the Design and Purpose of the Survey**

The first panel presented background and provided commentary on the results of the Virtue Foundation Women Judges in the Pipeline survey that was developed in collaboration with Cornell Law School’s Avon Global Center for Women and Justice and International Human Rights Clinic and administered to the Roundtable participants prior to the event. The survey was designed to assess barriers to women’s entry and advancement in the judiciary based on conference participants’ knowledge and experiences. [See Annex 1]

Professor Sital Kalantry noted that the goal of equal participation of women in the judiciary has not yet been realized in the United States, where only 26% of state judges and 22% of federal judges are women.7 She then described the methodology and purpose of the Virtue Foundation Women Judges in the Pipeline survey, developed in collaboration with Cornell Law School’s International Human Rights Clinic and administered to the women judges who had been invited to attend the Senior Roundtable on Women in the Judiciary.

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The survey’s goal is to begin developing data on the challenges women face to entering and advancing within the judiciary around the world, as well as to gather judges’ insights about possible solutions. In addition, the survey results generated topics for discussion during the Roundtable. The survey was comprised of twenty-six questions about obstacles to women’s entry and participation in the judiciary in the participating judges’ countries. In developing the survey questions, students in the International Human Rights Clinic at Cornell Law School had conducted extensive desk research, with a focus on challenges faced by women in the judiciaries of Ghana, Kenya, Cambodia, Argentina, India, and South Africa. Thirty-five judges, around half of whom were from Africa, responded, and twenty-five of those respondents completed the survey in full. [For survey questions, see Annex 1.]

Professor Kalantry concluded by recommending that future surveys focus on specific countries and that the survey participants include judges from the lower levels of the judiciary, male judges, and aspiring women judges.

**Highlights of the Survey Results with Panel Commentary**

Next Dr. Joan LaRovere, Lady Justice Martha Koome, and Judge Ann C. Williams led a cross-national discussion and commentary on the Women Judges in the Pipeline survey findings. [For summaries of notable survey responses, see Annex 2.]

65% of respondents said that lack of finances for study, examinations or other expenses associated with becoming a judge is a barrier to entry in the judiciary.

- **Judge Williams:** Financial sacrifice is a barrier to entry in the United States, starting with the high cost of a college education. For state schools, it is normally $15,000-$20,000 USD per year. It can be as high as $28,000 USD in private schools. Then, the high cost of a J.D. (law degree) forces students to go into debt. Paying off loans is a twofold barrier to entry. First, students may seek high-paying, private-sector jobs in order to pay off their loans, as judicial salaries are relatively low. Next, after working such jobs, they might not be prepared to enter into the judiciary. Women are half of law school graduates in the United States, but many do not end up as judges.

- **Justice Koome:** This is a problem in Kenya as well. Women must overcome cultural trappings. For instance, girls in rural areas are expected to support their families and do chores in the home. Money may be scarce, and if it is available, boys receive preference for educational opportunities. If a girl can overcome all of these challenges and reach university, she may still face sexual harassment and the risk of becoming pregnant and dropping out. Despite these obstacles, women currently constitute 40% to 60% of law students in Kenya.
62% said that lack of female role models/mentors is a barrier to entry in the judiciary.

• Justice Koome: This is a significant barrier to entry in Kenya. No women serve on the Court of Appeal, Kenya’s highest court. There was one woman who served for a short period and retired, then a second who joined the International Criminal Court. Out of 50 High Court judges, only 18 are women. However, among magistrates, the genders are more equally represented. This shows that women are not being promoted at rates equal to men. Women are discouraged when they do not see other women serving at the higher levels of the judiciary. Justice Koome’s role models were women, for instance, the Chairperson of the Federation of Women Lawyers (FIDA).8 Chief Justice Wood of Ghana is also an inspiration, as Ghana and Kenya are in the same commonwealth jurisdiction. Justice Koome has had some male role models, but they tend not to want to support women openly because this might alienate other men.

• Judge Williams had limited access to professional female role models growing up. She clerked for Judge Robert Sprecher. There were no women on the bench in the Northern District of Illinois, where Judge Williams began her judgeship. The first woman on the United States Supreme Court was appointed in 1980. Women judges associations can play an important role by providing women role models, being mentors and answering questions. It is also important to identify women lawyers who can handle a judgeship and prepare them for judicial service. In the Northern District of Illinois, current judges brainstorm about ways to involve lawyers of color, women, and others. Women’s bar associations must also be involved. It is important to try to inspire women, let them come to court, hold student court days, and develop mentoring programs in communities as early as high school.

65% said perceptions of the judiciary as a male institution is a barrier to entry into the judiciary.

• Judge Williams: This was an issue in Judge Williams’ experience. There was no woman or judge of color on the Seventh Circuit Court of Appeals until she was appointed in 2000. But the numbers of women judges have been rising over the past 20 years. Canada provides an example of this increase in women’s participation, as four of the nine Canadian Supreme Court Justices are female, including the Chief Justice. Judge Williams suggested that this increase occurred because women are leaders and build communities. For example, Justice Koome brings prosecutors, defense attorneys, and probation officers to the courthouse to meet once a month to solve problems within the system. Women are used to juggling many balls, and because they have been

8 http://fidakenya.org/
oppressed, they have figured out strategies to survive and thrive in these environments.

- **Justice Koome**: When Justice Koome joined the judiciary, she found it conservative, male-dominated, and inflexible. She came from a background of advocacy and activism, and was told that things were done differently in the judiciary. But she was able to make changes by forming a court users committee and by reaching out to the community. For example, she saw that rape was on the rise and felt the need to do more than simply affirm convictions. She wanted to talk to the community and explain that there is a law against rape and stiff penalties for perpetrating it. The other day, several prisoners convicted of rape said they were ready to wear their prison uniforms and become teachers in order to tell people that rape is a serious offense and that they are now serving life sentences. Justice Koome suggested that one needs to work hard and be humble in order to overcome gender stereotypes. This can be intimidating, but she is happy because she has been able to do her work as a judge while also reaching out to the people she serves.

**Joan LaRovere**: The key issue is, how do you get from an area of discomfort, where you look ahead and think “how?” to the place where you realize you can manage? How do we help young women leaving law school, and how do we do this in Kenya?

- **Justice Koome** responded that judges can help young women by mentoring and sharing their experiences. It is important to speak with students and ensure that they do not view the judiciary as a place where innovation will be killed. Judges should make their work relevant and touch the people for whom they work. For example, in Kenya, the family division of the court system did not function very well in addressing difficult issues such as divorce, land distribution, and inheritance. Although the Constitution outlaws discrimination against women, discriminatory practices persisted. To help resolve these issues, she and her colleagues summarized the law in a simplified checklist that ordinary people could understand in their own language. The checklist explained that Kenya is a country that follows the rule of law and that custom has to comply with the rule of law. As a result, the family division started moving smoothly. When she was transferred to the provinces, Justice Koome realized she had a lot of space to do many projects, such as working with abused children, establishing a network of police, and setting up a gender desk at the police station. Because judges are highly respected in Kenya, when they call meetings, people respond. In her view, being a judge is about leadership. Judges can have an impact and ensure access to justice.

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96% found it to be a barrier to advancement in their country’s judiciary that, unlike their male counterparts, women judges often struggle to balance work and family responsibilities.

• **Judge Williams:** Having a supportive husband was essential to Judge Williams’ ability to balance work and family responsibilities. He understood what her job required and was willing to share the responsibility of raising children. But this was a luxurious situation. In some places, traditions of extended family support can be a great help. However, many women are single mothers or cannot count on their husbands to share responsibilities and don’t live with extended families. The cost of child care can itself be a barrier to participation and advancement in the judiciary. Sometimes women have to be strategic. For instance, someone might wait until her children are out of high school before applying for a particular opportunity. Others may advocate for changes within the judiciary. One judge in Judge Williams’ court, pregnant with her fourth child, fought for a childcare center in the federal building. She identified the barrier and fought to overcome it. Now the court has a childcare center. When Judge Williams is tired, she thinks about her parents and ancestors who were discriminated against or were slaves, and she realizes she can succeed at the task at hand, because she is standing on the shoulders of all those who have gone before her.

• **Justice Koome:** Family responsibilities are a barrier in Kenya, particularly for entry, because when a judge enters the judiciary, she agrees to serve anywhere. If a judge works under a Chief Justice who does not care about personal circumstances, it is a big issue. A judge’s family may be in one town, and she is sent 500 kilometers away. Justice Koome feels lucky that her children are grown up, but she still feels very disconnected from and misses her family; she spends a lot of money in order to see them every weekend. When she was beginning her career and her children were small, she would not have entered the judiciary.

69% of respondents found that women lacking the networks and connections that facilitate advancement for male judges to be a barrier to advancement in their country’s judiciary.

• **Justice Koome** believes networks are very important. Through networks, such as the International Women Judges Association, the Federation of Women Lawyers, or a bar association, women improve their skills and build confidence, so that they can withstand the pressure that comes with being a judge. In Kenya, under the new Constitution, prospective judges must now apply for judgeships, indicating a shift to a merit-based system. It is important to find ways for women to sharpen their skills in law and advocacy so they can develop the required credentials to go through interviews for judgeships.
54% said political connections are important to one’s entry into and advancement in the judiciary.

- **Judge Williams**: This is true, especially at the state court level in the U.S. and to certain extent on the federal level where senators nominate judges. The majority of U.S. presidents nominate judges from the same party backgrounds, although some presidents do make appointments that are not political.

- **Justice Koome**: This is both true and false for the Chief Justice and Deputy Chief Justice, because the Judicial Commission makes recommendations to the President and provides three names, and the president selects one, followed by confirmation before Parliament. No political connections are necessary for other courts.

96% felt that education level and performance are important to entry and advancement, but only 1/3 felt that lack of education opportunities is a barrier.

**Dr. LaRovere** noted that respondents may already be in families whose daughters have become judges because the parents are privileged and supportive. It is important to address how to help those from more disadvantaged backgrounds.

**Session 1 Closing Remarks: Innovative Solutions**

Professor **Paolo Galizzi**, Director of the Sustainable Development Legal Initiative (SDLI) at the Leitner Center for International Law and Justice at Fordham Law School, closed the survey discussion with an explanation of the “4-P” philosophy of solutions: Power, People, Passion, and Partnerships. Members of the judiciary and academics have power, though not limitless, and they must determine how to use it to promote justice. Partnerships are also powerful and are essential to accomplishing goals and finding solutions to obstacles. As the problems we are tackling are vast, we must not be territorial, but realize that there is room for everyone to help. Moreover, these are our objectives because of the people we serve. Judges are servants of the people and have the power to prevent the justice system from dehumanizing people, as in Ghana where 800 prisoners are kept in a prison for 200 and must sleep in turns. Finally, for passion, we need to believe in what we are doing.

Professor Galizzi concluded with two brief descriptions of projects related to women in the judiciary, and one recommendation. First, the Leitner Center, Virtue Foundation, and others are working to implement a pilot clerkship program in Ghana, the Ghana Supreme Court Judicial Clerkship Program. This program will provide judges with valuable research assistance while young female law graduates

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will also benefit from the opportunity for career advancement. The second project is Virtue Foundation’s Ghana Jurist-in-Residence program,\textsuperscript{11} which provides training to women judges at the beginning of their careers. Five judges from Ghana will be training with the Virtue Foundation for five weeks and will also shadow state problem-solving courts in New York City. Mr. Galizzi’s recommendation was to include as many men as possible in efforts to promote women’s participation in the judiciary.

\section*{SESSION 2: CASE STUDY PRESENTATIONS}

\begin{itemize}
  \item \textbf{Moderators:} \textit{Sara Lulo,} Executive Director, Avon Global Center for Women and Justice at Cornell Law School
  \item \textit{Jocelyn Getgen Kestenbaum,} Program Director, Virtue Foundation
\end{itemize}

\begin{itemize}
  \item \textbf{Distinguished Panelists:} \textit{Her Ladyship Chief Justice Georgina T. Wood,} Chief Justice, Supreme Court, Ghana
  \item \textit{Justice Elena Inés Highton de Nolasco,} Vice President, Supreme Court, Argentina
  \item \textit{Justice Gita Mittal,} Delhi High Court, India
\end{itemize}

\subsection*{Discussion Overview}

During the second session, \textit{Her Ladyship Chief Justice Georgina T. Wood of Ghana, Justice Elena Inés Highton de Nolasco of Argentina,} and \textit{Hon. Justice Gita Mittal of India} presented three case studies. As \textit{Jocelyn Getgen Kestenbaum} explained in her introduction, the Virtue Foundation is in the business of collecting evidence and engaging in data-driven project implementation in order to monitor their efforts, measure outcomes, and continue with what works. These case studies are a way to understand why women face barriers to entering and advancing within the judiciary and to share with other women leaders some ideas and solutions.

The three distinguished judges presented case studies on their countries’ judicial systems, the state of women judges in those systems, and innovative solutions toward improving gender parity in the judiciary.

[For the Powerpoint Presentations shown by the judges, see Annex 3.]

\textsuperscript{11} \textit{Id.}
Ghana

State of the Judiciary

Her Ladyship Chief Justice Georgina T. Wood began her presentation by providing an overview of the judiciary in Ghana. Ghana, a common-law jurisdiction, was built on a system inherited from Ghana’s colonial past. Ghana has been independent for 54 years and is now a constitutional democracy. The country is a unitary state, with administrative regions but no states or provinces. The 1992 Constitution emphasizes separation of power between the Executive, Parliament, and Judiciary.

The judiciary is a two-tiered system composed of constitutionally created superior courts and statutorily created lower courts, with the Supreme Court at the apex. Chief Justice Wood noted that she started her judicial career at the bottom rung, which demonstrates the opportunities available in Ghana. She explained that, as Chief Justice, she plays a dual role. She is the head of the Supreme Court and of the Service Arm of the judiciary. The Constitution mandates a clear separation between the two roles.

The next level below the Supreme Court is the Court of Appeals and then the High Court. The High Court is the most important trial court in the country. There are also a number of specialized courts below the Court of Appeals, including the Commercial Court, the Fast-Track Court and the Human Rights Court, which Chief Justice Wood established two years ago. There is also a parallel court system, made up of regional tribunals, which were established in 1992. Below the High Court is the Circuit Court, which is the highest court within the lower judiciary. Below the Circuit Court, which shares many of the same court rules as the High Court, is the District Court. The District Court houses the Family Tribunals and the Juvenile Court, and is where Chief Justice Wood began her career.

Judicial Appointments System

Her Ladyship Chief Justice Wood explained how the judicial appointment process works in Ghana. All judges are appointed, and there are no minimum age requirements. Candidates must have been qualified lawyers for a certain number of years; for example, 15 years is the minimum experience required for Supreme Court candidates. Supreme Court Justices are appointed by the President on the advice of the Judicial Council, in consultation with the Council of State, and on approval by Parliament following a public hearing. Court of Appeal and High Court judges are appointed by the President on the advice of the Judicial Council, and lower court judges are appointed by the Chief Justice on the advice of the Judicial Council, subject to presidential approval. All judges, up to the Court of Appeals, must take a written exam, which is followed by an interview. All appointments are based on merit. In 2004, the position of career magistrates was created to solve the problem of finding lawyers to serve on rural courts.

A Judicial Career
Chief Justice Wood provided the chronology of a judicial career in Ghana. Upon appointment, judges attend a workshop at the Judicial Training Institute\textsuperscript{12} (JTI), which provides them with basic skills. The judges must also attend periodic seminars and workshops at the JTI.

In terms of promotion, judges generally advance up the tiers of the court system. This is not always the case, though, as judges may be recruited from outside the hierarchy. The mandatory retirement age varies by court. It is age 70 for the Court of Appeals and Supreme Court, and 65 for the High Court. Her Ladyship suggested that there is no reason for this disparity and mentioned that it is undergoing constitutional review.

\textit{Status of Women}

Chief Justice Wood suggested that gender parity is relatively better in Ghana than in most of Sub-Saharan Africa, yet women still lag behind. 45\% of women, and 28\% of men, are illiterate; primary school enrollment for girls is 78\%, and for boys is 85\%; and university enrollment for girls is only 20\%. Finally, as of 2009, women were joining the Bar at a rate of 39\%. She attributed the continued gender disparities to the patriarchal nature of Ghanaian society, which results in men holding positions of, and controlling access to, power and decision-making.

\textit{State of Women in the Judiciary}

Discussing the current state of women in the judiciary, Chief Justice Wood pointed out that some Ghanaian women have succeeded in reaching positions of power. The Speaker of Parliament, for instance, is a woman, as is the Director of Public Prosecutions.

Although women are still underrepresented in the judiciary, the Chief Justice observed that the numbers are improving. Five out of 14 Justices on the Supreme Court are women. Women occupy four out of the 22 judgeships on the Court of Appeals, 14 out of 95 on the High Court, and 14 out of 57 on the Circuit Court. Fifteen District Magistrates out of 40 are women. Furthermore, Chief Justice Wood became the first female Chief Justice in 2008.

Chief Justice Wood noted that there are many challenges to getting more women onto the bench. The hope is that by continuing to encourage and mentor women judges, the numbers will increase. She discussed several of the capacity-building programs available in Ghana, and said that she makes sure as many women as possible benefit from them. For example, in 2010, the Ghanaian chapter of the International Association of Women Judges was launched.\textsuperscript{13} She has also sought to ease the pressures of the judiciary’s transfer policy by making it clear to some

\textsuperscript{12}http://jtighana.org/
women that they may have to be transferred but that she will not move them 500 miles away from their family. She also discussed the Gender Policy, a work in progress that will make it easier for women to balance life on the bench with family life. The Ghanaian judiciary is also involved with a number of other programs and initiatives, including a mentorship program for female high school students, a clerkship program, and targeted recruiting. Chief Justice Wood concluded her presentation by discussing the Family Justice Center in Ghana, which will be dedicated to women and family issues.

Argentina

The Argentine Legal Framework and the Judicial Appointments Process

Justice Elena Inés Highton de Nolasco began her case study by discussing the legal framework of Argentina and the methods of appointment of judges to the judiciary. She explained that Argentina has a federal system modeled on the US system with federal and provincial judiciaries. The President, subject to Senate approval, appoints judges to serve on the National Supreme Court when there is a vacancy. The lower federal court judges are also appointed by the President. A 1994 amendment to the Constitution of Argentina depoliticized the process and made it more transparent by mandating that the President make his nomination from a three-person shortlist drawn up by the newly established Judicial Council. The Judicial Council selects candidates based on a myriad of factors including a blindly graded written examination that it administers to prospective candidates. Provincial judges are nominated and appointed by provincial governors, subject to legislative confirmation, with some provinces administering examinations to make the system of appointments more meritocratic.

The State of Women in the Judiciary

Justice Highton de Nolasco then discussed the current state of women in the judiciary. In Argentina, women make up 29% of the National Supreme Court, 22% of the federal courts of appeal, 36% of federal trial courts, 20% of provincial supreme courts, 27% of provincial courts of appeal, and 41% of provincial trial courts. From the figures, she surmised that barriers to advancement are stronger in the provincial system. She did note, however, that provincial governors are starting to realize the need to appoint women to higher courts and suggested that there should be a woman on every provincial Supreme Court soon.

Barriers to Advancement and Participation

Addressing the barriers to women’s participation and advancement in the judiciary, Justice Highton de Nolasco explained that lack of educational opportunities was not a significant barrier in Argentina as the state provides free education from primary school to university. On the other hand, students do have to pay for their living

expenses, such as books and transport, which may be prohibitively high for some young women from less privileged backgrounds. She noted that discriminatory laws and formal procedures do not present a barrier to participation or advancement nor do perceptions of the judiciary as a low ranking profession, as positions on benches are coveted and held in high esteem.

However, Justice Highton de Nolasco characterized resentment by male colleagues and sexual harassment as slight barriers to advancement. She noted that the lack of female role models was a moderate barrier, but that this situation is changing because more women are entering the judiciary and the Argentine Association of Women Judges is very strong and showcases impressive role models. The situation is vastly different from 37 years ago when she entered the legal profession as a public defender and had no female role models. Negative stereotypes about the abilities and characteristics of women are a moderate barrier too, but women role models who have proven themselves on the bench are breaking down these barriers. Furthermore, with the incorporation of examinations into the judicial appointments mechanism, many more female candidates have been selected, suggesting that exams prevent unfair negative stereotypes from keeping women out of the judiciary. Justice Highton de Nolasco identified as significant barriers women’s struggle to balance work and family and women’s lack of networks and connections, the latter of which has been lessened to a degree by the incorporation of examinations into the appointments method.

Initiatives to Promote Gender Equality

After explaining the barriers women face, Justice Highton de Nolasco highlighted several initiatives that have been taken to address gender issues. First, the Argentine Association of Women Judges15 organized a training program on human rights. It was an extremely productive session, and the Association received funding to continue such trainings across South America. Second, for the past two and a half years, the National Supreme Court has been operating a Domestic Violence Office,16 which she supervises. The Domestic Violence Office operates 24 hours per day, 365 days per year and offers citizens access to justice by providing information and guidance on domestic violence issues. It also receives allegations that may lead to domestic violence charges or the awarding of remedies, especially injunctions. The Office also helps judges, prosecutors, and lawyers by providing expert opinions on matters related to domestic violence. Finally, this year, a Women’s Office17 was set up by the Supreme Court under the charge of Justice Carmen Argibay,18 the only other female Justice on the Court. The Women’s Office administers gender-training seminars for all employees of the judiciary, from administrators to judges.

15 http://www.amja.org.ar/
themselves.

These initiatives have produced some positive results. The Supreme Court has heard a case that was brought to the Domestic Violence Office. Decisions that are being handed down by judges reflect a shift in thought and action. International human rights treaties to which Argentina is a party are applied directly in decisions, and these treaties are given constitutional recognition.

Next Steps

Justice Highton de Nolasco concluded by discussing the challenges that women in the Argentine judiciary continue to face and the steps that need to be taken to bridge the gender gap. Generally, there is a need for more social awareness about gender equality. Three provincial supreme courts have successfully instituted domestic violence offices and soon there will be more; there is an agreement to open offices in all 23 provinces. In addition, the government should increase the transparency of the judicial selection mechanism, as there is still room for prejudices to compromise the system. Competitive examinations must be instituted as part of all judicial selection methods, as it helps ensure meritocratic appointments and results in more women being appointed. Further, more women must be encouraged to spend the requisite time as a lawyer in order to qualify for the judiciary. Argentina also has post-graduate judicial colleges, and these need to be made more affordable. Justice Highton de Nolasco stressed the importance of gender training, noting that simply having more women in the judiciary is not enough to solve the problem because some women judges may be as prejudiced or complacent as their male counterparts. The real panacea is judges, men and women, with an informed awareness about gender issues.

India

State of the Judiciary

Hon. Justice Gita Mittal explained that India is divided into 28 states and has 21 High Courts, with the number of High Court judges totaling 635. The population is 1.18 billion. Thus, for every higher court judge, there are 1.8 million people. The total judge-to-population ratio in India is 12.5 judges for one million people. Justice Mittal herself oversees 75-80 cases per day in the Delhi High Court.

The Supreme Court sits at the apex of India’s judicial hierarchy. Underneath are the High Courts, followed by the District Courts. At the lowest level are civil judges and magistrates.

Women’s Participation in the Judiciary

Women hold several important decision-making positions in India. The president is a woman, as are the Speaker of the House and the Chief Minister of Delhi. Indira Gandhi was a well-known female Prime Minister for many years. The status of women in the judiciary is changing, but much remains to be done.
Women's participation in the judiciary has increased from 5.4% in 1985 to 7.65% in 2005. Out of 29 Supreme Court Justices, only one is a woman, indicating 3.44% female participation on the Supreme Court. Out of 514 High Court Judges, 25 are women. The highest number of women on any High Court bench is four.

Justice Mittal mentioned several important women in the history of India's judiciary, including Cornelia Sorabji, India's first woman lawyer; Justice Fathima Beevi, the first woman Supreme Court Justice; Anna Chandy, the first woman High Court Judge, and Leila Seth, the first Chief Justice of a High Court. Justice Mittal commented that women Supreme Court Justices in India have been appointed in their late 50s or early 60s, which has given them little room to maneuver once they are on the bench.

**Barriers to Women's Entry and Participation**

Justice Mittal remarked that the dearth of female role models for aspiring women lawyers and judges is an obstacle to women's participation in India's judiciary. It is important and attainable to have role models who have faced the same challenges and overcome them. Justice Mittal also mentioned the issue of judicial transfers. Transfers within the state may be problematic for women judges, as Indian states can be very large. A High Court judge may even be transferred anywhere, even outside her state.

Among obstacles to women's participation, Justice Mittal broached the phenomenon of "adverse incorporation," whereby women are included in the judiciary but on unequal terms. For example, gender stereotypes influence women judges' assignments to positions in Family Courts or Juvenile Courts. Women are excluded from a significant number of experiences and responsibilities, and prevented from being groomed for leadership positions. One problem Justice Mittal noted is that women do not even realize this exclusion is taking place until it is too late; then, without proper training, women find advancement in their careers very difficult. Even when women are included in mainstream work, they tend to be given less important responsibilities or precarious projects so that they are set up to fail. She noted that this could be called the "glass cliff syndrome." Alongside gender stereotyping is the issue of tokenism, or symbolic appointments—that is, the appointment of a woman to a position without allocating to her equal responsibilities to similarly situated men, in order to present an image of gender diversity.

Justice Mittal shared an anecdote from her experience: She was on a committee making recommendations for High Court appointments. Six names were recommended, and all of them were male. At end of the discussion within the committee, Justice Mittal asked whether they could not find a single woman. A male

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colleague asked, “How many of you are there?” She responded, “Six.” He said, “Don’t you think that’s enough?” Justice Mittal emphasized that this example shows how judges presume a male judiciary to be the default and never question whether there are already enough men.

Justice Mittal suggested that barriers to women’s entry and participation are the same everywhere. One possible solution, she noted, is having appointments based on objective criteria, such as exams. In India, one subordinate court has exams with objective criteria. Out of 37 judicial officers, 27 are women. On the other hand, where there are subjective criteria, women suffer: the four High Courts that have no female judges courts use a subjective standard of appointment, allowing them to keep women out.

**The Impetus for Change: Essential Strategies**

Justice Mittal emphasized the importance of gender diversity in the judiciary. The presence of a woman judge makes the legal system less intimidating to half of the world’s population. Chief Justice McLachlan of Canada tells a story about a man appearing in an all-woman courtroom. In the story, the all-woman court asks the man why he does not present his case. He answers that he cannot because he is completely outnumbered. Justice Mittal compared this situation with how a woman feels in an all-male environment, which is the norm. Women’s participation also helps to ensure that the judiciary incorporates values of diversity and addresses issues of importance to women.

Justice Mittal noted that proponents of gender equality must not limit initiatives or discussions to issues of domestic violence, custody, or other concerns relating to gender. This engrains the perception that women are only capable of working on gender issues. Justice Mittal encourages women to take all forms of initiative, including building teams and taking leadership roles in diverse capacities. In addition, she suggested involving more men in conferences such as the Virtue Foundation Senior Roundtable on Women and the Judiciary in order to better understand their perspectives.

Like other participants, Justice Mittal noted that increasing numbers of women in the judiciary is not enough. Progress will require steep attitudinal changes and systemic adaptation. To demonstrate the need to accommodate diversity, Justice Mittal shared another anecdote: she received a call from a colleague, who recommended a young woman as a research assistant. The woman’s mother was a lawyer and her father was a doctor. The woman explained to Justice Mittal that, despite her parents’ education, she was expected to marry after high school, primarily because of community pressures. Justice Mittal hired the young woman. The recommending colleague called the following day and apologized, explaining that the young woman had tuberculosis. Justice Mittal explained that the young woman’s disease was of no concern to her, but she felt dismayed that an educated judge could exhibit so much anachronistic bias. This example illustrated both the
familiar and societal pressures that function as obstacles to women’s career choices, but also the slow-moving nature of changes in attitudes at all levels of society.

**Justice Mittal’s Initiatives**

Justice Mittal’s initiatives to advance women’s participation in the judiciary have focused, in particular, on helping women to take on leadership roles. Women are often reticent about speaking up or applying for leadership positions. The Chairperson of the Delhi Legal Academy and the head of legal aid, who are both women, regularly conduct gender awareness programs at provincial and national levels. The Chairperson has noted that male judges are often extremely resistant to gender sensitization, while women judges remain silent.

Yet despite these challenges, one finds creative solutions. Justice Mittal gave an example by sharing a final anecdote. A group of women judges did not want to participate in a given training because of family commitments. The Supreme Court explained that there were no exemptions. Each of the women judges reacted in one of three ways: 1) their families thought it was acceptable after they explained the situation; 2) they thought that the requirement was wonderful; the lack of exemption providing an excuse to attend; 3) they worried that their families would have no one to cook for them if they had to go. In response to the last reaction, one woman remarked to another that perhaps her husband would be able to cook, which seemed like a novel idea. This example demonstrates the complexity of women’s situations, the necessity of individual adaptability, and the manner in which an institutional practice may interact with home life to improve women’s ability to participate fully.

**SESSION 3: JUDGE-LED ROUNDTABLE DISCUSSIONS**

**Discussion Overview**

Over lunch, participants were divided into breakout groups to discuss a set of questions provided by the Virtue Foundation. Each table was asked to report back on one of the questions. Some tables discussed all or most of the questions while other tables only discussed one or two. The following section summarizes the discussions of each question by those groups that addressed it.

1. **Do you think that having a greater number of women judges has, or will, improve your country’s judicial system? In what ways?**

Participants adamantly believed that their countries would benefit from greater female representation on the bench. They discussed several ways in which the increased participation of women improves a country’s judicial system.

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20 [http://judicialacademy.nic.in/](http://judicialacademy.nic.in/)
Women tend to be more likely to give back to their communities.

Participants explained that their perception is that women judges tend to view their jobs more broadly than many male judges do, as providing a service to the people. They tend to give back to their communities outside of the courtroom more often than their male counterparts.

The greater community outreach conducted by many women on the bench has resulted in a more transparent and accessible judiciary. This in turn makes the courts more accessible to women and other citizens. These women judges seem to appreciate that civil education and having their country’s citizens understand the role of judges is integral to the independence and strength of the judiciary. It aids judges as well, as it broadens their perspectives and educates them about the reality behind the cases.

Women bring unique and equally valuable perspectives to the bench.

Participants acknowledged that women judges bring a different perspective to the bench — a perspective that is shared by half of their country’s population. Therefore, having women on the bench is necessary to ensure that the views, concerns, and needs of half of a country’s citizens are represented in the judiciary. It is essential to true democracy to have equal participation of women in the judiciary.

Judges observed that many women judges tend to approach their jobs differently than some of their male colleagues by putting themselves in others’ shoes, understanding the people and background conditions in order to find out what really occurred. They tend not to approach their jobs mechanically by merely reading the file in front of them. Instead, these judges often want to gain a more comprehensive picture of a given case in order to deliver justice. Such an approach is beneficial to all parties involved in the case.

Women are perceived to be less susceptible to corruption.

Participants agreed that it is a common perception and possibly a reality that women are less susceptible to corruption than men. They speculated that this is probably because women usually have the added responsibilities of being the primary or even sole caretaker of family and children.

Women’s participation can broaden male judges’ perspectives.

Participants also noted that having women on the bench benefits male judges because it can serve to broaden male judges’ awareness of both the contributions that women judges can make and the disadvantages often faced by women generally. When male judges are exposed to the perspectives of their female colleagues, they may come to see cases or legal arguments from a more gender-sensitive angle, which should in turn benefit a larger portion of the community.
2. What are some of the obstacles or challenges women face in your country to becoming and advancing as judges?

Balancing work and family responsibilities

Participants nearly universally agreed that having to balance work with home and family commitments was a significant barrier to women entering and advancing in the judiciary. Women faced with heavy domestic responsibilities and little help from their partners are unable to stand out in the workplace. Their male counterparts, on the other hand, are usually unburdened or less burdened, and can focus their full efforts to perform better in their jobs and gain coveted promotions. Women are thus often spread thin and are frequently forced to work doubly hard to manage their many commitments. The difficulties of balancing work and life responsibilities are compounded in countries where men are not expected to contribute to domestic life at all. Further, women judges often must refuse promotions, as a promotion may involve relocation, possibly to a distant area. Unlike their male colleagues whose families will easily move with them to the location of a new job, female judges cannot usually expect their spouses to be uprooted. Consequently, women judges often have to sacrifice opportunities for advancement.

Deep-rooted patriarchal cultures

Judges from many countries, including Ghana, Kenya, Tanzania, Panama, and Mexico, said that women in their countries have the additional obstacle of having grown up in communities with deep-rooted patriarchal and discriminatory views toward women. Women are not encouraged to pursue vocations outside the home, and many bright young women thus feel that their professional options are limited to the domestic sphere. Furthermore, even if a woman manages to come out of school envisioning more for herself than a domestic life, she is often faced with the realities of gender discrimination in the workplace and a sense of distrust from male colleagues and superiors, as they, too, are products of their communities and may believe a woman’s rightful place is in the home. A judge from Panama mentioned that lack of sex education in her country has led to an increase in school-age pregnancies, which prevents many young girls from pursuing higher education.

Old boys’ networks

Judges from many countries reported that there are underlying old boys’ networks on the bench, as male judges, whether consciously or subconsciously tend to prefer new male candidates to female ones. This prejudices women not only in the hiring process, but also in relation to advancement within the judiciary. For instance, should female candidates be appointed to the bench, male judges are less likely to mentor them or provide them with opportunities to prove themselves, which could be integral to advancing in the judiciary.
Lack of awareness about gender discrimination

Judges from Canada and the United States noted that many people in their countries do not believe that gender discrimination in their country, let alone in their judiciary, is an issue that still needs to be addressed. Rather, many North Americans believe that gender biases no longer exist and that modern accounts of it are fictitious. As a result, women’s causes do not always receive the support that they need.

The high cost of education

Judges in Canada and the United States also pointed out that the high cost of law school forces many of the brightest law students into the private sector, as public sector jobs, including the judiciary, do not pay adequately. Furthermore, many top law schools prepare their students for a career in the private sector and do not effectively aid or encourage students who might consider alternative career paths. It results in the creation of a “private sector machismo,” according to which careers in the public sector are not viewed as prestigious or valuable.

Lowering of judicial pay with increased female participation

Judges reported that there is currently a subtler form of discrimination emerging where, as the number of women in the judiciary increases, judicial salaries decrease. This phenomenon is especially prevalent in the United States and Canada. In New York State, for instance, judges have not received a salary increase in 13 years. Although the trend does not exhibit explicit discrimination towards women, it indicates that the prestige of a field may be compromised as women enter it. This not only signifies women’s lower status, but also undermines women’s advancements by devaluing them.

3. What are your ideas for increasing the number of women in the judiciary? What are some things that have worked? What hasn’t worked?

Empowerment and mentorship programs

Judges stressed the importance of empowerment, mentorship, and training and counseling programs for girls and young women at all levels. They advocated establishing various programs that would reach out to children in schools, young women in universities and law schools, and young women lawyers. Young women lawyers who aspire to reach the bench need guidance early in their careers about the right career path to follow as waiting too long and a lack of planning may lock them out of the judiciary later.

Participants also suggested that judicial and legal mentorships should be conducted internationally, with judges from different countries spending time learning from
other judiciaries and fostering an international mentoring community. Kenyan judges said that they would welcome opportunities to work with other organizations to develop mentoring programs for young women in their country. Furthermore, programs that already exist need to be better publicized. One example of a beneficial yet under-publicized program is the International Visitors program, conducted by the Office of the President of the American Bar Association. It coordinates visits of international legal professionals to the United States and gives both the visitors and participating U.S. lawyers the opportunity to learn from each other about the legal professions in their respective countries.

Improving access to education

Judges proposed improving access to education by instituting virtual studies, where classes can be conducted through video conferencing in order to reach students who are unable to attend schools far from their homes.

Recognition of outstanding performances

Participants stressed the importance of ensuring that recognition and praise are given to young women judges and lawyers who have performed well. Many women are not encouraged and thus do not see a future for themselves in the judiciary. Judges felt that even accomplished women are generally modest and that others should take the initiative to recognize and promote their work.

Alleviating women’s unequal burdens of child care, family and other responsibilities in the home

Judges recommended several initiatives to alleviate the barriers women face in balancing work and family responsibilities. First, the widespread belief and practice that exempts men from helping in the home and places the entire burden of domestic work on women’s shoulders needs to be changed. Some changes have already occurred. For example, in the United States, men with public sector jobs are entitled to a month of paternity leave when they have a baby. This signals an expectation that men are expected to help out in the home. An American judge pointed out that the United States is currently at a “tipping point,” as there is a critical mass of women in the judiciary and women are in a position to exercise considerable independence and close the gender gap on the bench.

Participants also suggested that initiating a policy that permits flexible or alternative work schedules and establishing professional child care services in the workplace would assist women judges in balancing family and work commitments.

With regard to the concern that some women judges cannot accept promotions that involve relocation because their spouses will not relocate with them, participants suggested that judicial practices take women’s circumstances into account. In Australia, magistrates in Queensland, the most decentralized state in Australia, often have to be separated from their families, as they serve people in distant...
communities. The compromise the judiciary came to is that magistrates agree to serve a certain number of years in a remote location, but the magistrate's personal circumstances are considered when determining placement details. If they have young children, for instance, they are placed in a less rural, more urban area with appropriate schools for their children. There is also a supervisory body to ensure that decisions are made properly and without bias. All magistrates know that they are required to serve in the remote area at some point, but they do it at a time in their lives when it is most convenient. Other solutions proposed to address the relocation issue include recruiting judges from these remote regions or using video conferencing to conduct preliminary hearings in order to minimize the amount of time judges have to spend away from their homes.

**Recruiting and including more men who are committed to gender equality**

Participants suggested including more men who are committed to gender equality in initiatives addressing the gender disparity on the bench. Participants felt that the challenge is motivating men to advocate on women’s behalf, but the key is to convey that gender biases are detrimental to all members of a community, not just women. As an example, the Ghanaian chapter of the International Association of Women Judges makes a practice of inviting male judges to workshops on gender issues in the hope that they will learn to view gender issues through a new lens.

**Increased promotion and services by women's bar associations**

Women's bar associations should send notices to all of their members when there is an opening on a bench. They should encourage their members to apply for the job and even nominate candidates that they believe are suitable for the position.

**Increased transparency in methods of judicial appointments**

There must be greater transparency in the methods of judicial appointments. Old boys’ networks and prejudices flourish in a system where there is no accountability or oversight when selections are made. Therefore, many judges favored the use of formal examinations as part of the appointments process.

**Increased visibility and accessibility of women role models**

Women in senior positions in the judiciary need to be more visible so that young women can see them as mentors. A lack of female role models to look up to and emulate can be very discouraging to young women who might aspire to the bench. Therefore, the women who have successfully become judges need to make themselves more prominent and approachable. Young women with judicial ambitions will be more motivated to strive for positions on the bench if they see women like themselves serving as judges.

**Solutions for deserving candidates with high levels of educational debt**
Judges also discussed solutions to the problem of bright students who are locked out of the public sector and the judiciary due to debt from the high costs of a legal education. Some participants suggested trying to garner corporate funding for fellowships in certain public sector jobs so that young lawyers and law students are not forced to work in the private sector. Furthermore, since law schools in some jurisdictions are mostly training their students for private sector positions, judges suggested working with law schools to conduct judicial processes courses and bringing judges into schools to inform students about careers in the judiciary.

Quotas or other policies to increase the appointment of women judges

A judge from Australia explained a strategy that produced very successful results in Queensland, where the legislature has the power of appointments. In 1990, there were no women judges in Queensland, whereas now, women comprise one third of the bench. The judge attributed this progress to the legislature's realization that the community wanted women equally represented on the bench. Therefore, they began making appointments with a clear goal of selecting more women. Initially, there was some affirmative action and some resistance from members of the profession. However, nearly all the women appointed did an exemplary job, and they were then accepted by other members of the profession. This example suggests that having a quota or an appointments mechanism geared towards closing the gender divide on the bench may be useful in some circumstances.

4. What outreach, informal or formal, is there in your country to women judges and women lawyers? Are there programs where judges reach out to the community? Are there women’s bar associations and women’s judges associations? If not, why not? How do the organizations relate to one another? How do these organizations help or not help?

Empowerment and mentorship programs

Judges from many countries reported initiatives to reach out to young women judges and lawyers, such as mentorship opportunities and education and training seminars. However, they were nearly always conducted by organizations such as the International Federation of Women Lawyers or the International Association of Women Judges.

On the other hand, some judges mentioned that women's bar associations in their countries, including Australia, the United States, Hungary, and Canada, are conducting similar outreach programs. In the United States, for instance, the Hispanic National Bar Association organizes a program in various law schools entitled “So You Want to Become a Judge.” Through this program, a panel of distinguished speakers advises law students about the different avenues to the judiciary and what attorneys interested in serving on the bench can do to maximize
experiences that will make them competitive in the judicial selection process.

Under the leadership of Her Ladyship Chief Justice Wood, Ghana has undertaken several initiatives to reach out to young women lawyers and judges. Chief Justice Wood has used her position as Chair of the Board of Legal Education, the body responsible for legal education in Ghana, to encourage women to consider a career in the judiciary. Last year, she spearheaded and now heads the Ghanaian chapter of the International Association of Women Judges. The chapter recently collected information on gender-based violence and shared it with other countries in West Africa.

The Ghanaian chapter of the International Federation of Women Lawyers is also extremely strong in Ghana, but some judges reflected that its strength has lead to perceptions that a national women’s bar association is unnecessary. A judge-participant from Mexico mentioned that an initiative to set up a chapter of the International Association of Women Judges in Mexico was halted because the judges were told that the Mexican branch of the International Federation of Women Lawyers was strong enough.

**Programs in schools**

Judges from many countries shared information about the creative programs instituted in schools to promote awareness of the court system and interest in judicial careers. Some programs use theater to introduce gender-related issues and judicial concepts, or have judges going to schools and giving students mock cases to solve. In Panama, there is a joint program with the Supreme Court and the Women Judges Association in which women judges go into primary schools and teach children about the judiciary. They use toys and puppets to introduce the various participants in the courtroom, discuss the role of the court and constitutional rules, and explain the significance of judgments.

The Chief Justice of Ghana set up the Lady Chief Justice’s Mentoring Program21 four years ago, which offers Ghanaian students of selected senior high schools opportunities to interact with members of the bench and bar. As part of the mentoring process, the students are taken to the various courts to observe court sessions and interact with officials at the Commercial, Human Rights, Circuit and Juvenile Courts.

In the United States, the “Color of Justice” program22 involves one-day symposia for middle and high school students from low-income and minority groups, during which they are exposed to lawyers and judges and learn more about the legal

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profession. Another valuable U.S. organization is the nonprofit “Just the Beginning Foundation.”23 Just the Beginning Foundation is comprised of lawyers, judges, and other citizens dedicated to developing and nurturing interest in the law among young persons from ethnic backgrounds underrepresented in the legal profession. It has a long-term goal of increasing racial diversity in the legal profession and on the bench. To achieve its goals, the foundation organizes middle school and high school summer legal institutes and camps, law student externships, law student scholarships, programs in schools that target underserved and minority high school and college students, and biennial conferences that bring together diverse legal leaders of local communities.

**Other public education and training programs**

Public education programs in Kenya, Tanzania, the United States, Ghana, and Australia aim to inform entire communities about the role of the judiciary. Judges hold “Judicial Open Days” or “Law Days” during which the courts are open to members of the public, and judges or other judicial staff members conduct training and information sessions to educate community members about their rights and the rule of law.

Programs have also been instituted to assist judges in addressing particular needs or issues facing their communities. In Panama, women judges are working on a project to improve the juvenile justice system and change its focus from punishment to rehabilitation. In Argentina, the National Supreme Court operates a Domestic Violence Office that facilitates citizens’ access justice by providing information and guidance concerning domestic violence issues. It also receives allegations as a basis to proceed on domestic violence charges or obtain remedies, especially immediate injunctions. This year, the Supreme Court of Argentina also set up a Women’s Office that administers gender-training seminars for all employees of the judiciary, from administrators to judges.

**Balancing ethical issues and maintaining impartiality while engaging in community service and outreach**

Judges acknowledged that reaching out to the community can be challenging because of fear that they might be overstepping the bounds of their positions. Some said that they faced a conflict between their desire to help the community and their need to maintain impartiality. A judge in Kenya noted that judges often have to enlist the help of other administrators of justice such as police officers and court officers to carry out work within the community. U.S. judges mentioned that there is a Judicial Code of Conduct Committee in the United States.24 Judges can call to ask, confidentially, if a certain engagement, talk, or meeting is within the bounds of their

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ethical duties. The committee then issues an informal decision or opinion letter with guidance to address the issue. This gives judges the comfort of knowing that their behavior is appropriate. The committee has issued over 2000 informal decisions and 850 letters.

5. What have you taken away from this morning’s outreach presentations? How might a program or idea be incorporated into your country’s context?

Barriers faced by women judges are universal.

Participants learned during the roundtable that barriers to entry and advancement in their countries’ judiciaries are identical or very similar to those that women face in many other countries. The discussions confirmed the universality of many issues relating to gender disparities on the bench. They remarked on how few opportunities they have had to share and address experiences with women in similar situations.

The importance of establishing a network of women judges

The Roundtable gave the participants a better understanding of the importance of establishing a network that allows women judges around the world to confer, mentor, counsel, and work together to bridge the gender disparities in their countries.

The value of partnerships between judiciaries and other groups

A judge from Australia specifically mentioned that the most exciting thing she will take back from the Roundtable is the concept of forging partnerships between the judiciary and groups such as the Virtue Foundation, NGOs, universities, and bar associations. For example, she would now like to encourage the Australian Foreign Affairs Department to consider specific areas in which they can collaborate with such groups.

Realizing the significant role current women judges can play

The Roundtable highlighted for many participants the significant role they can play to combat gender biases in their countries. Their positions as women judges who have made it to the bench offer them opportunities to mentor young women who want to follow in their footsteps. They are also in a good position to ensure that female judicial candidates are not discriminated against and are assessed fairly when they apply for positions on the bench.

SESSION 4: DISCUSSIONS SUMMARY
Moderator: Hon. Virginia Kendall, U.S. District Court for the Northern District of Illinois

Discussion Overview

Judge Virginia Kendall led a discussion to tie together the various themes discussed during the judge-led roundtable discussions toward solutions to barriers for women entering and advancing in judiciaries globally. During Panel 3, several of the topics outlined in detail above were shared with the larger group.

Themes of the Judge-Led Roundtable Discussions

One of the themes brought back to the larger group from the breakout session was the importance of bringing male colleagues into the struggle for gender equality in the courtroom. It was noted that including men in the movement is an opportunity to educate them and open their eyes to a problem they tend not to think about.

Participants stressed the importance of reaching full gender equality in the judiciary, and they offered a number of suggestions. These ideas were focused primarily on communication and engagement with young women. Mentoring young women lawyers and reaching out to women before law school can help to prepare them for the judiciary.

The judges also noted the importance of working in teams, because women judges are often hesitant to voice their opinions. Participants agreed that, in their experience, women tend to be less combative, are perceived to be less prone to corruption, and tend to collaborate more often than their male counterparts.

Participants noted that many women judges, particularly magistrates, are hesitant to act as visionaries within the courtroom because they fear overstepping the boundaries of their prescribed roles. Other judges suggested creating an analogue to the Judicial Code of Conduct Committee that exists in the United States to provide confidential ethical advice.

It was also emphasized that judges are permitted to innovate and become involved with non-governmental organizations, receive training, and start programs. One participant suggested that judges initiate a program and then turn over operational duties to the court administration.

In the discussion of the role of female judges, several judges pointed out the importance of female judges educating the community at large about the judiciary and its powers. It was remarked that this is being done in several countries and that female judges are increasingly willing to look beyond the confines of the courtroom.

In the larger group discussion, judges offered numerous suggestions for combating the obstacles to entry and participation. In response to the challenge posed by financial difficulties, stemming from low salaries and the costs associated with training, it was suggested that fellowships for women law students who want to be
judges be created, potentially funded by law firms. Another idea was to create monetary awards for quality judging.

African judges often face transfers to remote, rural areas. Suggestions to address this challenge included borrowing from the Australian practice of cooperative placement: judges may have to serve time far from their homes, but they can determine the time when this will be least disruptive to their personal lives and responsibilities. In addition, as in Australia, a judicial board could review placement decisions. Another suggestion that garnered support was to implement video conferencing for preliminary proceedings, as is done in the Delhi High Court. A third suggestion was that courts implement programs that help spouses find employment in the new area.

The judges also agreed that the judiciary is perceived as a male institution. Women are often less willing than men to champion their own success, but the judges highlighted the importance of celebrating the achievements of women judges in order to raise their profiles, both within the judiciary and outside of it.

**Suggestions for the Next Senior Roundtable Program**

Following the summary of the breakout sessions, the participants offered their suggestions for themes or topics for future roundtables:

- Invite male judges, including chief judges, to participate in the program.
- Ensure continuity by discussing what was learned from past years’ roundtables and what was brought back to the different judiciaries.
- Track advancements in various countries so that similar strategies can be implemented elsewhere.
- Use the next roundtable as an opportunity to build professional networks across disciplines, such as business, financial, legal, and medical communities.
- Examine the plight of migrant women from other countries.
- Compare judges’ decisions on women’s issues, such as violence against women, and consider if decisions made by women judges differ from those made by men.
- Develop programs to encourage women to be involved in politics.
- Where judges’ salaries are stagnating, as in New York, examine this trend and find ways to combat it and to maintain the prestige of the judiciary.
- Organize a session recognizing the work done by courageous women judges.
- Discuss how public corruption affects crimes against women and how the judiciary can play a role in reducing such corruption.
- Explore ways to use media and technology, including social media, for public education and to keep up the momentum of the dialogue on gender disparity in the judiciary.
- Discuss issues such as domestic violence that have wide impact on societies.
SESSION 5: WOMEN IN THE WORLD PANEL DISCUSSION, United States Department of State

Welcome: Ambassador Melanne Verveer, United States Ambassador-at-Large for Global Women’s Issues

Moderator: Andrea Mitchell, Chief Foreign Affairs Correspondent, NBC News

Distinguished Panelists: Dr. Ebby Elahi, Director, International Programming and Global Health, Virtue Foundation; Assistant Professor of Ophthalmology, Mount Sinai Medical Center; Director, Fifth Avenue Eye Associates

Kakenya Ntaiya, Founder of the Kakenya Center for Excellence in Kenya

Her Ladyship Chief Justice Georginia T. Wood, Supreme Court, Ghana

Hon. Ann C. Williams, U.S. Court of Appeals for the Seventh Circuit

Discussion Overview

Ambassador Melanne Verveer introduced the panel by discussing the important role that female judges can play in promoting women’s rights, particularly in the developing world. She also paid tribute to the recently deceased Geraldine Ferraro, the first woman on the United States presidential ballot, who was a trailblazer for the concept of women’s rights as human rights. Ms. Verveer presented a short video about the March 2011 Women in the World Conference25 and then introduced the moderator and distinguished panelists.

The panel discussion, moderated by Andrea Mitchell, highlighted the importance of increasing the number of female judges as a means to achieving women’s rights and access to justice more generally. Ms. Mitchell led a broad discussion on the topics below.

Grassroots Advocacy

Kakenya Ntaiya began by recounting her own story. She was born in male-dominated rural Kenya, where many women, including her mother, are abused by their husbands and do not enjoy many rights, including the right to own property. Ms. Ntaiya was supposed to undergo female genital mutilation (FGM) and then be married at age 13. She dreamed of being a teacher and knew she was too young to

start a family, so she negotiated with her father to avoid FGM and go back to school. After graduating high school, Ms. Ntaiya wanted to go to the United States for further education, and was able to rally the support of her village’s elders. Her education in the United States has taught her many things, including that FGM is illegal in Kenya. Ms. Ntaiya returned to Kenya to open a school for girls, The Kakenya Center for Excellence. The school is an avenue for empowering girls and for teaching parents to invest in their daughters.

Role of the Judiciary

Ms. Ntaiya emphasized that it is important not only to create rules and laws but also to translate and implement those laws at a community level. The law, she said, is in Nairobi, but it is implemented in the villages by local leaders. The chiefs must be trained in the laws, and students must understand that they have a right to education.

Her Ladyship Chief Justice Georgina T. Wood explained that male and female judges alike can come to understand the unique power the judiciary has in bringing about change, for instance, by interpreting laws in a development-oriented manner. She said chiefs, elders, and family members should be made to understand the importance of training and building the capacity of women and girls, who can, in turn, support their families. Chief Justice Wood gave an example of how the interpretation and application of laws can effect change and improve the lives of women and girls. Several years earlier, she said, the issue came before the court of whether an uncompleted house counts as a house, for if so, it would pass to the surviving spouse of the deceased owner. The court established that the intent of the law was to aid widowed women, and therefore held that an uncompleted house is a house.

Benefit of Increasing the Number of Women Judges

Judge Ann C. Williams mentioned that women bring something special to their endeavors. Because women have had to survive in difficult situations, they are able to develop strategies, join together, gain allies, and figure out how to achieve results. Women in the judiciary tend to be leaders, as well as natural peacemakers and consensus-builders, both in the courts and in their families. Female judges are also problem-solvers who are able to look beyond the law to achieve results. Women see, and are open to, change. Judge Williams provided examples of how women judges can impact change on the ground.

Judge Williams took part in a training program on the Sexual Violence Act in Kenya, where there is growing stratification between judges and magistrates. She asked a Court of Appeals judge to lead the training for the magistrates, and the Chief Justice granted her permission. The magistrates were thrilled because this was the first time a Court of Appeals judge told them what was expected in sexual violence cases.

26 http://www.kakenyasdream.org/academy.html
In Liberia, Judge Williams discussed a female judge’s attempt to manage her overcrowded docket and avoid having rape cases be spread out over several days. The judge told Judge Williams that there is no electricity or court reporting, so her trials usually must end at 4 p.m. so she can get home before it is dark, and she cannot work at home because there is no electricity. The judge wanted to help, though, so she began starting trials at 8 a.m., instead of the standard 9 a.m. trial commencement hour. Women tend to be willing to make these sacrifices.

*Developmental Value of Focusing on Women, the Judiciary, and the Law*

**Dr. Ebby Elahi** emphasized the pragmatic reasons for focusing on women’s rights as human rights. The Virtue Foundation wants to address holistically—and not simply patch—some of the world’s pressing concerns by focusing on the next generation. This requires educating girls because educated girls create stable societies. Women who make it to powerful positions have had to overcome more than their male counterparts, so there is a Darwinian sense of natural selection: in order to succeed, they must have skills that go beyond those of their male colleagues. In addition, Dr. Elahi’s experience has led him to believe that women tend to be less corrupt. NGOs have limited resources, and they want to work where they can achieve results, which typically leads to success when working with women leaders.

Dr. Elahi pointed to similarities between the law and medicine as development tools. Both professions focus on saving human lives and preserving human dignity. In addition, he pointed out that the methods and goals of both disciplines are quite similar. For instance they share the same method of sustainable training. He also discussed the how collaboration between the two fields can lead to solutions to many development challenges. He reasoned that one can build hospitals and perform surgeries, but there is little point if there is no recourse to the law. Further, FGM, for example, is not only a medical problem, but also a legal one.

*Family Justice Center in Ghana*

The Virtue Foundation is embarking on a project in association with the Ghanaian judiciary to create a Family Justice Center. **Her Ladyship Chief Justice Wood** explained how this differs from programs and resources already available in Ghana. The goal in a typical courtroom is a black letter order, such as orders to pay money. Her Ladyship wants judges to spend more time with women to determine if they can help them solve problems. The Family Justice Center will provide support in critical areas, such as reproductive health and gender-based violence. If a woman comes to the Center and the magistrate discovers that she needs advice on reproductive health so she can limit the number of children she has, the magistrate can advise her of resources available to her. Other areas to be targeted include microcredit financing and human rights. Chief Justice Wood envisions this center as a “one-stop shop” for women, a means to move beyond black letter law towards an integrated center where services are available to help women break the cycle of poverty and ignorance.
**Dr. Elahi** explained that the Virtue Foundation chose to invest significant resources in Ghana in large part because of Her Ladyship Chief Justice Wood. Her vision was very well aligned with that of the Foundation. In addition, Ghana is in the right stage for this kind of development because it is relatively stable, has many educated people, and is ready for progress.

**Ms. Ntaiya** mentioned that such a center would be useful in her area, because many young women do not want to be cut or get married young, but there is no safe place they can go to receive advice on next steps. Ms. Ntaiya herself was able to assist one young girl avoid unwanted FGM by reaching out the chief who was opposed to the practice, as well as to the Ministry of Education in Kenya.

**Judge Williams** concluded the panel discussion by explaining her most important message to the female judges she trains: that they can make change, through determination and hard work. Lawyers and judges in Kenya and Liberia realized this, and they were empowered to make a difference. In terms of training, Judge Williams emphasized that it is critical to include people from rural areas, as a Lawyers Without Borders program did by producing comic books as a means of public education. It is also important for judges to remember that they can go beyond simply deciding cases. They can improve the rule of law and access to justice.

**CLOSING RECEPTION, United States Department of State**

**Opening Remarks:**  
*Ambassador Melanne Verveer,* U.S. Ambassador At Large for Global Women’s Issues, U.S. Department of State

*Dean Stewart J. Schwab,* Dean and Professor of Law, Cornell Law School

**Introduction:**  
*Professor Sital Kalantry,* Associate Clinical Professor of Law and Faculty Director of the Avon Global Center for Women and Justice, Cornell Law School

**Keynote Remarks:**  
*Harold Koh,* Legal Advisor, U.S. Department of State

**Closing Remarks:**  
*Dr. Joan LaRovere,* Co-Founder & Vice President, Virtue Foundation & Director, Cardiac Intensive Care Unit, The Royal Brompton Hospital, London

The Roundtable ended with a reception at the U.S. Department of State.  
**Ambassador Melanne Verveer,** the United States Ambassador-at-Large for Global
Women’s Issues introduced the speaker, Harold Koh, the Legal Advisor of the U.S. Department of State. Mr. Koh spoke passionately about how far the struggle for women’s equality has come, and how much more there is to be done. He pointed out that he is the son of Korean immigrants working for a woman Secretary of State, who in turn works for an African-American President, and that this would have been unthinkable just a few years ago. He related these tangible examples of progress to the importance of increasing women’s participation in the judiciary. As evidence of what remains to be done, he noted the examples of his wife and daughter. His wife, an Irish-American, and his daughter, an American of Irish and Korean descent, both would have benefited from the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) had they lived in Ireland or Korea, but in the United States, where the treaty has not yet been ratified, they do not.

Finally, Dr. Joan LaRovere closed the Roundtable by bringing together the important themes from the previous days’ events. She concluded that:

Virtue believes strongly that one critical leverage point toward community advancement in health, education and empowerment is partnering with reputable women leaders. Today, influential local women—especially women judges—have begun to seize new opportunities to provide access to justice and improve women’s and children’s lives. In response, organizations such as the Avon Global Center for Women and Justice and the International Association of Women Judges seek to provide support to these women leaders. In addition, the World Bank and Goldman Sachs, among others, demonstrate that investing in women is an effective lever of GDP growth. Thus, supporting strong, capable, incorruptible women judges may be one of the most promising and effective tools leading us toward improved global health, sustainable development, and community advancement. We believe that Virtue Foundation is making a smart investment.

[See Annex 4 for the full conference program.]
COLLABORATING PARTNERS

Virtue Foundation

Virtue Foundation is a non-profit organization with Special Consultative Status to the United Nations. The Virtue Foundation mission is to increase awareness, inspire action and render assistance through healthcare, education and empowerment initiatives. Comprised primarily of volunteers, Virtue Foundation is guided by the principle that true global change must begin within each of us – one person at a time, one act at a time. http://www.virtuefoundation.org/

Avon Global Center for Women and Justice at Cornell Law School

The Avon Global Center for Women and Justice at Cornell law School works with judges, legal professionals, and governmental and non-governmental organizations to improve access to justice in an effort to eliminate violence against women and girls. The Center’s gender justice initiatives include in-depth practice-oriented projects, legal research support for judges, a searchable collection of online legal resources, the annual Women & Justice conference, and other events. http://ww2.lawschool.cornell.edu/womenandjustice/index.cfm

Cornell Law School International Human Rights Clinic


Fordham Law School Leitner Center for International Law and Justice

The Leitner Center for International Law and Justice, founded in 1997, is a unique, fieldwork-centered model of human rights scholarship and education. The Center's mission is to contribute to the promotion of social justice around the world by encouraging knowledge of and respect for international law and international human rights standards. The Center furthers this goal by sponsoring education, scholarship, and human rights advocacy, and facilitating collaboration among law students, scholars, and human rights defenders in the United States and abroad. http://www.leitnercenter.org/

International Association of Women Judges

The International Association of Women Judges (IAWJ) is a non-profit, non-governmental organization of more than 4,000 members at all judicial levels in more than 102 nations. Since forming in 1991, the IAWJ has united women judges
from diverse legal-judicial systems who share a commitment to equal justice and the rule of law. Through pioneering judicial education programs and worldwide collaboration, the IAWJ is working to advance human rights, eliminate discrimination on the basis of gender, and make courts accessible to all. http://www.iawj.org/

**Lawyers Without Borders**

Lawyers Without Borders is the world's largest group of volunteer lawyers from around the globe who stand ready to offer pro bono service to international projects and initiatives. Their goal is to provide legal support to Rule of Law projects and initiatives in the human rights and global capacity building sectors; this is achieved using lawyers serving pro bono whenever possible. This approach has proven to exponentially reduce costs to funders, in-country NGOs and legal communities in developing regions around the world. http://www.lwob.org/

**Newsweek Daily Beast Women in the World Initiative**

The Women in the World Initiative highlights and supports stories and solutions for women's advancement, as well as the importance of nurturing women leaders in all professions and decision making positions. The Initiative also brings together extraordinary women leaders in the annual Women in the World Stories and Solutions summit. http://www.thedailybeast.com/features/women-in-the-world.html
ANNEX 1: Virtue Foundation Survey

1. Introduction

Women judges can play a unique role in advancing access to justice, rule of law, and sustainable development. Toward this end, Virtue Foundation has implemented an initiative on women and the judiciary, seeking to create and improve opportunities for women to become and advance as judges, thereby increasing the numbers of women in judiciaries.

This survey is being sent to women judges who have been invited to the 2011 Senior Roundtable on Women and the Judiciary in Washington D.C. The results of this survey will give us valuable information about barriers to women’s participation in the judiciary and possible solutions that will assist in structuring topics for discussion at the conference and inform our initiatives on women and the judiciary. Following the Conference, we may invite other judges to take the survey as well.

In responding to questions, where relevant please refer to the current or, if you are no longer a judge, the most recent court or tribunal on which you have served.

Please be assured that the information you share with us will not be used in any way to identify you. Please note that you must complete a page to save responses on that page.

The survey takes less than 10 minutes to complete. Please complete the survey as soon as possible, but no later than March 15, 2011.

Thank you for your participation.

2. Judicial System

* 1. In what country are you currently a judge or were you a judge? (If you are a judge on an international tribunal who has never sat on a national-level court, please state your country of origin.)

   Country: ____________________________

* 2. If you currently serve on an international tribunal, please indicate which tribunal here:

   ____________________________

* 3. In what type of legal system do you serve as a judge:

   - Common law
   - Civil law
   - Customary law
   - International
   - Other/Hybrid (please specify) ____________________________
3. General Information about Women in the Judiciary

* 4. How does someone become a judge in your country or on your international tribunal? (Please select all that apply)
   - Appointment by the executive
   - Appointment by the legislature
   - Appointment by a judicial appointing body
   - Through a competitive examination
   - By standing for election
   - Other (please specify)

* 5. What education or judicial training, if any, is required in your country or by your international tribunal to become a judge?

* 6. Once you have become a member of the judiciary, what education or judicial training, if any, is required in your country or by your international tribunal to continue serving as judge?

* 7. What is your estimate of the percentage of female judges in your...

|                        | 0% | <5% | 5% - 15% | 15% - 25% | 25% - 50% | > 50% | Less than 5% | Between Between | Between Between | More than | N/A |
|------------------------|----|-----|----------|-----------|-----------|-------|--------------| Between 15% and | Between 25% and | 75%       |      |
| International Tribunal (if applicable) |     |     |          |           |           |       |              | 50% and 50% | 50% and 75%    |          |     |
| Country's Judicial System |     |     |          |           |           |       |              |               |              |          |     |
| Country's Highest Court |     |     |          |           |           |       |              |               |              |          |     |
| Country's Mid-Level Courts |     |     |          |           |           |       |              |               |              |          |     |
| Country's Trial Courts |     |     |          |           |           |       |              |               |              |          |     |
| Country's Magistrate Courts |     |     |          |           |           |       |              |               |              |          |     |
| Country's Traditional or Religious Courts |     |     |          |           |           |       |              |               |              |          |     |
8. Within the court system, are female judges more likely to be assigned to courts that adjudicate cases relating to particular areas of the law, for example, juvenile or family law?

☐ Don't know.

☐ No.

☐ Yes. Please specify which courts:
9. In your opinion, how much of a barrier is each of the following items in terms of women ENTERING the judiciary in your country or of women JOINING your international tribunal?

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<tr>
<th>Item</th>
<th>Not a barrier at all</th>
<th>Slight barrier</th>
<th>Moderate barrier</th>
<th>Significant barrier</th>
<th>Very significant barrier</th>
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<tbody>
<tr>
<td>Lack of educational opportunities for women</td>
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<td>Certain laws or formal procedures that hinder women's advancement</td>
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<td>Lack of finances for study, examinations, or other expenses associated with becoming a judge</td>
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<td>Lack of female role models/mentors</td>
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<td>Lack of connections with the people who hold power in the government, judiciary, or legal profession</td>
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<td>Lack of child care, options for flexible work schedules, or other support to ease family responsibilities</td>
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<td>Traditional or religious norms about the role of women in society and the legal profession</td>
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<td>Stereotypes in society that suggest that women have particular characteristics, such as irrationality, sentimentality, or over-emotionality, that are considered undesirable for the judiciary</td>
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<tr>
<td>Perceptions of the judiciary as a low-ranking profession so female lawyers choose not to enter the judiciary</td>
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<tr>
<td>Perceptions of the judiciary or your international tribunal as a male institution</td>
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<tr>
<td>Other (please specify)</td>
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</tbody>
</table>
10. In your opinion, how much of a barrier is each of the following items for women advancing in the judiciary in your country or within your international tribunal?

<table>
<thead>
<tr>
<th>Certain laws or formal procedures that hinder women's advancement</th>
<th>Not a barrier at all</th>
<th>Slight barrier</th>
<th>Moderate barrier</th>
<th>Significant barrier</th>
<th>Very significant barrier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women lack the networks and connections that facilitate advancement for male judges</td>
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<tr>
<td>Unlike their male counterparts, women judges often struggle to balance work and family responsibilities</td>
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<tr>
<td>Those responsible for making decisions about a judge’s advancement hold negative stereotypes about the abilities of women judges or the appropriateness of their participation in the higher levels of the judiciary</td>
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<tr>
<td>Because women who advance are resented and face ostracism by male colleagues, they tend not to seek advancement</td>
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<tr>
<td>Sexual harassment by male colleagues prevents women judges from advancing or seeking advancement</td>
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<tr>
<td>Other (please specify)</td>
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</tbody>
</table>

11. Do you feel that ethnicity, sexual orientation, or disability can be a barrier to entry into or advancement within your country’s judiciary or your international tribunal?

- [ ] No

- [ ] Yes. Please explain which of these are the barriers and how they hinder entry or advancement.
12. Please indicate how important the following characteristics are to one's entry into and advancement in the judiciary or the international tribunal on which you serve.

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Not important at all</th>
<th>Somewhat important</th>
<th>Important</th>
<th>Very important</th>
<th>Extremely important</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religion</td>
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<tr>
<td>Gender</td>
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<tr>
<td>Political connections</td>
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<tr>
<td>Political party affiliations</td>
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<tr>
<td>Socioeconomic background</td>
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<tr>
<td>Education level or background</td>
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<tr>
<td>Performance</td>
<td></td>
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</tbody>
</table>

Other (please specify)

13. Are you aware of cases of sexual harassment of women working as judges in your country? "Sexual harassment" includes, but is not limited to, quid pro quo, verbal/non-verbal, visual, and physical harassment.

- Yes, I am aware of 10 or more cases that have occurred at any time.
- Yes, I am aware of more than 5 but less than 10 cases that have occurred at any time.
- Yes, I am aware of at least 1 case but no more than 5 that have occurred at any time.
- No, I am not aware of any cases of sexual harassment of women judges.

If you answered "yes," which forms of harassment are you aware of?

14. In your experience, do female judges receive the same professional respect as male judges within the judicial profession in your country or on your international tribunal?

- Female judges receive less respect than their male colleagues.
- Female judges receive the same amount of respect as their male colleagues.
- Female judges receive more respect than their male colleagues.

15. In your experience, do female judges receive the same professional respect or deference as male judges, i.e., do they receive the same treatment in the courtroom by litigants, lawyers, and members of the community?

- Female judges receive less respect than their male colleagues.
- Female judges receive the same amount of respect as their male colleagues.
- Female judges receive more respect than their male colleagues.
**16. In your experience, how does the reception of female judges’ judgments by litigants and the legal community compare to the reception of male judges’ judgments?**

- Female judges’ judgments receive less respect.
- Female judges’ and male judges’ judgments receive the same amount of respect.
- Female judges’ judgments receive more respect.

**17. Does your country’s government or international tribunal take steps to involve women in the judiciary?**

- No. The government/tribunal does not take steps to involve women in the judiciary.
- No. The government/tribunal actively discourages women from being involved in the judiciary.
- Yes. The government/tribunal takes positive steps to involve women in the judiciary. Please specify the steps your government/tribunal takes:

**18. Please rate the importance of the following strategies that your government or, if you serve on an international tribunal, your tribunal or other international body responsible for judicial appointments, could take to increase women’s involvement in the judiciary or tribunal.**

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Not Important at all</th>
<th>Somewhat Important</th>
<th>Important</th>
<th>Very Important</th>
<th>Extremely Important</th>
</tr>
</thead>
<tbody>
<tr>
<td>Making the appointments process more transparent.</td>
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<tr>
<td>Making the appointments process more merit-based.</td>
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<tr>
<td>Discouraging nepotism practices through accountability mechanisms and oversight.</td>
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<tr>
<td>Encouraging women to acquire the qualifications to become judges.</td>
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<tr>
<td>Facilitating compatibility between the workplace and family obligations.</td>
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<tr>
<td>Making judicial training more accessible to women.</td>
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</tbody>
</table>

Other (please specify)
19. How does the mentorship role that women judges play for other women in entering and advancing within the judiciary compare to the mentorship role that male judges play for other men?

- A woman judge is more likely to mentor and help other women enter and advance within the judiciary or tribunal.
- A woman judge is equally likely to mentor and help other women enter and advance within the judiciary or tribunal.
- A woman judge is less likely to mentor and help other women enter and advance within the judiciary or tribunal.
- NA - There is no mentorship role for women in my country or on my tribunal.

20. What type of judicial or other type of training, if any, do you think would assist the advancement of women in the judiciary or in your international tribunal? Please specify:

21. As you know, corruption is a major obstacle to sustainable development. Do you think women judges are:

- More likely to be corrupt than their male counterparts.
- Less likely to be corrupt than their male counterparts.
- There is no difference between men and women judges.
- Not corrupt at all because there is no or very little corruption in my country or on my tribunal.
6. Personal Information

* 22. For how many years have you been a judge?
   - 0-5 years
   - 5-15 years
   - 15-30 years
   - 30+ years

* 23. What was your occupation before you became a judge?
   - Magistrate
   - Prosecutor
   - Defense attorney
   - Lawyer in private practice
   - Representative of a non-governmental organization
   - University professor or lecturer
   - None – became a judge after attending law school and/or judicial college
   - Other (please specify)

* 24. On what court do you sit?
   - Highest court
   - Mid-level/appellate court
   - Trial court
   - Magistrate court
   - International tribunal
   - Not currently serving on a court
   - Other (please specify)
7. Other Information

25. On what court(s), if any, did you formerly sit?

26. Please tell us any additional information you would like to and suggestions for topics of discussion at conferences on women and the judiciary.

Thank you very much for your participation.
ANNEX 2: Survey Results

2011 SENIOR ROUNDTABLE ON WOMEN AND THE JUDICIARY Survey Results: Summary of Selected Data

Please note: these responses are not representative of judges or female judges. In addition, we only sampled the non-U.S. judges (but one respondent was a U.S. judge who took the survey to test it). The sample size is small (35 respondents, of which only 24 completed the survey). Thus, no generalizations can be made. However, the following information can be gleaned from the limited number of respondents:

- Judge-respondents are serving on courts/tribunals in Africa, Asia/Pacific, Europe, and Americas regions. Nearly half of respondents are serving in Africa.

- Judges who responded are working in common law, civil law, customary law, international law, and other/hybrid systems. Half of all judge-respondents serve in common law countries.
Judge-respondents estimate that there are higher percentages of female judges in trial courts and magistrate courts than in mid-level courts, high courts, and traditional or religious courts.
A majority of judge-respondents (61.5%, 61.5%, and 65.4% respectively) find that (1) a lack of educational opportunities, (2) certain laws or formal procedures, and (3) perceptions of the judiciary as a low-ranking profession are NOT barriers at all for women entering the judiciary.

Half of judge-respondents (50%) find that stereotypes in society that suggest that women have particular characteristics, such as irrationality, sentimentality, or over-emotioanality, that are considered undesirable for the judiciary are NOT barriers at all for women entering the judiciary.

A majority of judge-respondents (65.3%) find that lack of finances for study, examinations or other expenses associated with becoming a judge to be a barrier to entering the judiciary in their country. One in 5 respondents find it to be a "very significant barrier."

A majority of judge-respondents (61.5%) find that a lack of female role models/mentors is a barrier to entering the judiciary in their country.

A majority of judge-respondents (65.3%) find that lack of connections with the people who hold power in the government, judiciary or legal profession is a barrier to entering the judiciary in their country.

A majority of judge-respondents (65.4%) find that perceptions of the judiciary or your international tribunal as a male institution is a barrier to entering the judiciary in their country.

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| In your opinion, how much of a barrier is each of the following items in terms of women ENTERING the judiciary in your country or of women JOINING your international tribunal? |

<table>
<thead>
<tr>
<th>Item</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of educational opportunities</td>
<td></td>
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<tr>
<td>Certain laws or formal procedures</td>
<td></td>
</tr>
<tr>
<td>Perceptions of the judiciary as a low-ranking</td>
<td></td>
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<tr>
<td>Stereotypes in society that suggest that women are irrational</td>
<td></td>
</tr>
<tr>
<td>Lack of female role models/mentors</td>
<td></td>
</tr>
<tr>
<td>Lack of connections with the people who hold power in your country</td>
<td></td>
</tr>
<tr>
<td>Lack of finances for study, examinations or other expenses associated</td>
<td></td>
</tr>
<tr>
<td>Perceptions of the judiciary or your international tribunal as male</td>
<td></td>
</tr>
<tr>
<td>Institution</td>
<td></td>
</tr>
</tbody>
</table>

Legend:
- Not a barrier at all
- Slight barrier
- Moderate barrier
- Significant barrier
- Very significant barrier
A majority of judge-respondents (60%) reported that their government/tribunal does not take steps to involve women in the judiciary.

A majority of judge respondents (64%) believe that women judges are less likely to be corrupt than their male counterparts. (Please note: all respondents are women judges.)
A significant majority of judge respondents (76.9% and 80.8% respectively) find that (1) certain laws or formal procedures, and (2) sexual harassment by male colleagues are NOT barriers at all to women advancing in their country’s judiciary.

A majority of judge respondents (61.5%) find that the possibility of being resented and facing ostracism by male colleagues is NOT a barrier in their country’s judiciary.

Nearly all judge respondents (96.2%) find it to be a barrier to advancement in their country’s judiciary that, unlike their male counterparts, women judges often struggle to balance work and family responsibilities. Two-thirds of respondents find it to be a moderate or significant barrier to advancement.

Two-thirds of judge respondents (69.2%) find that women lacking the networks and connections that facilitate advancement for male judges to be a barrier to advancement in their country’s judiciary.

A majority of judge respondents (61.5%) find a barrier to women’s advancement in their country’s judiciary to be that those responsible for making decisions about a judge’s advancement hold negative stereotypes about the abilities of women judges or the appropriateness of their participation in the higher levels of the judiciary.

In your opinion, how much of a barrier is each of the following items for women ADVANCING in the judiciary in your country or within your international tribunal?

A majority of judge respondents (75.8%) believe that political connections are important to one’s entry into and advancement in the judiciary.

Nearly all of judge respondents (96.2%) believe that education level or background and performance are important to one’s entry into and advancement in the judiciary.
ANNEX 3: Presentations for Ghana, Argentina, and India Case Studies

Ghana Presentation

Women & the Judiciary: Promoting Gender Equality

A CASE STUDY OF GHANA

Chief Justice of Ghana, Her Ladyship Mrs. Georgina Theodora Wood

The Status of Women in Ghana

To understand the situation of women in the judiciary, we need to understand the greater societal context.

Ghana is traditionally a patriarchal society and, thus, to a large extent men are the decision-makers and hold positions of power and prestige.

As a result, men are dominant, set in numbers or force, but in access to status related power and decision making power.

The Status of Women in Ghana (cont’d)

Even though gender parity is relatively better in Ghana than in much of Sub-Saharan Africa, women still lag behind:

- 47% of women are literate compared to 28% of men.
- While primary school enrollment is at 94% for boys and 83% for girls, enrollment drops to 20% at university.
- As recently as 2009, women were joining the bar at a rate of only 27% (only 35 of the 251 new lawyers called to the bar that year).

Overview of the Judiciary

- Ghana’s legal framework is largely built on the system inherited from the colonial period.
- The judiciary is a two-tier system made up of the constitutionally created superior courts and the statutory lower courts.

Overview of the Judiciary (cont’d)

II. The Structure of the Judiciary

Supreme Court

- Appellate Court

Regional High Court

- Court of Appeal

- High Court

- Court of First Instance

- Customary Courts

Judiciary Appointments

All judges in Ghana are appointed and there are no minimum age requirements:

- Supreme Court judges are appointed by the President on advice of the Judicial Council, in consultation with the Council of State, and on approval of Parliament following a public hearing.
- Court of Appeal and High Court judges are appointed by the President on advice of the Judicial Council.
- Lower Court judges and magistrate are appointed by the Chief Justice on advice of the Judicial Council, subject to the approval of the President.

Judiciary Appointments cont’d: Qualifications

for all court appointments, the nominee must be of high moral character and proven integrity. In addition, requirements for years standing as a lawyer vary by court and are as follow:

- Supreme Court: 10 years
- Court of Appeal: 10 years
- High Court: 10 years
- Court of First Instance: 5 years
- Customary Courts: 5 years

In 2004, the law was amended to provide for selected senior magistrates to serve on rural courts:

- Accredited from a council, independent of college of study
- Undergo two-year course in the basics of law to become certified
- Not qualified to practice as lawyers, but may serve on the bench and, with experience, move up to the superior courts.
Judicial Career Paths

Training
Prior to joining the bench, future judges essentially gain their training through practice at the bar. On appointment, judges are required to attend a workshop at the Judicial Training Institute (JTI), and to continue to participate in regular workshops at the JTI for the duration of their service.

Judicial Career Paths cont’d

Promotion
In general judges are promoted up the tiers of the court system; however, this is not always the case due to vacancies in the court system, either directly from the bar or from academia.

Mandatory Retirement
The age of mandatory retirement varies by court. At the Supreme Court and Court of Appeal, judges must retire at 70. High Court judges must retire at 65. Lower Court magistrates must retire at 60, the general retirement age for public service employees.

Current State of Women in the Judiciary

Appointment of first female Chief Justice in 2008, and overall increases in the number of women on the bench:
- 5 out of 14 Justices on the Supreme Court
- 4 out of 22 Judges on the Court of Appeal
- 14 out of 65 Judges on the High Court
- 16 out of 57 Judges on the Circuit Court
- 15 out of 40 District Magistrates

Current State of Women in the Judiciary cont’d

- Since 2008, 33 of the 110 judges who have benefitted from capacity building programs abroad are women.
- 2010 launch of the Ghana Chapter of the International Association of Women Judges
- Chief Justice’s Mentoring Program

Barriers to Women’s Entry and Advancement in the Ghanaian Judiciary

- Limited number of law schools
- Cost and length of legal education
- Traditional beliefs about the proper roles of women
- Competing demands of married women
- Spousal and male discrimination
- Levelled career aspirations
- Unfairly low compensation

Efforts to Advance Women Judges: A Review of the Status Quo towards the Adoption of a Comprehensive Gender Policy

The development of the Gender Policy is a work in progress, promoting transparency and openness, equal opportunities and non-discrimination, and occupational well-being and safety across the following areas:
- Performance management
- Transfers
- Maternity leave entitlements, and addressing pregnancy-related discrimination during application
- Policy on employment, managing employment contracts
- Fair competition and compliance

Efforts to Advance Women Judges cont’d

- Recruitment, selection, and appointment – gender responsiveness in the application process and terms of employment
- Redeployment, job security and termination procedures
- Wages, salaries and benefits
- Prohibiting sexual harassment and supporting sexual harassment litigation
- Grievance resolution
- Reconciling work and family obligations and dismantling gender stereotypes

Efforts to Advance Women Judges: Key Programs and Initiatives

- Developing strategic international partnerships
- Targeted Recruiting: 50% of the judges recruited since 2000 are women.
- Mentoring Program: Supporting young students, especially women, to introduce them to law and the prospect of a career on the bench.
- Clerkship Program: Gender-sensitive selection of recent Ghanaian law graduates to provide research support for the Supreme Court and promote generation of future judges.
- Women in the Pipeline project member, supporting female judges in their efforts to encourage other women to enter judicial service.
- Creation of Family Court: presided over by female judges, aimed at improving justice delivery for women and children nationwide.
Lessons Learned

- The Judicial Service of Ghana is committed to increasing the number of women in the judiciary.
- At the same time, the Service is also focused on the general development of judicial capacity to enable the judiciary to efficiently and effectively discharge its mandate for the protection and defense of the Constitution and Ghanaian democracy.
- Critically, Ghana must balance its commitment to increasing women's representation in the judiciary with the need to promote judges of the highest character and integrity to shore up public confidence in its work.
- Promotions must be based on merit, so, fundamentally, it is up to the tenure judges to work hard, as is expected of all judges, to receive promotions.

Looking Ahead

While the situation is improving, there is still the need to have more women in the legal profession and joining the Judiciary.

- Women's participation on judicial decision-making committees is important to perpetuate succession plans and to encourage mentorship to achieve and maintain equality of opportunity.
- The judiciary needs to continue to pursue a rigorous personnel policy to attract women. In particular, more work is needed to address both the relative lack of women in private practice and the premium placed on private practice experience in judicial hiring. Key efforts will involve:
  - Targeting gender discrimination within law firms
  - Balancing support for women sole practitioners
  - Recognizing the value and experience of women lawyers who have worked in the public sector in judicial selection.
Argentina Presentation

Methods of Appointment

*National Supreme Court*: President nominates and appoints, Senate confirms.

*Federal Judges*: Probationary competitive examination, short list of top three.

*Provincial Judges*: Governor nominates and appoints, Legislative branch confirms, examination in few jurisdictions.

Percentages of Women Judges

- **Federal**
  - National Supreme Court: 29%
  - Courts of Appeals: 22%
  - Trial Courts: 34%

- **Provincial**
  - Supreme Courts: 30%
  - Courts of Appeals: 27%
  - Trial Courts: 41%

Barriers to women’s participation and advancement

- Not a barrier
  - Lack of educational opportunities
  - Laws or formal procedures that hinder advancement
  - Perception of judiciary as a low ranking profession

- Slight barrier
  - Women who advance are mentored by male colleagues
  - Sexual harassment prevents women from advancing

Barriers to women’s participation and advancement

- Moderate barrier
  - Lack of finances for study and expenses
  - Lack of female role models/mentors
  - Negative stereotypes about abilities of women
  - Stereotypes about undesirable characteristics

- Significant barrier
  - Women lack networks and connections
  - Women struggle to balance work and family

Project Description

- Training programs on Human Rights organized by Argentine As. of W. Judges
- Domestic Violence Office - Supreme Court
- Women’s Office - Supreme Court

Results

- Shift in thought and action reflected in decisions
- Application of Human Rights Treaties in decisions
- First case of Domestic Violence Office and Women’s Office at Supreme Court level
Challenges, next steps and lessons learned

- More social awareness about gender equality
- Clearer judge selection processes
- Encouraging more women to qualify for judiciary
- More affordable judicial colleges
- Clear public selection processes with competitive examinations = more women in judiciary
- More women in the judiciary is not enough
Women in Judiciary in India:
The Long March to Equality

India Presentation

Essential Facts about India
State of the Population: 1.36 billion approx (estimate as April 2010)
Demography:
- The demographics of India are remarkably diverse.
- India is the second most populous country in the world.
- It has more than a fifth of the world's population, which is 17.31% of
  the world's population.
- 2011: 23.5% female population (2011 Census).

No. of States: 28
No. of High Courts: 21
Total No. of High Court Judges: 755
Therefore, one judge of the higher judiciary is for approx. 1.3 million people.
Total of all Judges to Total Population Ratio: 1.3 per million approx.

Hierarchy of Courts
- Supreme Court of India
- High Court of India
- District Courts
- Courts of Session & Magistrates

Process of Judicial Appointments
- President's high appointment of the Chief Justice of India to the post of
  the Chief Justice of Supreme Court.
- Judges must have a minimum period of judicial experience before
  they can be appointed as Judges.
- An examination is required for selection of District and Session Court Judges.

Statistics on Women Lawyers and Judges
- Only 10% of the total advocates admitted to the Bar are females (as per the statistics of 1990).
- Only 25-40% of the law students are females in the year 1990.
- Presently, at present there are 40% to 50% women in some law schools.
- Women's participation in higher judiciary has increased from 3.54% in 1985 to 7.65% in 2005.
- As of 2011, there is one womanChief Justice of Gujarat.
- In 2004, 24 of 144 High Court Judges were women. and as of 2004, there were more than four female judges on the benches of any given High Court.

% of Women Judges to Total Judges on Indian Supreme Court
- Supreme Court
- Women Judges: 1
- Total Judges: 26
- 3.46%

Legends at the Bar
- First Woman to be enrolled at the bar: Cornelia Sarabji on 24th August, 1921 by the Calcutta High Court

Legends who transcended all barriers
- First woman judge of the Supreme Court: Malviya Prabhavati (1950)
- First woman judge of a High Court: Smt. Aruna Ghose (1950)
- First woman judge of a High Court: Smt. Phool Devi (1952)
- First woman judge of the Delhi High Court: Smt. Lalita DHAL (1995)
- First woman chief justice of a High Court: Pradha Prabhavati (1978)
- First woman chief justice of a High Court: Pradha Prabhavati (1978)
Women appointed as Judges of the Indian Supreme Court

Justice Meera Sahai Baba Bendi - Appointed on 29th October 1999 @ age of 42 years
Justice Sapana K. Maniar - Appointed on 6th November 1999 @ 43 years
Justice Ruma Pasri - Appointed on 30th January 2000 @ age of 48 years
Justice Swati Chandra - Appointed on 30th April 2012 @ age of 51 years

Position of Delhi High Court as today

- Total number of Judges - 10
- Total number of Women Judges - 1
- % of Women Judges in Total Judges - 10.0%
- Judge Population Ratio - 1:4.75000
(Population of Delhi 15 million approx.)

Why Bench Gender Diversity?

- Women have qualifications and experience equal to or more than men.
- Women do not have access to judicial positions.
- Lack of access to political opportunities and "old boys' networks.
- Recruiting/nomination services are gender biased.
- Deprivations of female role models to demonstrate women capability as judges.
- Male judges families are more likely to be able to retire than they are transferred between courts.
- Women have high rates of illiteracy.

Assets and Services

- Women have qualifications and experience equal to or more than men.
- Women do not have access to judicial positions.
- Lack of access to political opportunities and "old boys' networks.
- Recruiting/nomination services are gender biased.
- Deprivations of female role models to demonstrate women capability as judges.
- Male judges families are more likely to be able to retire than they are transferred between courts.
- Women have high rates of illiteracy.

Performance/Justice Case for Women in Judiciary

- Resource usage argument, as women lawyers are a resource to be harnessed.
- Signaling, and image of the judicial system, as public demands gender sensitive attitudes.
- Different values, experience, sensitivity that women could bring in is important for generating creative and just solutions.
- Some evidences of judicial performance - we lack systematic analysis of judges by women judges, and their impact on society in general for only on gender justice.

Phenomenon of Adverse Incorporation

- Even when those excluded are included, this is on unequal terms.
  - Gender stereotypes influence the assignments of women judges, e.g., family courts/mahila courts/guardianship courts/non-assignment of corporate jurisdiction.
  - When included on committees, they are less important ones, or the more precarious positions where they face a "glass cliff" syndrome.
  - They face gender stereotypes and "tokenism" affecting their performance.

Barriers in Process of Appointment

- Strong influence of selectors (usually male).
- Gender bias?
- Lack of objective selection criteria for higher judicial appointments.
- Lack of transparency.

The March to Equality in Judicial Appointments: A Just Route?

- Constitutional provisions and rules - inadequate: More women in the law schools and the bar.
- Attitudinal shifts and changes in society for greater participation.
- Adapting systems to incorporate demands on women.
- As public demands gender equality in all spheres, creating a positive enabling environment is important.
- Gender diversity and equality in the judiciary cannot be achieved through improved assets, services or women's own agency.
**Barriers in Process of Appointment**

- Strong influence of selectors (usually male)
- Gender bias?
- Lack of objective selection criteria for higher judicial appointments
- Lack of transparency

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**The March to Equality in Judicial Appointments: A JUST Route?**

- Constitutional provisions and rules — inadequate for women in the law schools and the bar
- Attitudinal shifts and changes in society for greater participation
- Adapting systems to incorporate demands on women
- As public demands gender equality in all spheres, creating a positive enabling environment is important
- Gender diversity and equality in the judiciary cannot be achieved through improved assets, services, or women’s own agency

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**Initiatives for Advancement of Women in the Judiciary**

- Suggesting women to be appointed to the Judicial Training Academies who then develop gender sensitive training programs
- Ensuring women judges are appointed to governing committees within the Court
- Encouraging teamwork, leadership positioning, and institutional socialization of women judges
- Emphasizing the importance of women’s perspectives in trainings conducted for judges
- Hosting interactions for women judges with international visitors

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According to Ms. Indira Jaising, the first Additional Solicitor General of India, assessment of women is distorted and she states that:

"Quite apart from the fact that no basis for the assessment of merit is spelled out, for women to be serious contenders, they must be of ‘outstanding merit’ to be equal to men."
ANNEX 4: Roundtable Agenda

SENIOR ROUNDTABLE ON WOMEN AND THE JUDICIARY
Washington, D.C.

THURSDAY, March 31, 2011
OPENING RECEPTION, United States Supreme Court

6:00 p.m. – 8:00 p.m.-------------------------- Welcoming Remarks

Dr. Joan LaRovere, Co-Founder and Vice President, Virtue Foundation and Director, Pediatric Cardiac Intensive Care Unit, The Royal Brompton Hospital, London

Dr. Ebby Elahi, Director, International Programming and Public Health, Virtue Foundation, and Surgeon and Associate Clinical Professor, Mount Sinai Medical Center

Tina Brown, Editor-in-Chief, Newsweek Daily Beast

Ambassador Melanne Verveer, United States Ambassador-at-Large for Global Women’s Issues

Justice Sonia Sotomayor, Associate Justice, United States Supreme Court

Justice Elena Kagan, Associate Justice, United States Supreme Court

Judge Ann C. Williams, Seventh Circuit Court of Appeals, United States

FRIDAY, April 1, 2011
ROUNDTABLE, National Museum for Women in the Arts

9:30 a.m. – 10:30 a.m------------------------ Opening Remarks

Kim K. Azzarelli, Co-Founder and Steering Committee Chair, Avon Global
Center for Women & Justice at Cornell Law School

**Dean Stewart Schwab**, Dean and Professor of Law, Cornell Law School

**Survey Results & Panel Discussion**

10:30 a.m. – 11:00 a.m.

**Introduction:**

**Professor Sital Kalantry**, Associate Clinical Professor of Law & Faculty Director, Avon Global Center for Women and Justice, Cornell Law School

**Moderator:**

**Dr. Joan LaRovere**, Co-Founder & Vice President, Virtue Foundation & Director, Pediatric Cardiac Intensive Care Unit, The Royal Brompton Hospital, London

**Distinguished Panelists:**

**Hon. Lady Justice Martha Koome**, Justice, High Court, Republic of Kenya

**Hon. Ann C. Williams**, U.S. Court of Appeals for the Seventh Circuit

**Innovative Solutions:**

**Professor Paolo Galizzi**, Clinical Associate Professor of Law, Leitner Center for International Law and Justice, Fordham Law School

11:30 p.m. – 12:30 p.m.

**Case Study Presentations**

**Her Ladyship Chief Justice Georgina T. Wood**, Supreme Court, Ghana

**Justice Elena Inés Highton de Nolasco**, Vice President, Supreme Court, Argentina

**Hon. Justice Gita Mittal**, Delhi High Court, India

12:30 p.m. – 2:00 p.m.

Lunch & Judge-led Roundtable Discussion, Bibiana Osteria

2:30 p.m. – 3:30 p.m.

**Themes, Solutions, & Recommendations**

**Moderator:**

**Hon. Virginia Kendall**, United States District Court for the Northern District of Illinois

**Women in the World Panel Discussion and Closing Reception**
U.S. Department of State

5:00 p.m. – 6:00 p.m.-----------------Newsweek Daily Beast Women in the World Panel Discussion, U.S. Department of State

Welcome:  
**Ambassador Melanne Verveer**, United States Ambassador-at-Large for Global Women’s Issues

Moderator:  
**Andrea Mitchell**, Chief Foreign Affairs Correspondent, NBC News

Distinguished Panelists:  
**Dr. Ebby Elahi**, Surgeon and Associate Clinical Professor, Mount Sinai Medical Center & Director, International Programming and Global Health, Virtue Foundation

**Kakenya Ntaiya**, Founder of the Kakenya Center for Excellence in Kenya

**Her Ladyship Chief Justice Georginia T. Wood**, Chief Justice, Supreme Court, Ghana

**Hon. Ann C. Williams**, United States Court of Appeals for the Seventh Circuit

6:00 p.m. – 7:00 p.m.-----------------Closing Reception

Introduction:  
**Ambassador Melanne Verveer**, United States Ambassador-at-Large for Global Women’s Issues

Remarks:  
**Harold Koh**, Legal Advisor of the United States Department of State
Sustainable Development, Rule of Law, and the Impact of Women Judges

Sandra Day O’Connor† & Kim K. Azzarelli††

Introduction

In recent years, development experts, public institutions, and the private sector alike have begun to recognize that investing in women may be the most effective means of achieving poverty reduction, sustainable development, and economic growth or—put simply—investing in women is “smart economics.”1 At the same time, the rule of law continues to be a fundamental pillar upon which peaceful and prosperous nations are built. The participation of women in the judiciary can play an important role in the achievement of both. Indeed, women judges can play a critical function in strengthening the rule of law both through their contributions to an impartial judiciary as well as through their role in the implementation and enforcement of laws, particularly those that provide access to justice for women and girls. Without access to justice, investments in women and girls will likely fail to yield maximum impact or have lasting results. As a result, women judges are likely to emerge as important agents of poverty reduction, sustainable development, and global economic growth.

I. The Multiplier Effect and the BoP

Development experts have long heralded gender equality and women’s empowerment as an efficient lever for poverty reduction and sustainable

† The Honorable Sandra Day O’Connor is a retired Associate Justice of the Supreme Court of the United States where she served as a Supreme Court Justice from 1981 until her retirement in 2006. She is a graduate of Stanford Law School and Stanford University and since retiring from the bench has worked on a variety of justice and education related projects, including founding iCivics, a technology based program that seeks to provide children with a civics education while inspiring them to be active in the U.S. democracy.

†† Kim K. Azzarelli is the co-founder and Chair of the Avon Global Center for Women and Justice. She is also a graduate of Cornell Law School and Cornell University and has held senior legal, public affairs, and philanthropic positions in several public companies seeking to combine her passion for the law and issues of women’s legal and economic empowerment. The author would like to thank Justice Sandra Day O’Connor, Chief Justice Georgina Wood, Judge Ann Claire Williams, and Judge Joanna Seybert for their pioneering work, insights, and friendship. She also thanks the Avon Foundation, the Avon Global Center for Women and Justice at Cornell Law School, and the Virtue Foundation for their support and leadership on issues relating to women and law.


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development.\(^2\) In recent years, however, a new body of research originating from the World Bank and the private sector has provided widespread validation and support to what has been termed “the multiplier effect.”\(^3\) The multiplier effect is the notion that investing in women and girls not only has a positive impact on the women and girls themselves, but also on their families and the societies in which they live. For example, the multiplier effect shows that an increase in educational opportunities for women and girls results in a decrease in child mortality rates, an increase in children’s education, and an increase in the per capita income and GDP growth of nations.\(^4\) Furthermore, women’s economic empowerment results in improving the lives of the family unit, as women are more likely than men to spend their incomes on their family—including the health and education of their children.\(^5\)

The multiplier effect has a particular impact on women at the “bottom of the pyramid” (or BoP), or on those earning less than $8 per day, of which women roughly comprise two of the four billion.\(^6\) In recent years, the private sector has sharply turned its attention to the BoP thanks to the pioneering work of the late C.K. Prahalad and Stuart Hart. Beginning with their 2002 article entitled “The Fortune at the Bottom of the Pyramid,” the authors demonstrated that significant opportunities exist if the poorest four billion are viewed not as victims, but as value-conscious consumers that can be partners in creating the next engine of global economic growth.\(^7\) Since then, private, public, and non-profit actors have collaborated to stimulate and access the fortune at the bottom of the pyramid. Given the multiplier effect, private sector actors have begun to turn their

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3. Id.


7. See id.
attention to women at the BoP or what might be referred to as “WoBoP.”

Critical to any lasting success in this arena, however, will be the rule of law and its implementation and enforcement, particularly as it relates to women and girls.

II. The Rule of Law and the Role of Women Judges

As women at the bottom of the pyramid emerge as critical agents of sustainable development and economic growth, women judges can play a unique and necessary role at the top of the pyramid to ensure the rule of law and access to justice for women and girls. In recent years, significant resources have been deployed to support rule of law initiatives throughout the globe as the rule of law is critical to sustainable development and a fundamental pillar upon which peaceful and prosperous nations are built. Such efforts often include programs that seek to support the establishment of an impartial judiciary that enjoys the trust and confidence of the community. Furthermore, in recent years, development experts have begun to focus on the critical importance of programs that support the implementation and enforcement of law. While significant progress has been made in adopting laws throughout the developing world in a variety of areas, laws without implementation and enforcement not only render such legal reform ineffective, but also may serve to undermine rule of law by eroding public trust in the institutions that govern.

Women judges have and can play an important role in each of these areas. First, women’s participation in the judiciary is important to establishing a judiciary that is reflective of the society of whose laws it interprets. People are more likely to put their trust and confidence in courts that

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8. In recent years, companies have begun to apply a gender lens to the bottom of the pyramid. To date, however, such focus has been primarily on women’s contributions as laborers and, more recently, as entrepreneurs. Companies, however, that seek to engage women at all levels of the corporate value chain, for example, as sales people, managers, innovators, and even owners may be more likely to access more robust opportunity at the bottom of the pyramid.

9. Indeed, philosophers and jurists throughout time and across cultures have heralded justice and the rule of law as the foundation upon which stable societies are built. As far back as 350 B.C, the Greek philosopher Plato stated: “Where the law is subject to some other authority and has none of its own, the collapse of the state, in my view, is not far off; but if law is the master of the government and the government is its slave, then the situation is full of promise and men enjoy all the blessings that the gods shower on a state.” Plato, Complete Works 1402 (John M. Cooper ed., D.S. Hutchinson assoc. ed., Hackett Publishing 1997). The 17th Century French mathematician, philosopher, and physicist Blaise Pascal stated: “Justice and power must therefore be brought together so that whatever is just may be powerful and whatever is powerful may be just.” Blaise Pascal, Thoughts of Blaise Pascal 131 (Allen et al. eds., 1846). The contemporary Eastern philosopher and jurist, Ostad Elahi, esteemed, in part, for his precise observance of rights and duties both in the adjudication of law and daily life as well as his emphasis on the importance of rule of law and women’s equality in mid-20th century Iran, stated: “The central axis of life in this world is respect for the rights of others.” Olivier Chazoule, Éthique Professionnelle d’Ostad Elahi, in 5 Cahiers de l’Anthropologie Religieuse, Le Spirituel: Pluralité et Unité 156, 158 (Presses de l’Université de Paris-Sorbonne, 1996).
represent all of the individuals that constitute a society. Furthermore, a judiciary comprised of judges with diverse experience may provide a more balanced and thus impartial perspective on matters before the court.

Women’s participation in the judiciary may be of particular importance in the implementation and enforcement of laws that allow for women’s full participation in society. While all sectors are beginning to acknowledge that the educational and economic participation of women are important levers of development and growth, progress will be significantly hampered if women are not afforded basic human rights, such as the right to vote and the right to own and inherit property, among others. One critical area that continues to lag, including in the developed world, is the implementation and enforcement of laws relating to the eradication of violence against women and girls.

III. Women Judges and their Role in Eradicating Gender-Based Violence

Violence against women throughout the world continues to be an epidemic. Across the globe, one in three women experiences violence in her lifetime, and it is estimated that, in most cases, such violence is committed by a member of her family. While in the United States, like many developed countries, conditions for women have improved significantly in recent decades, domestic violence continues to be far too pervasive. In the United States, one in four women will be a victim of domestic violence during her lifetime.

Recently, women judges are emerging on the world stage as leaders in the efforts to effectuate rule of law and the implementation of law, particularly as it relates to eradicating violence against women and providing women and girls with access to justice. In 2008, the U.S. Department of State began hosting women judges from around the world to discuss issues of women’s access to justice and combating violence against women. There, judges and judicial actors from over twenty countries convened to discuss issues of law and implementation relating to women and girls and to share success stories and lessons learned. As a result of this forum, the Avon Global Center for Women and Justice at Cornell Law School was founded with the goal of continuing the dialogue while providing concrete support to women judges across the globe through legal research and clinical projects on issues related to gender-based violence.

13. Id.
Often, such efforts include an examination of systemic issues of implementation. Women judges from around the world have taken active roles in such pioneering work. For example, Chief Justice Georgina Wood, the first female Chief Justice in the history of Ghana, is paying particular attention to the way the law impacts women and children. To that end, she is seeking to build a specialized Family Justice Center that will identify and address critical issues affecting women and children in the judicial process, with a focus on how the court adjudicates cases relating to gender-based violence. Judge Judith Kaye, former Chief Justice of New York, examined issues of domestic violence in her role as Chief Justice, and took an innovative and thoughtful approach to the adjudication of these cases. Judge Kaye challenged others to think about the appropriate role of the courts in domestic violence cases, noting that domestic violence cases differed from other crimes. If the courts are to have impact in the adjudication of such cases, she notes, it is important to take an integrated and active problem-solving approach.

Women judges have also played critical roles in shaping international law relating to gender-based violence through their participation on international tribunals. Judge Florence Mumba of the High Court of Zambia has served on both domestic courts and international tribunals such as the International Criminal Tribunal for the former Yugoslavia, the International Tribunal for Rwanda, and currently, the Extraordinary Chambers for the Courts of Cambodia. Her efforts were instrumental in the classification of rape and other gender based crimes as crimes against humanity or war crimes. In the international arena, significant work is taking place to share learning and experience across nations. For example, the Honorable Ann Claire Williams, United States Circuit Judge for the U.S. Court of Appeals for the Seventh Circuit, is identifying best practices and, where

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17. Id., at 13.
19. Id.
applicable, sharing them with domestic and international judges. Judge Williams has spent over a decade working closely with the various judiciaries throughout Africa to assist in their own development of judicial training and advocacy.\textsuperscript{21} In 2007, with assistance from Lawyers Without Borders, she taught Kenya’s first Women’s Trial Advocacy Program for lawyers representing victims of domestic violence and continues to work in partnership with judiciaries across the world on the rule of law and issues of gender equality.\textsuperscript{22}

Furthermore, under the leadership of women judges, associations and centers are emerging to support such reform. One such organization, the International Association of Women Judges, serves as a forum through which women judges can convene and share best practices across nations.\textsuperscript{23} Founded in 1991, the association now boasts over four thousand women judges representing over ninety countries.\textsuperscript{24} In the United States, new centers are emerging that seek to focus on the complex and integrated issues relating to domestic violence. One such center is the recently launched Diane Halle Center for Family Justice at the Arizona State University Sandra Day O’Connor College of Law.\textsuperscript{25} The Center seeks to take a holistic and interdisciplinary approach to domestic violence.\textsuperscript{26}

Furthermore, Virtue Foundation, an international non-governmental organization that focuses on sustainable development through healthcare, education, and empowerment initiatives, partners with women judges on projects throughout the world as their guiding principles include investing in local women leaders as important change agents.\textsuperscript{27} Additionally, in recognition of the specific role that women judges can play toward improving the rule of law and furthering sustainable development goals, Virtue Foundation has recently launched the Women Judges in the Pipeline Initiative to create and increase opportunities for women to become judges in judiciaries across the globe.\textsuperscript{28}

\textbf{Conclusion}

Women have always played a critical role in the functioning of societies. More recently, however, the public, private, and non-profit sectors

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\textsuperscript{22} See id.
\textsuperscript{24} Id.
\textsuperscript{26} See id.
have recognized women’s contributions and potential as engines of sustainable development and growth. As a result, investing in half the world’s population is viewed not only as the right thing to do, but the smart thing to do. Such investments, however, will not achieve their highest yield if women and girls do not have adequate access to justice and basic human rights, including a life free from violence. As a result, rule of law, including access to an impartial judiciary and the implementation and enforcement of laws, particularly as they relate to gender equity, will be essential in this endeavor. The emergence of women judges on the world stage, their contribution to the creation of impartial judiciaries, and their interest and ability to impact the implementation and enforcement of laws affecting women and girls will serve as a necessary and critical accelerator of such efforts.