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### **“The Transformative Power of Women in the Judiciary”**

#### **Introduction: Why Women in the Judiciary Matter**

The presence of women in judicial office is no longer a peripheral concern of representational equity—it is a structural determinant of judicial legitimacy, performance, and inclusiveness. Gender parity on the bench is not simply a metric of democratic health or compliance with international norms; it is empirically linked to jurisprudential diversity, improved responsiveness to marginalized groups, and enhanced public trust in legal institutions. As courts face mounting demands to adjudicate complex, rights-based claims in pluralistic societies, the imperative to integrate women into all levels of the judiciary becomes both normative and functional.

UNDP have consistently affirmed this principle. Through supporting rule of law and justice in over 100 countries, judiciary has identified as a pivotal institution for achieving Sustainable Development Goals (SDG) 5 and 16—specifically, targets related to gender equality and the development of inclusive, accountable institutions. From Somalia to Colombia, UNDP has supported legal empowerment strategies, constitutional reform, and gender-responsive training for justice actors. The joint UNDP, UN Women, IDLO, the World Bank, and the Task Force on Justice (Pathfinders) report series *Justice for Women* offered a landmark synthesis of these efforts, illustrating how women’s underrepresentation in judicial decision-making remains both a cause and a consequence of structural gender inequality.

Despite decades of advocacy and the proliferation of gender equality mandates—including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, and regional human rights instruments—structural disparities persist. Women remain severely underrepresented in apex courts, high-stakes jurisdictions such as

constitutional or commercial law, and within judicial councils or nominating bodies that shape legal governance. For example, while Europe reported a female majority among judges in 2020—with Latvia and Romania at 81% and 79% respectively—regions such as the Middle East and South Asia continue to report single-digit representation.<sup>2</sup> In some countries, including Saudi Arabia and Somalia, women are still entirely absent from the bench.<sup>3</sup> In Africa, a 2024 UNDP–UN Women comparative study across 14 countries found that women comprised about 40% of judges overall, with wide variation—from 18% in Burkina Faso and 22% in Sierra Leone to majority representation in Kenya, Lesotho, and Zimbabwe (51–58%). Indeed, women’s representation in judicial leadership remains comparatively thin even where overall parity is near or achieved.<sup>1</sup>

Even in jurisdictions where women have gained numerical presence, their positions are often concentrated in "soft" or feminized areas of law, such as family or juvenile courts. This segregation distorts legal development by limiting interpretive diversity in constitutional or criminal jurisprudence and reinforces a hierarchical fiction that only certain legal domains warrant gender sensitivity.

The exclusion of women from judicial authority is not merely a fairness issue—it is a loss of epistemic diversity. Parallel UNDP initiatives in Colombia, Tunisia and Serbia which apply mixed methodologic quantitative and qualitative data analysis confirm that litigants report higher perceptions of procedural justice and fairness when women are present on judicial panels, particularly in gender-based violence (GBV), land, or discrimination cases.

Empirical research confirms these trends. A seminal United States of America study found that plaintiffs in sex discrimination cases were twice as likely to succeed when at least one woman sat on the appellate panel. Additional studies in Brazil, Spain, and Colombia show that female judges tend to apply more trauma-informed, victim-responsive interpretations in cases of domestic violence and sexual harm—particularly in contexts where the law permits discretionary judgment. These findings are echoed in recent qualitative and programmatic evidence. IDLO’s survivor-centred multi-country research (with the Global Women’s Institute)—drawing on case studies in Afghanistan, Honduras, Papua New Guinea, the Philippines, South Sudan, and Tunisia—underscores that survivors prioritize being listened to and avoiding re-traumatization, and that gender-responsive, survivor-centred procedures are essential.<sup>2</sup>

Importantly, these effects are not reducible to assumptions about women's “perspectives.” but rather to the ways in which historically underrepresented experiences can enrich legal reasoning styles, deliberative processes, and institutional awareness of structural inequalities. As CEDAW General Recommendation No. 40 affirms, women’s full and effective participation in the judiciary is not optional—it is a normative requirement under international law.

Still, while gender diversity in the judiciary is essential, it is not sufficient to guarantee transformative outcomes. Not all women judges adopt explicitly feminist or gender-conscious reasoning, and institutional context shapes whether such perspectives can meaningfully influence outcomes. Judicial culture, peer pressure, and selection systems all mediate how gender identity is

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<sup>1</sup> <https://www.undp.org/sites/g/files/zskgke326/files/2024-09/undp-unwomen-women-in-justice-in-africa.pdf>

<sup>2</sup> <https://www.idlo.int/publications/survivor-centred-justice-gender-based-violence-complex-situations>

translated—or neutralized—in decision-making. Moreover, the bulk of quantitative data still comes from high-income jurisdictions. To address this, UNDP has supported the development of gender-disaggregated judicial data systems in countries such as Argentina, Tunisia, and Morocco—helping institutions track representation and assess the impact of gender-responsive reforms over time.

In addition, UNDP’s has advanced initiatives such as the Gender Equality Seal for Public Institutions, a global certification programme that guides, equips and recognizes public institutions committed to delivering policies and services that work for gender equality. The Gender Seal enables institutions to undertake a structured self-assessment and implement effective improvement plans for advancing institutional reforms across five interlinked areas —planning and management, gender-equality architecture and capacities, enabling work environments, participatory accountability mechanisms and results measurement—against internationally validated standards. This initiative, which includes advancing women’s participation and leadership, is currently being implemented across multiple regions, including in Latin America (Supreme Courts of Justice, Ministries of Justice and Electoral Boards in Argentina, Chile, Panama, Paraguay and Dominican Republic), Africa (e.g., Ministry of Justice in Uganda), the Arab States (e.g., Ministry of Justice of Algeria) ), Europe & Central Asia (e.g., High Judiciary and Prosecutorial Council of Bosnia and Herzegovina).<sup>34</sup>

This paper forms part of UNDP’s broader commitment under its Gender Equality Strategy 2022–2025. Its objective is not only to identify disparities but also to provide countries, judiciaries, and the UN system with practical tools to advance systemic change. The paper is structured into six interrelated sections:

- I. Global Overview of the Representation of Women in Judicial Systems: Disparities, Patterns, and Political Consequences
- II. The Influence of Women Judges on Judicial Reasoning and Legal Outcomes
- III. Barriers To Justice for Women and Girls: Key Challenges and the Role of Women Judges in Strengthening Justice Service Delivery
- IV. Structural Barriers to Women’s Judicial Leadership: Culture, Power, and the Myth of Meritocracy
- V. Global Good Practices for Gender-Responsive Judiciaries
- VI. Strategic Recommendations

In doing so, the paper aligns with SDG targets 5.5 and 16.7, CEDAW General Recommendation No. 40, and UNDP’s Gender Equality Strategy (2026–2029). It draws from field data, comparative case studies, and normative frameworks to outline a roadmap towards inclusion. The paper also extracts lessons learned from UNDP and UN Women’s Gender Justice Platform, a joint initiative designed to increase access to justice for women, girls and vulnerable groups by addressing their immediate needs while strengthening the institutional effectiveness and accountability of the judicial system and legislative frameworks. The Platform empowers women to seek solutions and

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<sup>4</sup> [https://www.undp.org/africa/press-releases/sadc-launches-gender-equality-seal-public-institutions?utm\\_source=chatgpt.com](https://www.undp.org/africa/press-releases/sadc-launches-gender-equality-seal-public-institutions?utm_source=chatgpt.com)

advances women’s leadership and meaningful participation in justice and security sector, with a dedicated focus on contexts affected by conflict, crisis and fragility. Working with more than 50 partners—including civil society organizations, women leaders, national justice actors, governmental institutions, and UN entities—the Platform has, since its establishment in 2022, supported access to justice in over 40 countries and territories across Africa, the Arab States, Eastern Europe, and Latin America, and has emerged as a key mechanism for advancing women’s leadership in the justice sector.

This is not merely a call to “add women” to existing systems. It is a call to reimagine judicial institutions as reflective, pluralistic, and democratically accountable structures. Inclusion - including gender parity-is not symbolic. It is the cornerstone of legal legitimacy.

## **I. Global Overview of the Representation of Women in Judicial Systems: Disparities, Patterns, and Political Consequences**

Despite decades of advocacy and normative progress, women’s presence in the judiciary remains uneven, stratified, and contingent on broader institutional and political will. Although many governments have formally committed to gender equality in judicial appointments—often through constitutional provisions, statutory reforms, or judicial council guidelines—the reality on the ground reveals persistent structural inequality shaped by geography, court hierarchy, legal traditions, and entrenched gender norms.

### **1. Overall Representation: Global Gains, Regional Gaps**

Globally, the proportion of women in the judiciary has increased over the past two decades, especially in civil-law systems where standardized entrance exams and early-career judicial pathways have made the process more accessible to women. According to the International Association of Women Judges, women constituted over 50% of judges in 14 European countries as of 2025, including Latvia (81%), Romania (79%), and Slovenia (78%) (IAWJ, *Women in the Judiciary – Where We Are Today* (Apr. 2025)). The average for Europe hovers around 54%.

In Latin America, progress has been similarly notable in certain jurisdictions. For example, Argentina, Costa Rica, and Uruguay report high levels of female participation in lower courts, often exceeding 40% (U.N. Special Rapporteur on the Independence of Judges and Lawyers, *Report on Women in the Administration of Justice*, U.N. Doc. A/76/142, ¶ 19 (2021)). Brazil, Mexico, and Colombia have also seen significant increases in entry-level appointments for women—thanks in part to judicial academy reforms and political mobilization around gender parity. UNDP has contributed to these efforts by supporting national indicators on judicial parity in Mexico and implementing inclusive recruitment policies in Colombia (IDLO, *Women Delivering Justice*, 2018), and Dominican Republic.

By contrast, progress remains starkly limited in parts of Asia and the Middle East. As of 2019, Kuwait, Oman, Saudi Arabia, and Somalia had no women judges. In Pakistan, Egypt, and the United Arab Emirates, women constituted fewer than 1% of the judiciary (UNDP & IDLO, *Justice for Women* 12–13 (2019)). In South Asia, national averages are similarly low: Nepal reported only 6% women judges in 2019, and India—despite having a large and vibrant legal community—had

fewer than 15% women in its higher judiciary as of 2023 (ICJ, *Women in the Judiciary: Achievements and Challenges* 5–6 (2023)).

These figures highlight deep asymmetries in access to decision-making power and the continuing marginalization of women within public legal authority.

At the same time, initiatives to increase the overall representation of women in the judiciary are gaining momentum. For instance, national women judge's associations are emerging in the Asia–Pacific, such as Indonesia's BPHPI (2023) with nationwide membership, while Lao PDR is exploring the creation of its first association. With adequate support and resources these bodies can play a pivotal role in strengthening mentorship and leadership pipelines and mitigate the “judicial glass ceiling” by connecting women judges to training, sponsorship, and promotion tracks across court levels.

## **2. Vertical Inequality: The Leaky Pipeline and the Judicial Glass Ceiling**

Even in jurisdictions with relatively high percentages of women in the judiciary, vertical inequality persists. Women are more likely to be appointed at the entry level—often in lower courts with limited jurisdiction—and far less likely to rise to appellate or supreme court positions. This persistent pattern has been referred to as the “judicial glass ceiling” (UN Women, *Gender Equality in the Judiciary: Global Trends and Gaps* 7 (2021)).

Across OECD countries, women held only about 40% of seats on apex courts in 2020—despite their overrepresentation in first-instance courts. In India, none of the 24 High Courts had a female Chief Justice in 2023, and women made up just 13% of High Court judges. Similarly, in Kenya, while women represent over 50% of magistrates, they hold fewer than 20% of positions on the Court of Appeal or Supreme Court (OSCE, *How Women Judges Shape Public Trust in the Judiciary* 8 (2023)). UNDP research in Southeast Asia reveals that promotion to higher courts is often influenced by informal networks, opaque vetting processes, and merit criteria that may undervalue experience in areas such as family or juvenile law (Judicial Integrity and Independence in SEA v2).

This vertical inequality undermines not only representativeness but also the development of gender-responsive jurisprudence at the constitutional and appellate levels, where legal norms are interpreted and institutional cultures are shaped.

## **3. Segregation by Jurisdiction: Occupational Gendering of Legal Roles**

Court specialization often reproduces gender hierarchies. In many countries, women are overrepresented in family, custody and juvenile courts, while underrepresented in commercial, constitutional and criminal jurisdictions. This segmentation reflects and reinforces gendered assumptions about temperament, expertise and suitability for authority.

Yet research also shows that having women in these courts can improve justice outcomes for women litigants and survivors. For example, UNDP's report on women in justice notes that women judges are generally perceived as having more integrity and their presence increases public trust

in the judiciary.<sup>5</sup> Women judges and prosecutors often provide a more supportive environment for survivors of gender-based violence: for instance, in Somalia, one of the first female prosecutors explained that “girls who suffered abuse from men don’t feel comfortable giving other men all the details,” highlighting how a female judicial officer can facilitate disclosures and reduce secondary trauma.<sup>6</sup>

In Pakistan, women serve predominantly in family courts, while men dominate the criminal and high-commercial judiciary (ESCWA & ICJ, *Women in the Judiciary in the Arab States: Removing Barriers, Increasing Numbers* 18 (2019)). Similar patterns are visible in Morocco, Tunisia, and Egypt. UNDP studies in Southeast Asia confirm that these structural divisions constrain women’s professional mobility and limit the diversity of jurisprudential outcomes (Judicial Integrity and Independence in SEA v2).

This occupational segregation limits women’s visibility in high-stakes legal domains, narrows the diversity of legal reasoning in critical cases, and reduces the symbolic influence of their judicial authority. It also affects career trajectories, as appointments to constitutional and criminal courts are more likely to lead to leadership roles, including Chief Justice positions and memberships in judicial councils. At the same time, family and juvenile courts often deal with sensitive matters—including domestic violence, child custody and sexual assault—where survivors may be hesitant to speak to male judges and the presence of women judges can make the courts more accessible, responsive and trusted, illustrating the broader institutional and societal benefits of gender-balanced judiciaries.

#### **4. Intersectional Invisibility: Race, Ethnicity, Disability and Identity**

Data on the intersection of gender with race, ethnicity, disability and other identity markers remain scarce, even in jurisdictions with otherwise robust reporting systems. In the United States, Black women<sup>7</sup> constituted only 10.5% of federal judges as of 2018, despite making up over 20% of the population (National Women’s Law Center & Represent Women, *Judicial Diversity and Public Trust* 6 (2020)). In Latin America and the Caribbean, Afro-descendant and Indigenous women are almost entirely absent from appellate or high-court benches, a pattern that persists even in countries with constitutional commitments to multiculturalism (IDLO, *Women Delivering Justice* 26 (2018)).

In Africa, the UNDP-UN Women report *Women in Justice in Africa* highlights that formal parity rules have not consistently resulted in equitable outcomes for women with intersecting identities.

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<sup>5</sup> <https://www.undp.org/stories/justice-all-why-having-more-women-judges-benefits-all-society#:~:text=justice%20delivery%20is%20a%20precondition,for%20justice%20for%20all>

<sup>6</sup> <https://www.undp.org/stories/justice-all-why-having-more-women-judges-benefits-all-society#:~:text=Women%20need%20women%20throughout%20their,effective%20investigation%2C%E2%80%9D%20says%20Shamso%20Bile>

<sup>7</sup> UNDP LANGUAGE IS LIKE THIS: <https://www.undp.org/blog/societys-self-sabotage-how-discrimination-cripples-nations#:~:text=Even%20today%2C%20these%20disparities%20persist,now%20the%20advent%20of%20technologies>

In most contexts, judicial appointments do not take disability, race, ethnicity, or sexual orientation into account, and data disaggregation remains limited.<sup>8</sup>

The absence of intersectional inclusion limits the judiciary's capacity to reflect the diversity of the societies it serves and perpetuates the marginalization of structurally excluded groups, undermining the 2030 Agenda commitment to "leave no one behind."

This point is underscored in Tanzania's Bench Book on Women's Rights, which notes that *women are not a homogenous group* and that their justice needs differ based on age, disability, location, access to resources, decision-making power and reproductive capacity. Recognizing these differences is essential to designing inclusive justice interventions and legal frameworks that respond to the full range of citizens' needs while addressing gender inequalities in access to justice.<sup>9</sup>

## 5. Political and Normative Implications

The underrepresentation of women—and particularly women from marginalized groups—on the bench is not merely a technical problem of recruitment. It is a constitutional and political challenge that goes to the heart of what judicial legitimacy entails. A judiciary that does not reflect the diversity of the population it serves risks being perceived as out of touch, biased, or unaccountable. This is especially true in societies undergoing democratic transition, post-conflict recovery, or institutional reform.

Moreover, the invisibility of women in judicial leadership undermines global commitments made under international law. CEDAW General Recommendation No. 40 (2023) emphasizes that women's equal participation in public decision-making—including the judiciary—is a normative requirement. Similarly, the 2030 Agenda for Sustainable Development commits States to ensure "responsive, inclusive, participatory and representative decision-making at all levels" (SDG 16.7).

UNDP's work in transitional justice has shown that gender parity in the judiciary is directly linked to broader perceptions of rule-of-law legitimacy. In Colombia and Sierra Leone, UNDP-supported transitional justice mechanisms incorporated women judges and commissioners, helping enhance public trust and improve survivor-centered outcomes.<sup>10</sup> South Sudan, also illustrates this principle. In 2024, through the Gender Justice Platform, UNDP and UN Women supported the adoption of the Commission on Truth, Reconciliation and Healing Act and the Compensation and Reparations Authority Act, which mandate that at least one-third of international commissioners, half of South Sudanese commissioners and 35 % of the reparations board be women. These quotas ensure that survivors' voices are heard and embed women's leadership in every stage of South Sudan's reconciliation process. Another strong example comes from Mali, where three workshops engaged 230 participants—200 of them women—drawn from survivors' associations,

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<sup>8</sup> <https://www.undp.org/sites/g/files/zskgke326/files/2024-09/undp-unwomen-women-in-justice-in-africa.pdf>

<sup>9</sup> Gender Bench Book on Women's Rights. UNWOMEN

<sup>10</sup> <https://www.unwomen.org/sites/default/files/2022-03/Research-paper-Womens-meaningful-participation-in-transitional-justice-en.pdf>

internally displaced women and local institutions, fostering co-created solutions to support survivors of conflict-related sexual violence.<sup>11</sup>

## **6. The Need for Systemic Transformation**

Addressing these disparities in judicial representation requires more than incremental adjustments or isolated programs. It demands a rethinking of how judicial careers are structured, how merit is defined, how professional development and appointing mechanisms work, how gender stereotypes and biases permeate institutional cultures and how power is distributed within legal and judicial institutions. Countries that have made progress—such as Slovenia, and Canada—have done so not by relying on gradual evolution but through deliberate interventions: gender quotas, transparent selection procedures, outreach to underrepresented groups, and institutional reforms aimed at addressing historical imbalances.

The transformation of the judiciary into a truly inclusive institution must be understood as both a process and a goal. It involves dismantling barriers at the point of entry, creating equitable promotion pathways and fair working environments, and embedding accountability for parity and diversity at every level of the justice system. Without such systemic change, numerical representation risk remaining fragile and largely symbolic.

UNDP's initiatives, such as the Gender Equality Seal for Public Institutions initiative and the Gender Justice Platform's Women's Judges Leadership and ASEAN judicial integrity network have provided concrete tools for institutional change. In Southeast Asia, peer-to-peer training programs on gender-responsive adjudication, scenario-based capacity development, and gender audits of court facilities have started to reshape judicial culture from within (Judicial Integrity and Independence in SEA v2). Through the Seal implementation, judiciary institutions in Dominican Republic, Paraguay or Bosnia have strengthened their internal policies improving work and life balance provisions, setting in place zero tolerance policies against sexual harassment and gender based discrimination, analyzing and setting up measures to address existing gender salary gaps and advancing measures to eradicate biases in recruitment and professional development processes.

Ultimately, institutional transformation in the judiciary must be guided not only by human rights standards but also by the lived realities of those most dependent on the justice system. Aligning institutional reform with these realities is essential to ensuring the judiciary functions as a legitimate and effective arbiter of equality and justice for all.

In the digital age, and particularly with the growing use of artificial intelligence, including in justice systems, judges, need to engage with a new set of skills, navigate legally uncertain terrain to ensure fair and gender-equal outcomes. This includes developing strong digital and AI literacy to understand how emerging technologies function, where their limitations lie, and how algorithmic bias—especially gender bias—may affect judicial processes. Judges also require

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<sup>11</sup> Gender Justice Platform. Annual Report 2024. Pg.25

knowledge of data ethics and international human rights frameworks to safeguard privacy, due process, and non-discrimination when evaluating AI-generated evidence or recommendations.

At the same time, enhanced capacity in intersectional gender analysis remains critical to identify how digital technologies may reinforce existing inequalities. Practical skills in cybersecurity and the handling of digital evidence are equally important, given the rise of online gender-based violence, personal data stealing and other cybercrimes. Finally, continuous learning, adaptability, and the ability to communicate clearly about the role of AI in decision-making are essential to building transparency and public trust. Together, these skills can empower women judges to navigate technological change while advancing justice that is inclusive, equitable, and rights-based.

## **II. The Influence of Women Judges on Judicial Reasoning and Legal Outcomes**

The normative rationale for advancing gender diversity in the judiciary has evolved significantly over the past two decades. Initial arguments focused on representation as a matter of democratic legitimacy or formal equality, emphasizing distributive justice and institutional symbolism. More recently, these claims have been reinforced by a growing body of evidence suggesting that women's presence on the bench can materially influence the quality, inclusiveness and responsiveness of judicial reasoning, particularly in cases involving gender-based harms, inequality or the interpretation of contested rights.

This section analyzes the empirical and doctrinal effects of women's judicial participation along three key dimensions: (1) measurable outcome differentials in case law involving gender, discrimination, or violence; (2) the interpretive and jurisprudential contributions of women judges to legal doctrine; and (3) the institutional influence of gender-balanced benches on judicial deliberation, reasoning style, and collegiality. Collectively, these dimensions underscore that gender diversity is not merely a matter of optics or legitimacy; it is a critical factor in achieving more inclusive, responsive, and effective justice systems.

### **1. Quantitative Evidence of Gender-Based Outcome Differentials**

A growing number of empirical studies have documented the relationship between the gender of the judge and case outcomes, particularly in the domains of employment discrimination, sexual harassment, and gender-based violence. These findings have been most robust in jurisdictions with detailed judicial data and randomized case assignment, allowing for quasi-experimental research designs, most notably in the United States, Brazil, and Spain.

In a landmark U.S. study, Boyd, Epstein, and Martin found that female appellate judges were significantly more likely than male colleagues to rule in favor of plaintiffs in sex discrimination and sexual harassment cases—and that the presence of even one woman on a three-judge panel doubled the plaintiff's likelihood of success (Boyd, Epstein & Martin, *Untangling the Causal Effects of Sex on Judging*, 54 *Am. J. Pol. Sci.* 389, 401–02 (2010)). Crucially, the study also found a panel effect: male judges were more likely to rule for plaintiffs when a female judge was present, suggesting that gender diversity can influence deliberation beyond individual voting behavior.

Subsequent research corroborated these findings. For example, in federal trial courts, women judges were 15 percentage points less likely than men to grant motions to dismiss in Title VII sex discrimination cases, allowing more claims to proceed to adjudication (Knepper, *When the Shadow Is the Substance: Judge Gender and Outcomes in Workplace Sex Discrimination*, 36 J. Labor Econ. 345, 368 (2018)). This suggests that women judges may be more attuned to the nuanced and cumulative nature of discriminatory practices, particularly those that are less explicit or overt.

Similar trends have been observed in other jurisdictions. A large-scale study in Brazil found that female judges were approximately 10 percentage points more likely to convict defendants in domestic violence cases than their male counterparts—representing a 31% higher likelihood of conviction, all else being equal (Ferraz et al., *Fight Like a Woman: Female Judges and Domestic Violence Convictions in Brazil* (2024)). The effect was most pronounced in cases with ambiguous or contested evidence, where female judges were more likely to interpret testimony in favor of the victim. In contrast, conviction rates did not differ by the gender of the judge in comparable cases of non-gendered violent crime.

In Spain, a 2024 study analyzing sentencing in sexual assault cases found that panels with a higher proportion of women imposed longer prison sentences on convicted defendants, although conviction rates did not significantly differ by panel composition (Arantegui et al., *Does the Sex of Judges Matter? Sentencing in Sex Crimes in Spain*, *Criminology & Crim. Just.* (2024)). The authors interpreted this result as evidence of differential valuation of victim harm and social injury by women judges, even within a shared doctrinal framework.

Collectively, these studies suggest that women judges can influence judicial outcomes both directly -through more plaintiff- or victim-receptive rulings in gender-responsive cases-, and indirectly, by shaping panel deliberations and interpretive approaches. While the effects are not uniform across all legal domains, they are statistically significant and jurisprudentially meaningful in areas where power asymmetries and structural discrimination are most pronounced. When women lead and institutions are reformed to reflect lived realities, justice becomes more inclusive, accessible, and rights-based responding to diverse groups if the population including the most vulnerable, GBV survivors and others.

## **2. Jurisprudential Contributions and Interpretive Methodology**

Beyond quantitative outcomes, women judges have made distinct contributions to the evolution of legal reasoning itself. Their jurisprudential influence has been particularly notable in international and regional courts— where interpretive discretion allows for the development of human rights norms and the integration of lived experiences into judicial reasoning.

A prominent example is Justice Navi Pillay’s work on the International Criminal Tribunal for Rwanda (ICTR), where she authored the landmark decision in *Prosecutor v. Jean-Paul Akayesu*, which recognized rape as an act of genocide and a constitutive element of crimes against humanity (Case No. ICTR-96-4-T, Judgment (Sept. 2, 1998)). This ruling has informed both international treaty interpretation and domestic implementation of criminal law, and it advanced a victim-centered approach to adjudicating sexual violence. Similarly, at the Inter-American Court of Human Rights, Justice Cecilia Medina Quiroga played a critical role in expanding the scope of

gender equality and reproductive rights jurisprudence. In her concurring opinions, Medina emphasized the need to integrate lived experience and social context into the interpretation of rights to dignity, non-discrimination, and personal autonomy—particularly in cases involving state violence against women and forced sterilization (UNDP & IDLO, *Justice for Women* 21–22 (2019)).

In the European Court of Human Rights (ECtHR), while judge gender is not recorded in decisions, academic analyses suggest that female judges have played a pivotal role in cases involving gender-based violence, reproductive health, and family rights—frequently raising questions of structural discrimination and gender stereotyping that were otherwise overlooked or minimized (Kantola & Lombardo, *Gender and the Politics of Time: Feminist Theory and Contemporary Debates* 151–53 (2017)).

These contributions are not reducible to essentialist assumptions about “women’s perspectives.” Rather, they reflect how gendered experience informs judicial awareness of context, narrative, and structural inequalities. As one high-ranking judge from Latin America observed: “It is not that women rule for women—it is that we see what others overlook, because we have lived it” (IAWJ & PWJA, *Women in Leadership in the Law – HERstory* (2023)).

These academic findings are echoed in practitioners’ own stories. Judge Elisa Samuel Boerekamp, serving on Mozambique’s Superior Council of the Judiciary, describes how her presence has led to gender-responsive deployment policies and calls for more female role models.<sup>12</sup> In Puntland, Somalia, prosecutor Shamsó Bile observes that survivors of sexual violence now request women prosecutors citing increased comfort and willingness to provide testimony<sup>13</sup>. And Judge Mujinga Bimansha<sup>14</sup> these examples illustrate how women’s lived experiences enhance judicial sensitivity to context and help build trust with survivors—complementing the statistical evidence on gender-based outcomes presented above.

### 3. Deliberative Dynamics and Institutional Culture

Judicial decision-making does not occur in isolation. In multi-member courts and appellate panels, deliberation, dissent, and coalition-building are core components of jurisprudence. Empirical studies show that gender-diverse panels tend to deliberate differently than all-male benches, often engaging in more rigorous debate, producing higher-quality opinions, and incorporating a broader range of interpretive frames (Feldman, *Diversity and Deliberation in Appellate Courts*, 17 *Mich. J. Gender & L.* 305, 310–15 (2011)).

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<sup>12</sup> <https://www.undp.org/stories/justice-all-why-having-more-women-judges-benefits-all-society#:~:text=Judge%20Elisa%20Samuel%20Boerekamp%20advocates,judges%20in%20Mozambique%20and%20beyond>

<sup>13</sup> <https://www.undp.org/stories/justice-all-why-having-more-women-judges-benefits-all-society#:~:text=Women%20need%20women%20throughout%20their,effective%20investigation%2C%E2%80%9D%20says%20Shams%20Bile>

<sup>14</sup> <https://www.undp.org/stories/justice-all-why-having-more-women-judges-benefits-all-society#:~:text=Women%E2%80%99s%20leadership%20in%20justice%20can,%E2%80%9D>

The presence of women judges has been associated with greater attention to implicit bias, stereotyping, and the experiential dimensions of harm—especially in constitutional or quasi-constitutional litigation. In such contexts, male judges, who might otherwise rely primarily on formalistic reasoning, may broaden their interpretive posture when sitting alongside women colleagues who raise contextual or normative concerns. These dynamics do not necessarily result in ideological change or different case outcomes. But they often alter the framing of legal arguments, the articulation of reasoning, and the reception of litigants’ narratives—subtle but significant modifications that influence the legitimacy, readability, and pedagogical force of judicial opinions.

At the institutional level, gender-diverse judiciaries also signal a broader commitment to representativeness and inclusivity. This symbolic dimension reinforces the internal legitimacy of judicial institutions and increases public trust—particularly among populations that have historically experienced exclusion or bias in the justice system.

#### **4. Limitations and Methodological Caveats**

Even though there is evidence that a judge’s gender can affect decisions or perspectives in some cases, this effect is not universal and does not automatically decide or guarantee the outcome of a case.

Multiple studies caution against overinterpreting correlations, as many outcome differentials are highly context-specific and vary by issue area, court types, and legal cultures. Moreover, most available empirical studies rely on data from the United States and other Western jurisdictions, raising concerns about global applicability. Research from the Global South is limited but growing; and its further development is crucial for building a more inclusive body of knowledge that reflects diverse legal traditions and institutional settings.

Institutional constraints—such as judicial hierarchies, doctrinal precedent, and collegial norms—may limit or neutralize individual judges’ divergent perspectives. In conservative or male-dominated courts, women judges may face pressure to conform to dominant reasoning styles, limiting their influence unless supported by broader structural reforms.

Finally, caution is needed to avoid essentializing women’s perspectives. Not all women judges adopt feminist or rights-expansive approaches, and many view their identity as irrelevant to their judicial role. As such, gender diversity must be pursued not as a guarantee of ideological outcomes, but as a prerequisite for democratic deliberation and interpretive plurality.

#### **5. Implications for Legal Reform and Judicial Capacity-Building**

The evidence reviewed reinforces a clear insight: gender-diverse judiciaries improve not only representational equity but the quality, inclusiveness and responsiveness of legal decision-making. Women judges have contributed substantively to the development of jurisprudence in critical areas of human rights, equality and accountability. They have expanded the interpretive horizons of courts, introduced new framings of harm and vulnerability, and challenged reductive or exclusionary legal doctrines.

For national authorities, this underscores the importance of integrating gender diversity as a core element of judicial capacity-building. It calls for reforms to judicial selection and promotion that recognize diverse forms of merit, institutional support for inclusive deliberative cultures, and the creation of enabling environments where women judges can feel safe and fairly treated and can influence legal development without marginalization or backlash.

For international partners, these findings signal the importance of moving beyond numeric representation and toward supporting their interpretive, institutional, and jurisprudential agency. By doing so, judiciaries can fulfill their dual mandate: safeguarding the rule of law while advancing transformative justice and equitable access to rights.

### **III- Barriers to Justice for Women and Girls: Key Challenges and the Role of Women Judges in Strengthening Justice Service Delivery"**

Framing gender-responsive judiciaries solely in terms of bench composition risks overlooking the structural inequities that shape many women's justice journeys. The formal integration of women into judicial institutions—while politically and normatively necessary—has, on its own, produced uneven outcomes for justice users: where reforms do not tackle discriminatory laws, service-delivery gaps, procedural costs, and bias across the justice chain, women continue to face barriers in access, voice, and remedies. At the same time, emerging evidence shows that women's participation can strengthen perceived fairness and trust, especially when paired with institutional reforms and survivor-centred procedures.<sup>15</sup>

This section examines these dynamics by focusing on the experiences of women as justice seekers rather than as judicial actors. It offers a multidimensional analysis of (1) underreporting and underenforcement in gender-based violence (GBV) cases; (2) gender asymmetries in civil and administrative litigation; (3) the structural marginalization of women in court design, procedural rules, and legal reasoning; and (4) how the composition of the bench shapes perceptions of legitimacy, fairness, and state authority. The analysis demonstrates that, without systemic re-engineering to account for gendered pathways of harm, the presence of women at senior levels of the judiciary risks being symbolic rather than transformative. Effective justice reform requires both representative institutions and procedural, operational, and cultural changes that ensure women's full access to and engagement with the justice system

#### **1. Gender-Based Violence: Persistent Gaps—and Emerging System Responses**

Few issues reveal the fragility of justice systems' commitments to gender equality more starkly than the ongoing impunity surrounding gender-based violence. Even though most countries have criminalized rape, domestic violence and sexual assault, enforcement remains uneven and under-resourced. Global surveys show that the vast majority of women who experience gender based violence do not seek formal help; many confide only in family or friends, while fewer than one in ten approach legal authorities. Where cases are reported, attrition often occurs along the

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<sup>15</sup> <https://www.undp.org/sites/g/files/zskgke326/files/2024-09/undp-unwomen-women-in-justice-in-africa.pdf>

justice chain: cases may not be recorded, investigations can stall, and court proceedings can retraumatise survivors through intrusive questioning or reliance on character evidence. Some jurisdictions still do not criminalize marital rape, and domestic violence may be treated as a private dispute, further limiting access to remedies.

Additionally, in the digital age and the rise of artificial intelligence, threats and incidents of technology-facilitated gender-based violence (TFGBV) are increasingly affecting the efficiency of the judiciary. Jurisdictions often struggle to respond effectively due to legal and institutional limitations. The Global Partnership's 2023 report highlights that women's access to justice in TFGBV cases is frequently hindered by narrow interpretations of existing laws on gender-based violence, data privacy, and cybercrime. These legal gaps are further compounded by low level of trust in justice institutions, levels of digital literacy among both survivors and justice sector actors, which weakens the processes of reporting, investigation, and prosecution.

To address these challenges, capacity-building for judges, prosecutors, and law enforcement is essential, alongside the development of accessible, survivor-centered guidance. In the absence of comprehensive legal frameworks, judges can still take proactive measures: applying existing laws on harassment, stalking, privacy, or defamation to online abuse; issuing protective and takedown orders; ensuring the admission and preservation of digital evidence; invoking constitutional and human rights principles to bridge legislative gaps; and awarding appropriate remedies to survivors.

Moreover, judges can reinforce protections by adopting trauma-informed procedures, enhancing coordination with law enforcement and digital platforms, and participating in specialized judicial training. These actions not only improve access to justice but also signal the urgent need for comprehensive legal reform to effectively address TFGBV in the digital era.

At the same time, evidence from across Africa and beyond shows that women's representation in the justice sector, when combined with institutional reforms, is associated with improvements in how courts treat survivors and women litigants. The UNDP and UN Women study, *Women in Justice in Africa*, highlights that women judges are less susceptible to corruption and that their effective representation increases public trust in the judiciary.<sup>16</sup> Practical innovations reinforce this trend: Zanzibar's *Gender Bench Book* guides judges on discriminatory laws and GBV procedures; Montenegro has introduced prosecutorial guidelines for domestic violence; and Senegal has expanded free legal aid through community legal clinics. The Gender Justice Platform similarly invests in grassroots access to justice. In Tanzania's Mtwara region, the *Mama Samia Legal Aid Campaign* trained paralegals and social workers across 15 wards to provide services on land rights, child maintenance, citizenship, and GBV. Such outreach ensures that even women in remote areas can claim their rights. The Gender Justice Platform also invests in community-based legal aid. In Tanzania's Mtwara region, the *Mama Samia Legal Aid Campaign* combines legal awareness with on-the-ground services: in 2024 it trained thirty paralegals and community social workers,

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<sup>16</sup> <https://unric.org/en/unric-info-point-library-newsletter-october-2024/#:~:text=Justice%20and%20International%20Law>

including eleven women—across fifteen wards on issues such as land and property disputes, child maintenance, [OBJ:OBJ]17

Still, representation alone cannot dismantle deeply entrenched patriarchal norms. Women judges operate within institutional cultures shaped by male-centred jurisprudence and procedural codes that valorize “neutrality” at the expense of social context. Without gender-responsive judicial training, survivor-centred court procedures and accountability mechanisms, women judges may be pressured to adhere to existing norms rather than transform them. In other words, while the presence of women on the bench is a necessary step towards more equitable justice, it must be accompanied by a broader jurisprudence of care and procedural reforms that recognize and validate victims’ testimonies.

For example, in Paraguay, the Supreme Court of Justice The work of the CSJ has been fundamental for the progress in the integration of the gender perspective in the judicial treatment of cases and sentences, managing to facilitate and gather already thirteen sentences considered of excellence in gender equality for the proper application of the principles of equality and non-discrimination in the criminal, labor and procedural chambers.

## **2. Civil and Administrative Law: Exclusions Hidden in Plain Sight**

Legal discourse frequently locates gender injustice in criminal law and its limitations. But much of the structural inequality women face is reproduced in civil, economic, and administrative domains—precisely where ‘gender neutrality’ is most often presumed.

Globally, women initiate far fewer civil cases than men—not because their rights are less infringed, but because legal systems are not always designed to accommodate their socio-economic realities. In property disputes, women’s exclusion from land ownership—*de jure* or *de facto*—can make women’s claims harder to pursue. In contract litigation, their underrepresentation in formal employment and business sectors keeps them outside the traditionally dominant narratives of commercial harm. In liability cases, women’s claims for compensation are often undervalued due to doctrines that don’t adequately consider unpaid domestic labor and caregiving roles.

Administrative law presents additional challenges. Access to social protection benefits—such as maternity pay, healthcare, child support, and pensions—is frequently mediated through complex bureaucratic systems that often require legal literacy, digital access, and discretionary compliance. For low-income or marginalized women, pursuing grievances requires not only knowledge of applicable laws but also time and emotional resources to navigate complex institutional processes.

The structural design of these legal frameworks often reflects assumptions about a litigant who is financially resourced, unencumbered by family obligations, and culturally empowered to assert a claim. This abstract legal subject is not neutral—it is gendered male, classed, and urban. As a

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<sup>17</sup> <https://www.undp.org/stories/justice-all-why-having-more-women-judges-benefits-all-society#:~:text=Women%20need%20women%20throughout%20their,effective%20investigation%2C%E2%80%9D%20says%20Shamso%20Bile>

result, this model can disadvantage women, especially those balancing caregiving roles, working in informal sectors, or living in rural areas.

And when women do access formal justice, their claims are often interpreted through an individualized lens that may not fully reflect the structural, relational, and intersectional dimensions of harm. A woman denied housing for lack of spousal permission, or denied inheritance due to customary law, or disqualified from a social benefit due to informal employment status, is often met not with redress but with institutional barriers.

Where such structural barriers persist, procedural alone is insufficient. Meaningful access to justice requires the capability to seek, obtain, and enforce remedies in a manner that is safe, affordable, and free from discrimination.

### **3. Procedural Barriers and Judicial Architecture**

Courtrooms themselves are not neutral spaces. From the architecture of witness stands to the tone of judicial questioning, courts environments often reflect and reproduce existing power asymmetries. For women—especially those from racial, linguistic, or socio-economic minorities—the courtroom can often be experienced as an alienating space.

Multiple studies report that women litigants, especially in GBV and family law cases, may face hostility from clerks, ridicule from opposing counsel, and paternalistic treatments from judges. Factors such as appearance, marital status, reproductive history, and personal demeanor may be subject to scrutiny that is not always relevant to the legal issues at hand. What is demanded of women is not merely legal proof but moral plausibility. And when their presentation does not align with implicit expectations—whether perceived as too composed or too emotional—their testimony may be questioned or even discredited. This phenomenon has been described as "procedural violence": the infliction of secondary harm through legal processes that are formally neutral but can be substantively exclusionary (UNDP & IDLO, *Justice for Women 19–21* (2019)). Unlike direct rights violations, procedural violence is harder to trace—but its effects are cumulative, especially in societies where the legitimacy of state institutions is already contested.

Even reforms designed to “empower” women litigants might inadvertently reproduce paternalistic assumptions. For example, specialized GBV courts that adopt therapeutic language may reinforce the image of women primarily as victims rather than rights-bearing agents. Mediation processes, while often lauded as culturally sensitive alternatives, may pressure women to settle in contexts of power imbalance and coercion. Without a clear, gender-responsive theory of change, procedural reform risks becoming technical adjustments that do not address underlying inequities. At the same time, more equitable justice systems create opportunities for gender champions—within courts, appointing bodies, bar associations, and civil society—to drive structural shifts in rules, practices, and culture. Lessons from the Gender Justice Platform’s *Women in Justice in Africa* work underscore that while legal frameworks and representation matter, durable transformation depends on committed leadership within the judiciary, coordinated engagement with other justice actors, and sustained accountability to ensure that reforms translate into equitable outcomes in practice

#### **4. Trust and Institutional Legitimacy**

Judicial legitimacy is both empirical and affective. It is constituted not only by fidelity to legal norms, but by the degree to which the judiciary is perceived as accessible, impartial, and responsive. In many jurisdictions, women express significantly lower trust in courts than men. This trust gap reflects cumulative experiences of misrecognition, unequal treatment, and substantive limitations securing their rights.

Symbolic inclusion—such as the appointment of women judges—can contribute to addressing this gap. Courts that visibly include women in authoritative roles may be seen as more representative, and thus more trustworthy, by women litigants. This is particularly true in transitional contexts, where representation is bound up with post-conflict reconstruction or democratic legitimacy. For example, the Colombian Special Jurisdiction for Peace, which implemented a gender parity mandate for its judges, was broadly perceived as more credible by survivors of sexual violence and women's civil society groups (UNDP, Observer Paper on Gender and Transitional Justice in Colombia (2023)).

However, representation without deeper institutional transformation carries risks. If courts that appear diverse continue to deliver outcomes perceived as gender-blind, public trust may erode further. Moreover, women judges who rule against women litigants in egregious cases of harassment or discrimination often face a double backlash: from feminists who see them as not supportive of the cause, and from institutional actors who can sometimes utilize their rulings to discredit gender-responsive reform altogether.

For this reason, judicial diversity must be accompanied by accountability mechanisms that ensure gender perspective is embedded in institutional practice, rather than solely symbolized through the representation on the bench.

#### **5. Toward a Feminist Theory of Legal Participation**

Ensuring women's access to justice requires more than procedural entry points; it calls for a broader rethinking of what it means to participate in law. A feminist theory of legal participation begins with recognition as the starting point: recognition of women's lived realities as legally relevant; of the specific harms they face as actionable injuries; and of their ways of speaking, appearing, and acting as fully legal.

This perspective moves beyond procedural adjustments towards a shift in legal culture, one that rewards detachment and abstraction to one that centers relationality, vulnerability, and the socio-material contexts in which law is lived. It also requires that gender-responsive justice be understood not as a niche reform but as an ontological recalibration of what justice means.

For UNDP, this approach means advancing access as presence and toward access as power. Interventions must be designed to confront epistemic injustice within law—by equipping courts to hear differently, reason differently, and rule differently. Programs should support not only the appointment of women judges, but the transformation of court architecture and culture, procedure, and interpretive method to reflect the different realities of women and men in their diversity.

Key strategies include:

- Mandatory use of gender-responsive indicators in court performance evaluation;
- Institutionalization of intersectional legal needs assessments as a component of national justice strategies;
- Integration of community-based adjudicatory narratives—for instance, customary or Indigenous conceptions of justice—should enrich formal legal discourse without instrumentalizing or romanticizing them, and must be undertaken with a gender-equality lens. Where customary norms reinforce discrimination or legitimize gender-based violence, they need to be critically examined and reformed in dialogue with women’s organizations and human-rights standards. In other words, blending plural legal traditions must preserve the protective aspects of local justice while rejecting practices that undermine women’s rights
- Ensuring the participation of women’s rights groups in judicial education curriculum design;
- Embedding feminist legal scholars and practitioners in judicial reform working groups;
- Ensuring that judicial codes of ethics address implicit bias alongside corruption and professional conduct.
- Building up repositories of good practices on the integration of a gender perspective in the management of judicial cases.

#### **IV. Structural Barriers to Women’s Judicial Leadership: Culture, Power, and the Myth of Meritocracy**

Despite formal gains—often at entry and lower court levels—women remain underrepresented in the most visible, norm-shaping positions (chief justices, constitutional court presidents, court administrators, judicial council members). Evidence from Africa confirms that leadership gaps persist and are unlikely to improve without targeted interventions.<sup>18</sup> These disparities are not well explained by “pipeline” or time-lag alone. Rather, they reflect institutionalized forms of exclusion: (i) merit criteria and professional norms that can reproduce bias; (ii) opaque or informal selection and promotion procedures; (iii) social and cultural resistance to women’s legal authority; (iv) disproportionate care burdens across long career tracks; and (v) harassment, intimidation, and isolation that contribute to attrition before promotion.<sup>19</sup> Complementing these institutional barriers are broader societal impediments. Tanzania’s Bench Book on Women’s Rights catalogues how illiteracy, poverty, geographic distance to courts, discriminatory traditions and beliefs, legal procedures and technicalities, as well as under-resourced institutions and corruption, collectively deter women and vulnerable groups from seeking justice. Any strategy to advance women into judicial leadership must also address these contextual obstacles.<sup>20</sup>

These structural factors play out in the lived experiences of women judges and prosecutors. Judge Elisa Samuel Boerekamp of Mozambique notes that many women judges “quit because of

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<sup>18</sup> <https://www.undp.org/sites/g/files/zskgke326/files/2024-09/undp-unwomen-women-in-justice-in-africa.pdf>

<sup>19</sup> <https://www.idlo.int/sites/default/files/pdfs/publications/IDLO%20-%20Women%20Delivering%20Justice%20-%202018.pdf>

<sup>20</sup> Gender Bench Book on Women’s Rights. UN Women.

harassment” and that girls rarely encounter role models or information about judicial careers.<sup>21</sup> In Somalia, prosecutor Shamso Bile recalls how, early in her career, even female survivors preferred male prosecutors—but she persevered and now sees women actively seeking out female legal professionals<sup>22</sup>. These testimonies highlight how gendered expectations, lack of mentorship and workplace hostility impede women’s progression.

## **1. Merit as a Technology of Exclusion**

The ideology of meritocracy has long functioned as a gatekeeping tool in many professions, including the judiciary. In theory, judicial selection and promotion are premised on neutral criteria: legal knowledge, experience, integrity, and independence. In practice however, these categories are often operationalized through indicators that tend to disadvantage women and other underrepresented groups.

Judicial promotion pathways, for instance, often reward prior service in high-prestige legal roles, such as senior litigation at major law firms, criminal prosecution, or appellate drafting work in ministries of justice. Historically, these tracks have been dominated by men and remain difficult to access for women, in part due to informal networks, discriminatory recruitment practices, and entrenched professional norms. Indicators such as “number of complex commercial cases handled” or “trial success rate in high-security prosecutions” tend to value areas of law traditionally less accessible to women while overlooking structural barriers that shape professional opportunities.

Moreover, the criteria of “judicial temperament,” “gravitas,” or “commanding presence”—frequently cited in promotion interviews—are also deeply subjective and influenced by gendered expectations. Women who display confidence and assertiveness may be seen as abrasive; those who are measured or collaborative may be perceived as lacking authority. This double standard reinforces existing disparities.

## **2. Opaque Selection and the Hidden Cartography of Power**

In many countries, judicial appointments and promotions are governed by procedures that are legally codified but procedurally opaque. Judicial councils, executive-judicial nominating bodies, or parliamentary committees often operate without clear selection rubrics, transparent scoring systems, or independent oversight. This enables the reproduction of informal patronage networks—often male-dominated—to influence advancement where “suitability” is assessed in closed-door deliberations without transparent norms.

In Pakistan for example, women judicial officers report that being married, having young children, or dressing “too boldly” can disqualify them from recommendation for elevation, even in the absence of formal disqualifications (LawyHER Pakistan, *Structural Barriers for Women Lawyers* (2021)).

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<sup>21</sup> <https://www.undp.org/stories/justice-all-why-having-more-women-judges-benefits-all-society#:~:text=Judge%20Elisa%20Samuel%20Boerekamp%20advocates,judges%20in%20Mozambique%20and%20beyond>

<sup>22</sup> <https://www.undp.org/stories/justice-all-why-having-more-women-judges-benefits-all-society#:~:text=Women%20need%20women%20throughout%20their,effective%20investigation%2C%E2%80%9D%20says%20Shamso%20Bile>

A study in Argentina found that despite women comprising over 60% of lower court judges, they made up fewer than 30% of appellate court applicants—and that women candidates systematically scored lower on “interview performance” despite scoring higher on written exams (UN Women, *Judicial Merit and Gender in Argentina*, 2022). These patterns suggest that discretionary assessments—especially interviews and informal vetting—are key spaces where bias patterns can emerge.

Even when gender quotas are adopted for judicial entry, they rarely extend to promotions or high-court appointments. As a result, women enter the judiciary but encounter barriers to advancement. This “judicial glass ceiling” reflects structural factors rather than individual performance.

### **3. Legal Authority and Gendered Dynamics**

The resistance to women in senior judicial leadership is not only institutional—it is deeply cultural and psychological. In many legal cultures, the figure of the judge is historically associated with gravitas, rationality, detachment, and control—traits long coded as masculine. The entry of women into judicial spaces can challenge these associations, and their ascent to leadership positions may provoke implicit biases regarding the legitimacy of female authority.

In Egypt, prominent jurists have publicly questioned whether women are suited for criminal adjudication, suggesting they be concentrated in family courts. In Nigeria, it was not until 2012 that the country appointed its first female Chief Justice—decades after women had entered the judiciary in large numbers. In India, despite a large cohort of highly competent female judges, the Supreme Court has never had a woman Chief Justice, and senior women jurists have reported encountering informal opposition from male peers (ICJ, *Women in the Judiciary: Achievements and Challenges 6–8* (2023)).

These patterns are reinforced through courtroom interactions, as in occasions where litigants may challenge women judges’ authority and lawyers may interrupt them, as well as through media coverage that emphasizes appearance rather than jurisprudential contributions. The cumulative effect of this action is to make women’s authority appear contingent and continuously scrutinized.

### **4. Time, Care, and the Gendered Cost of Career Progression**

Judicial career trajectories are often designed around uninterrupted professional ascension, geographic mobility, and the assumption of full-time availability. This model implicitly excludes those with caregiving responsibilities, most often women.

In many jurisdictions, promotion to appellate or administrative leadership roles requires relocation, management of unpredictable dockets, or extended working hours. Women with children—especially single mothers or those without spousal support—are frequently penalized for declining such posts or requesting accommodations, with their choices sometimes interpreted as a lack of commitment or ambition. Even where flexible policies exist, implementation often carries stigma. In the United Kingdom for example, women barristers who take maternity leave report being sidelined from major cases upon return, affecting subsequent judicial appointment prospects (Bar

Standards Board, Parenting and the Bar (2020)). In Latin America, women judicial officers who take extended family leave are often excluded from promotion shortlists due to “interrupted service” evaluations.

This “time poverty” intersects with a broader moral economy of labor within the judiciary. Male judges are valorized for long hours, stoicism, and personal sacrifice; while women judges might face negative perceptions for balancing professional and caregiving responsibilities even when they might perform better on objective indicators.

## **5. Institutional Hostility and the Chilling Effect**

Many women judges report experiencing exclusion as well as institutional hostility. Harassment, isolation, and retaliation for raising concerns are common themes in surveys and interviews conducted across jurisdictions. In a global survey by the International Association of Women Judges, nearly half of respondents reported experiencing some form of sexual or gender-based harassment from colleagues, court staff, or senior officials (IAWJ, Global Survey on Judicial Workplace Harassment (2022)).

Women who report misconduct may face retaliation, including reassignment to less desirable jurisdictions, removal from promotion tracks, or informal ostracism. In Pakistan, some women magistrates reported being transferred after refusing advances from senior judges or objecting to inappropriate comments. In Colombia, women judges have described being denied court resources, secretarial support, or case allocations after publicly criticizing sexist practices (IDLO, Women Delivering Justice 36–39 (2018)).

Such institutional climate creates a chilling effect, discouraging women from aspiring to leadership roles and normalizing silence as a coping strategy. It can also dissuade junior women judges from seeking mentorship or applying for higher office, reinforcing the cycle of attrition.

## **6. Beyond the Glass Ceiling: Toward Transformative Change**

Addressing these barriers requires more than mentoring programs or awareness campaigns. It demands a reconfiguration of institutional structures, cultures, and evaluative practices. Specifically:

- Judicial appointment and promotion criteria should be reviewed for eradicating conscious and unconscious gender bias, and expanded to recognize diverse forms of legal expertise, including work in family law, public interest litigation, and pro bono work;
- Transparent, accountable procedures for shortlisting, interviewing, and scoring candidates must be adopted, both for recruitment and promotion, with oversight from gender-balanced commissions;
- Judicial training academies should include curricula on implicit bias, intersectional discrimination, and the structural dimensions of professional advancement;
- Policies supporting flexible work arrangements, parental leave, and caregiving responsibilities should be institutionalized, rather than treated as exceptions;

- Labour and sexual harassment and discrimination reporting mechanisms must be confidential, independent, and equipped to address misconduct without risk of retaliation; permanent sensitization and awareness raising activities need to be ensured and involve all staff.
- Salary and retribution schemes should be objective and transparent
- Gender parity in judicial leadership should be established as a normative objective, codified in national law or judicial council regulations, with time-bound targets and reporting obligations.
- Effective monitoring mechanisms should be in place, including gender gap indicators allowing for systematic and permanent monitoring over time regarding the provisions just mentioned.

## V. Global Good Practices for Gender-Responsive Judiciaries

While the structural barriers to women’s judicial leadership are significant and often deeply entrenched, they are neither natural nor inevitable. Across a range of legal systems—common law, civil law, religious, and hybrid—governments, courts, and civil society actors have designed and implemented interventions that demonstrably expand women’s access to the judiciary and enhance their leadership once appointed. Evidence indicates that such interventions are most effective when they do not merely aim to “integrate women” into existing frameworks and instead reorient judicial systems to prioritize inclusion, transparency, equity, and accountability.

This section examines the enabling conditions and best practices that have catalyzed gender-responsive change in judiciaries. It identifies five thematic pillars: (1) transparent and merit-based judicial appointments; (2) strategic use of temporary special measures, including quotas and targets; (3) institutionalized mentorship, peer networks, and capacity-building; (4) gender-responsive workplace cultures and infrastructure; and (5) integrated accountability mechanisms, including data systems and public reporting.

### 1. Transparent, Merit-based Appointments: Disrupting Gatekeeping Norms

Effective reforms often begin with reengineering the processes through which judges are selected and promoted. In many jurisdictions, appointment systems remain opaque, reliant on informal recommendations, political patronage, or elite networks. Women, particularly those without access to these circles, are often excluded—not due to lack of competence, but because “merit” is often defined according to masculinized career trajectories that undervalue professional paths in which women predominate.

Transparent, criteria-based appointments systems can disrupt these patterns. The Canadian province of Ontario is a frequently cited model: in 1988, the province established a Judicial Appointments Advisory Committee with a mandate to promote diversity. The Attorney General personally sent letters to all women lawyers with more than 10 years of experience, encouraging them to apply. Within two years, women made up 32% of new judicial appointments; within five, the figure surpassed 40% (IAWJ, *Mentorship Initiatives by Women Judges* (2023)). Crucially,

appointments were made through standardized evaluations, independent panel interviews, and affirmative outreach, rather than informal nominations.

Argentina has pursued similar reforms, requiring that all judicial councils publish selection criteria, post detailed vacancy notices, and score candidates based on both written exams and structured interviews. These reforms significantly increased the number of women applying to appellate and high courts, reversing a decade-long stagnation (UN Women, Gender Equality in Judicial Councils in Latin America (2022)).

Such reforms are most effective when “merit” is broadened to recognize leadership in public interest law, human rights work, and pro bono litigation—domains where women are overrepresented but historically undervalued in judicial scoring.

## **2. Quotas and Targets: Breaking Entrenched Exclusion**

In contexts where disparities are deeply entrenched, temporary special measures—such as gender quotas or minimum representation targets—have proven essential. These measures are sometimes perceived as compromising merit, yet in practice, they serve as necessary correctives mechanisms to address historical discrimination and structural exclusion. They also serve to shift norms around leadership and visibility, enabling future generations of women to aspire to roles previously considered inaccessible.

Rwanda offers a paradigmatic case: in the wake of the 1994 conflict, the country adopted a constitutional quota requiring that women constitute at least 30% of all decision-making bodies, including the judiciary. Within a decade, women comprised 50% of the judiciary, and by 2024, held a majority of seats on the Supreme Court, Constitutional Court, and Judicial Council. These gains were achieved not only through quotas but through parallel investments in judicial training for women, outreach to law schools, and public legitimacy campaigns emphasizing women’s role in post-conflict nation-building (UNDP & UN Women, Rwanda Case Study on Judicial Inclusion (2023)).

In Jordan, a 15% quota for female students in the Judicial Institute led to a measurable increase in women’s appointments, culminating in the appointment of the country’s first female Supreme Court justice in 2017. Morocco introduced a quota for women members on its High Judicial Council, ensuring that gender perspectives inform decisions on appointments, ethics, promotions, and discipline (ESCWA & ICJ, Women in the Judiciary in the Arab States (2019)).

Importantly, the effectiveness of quotas depends on rigorous implementation, institutional support, and public communication. Measures perceived as tokenism can undermine legitimacy; whereas comprehensive structural integration fosters sustainable, gender-responsive leadership.

## **3. Mentorship, Peer Networks, and Leadership Capacity-Building**

Women’s underrepresentation in judicial leadership is reinforced not only by formal barriers but also by limited access to professional networks and mentorship. In many jurisdictions, male judges benefit from informal mentoring, professional sponsorship, and access to high-value assignments,

while women navigate careers in isolation. Formal mentorship programs and women’s judicial associations are essential tools to equalize this disparity.

In South Africa, senior women judges launched a “circle mentorship” program that connects final-year law students with sitting judges and magistrates. Over a decade, this program expanded to ten universities and over 1,500 students, many of whom have since entered judicial service (IAWJ, *Mentorship Initiatives by Women Judges* (2023)). In the Philippines, the national women judges’ association created a formal curriculum for mentoring junior judges, helping increase both retention and promotion rates.

Regional networks have also been powerful catalysts. In the Western Balkans, a women judges’ network supported by the OSCE has run workshops on gender bias, negotiated for family-friendly court policies, and intervened in national policy debates on judicial reform. The International Association of Women Judges (IAWJ), with over 6,000 members globally, plays a similar role—facilitating peer exchanges, documenting good practices, and engaging in global advocacy.

Through its partnership with Partners in Justice International, the Gender Justice Platform—through UN Women—has provided mentoring and case-based support to prosecutors, police officers, victim lawyers and civil-society advocates in Guatemala, Kenya and Kosovo. This assistance has advanced emblematic sexual-violence cases, including the “Baby Pendo” case, toward the pre-trial phase. Tailored training in Guatemala reached local justice actors from civil-society organizations and survivors’ associations working on international crimes, demonstrating how strategic mentorship can enhance accountability and survivor-centred justice across jurisdictions.

In the Asia–Pacific region, UNDP’s is supporting Indonesia, Lao PDR, Bangladesh, and Thailand in establishing national women judges associations as vehicles for mentorship, leadership development, and pipeline building. In 2023, Indonesia launched the Women Judges Association (Badan Perhimpunan Hakim Perempuan Indonesia, BPHPI), chaired by a Justice of the Supreme Court and bringing together more than 2,000 women judges nationwide. Lao PDR has expressed strong interest in establishing a similar association. To translate this momentum into durable institutional gains, these associations require targeted support to (i) strengthen governance, including founding instruments, by-laws, and transparent elections, (ii) build institutional capacity, including membership systems, financial management, and program delivery, and (iii) develop talent-identification and advancement mechanisms, including mentorship ladders, leadership tracks, and links to promotion pathways.

Complementary convenings such as the Judicial Leadership Colloquium for Women Judges in Indonesia (2025) can foster shared curricula, covering strategic communication, negotiations, digital law, high-complexity adjudication; and seed cross-court mentorship circles that endure beyond single events. Embedding these associations in regional networks (IAWJ chapters, ASEAN judicial platforms) further multiplies reach and accelerates the adoption of good practices.

Mentorship programs are most effective when combined with leadership training. Initiatives that build capacity in strategic communication, negotiation, digital law, and high-complexity adjudication equip women judges to take on portfolios historically dominated by men—criminal

law, national security, or constitutional interpretation—thereby dismantling gendered specialization norms.

#### **4. Gender-Responsive Work Environments: From Accommodation to Transformation**

Even highly qualified and ambitious women judges face barriers in workplaces that penalize caregiving responsibilities, discourage dissent, or normalize excessive workloads. Gender-transformative judiciaries require workplace cultures and operational systems that support work-life balance, accommodate caregiving responsibilities, and actively prevent sexual harassment, bullying, or other forms of professional obstruction.

Best practices include:

- On-site childcare and lactation facilities in courthouses
- Flexible schedules and job-share options for judges with family responsibilities;
- Anonymous systems for reporting harassment, overseen by independent ethics bodies;
- Institutional sanctions against retaliatory transfers, caseload manipulation, or career obstruction;
- Gender-responsive design of court rosters to avoid overburdening women in “soft” or emotionally intensive jurisdictions (e.g., family, juvenile, GBV courts).

Mexico’s Federal Judicial Council adopted several such reforms following the 2019 constitutional parity amendment. These included formal childcare subsidies for judicial staff, guidelines for gender-equitable case assignment, and leadership targets for women in administrative positions (UN Women, Mexico Case Study on Gender Parity in the Judiciary (2022)). These initiatives not only increased retention of women judges but also contributed to a broader shift in court culture—from paternalism toward institutional accountability.

Workplace reforms must also address symbolic culture. Courtroom portraits dominated by male judges, gendered titles, and dress codes that penalize cultural or gender expression reinforce exclusion even in formally diverse environments.

#### **5. Accountability, Monitoring, and Institutional Memory**

A key aspect of reform is data, oversight, and institutional learning. Courts and justice ministries must institutionalize mechanisms to track gender equality over time as a permanent indicator of institutional performance.

Key tools include:

- Annual audits of judicial appointments, promotions, and attrition by gender, disaggregated by court level and geographic zone;
- Public reporting of disciplinary actions related to sexual misconduct or harassment;
- Integration of gender indicators into broader court performance measurement systems;
- Inclusion of women’s rights advocates in judicial oversight boards and policy consultations;
- External evaluation of gender mainstreaming policies by academic or civil society bodies.

Argentina’s “Gender Map of the Judiciary,” produced by its Supreme Court Office of Women, exemplifies a good practice: the dashboard tracks gender breakdowns across 4,000 judicial positions, enabling public scrutiny and internal course correction (UNDP, Argentina Gender Dashboard Project Report (2023)).

Effective judicial gender reforms recognize gender equality as integral to institutional integrity. Such reforms challenge the existing power structures, address the informal norms of professional legitimacy, and affirm that gender equality is a core requirement for public trust, jurisprudential quality, and legal legitimacy.

UNDP’s role extends beyond supporting these reforms, but it includes framing gender-transformative reforms as central to global legal transformation. In championing gender-responsive judiciaries, the objective is not merely to “add women” to the system—but to reimagine what the system can be when inclusion is made constitutive of justice itself.

## VI. Strategic Recommendations

To move from analysis to action, this section presents a framework of strategic recommendations. These are addressed to three key constituencies: (1) for National and Regional Justice Institutions and Organizations and (2) for UN System and development partners.

### A. Recommendations for National and Regional Justice Institutions and Organizations

1. **Enshrine gender parity and adopt time-bound targets:** Support national and regional legal reforms to include gender parity measures in judicial appointments and leadership roles, including temporary special measures where appropriate.
2. **Institutionalize transparent, merit-based selection and promotion processes:** Integrate gender-responsive criteria and regular public reporting on appointments, promotions, and attrition.
3. **Support women judges’ associations and networks:** Establish, resource, and advocate to formally recognize national and regional associations to provide leadership development, advocacy, and peer support.
4. **Mainstream gender equality in training and professional standards:** Embed gender equality principles in judicial training, codes of conduct, and professional ethics.
5. **Create safe, inclusive workplaces and court infrastructures:** Ensure independent mechanisms to report and adjudicate harassment and all types of misconduct and ensure transparency in disciplinary outcomes. Redesign court facilities that meet the needs of women staff and users.
6. **Promote cross-regional learning and harmonization:** Facilitate exchanges of best practices and harmonizing standards on gender equality and due process in gender responsive justice delivery.

### B. Recommendations for UN System and Development Partners

1. **Embed Gender Parity in rule of law and governance agendas:** Integrate gender metrics in project planning, implementation, and evaluation and provide comparative expertise, model legislation, and policy guidance to support national reforms, including constitutional or legal provisions on gender parity.

2. **Facilitate South-South Cooperation and Peer Learning:** Leverage UN convening power to connect judicial institutions and women judges' networks through strategic exchanges, regional symposia, and reform advocacy coalitions.
3. **Advance Gender Auditing Tools in Justice Institutions** Utilize and scale tools such as UNDP's Gender Seal in Public Institutions to assess judicial systems across infrastructure, culture, policy, and outcomes, and support governments in translating findings into actionable reforms.
4. **Provide sustained, flexible funding to Women Judges' Associations and Mentorship networks:** Strengthen leadership, advocacy and institutional reforms that advance gender-responsive justice.
5. **Strengthen Research and Data Systems on Gender and Justice:** Upscale existing SDG Indicator 16.7.1 measurement tools to better capture women's participation in the justice sector and enhance the quality, depth, and comparability of global and national data.
6. **Convene High-Level Forums on Gender and Judicial Legitimacy:** Use UN platforms to advance gender parity as a core pillar of judicial credibility and effective justice delivery.

## **Conclusion: Gender Justice as Institutional Justice—Toward a New Judicial Imagination**

Women's presence on the bench strengthens deliberation, broadens jurisprudential reasoning on discrimination and violence, and enhances public confidence—particularly when paired with enabling conditions such as transparent and bias-aware selection and promotion, safe and respectful workplaces, gender-responsive adjudication, and data-driven accountability. Representation alone is insufficient; reforms must also address entrenched notions of “merit” and “neutrality” that reproduce bias and marginalize lived experience. Aligned with its mandate to promote gender equality and strengthen rule of law institutions, UNDP has strategically advanced women's leadership in justice systems worldwide. Initiatives such as the *Women in Justice in Africa* report, launched at CSW 2024, and targeted support for leadership training, peer learning, and partnerships with women judges' associations, have created platforms enabling women judges to influence national and global justice agendas, drive institutional reform, and strengthen access to justice for women and girls.

Building on these efforts, and in alignment with CSW 2026 priorities, UNDP is committed to scaling initiatives, deepening policy and legal reforms, and expanding inclusive justice measures that are survivor-centred, locally grounded, and systemically gender-responsive. Leveraging its convening power and technical expertise, UNDP will continue to catalyze structural change, ensuring justice systems are equitable, responsive, and reflective of the societies they serve.

Through the UNDP and UN Women **Gender Justice Platform**, UNDP is advancing system-wide implementation—moving beyond pilots to durable, accountable reforms—so that every person, especially the most marginalized women and girls, can be seen, heard, and judged with dignity.