

# CENTRE FOR AFRICAN JUSTICE

## WOMEN IN THE JUDICIARY



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**VALERIA BENEKE**



# Founder's Statement

## BARRISTER SOPHIA UGWU

2021 WOMEN EMPOWERMENT MAGAZINE ISSUE 1



All over the world, African female judges are increasingly being noticed for their significant presence and great contributions in domestic and international courts. However, despite their present increase, visibility, and excellence in judiciaries, there is still more that needs to be done concerning preparing young African female lawyers for future leadership positions in the judiciary. Therefore, we must continue to work towards intentionally preparing, equipping, and empowering young African female lawyers to achieve a greater female representation in the judiciary, at home, and abroad.

Young African female lawyers and aspiring lawyers need to learn more about the process of becoming judges and what could be done to achieve a continuous increase in the representation of African women in the judiciary. One of the means to effortlessly learn this is by reading stories of present African female judges on how they attained such positions in their various jurisdictions.

The Women Empowerment Team at the Centre for African Justice, Peace and Human Rights (CAJPHR) believes that creating platforms for learning from the personal life stories and experiences of African female leaders in the judiciary is timely and important for several reasons.

**First**, it contributes to the growing awareness of gender equality, women empowerment, and the need for career mentorship. **Second**, reading success stories of African female judges clears the road and opens doors for young African female lawyers aspiring to become judges. We achieve this by informing them of the increased need for African women to be adequately represented in judiciaries. We also remind them that some African women have already set good precedence through their roles as erudite judges in many jurisdictions at domestic and international levels, despite the many challenges and gender discrimination that may exist. These achievements prove that it is possible to attain such heights. **Third**, from our previous publications, we realized that success story or wise words of a single woman can impact the lives of hundreds of women around the world. Thus, sharing the success stories of judges can give young female lawyers the strength and wisdom needed to pursue their dreams and aspirations. It can also motivate them to become better versions of themselves and empower them to rightly ask for what they already know that they deserve.

It is against this background that our first issue of the Women Empowerment Team magazine titled “Women in the Judiciary”, focuses on using stories of African female judges to inspire young African female lawyers to pursue leadership in the judiciary. The magazine shares personal stories of reputable women judges from the continent of Africa. It talks about their journeys to the legal profession, how they rose to various positions in the judiciary and how they have contributed immensely to the development of the law and women empowerment. The judges also took time to reveal pathways through which young African women can become judges, following their life examples. We expect that readers of this motivational and informative magazine will find connecting points between the success stories of the interviewees and their own lives. This would enable them to chart a path towards achieving their career goals and aspirations, no matter the challenges.

Even though our women empowerment magazine is solely for female contributors, in this issue, we decided to interview three women and one man. We took this decision based on the understanding that men also have roles to play in women empowerment matters. That being said, we would like to thank Honorable Ari Tobi-Aiyemo, Honorable Justice Mandisa Muriel Maya, Honorable Justice Flavia Senoga Anglin, and Honorable Justice James Alala Deng for sharing their personal stories and opinions on women empowerment. We thank them for demonstrating their support for gender equality by supporting the call for recognition of contributions of African women in the judiciary.

Also, I would like to thank our readers for taking the time to read these inspirational interviews and insightful information. We hope to inspire you more than anticipated as the magazine is published in March of 2021 when we commemorate International Women’s Day - a month when women are called upon to challenge all limitations to equal representation in leadership and decision-making processes.

Finally, I would also like to thank the Board members of the CAJPHR as well as all the members of the Women Empowerment Team who contributed to the making and publication of this magazine. We look forward to continuing the conversations on women empowerment and to continue sharing the stories and experiences of many other successful African women.

*Sophia Ugwu*

Founder, CAJPHR

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# Interview with Honorable Ari Tobi- Aiyemo

**Can you tell us the story of your legal journey? Starting from your educational background to your legal practice.**

[Nm!] I do not think we have the time or space to go into details, as it was a complexly rewarding journey. However, I will start somewhere and end somewhere, and hopefully, by the end, I would have covered at least 60% of the fundamentals. So, my legal career began when I was eight years old. Yes! Eight years old. I had to use the word and not the figure 8, so you know it was not a typo error. That was when I decided I wanted to be a lawyer. My late father [Honorable Justice Niki Tobi] was a significant influence on my resolve. Initially, I loved his lawyer regalia - the wig and gown. It was attractive and prestigious. In addition, he wanted me to be a lawyer so much that he gave me ₦11.00 (eleven Naira) which is about 0.29 cents; it was big money then - at least it could get me lots of candies. My siblings say it was a bribe, and my response was - "how can you bribe someone who already made up her mind?". One day, as he picked my brothers and I from school, he started his usual talk about future career plans. Then he asked me to be sure if I still had the interest to study law and sure thing, I was. That was when he gave me the money, five or so years after my resolve. See! that was not a bribe, it is called incentive. [Laughs]



**Honorable Ari Tobi-Aiyemo** is a retired magistrate from the Lagos State judiciary, Nigeria. She is currently an adjunct professor in the Business and Accounting department at Hartwick College, Oneonta, New York. Honorable Ari Tobi-Aiyemo is also a researcher and prolific writer. We are honored to share some of her knowledge and experiences in this interview.



**When you leave your comfort zone, it can be very lonely. Take advantage of the loneliness because that is where greatness starts forming. Use that quietness to develop your inner spirit and mind.**

OK, let's fast-forward to admission into the university. Since I was determined to study law, it was law or nothing for me. Unfortunately, I did not make up the required cut-off mark/score in the Joint Admissions Matriculation Board (JAMB) to be admitted to the law department/school. So, I enrolled to study sociology at Benue State University, Makurdi, Nigeria (West Africa). My admission was with the caveat that I would transfer to the law department if I satisfied the required grade level. This was an exception that had never occurred in the history of the university. It was a herculean task for me. Thankfully, the then dean of law, Dr. Samba, and the then head of the sociology department, Dr. Zacha, advised me to take all law courses as my primary elective courses. Informally, I became both a sociology and law student at the same time. It was tough to combine demanding courses. About three or more times a week, I had to walk or jog most of the way for over 3 miles from the main campus to the faculty of law/school of law at the extension/north campus. Often, I would leave my Sociology 101 or Anthropology 101 classes some minutes to the end of the class to cover the distance and make it on time for my Introduction to Law class. I had to spend those evenings making up my notes from the teachings I missed in other courses. On test days, it was even worse, as I needed to settle before the test started, but unfortunately, I hardly had the luxury of time. Nevertheless, God saw me through.

Hence with prayers and dedication, I made it through my first year of combined courses with an impressive GPA in both law and sociology departments combined.

The admissions office had no choice but to admit me to study law directly without the initial requirement to repeat 100 levels. I made history in BSU as the first to ever transfer from another department into law, directly into 200 level, without repeating the first year. That was when my legal journey began.

After I graduated from the university, I attended the Nigerian Law school in Lagos campus and got called to the bar in 2002. After law school, I served as a state counsel in the Ministry of Justice, Akure, Ondo State. Subsequently, I worked as a pro bono staff attorney at the Social and Economic Rights Action Center (SERAC) in 2003. From SERAC, I moved to Lagos State Judiciary in 2015. I served as a magistrate in Tinubu, Surulere, and Igboosere magisterial districts of Lagos State and retired in May 2019.

### **What are the legal requirements for becoming a magistrate in Nigeria? Are these requirements the same for men and women?**

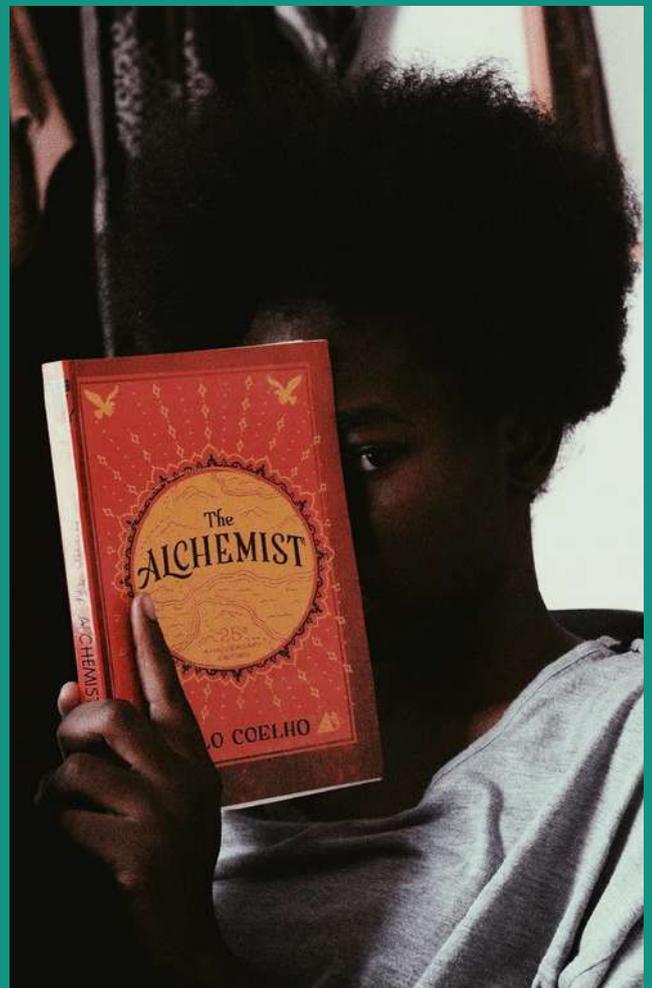
The requirements for becoming a magistrate in Nigeria differ from state to state. I recall some of my colleagues from northern states that enrolled in the bar on the same day as I were already magistrates the year after enrollment. In the South, some states allow three years post-call and others less. Lagos was five years, but I am not sure there is a law that explicitly stipulates the requirement to become a magistrate, as it is for judges.

Yes, the requirements for appointment to the magistracy are the same for men and women. In Lagos State, when I applied, we took a written exam and an oral test with no names or gender, just numbers. It was about 100 of us and 25 were shortlisted. Then 9 from the 25 were chosen on merit, from an open and fair interview process involving a panel of persons across different legal career positions. The 9 comprised 5 females and 4 males.

**Did any woman play a role in inspiring you to become a lawyer/magistrate? If yes, please tell us about it.**

No, and yes. I say no first because my only inspiration for becoming a lawyer was my late mentor, teacher, and father. He was and still is (through his legacy) everything I saw that I wanted to be and more. He walked the walk and talked the talk. From his impeccable dressings to his demeanor and poise/countenance, I was intrigued. My late father was the epitome of an ideal lawyer. He mentored me from a very young age and shaped my legal thoughts and personality. He taught me how to read and write by challenging us to read encyclopedias younger than ten years of age. This inspired my writing of poetry and law articles. I often accompanied him to law conferences where he made presentations. I am eternally grateful to God for such a rare privilege to be mentored by an outstanding traditional African man who never mixed business with pleasure regarding women's rights. In other words, as customary as he was, he did not believe in the traditionalist discrimination of women and the relegation of females to the background.

The yes answer takes me back to how my legal journey started. As I said, I was about 8 years old (I do not think I remember much about that age, but this one thing struck me and has guided me in my legal career). In Maiduguri, Borno State - northern Nigeria, I experienced abuse and discrimination against women. This was when I started nursing the zeal to advocate for the less privileged. I was determined to advocate for the oppressed, especially women, and to change such barbaric laws. As a result, I wrote my first article "Women and the Law".



## Which female judges/magistrates are you most proud of?

Several female judges, nationally and internationally, inspire me. The top of the chart is Honorable Justice Amina Augie of the Supreme Court of Nigeria, Honorable Justice Kudirat Kekere-Ekun of the Supreme Court of Nigeria, Justice Jumoke Pedro of the High Court of Lagos State. I am also proud of Justice Lilian Tebatenwa-Ekirikubinza of the Supreme Court of Uganda, Associate Justice Sonia Sotomayor of the United States Supreme Court, and the late US Supreme Court Justice Ruth Bader Ginsburg.

These women possess unique attributes that I am so proud of; they are (were) resilient, hardworking, smart, and strive(d) to uphold social justice. They do (did) not flaunt their femininity under the guise of feminism, they speak (spoke) their feminism through their bold approach to law. They each had nerve-breaking challenges like many women out there (touching on their health, relationships, career, colleagues, discrimination, abuse, etc.). Still, they stood firm, looked defeat in the eye, and kept moving. Today we celebrate them with little knowledge of what they had to overcome to be where they are today. I salute them!

## Have you ever been mentored by a female lawyer/judge? If so, please tell us about it.

Yes, I have had the privilege to learn from several female lawyers and judges who mentored me. Like I said above, Justice Amina Augie is my go-to person on legal issues to personal issues. With her busy schedule, she makes out time for a person in need. I visit or call her when I can and we talk about any and everything. I remember once I cried to her to speak sense into my father, who did not want me to marry my then fiancé. She is a pack of wisdom. Professor Ayo Atsenuwa, of the University of Lagos, is my big sister from another mother. She supervised my LLM thesis on “Bridging the Gender Gap: Myth or Reality”. She coached me on gender research. That was when our friendship started and it has grown since then. Another sweetheart so dear is Professor Chioma Agomo of the University of Lagos, a woman who has mentored me in diverse areas of my life, not just law. She always takes the time to advise me on any and everything. Professor Joy Ezeilo of the University of Nigeria, Nsukka tries to give me time in spite of her unbelievably busy schedule. I often reach out to these women to chat, laugh or cry, talk about law, and other social/political talks. They are my guiding angels in the profession.

**REAL CHANGE, ENDURING CHANGE,  
HAPPENS ONE STEP AT A TIME.**

**JUSTICE RUTH BADER GINSBURG**

## **What inspired you to study and/or write about the judiciary?**

My great country Nigeria inspires my study about the judiciary. I believe that the Nigerian judiciary has so many potentials, but obstacles are hindering her development. So, I decided to study in a more advanced judicial system to glean from their advanced system of justice. Nigeria's twists and turns through eras of troubled history inform my interest in the prospects of democratic development through the judiciary's medium, as I believe that the court is the insurance of democracy.

## **In your master thesis "The Act of Judging in Nigeria: A Matter of Interpretation and Judicial Discretion", you proposed a "socio-judicial approach to judging with a wide range of discretion". How do you think this could affect women empowerment?**

I am not at liberty to give a detailed answer to this question because it is part of the arguments that I am making in section 3 of my pending dissertation. Hence, I will not say much about my theory so that I can protect my intellectual prosperity. [Laughs] Until the dissertation is published - then this theory will be formally established.

However, I will say this - the socio-judicial approach has affected women's empowerment in Nigeria in many cases.

First through my late father's judicial pronouncement in the celebrated case of *Mojekwu v Mojekwu*. In this case, a woman was denied the inheritance of her late father's estate. Since she had no son then, her uncles or uncle's sons, by the Oli Ikpe custom, were required to be the sole beneficiaries of her father's estate. In his judgment, the late jurist declared this custom null and void. He stated that we need not go all the way to the Beijing conference to know that women had inheritance rights as men. This judgment created a new dimension to female judicial jurisprudence in Nigerian law - one that Nigerian women lawyers celebrate to date.

Thus, I believe that the late Honorable Justice Niki Tobi's thinking in the *Mojekwu* case is a socio-judicial approach that empowers Nigerian women in the right of inheritance. Though overturned by the Supreme Court on 'technical grounds,' this case has birthed many more similar cases today. The same Supreme Court has reiterated the *Mojekwu* principle that women have the equal right to inheritance in Nigeria.

## **You have written a paper on gender equality in the development of family law, where you explored how this affects children, men, and women. Do you think having more women within the judiciary can help speed up this progress?**

Frankly, I do not think that women are the answer to other women's problems both in law and other areas.

Although this is a talk for another day, most times, women constitute a significant pull-back to other women's breakthroughs. I will leave it there... Sorry for the digression, but it is true.

Short of sounding like the "Judas" out of the 12 or that rebellious child in the family, I beg to differ from the bandwagon opinion. However, my answer will not be a definite no. This is because whether or not more women in the judiciary will help eliminate discrimination against women is dependent on many factors. First, as I argued in that paper "Mainstreaming Gender Equality in the Development of Family Law in a Borderless World: The Nigerian Perspective", judges should resist laws that are biased against women. Hence, the judge's mindset has little or nothing to do with their gender. A biased judge is a biased judge, whether male or female. It is the judge's personality that determines how he/she interprets a law or custom to discourage discrimination against women. So, I do not think more women on the bench will necessarily solve discrimination against women; neither will it bridge the gender gap or empower more women.

More women on the bench have little or nothing to do with women empowerment because (fortunately or unfortunately) the Nigerian judiciary is not a political zone where judges decide whom to favor and who not to select. Judges are not at liberty to choose as they wish. Judges are masters and slaves to the law. That is why we represent the Blind Maiden of Justice. She neither sees man nor women, black nor white, young nor old.

So, if we have more women on the bench, do we expect them to be blind to all else and do justice, or do we expect them to be biased on women empowerment matters? Why would the illusion of more women on the bench amount to equality and women empowerment? The first question to ask is whether or not there is discrimination in the appointment and promotion of women in the judiciary. The answer to this question is no. There is no such thing.

Another question is how many women judges have contributed to judicial jurisprudence in advancing women's rights and empowerment in Nigeria? Unfortunately, we may not have the statistics of women who have empowered other women in their judicial careers. For example, there are no law reports in the lower bench indicating the efforts of lower court judges. As for the higher bench, the individual judge is not responsible for the case assigned to her court. So, suppose she has a case on gender-based discrimination, she is not expected to go on an emotional mission and say, "oh my fellow woman comrade, I am here for you...", certainly not! She is the judge who, like the Blind Statue of Justice, only waits for oral and documentary evidence, so she can analyze them with the laws before her and arrive at a just decision. She is not allowed to think outside the law, except where discretion is permitted. Only then can she apply "judicious and judicial discretion" to favor women's empowerment, if the justice of the case permits. Such opportunities are rare in the judiciary. There are, however, exceptions

to the general rule where a judge may deviate from precedent to create a precedent. Resolving issues in court is not determined by gender. It is about the law—the application and interpretation of the law.

**Based on your legal experience, what are some of the appropriate measures that can be adopted to eliminate discrimination against women and ensure equal appointments for men and women in the judiciary?**

Like I opined earlier, I disagree that there is discrimination in the judiciary. Do you have statistics and proof that there is discrimination? There is no chief judge that will base his/her appointment of judges based on more men than women. On the contrary, many chief judges are now more conscious of the gender-disparate in the judiciary, so they are beginning to appoint more women than men into the High Courts. However, the fact that there are more men in the Higher Courts does not mean that there is discrimination against women. The gender gap is not the same as discrimination. It may be based on discrimination, but then such assertion must be proven with evidence of the elements of discrimination in the appointments and promotions of male versus female judges.

It will take some time to bridge this gender gap in the judiciary. The foundation dates back to the colonial era when men made up

the judiciary; even the colonialists were men. The men or judicial system did not create the gender gap on the bench. It is a historic predicament that can only be eradicated if more women go to law school, make the roll-call to the Supreme Court, and practice law. The women also have to be interested. These days, the millennial generation who may bridge the gap are after quick cash and more exciting jobs than a tedious job of a judge that is recluse. I do not know if there is a statistic about discrimination against women in the judiciary, but it hardly exists. If there are any cases, it is in the barest minimum. Some researchers define discrimination against women on the bench to mean more male than female judges.

This is not the meaning of discrimination in the judiciary. The gender gap in the number of male versus female judges can only be discriminatory if there is proof that the appointment and promotion of women judges and men judges differ based on their sex – then I will agree that there is discrimination against women in the judiciary. So far, I have yet to see any literature about such definite well-researched statistics.

Like I said previously, you should know that in some states like Lagos State, the women judges are more than the men judges. Indeed, two sisters became chief judges in Lagos State in succession. The past four chief judges of Lagos State in secession have been women. It is only the Supreme Court and Courts of Appeal that have more men than women judges.

This gap was from history when women were not found in the legal profession. However, that has changed. The reason we have more men on the Supreme Court bench is not that the judicial system discriminates against women lawyers or judges. It is either because some women choose to apply to the bench later than men or the women enrolled at the Supreme Court roster later than men after the call to the bar ceremony.

Please note that I am not saying that there is absolutely no discrimination. We read of a female judge who was hindered entry into her court and harassed by the Governor of one of the northern states. Such cases are a rare exception. However, in the appointment and promotion of judges, there is absolutely no discrimination. The only reason a female judge can be overlooked, and her male counterpart or colleague appointed or promoted instead, is based on a wrong security report that statutorily disqualified her to take that position or appointment, and the same statutory requirement applies to the men as well. There are guidelines for the appointment of judges and these guidelines are transparent, fair, and very adequate. They are well-thought-out gender-sensitive guidelines that apply to all courts in Nigeria. The drafters did a good job.

However, I believe female lawyers and judges can play a part in bridging this gap. They should endeavor:

- 1.To educate the young female lawyers through the bar forums or women mentorship forums to enroll early and on time after the call-to-bar ceremony. (As funny as this may sound, it is true).**
- 2.To encourage and groom more women to apply to the bench early in their legal careers.**
- 3.To be focused, hardworking and corruption-proof, so that they have clean security reports during appointments and promotions.**
- 4.To be your sister's keeper. Look out for female lawyers and judges. Do not pull them down or conspire against them.**
- 5.Celebrate the success of other female lawyers or judges, seek, and receive constructive counsel in good faith.**

I believe that a synergy of women lawyers, with the above five points in place, will build a pyramid to bridge the gender gap in the judiciary.



***I believe that a synergy of women lawyers [...] will build a pyramid to bridge the gender gap in the judiciary.***

**There is a presumption that only married women are appointed to the higher bench in the Nigerian Judiciary. Is this correct? Is marital status an impediment to appointment as a Judge in Nigeria? Can you give examples of unmarried women that made it to the higher bench?**

It is not correct that only married women are appointed to the higher bench. To a large extent, judicial appointments are pretty straightforward. If it is the case in some states (which I doubt) that unmarried women are not appointed to the High Court bench, it is not a written law or policy. I will prefer not to give names, but I know of a serving justice of the Supreme Court of Nigeria who never remarried after her late husband's death. She ascended from the High Court to the Court of Appeal, became the presiding justice of a different Court of Appeal divisions across Nigeria, and is now in the Supreme Court.

**Three Nigerian legal practitioners (Dr. Chidi Odinkalu, Gloria Ballason, and Abiodun Baiyewu) have said the courtroom practice of judges compelling female counsel to indicate whether they are married or single is discriminatory and humiliating. Do you know the origin of this courtroom practice which has allegedly discouraged some unmarried female lawyers from appearing in court? Do you think it is discriminatory? If yes, what should be done about it, for the sake of empowering female lawyers?**

I must say this before I answer this question. We should be careful about allegations we make under the guise of women empowerment. It is not right to go to town with what we know little or nothing about. If such a report is not filed and investigated to be true, we should desist from making such aspersions on highly intellectual and enlightened minds like judges. As lawyers, we know what the hearsay and circumstantial evidence rules and exceptions say.

If there is such proof that the judge has a malicious motive in asking that question, I believe there are avenues for complaint and the National Judicial Commission will deal with it appropriately because it is against judicial policies and the laws of Nigeria.

Now to my answer. It is common practice to address people by their proper prefix. It is not only ethical, but it is also civil

and courteous. I will take your statement “...compelling female counsel to indicate whether they are married or single...” with a pinch of salt. This is because judges suffer a lot of false accusations and they are never given the opportunity to defend themselves. The public often misunderstands judges’ good/innocent intentions. The English language/culture has created this problem – where we have just Mr for the male and Ms, Mrs, and Miss for the female, there are bound to be issues on the address. Like our dresses, the way women are addressed is complex. [Laughs]

Now, suppose you want to address an individual in a formal setting such as a courtroom. In that case, it is only courteous and respectful that you indicate for the record the person's prefix. It is a practice that I have used every time a female counsel appears before me – “counsel please indicate which prefix you go by?”. Some experienced female lawyers add their prefix at the end of their names after announcing their appearance. In this day and age with the LGBTQ movement, when you address any person, you should confirm how they wish to be addressed –he/she, she/her, he/him, etc. It can be offensive to address some people with the wrong prefix or with no prefix at all.

So, if judges ask female counsels to disclose their prefix, it does not insinuate discrimination. The judge is just asking for the records or on how to address the counsel in open court and nothing more. This allegation I can almost bet is a wild goose chase.

## **What was the reason that prompted you to change your career? Was this a result of any negative experience as a magistrate?**

[Laughs] No, not at all, it was not as a result of a negative experience as a magistrate. I miss my career at the bench immensely!

Point of correction, I have not changed my career. I am on what you may call a leave of absence from the judiciary. I put a pause in my career on the bench for two reasons: to nurture my young children and further my studies in earnest – to enable me to advance judicial development in Nigeria. When I return to the bench, by God’s grace, I will be equipped to contribute to the development of judicial jurisprudence in Nigeria.

## **From your experience in the judiciary, have you witnessed female judges being treated differently from male judges?**

Indeed, in every society and sector, women are treated differently from men, and I mean it in a good way. It depends on how you perceive it. However, this does not mean discrimination. Within the Nigerian judiciary, I believe there are some subtle biases in favor of women. Other than such subtle biases, there is equal treatment. The Nigerian judiciary is not one of such organizations that discriminate women. The inadvertent fact that we have more men in the court is no one's fault. History played it that way, we came and met it that way, and if we go on with this pity-party, we may leave

it this way. God forbid! I am yet to hear of any female judge that said she was denied promotion or appointment because she is female.

On the contrary, I believe that it is men judges who are now the 'endangered species' within the judiciary. During postings, women are posted closer to home and family, and children than men. Previously, in some states, until recently, women had two options of appointments, either from their states of origin or their husband's states. It is like a dual-ethnicity for women. And some female judges in the Courts of Appeal and Supreme Court got such appointments and promotions based on these dual-ethnic cards, i.e., use of the husband's state of origin as a ticket. Male judges do not have such privileges. Female judges tend to get more leave of absence with an empathic chief judge to visit their children or grandchildren, etc., than male judges.

However, I will say that the judicial experience involves other actors like the public, media, lawyers, and the government. So, the answer to your question may depend on what aspect you are talking about. Some forms of discrimination may come from the bar and the public. Lawyers tend to respect male judges more than female judges. Some talk down on female judges as if they were children, especially the older lawyers (male and female). The Governor of the northern states who harassed a female judge will not have harassed a male judge that way.

### **As a magistrate, were you ever undermined in court because of your gender? If yes, how did you deal with the situation?**

I had a male prosecutor who was always very rude to me. He never liked to take instructions from me before, during, or after court sessions. He was bossy even in open court when trials were going on. He said no woman can tell him what to do. Every time he acted rudely, I quietly, without distracting the proceedings put him in his place by asking him to choose what was more important to him at that moment. When it got out of hand, I called him into chambers and talked with him. I asked him that if a woman was the one paying his bills, will he refuse to work? He said no. Then I asked him to either choose to transfer to a male magistrate or take it that I was paying his bills and if he was not ready to work, he had a choice of quitting. He did not quit and he was never rude again. We became good friends even after I left that court.

### **From your experience in the Nigerian judiciary, do you think there is hope for more women on the higher bench, in the near future?**

I am hopeful, and I believe that there will be more women in the next couple of years on the higher bench. I do not know about the near future, and whether women will be equally represented as men. It will take the retirement of a whole generation of male judges and the appointment of numerous women across Nigeria for that to happen.

Suppose the government aims to balance the equation (please allow me to use that word). In that case, it will be reverse discrimination – a point I tried to argue in my LLM thesis on bridging the gender gap. That means in our bid to bridge the gender gap; we will be making more room for women on the higher bench while discriminating against men. Hence it will be mythical to bridge the gender gap.

Also, appointments in the judiciary are based on hierarchy and seniority. Suppose the quota for Lagos State in the Court of Appeal is not open, and the female judge who is next in line for appointment retires from service before the person occupying the position at the Court of Appeal retires. In that case, it means that the woman judge has lost that slot because she retired before her slot was vacant. Thus, the next in hierarchy takes the slot – male or female. Another instance is that since appointments to the superior courts are based on zoning or quota systems. If for example a female judge from Delta State judiciary is slated for appointment to the Court of Appeal, she has to wait until the slot assigned for Delta State is vacant. If the judge occupying the slot as a Justice of the Court of Appeal (JCA) is younger than the female judge, it is one of two things, she can only be promoted to the Court of Appeal if a new judicial division is open, the number of justices increases, making more vacancies for state quotas, or the JCA is promoted to the Supreme Court or the justice (I hate to say this) dies. Otherwise, it is automatic that she would have retired before the slot is vacant.

You see, these things have to do with biological ages and bar ages. It starts way back from the day we were all called to bar and swoon in as advocates and solicitors of the Supreme Court of Nigeria. Women are into memories, and we love to take pictures with family and friends after the call to bar ceremony. I had no idea until my father said to me after my call-to-bar ceremony, “you are here taking pictures, when your peers have gone ahead of you to enroll in the Supreme Court roll-call, and they will be your seniors on the bench...”. So, part of the imbalance in female judges' numbers on the higher bench is that most did not apply to the bench early and some did not enroll early in the Supreme Court roll. If we have more names of women on the bar list than men, maybe we will have more women on the higher bench eventually. Also, suppose more women decide to join the bench early in their legal careers. In that case, we will have a chance to bridge the gender gap in the Nigerian judiciary. Still, it is not in the hands of the judiciary or the men. It is in the hands of every female lawyer to bridge the gender gap by looking out for other women.

### **How do you think you can personally empower young female law students to attain a similar position as you did in the judiciary?**

I empower female lawyers through mentoring forums that I am already doing with the Nigerian Bar Association (NBA), women forum. I also reach out to young ladies who I believe have good lawyer's potentials and I try to convince them to study law. I preach the wisdom of having

legal training to indecisive young women I meet. Eventually, I plan to collaborate with women empowering organizations to encourage and advise young female law students early before they venture into law school.

### **Do you intend to go back to the judiciary? If yes/no, why?**

I guess I have already answered this question. Yes, I intend to return to the judiciary sometime in the future. Why? Because that is my calling. Judicial service is my destiny, and I shall fulfill my destiny by the grace of God.

### **What vision do you have for the future of female leaders in the judiciary in Nigeria? What changes would you advocate for and why?**

...the future of female leaders in the judiciary. [Nm!] This is a 'tricky' question. Most female leaders in the judiciary have their visions all mapped out, and they are thriving in it. You know women have a Midas touch. Some have retired and left the judiciary much more developed than they met it. Most women chief judges have left commendable legacies that we benefit from today. For example, in the Nigerian judiciary history, one of the chief judges that developed the judiciary within a short time of her tenure as the chief judge was the last Chief Judge of Lagos State, Honorable Justice Opeyemi Oke. That woman worked as fast as a cheetah and she accomplished so much in the Lagos State judiciary. Her predecessor enjoys that and is working on that platform to make a more advanced judiciary.

My vision for female leaders in the judiciary is self-empowerment through education in any form. Women lawyers/judges should not wait for society to empower them with rules, laws, or procedures. I plan to create forums for strategic women empowerment and encourage young lawyers to empower themselves. Eventually, I hope we can raise funds to sponsor young female lawyers/law students (home and abroad) who are cash strapped, so that they either finish their studies, further their studies, choose a definite career path or take a foreign bar exam, etc. I pray God provides the resources and the right network. Amen!

### **What is your advice to African female lawyers or magistrates like you, who migrated abroad to develop their careers?**

I will advise female lawyers who have left their countries to other countries for various reasons, never to lose sight of who they are. Do not abandon your 'first love'. It is so easy to sway and go into some other career that brings faster cash. It is tempting to jettison what you worked so hard to achieve, to make quick cash, but please don't! The end will justify the means. Delayed gratification always wins. No matter what it takes, do something with your law degree - go for a postgraduate study, enroll in a foreign bar exam so you can practice law, identify with international legal forums for men and women. Read, read, read, and write, write, write. Sell yourself, I mean your intellectual property... With the growing technology, it is so easy to package and present yourself. Use social media and do something. Create a blog, an NGO, a pet project, register as a

solicitor or realtor, become a research assistant, court clerk, etc. Just do any job to keep you still in touch with legal practice until you get your feet grounded. I am not saying that you should not do other jobs if you need them to survive in the interim. I am saying when and if you are doing different jobs, still keep your law degree on the front burner and not the back burner. It will always come in handy. To be a female lawyer is one of the most prestigious careers, accolades, and professions in the world. Don't rubbish it with your ineptitude and do not let anybody put you down and never put yourself down under the guise of "I do not want them to say I am proud". You have the Midas touch; use it to fly! And even if people or circumstances clip your wings, do not give in. Keep flying. According to the Kenyan Nobel Peace laureate, Wangari Maathai "you cannot enslave a mind that knows itself, that values itself, that understands itself".

The 'demons' you could not overcome in your country have not gone on leave because you left your country for 'greener pastures'. They are right inside of you - you created some of them, circumstances made some of them, some grew over time due to your environment, and some were hereditary. Instead of looking for alliterative means in the foreign culture to wish them away, stop and fight them with zeal, hope, and dedication, and you will triumph.

When you leave your comfort zone, it can be very lonely. Take advantage of the loneliness because that is where greatness starts forming. Use that quietness to develop your inner spirit and mind. It is not a curse to be a woman in one of the strongest, rewarding, and indispensable professions globally. It is a huge blessing to be a female lawyer. Celebrate it but do not rub it in the faces of others. Many cannot handle it. Your 'lawyerness' is a threat to many, especially men. Feminism and women empowerment is a strength of the mind. Once you have your mind made up and believe in who you are, no one can put you down. And lastly, but most importantly is be yourself, never forget where you came from. Yes, the saying goes, "when in Rome, behave like the Romans" but I beg to add, that never let the Romans dictate who you are. You are an African woman, a lioness who has gone through the most challenging times and prevailed. You can do this!

*Thank you!*



**In 18 countries, husbands can legally prevent their wives from working; in 39 countries, daughters and sons do not have equal inheritance rights; and 49 countries lack laws protecting women from domestic violence.**



# INTERVIEW WITH JUSTICE MANDISA MURIEL MAYA

CURRENT PRESIDENT OF  
THE SUPREME COURT  
OF APPEAL OF SOUTH  
AFRICA

Honorable Justice Mandisa Muriel Maya is the first female President of the Supreme Court of Appeal of South Africa. She has served as a judge over 20 years and her judgments have contributed significantly to South African law. She is dedicated to the promotion of constitutional democracy, gender equality and representation of women at all levels of institutions. Justice Maya is keen on the promotion of women's rights and she mentors women in her line of profession.



**Women do not ask for much or what they do not deserve; merely an equal shot at opportunities. But because they are starting from the back foot, there has to be a levelling of the playing field.**

## INTRODUCTION

**Could you please give us a brief history of your legal journey, starting from your educational background to your legal practice? What inspired your career path and how long have you been a judge?**

I have been a judge since July 1999. My father encouraged me to study law because of my keen love for books and an enquiring mind. I obtained three legal degrees, B. Proc from the University of Transkei (now Walter Sisulu University), LLB from the University of Natal, Durban (now University of KwaZulu-Natal), and my LLM from Duke University. (I have since been awarded three honorary doctoral degrees by South African universities). I have had a chequered legal career and worked as an attorney's assistant, a court interpreter, a prosecutor, an assistant state law advisor, policy counsel and lobbyist at the Women's Law Defense Fund in Washington DC, a law lecturer, and practiced as an advocate before my appointment to the bench.



**What is the legal requirement for becoming a judge in your country? Are the requirements similar for men and women? Are there special concessions for female applicants?**

The South African judiciary (comprising the Constitutional Court, the Supreme Court of Appeal, the High Court, and various specialist courts) has no distinct career path. Judges are traditionally drawn from the bar (advocates) and the side-bar (attorneys). They may also be appointed from the magistracy and in the rare instance, from academia. Thus, one studies law, practices law as an advocate or attorney, or works as a magistrate thereafter and when considered sufficiently experienced, is nominated for appointment as a judge. This usually starts with an acting appointment as a judge to give the head of the relevant court an opportunity to assess the candidate's competence and judicial temperament. The requirements for judicial office are similar for women and men. There are no real special concessions for women in the appointment process although the South African Constitution requires consideration of 'the need for the judiciary to reflect broadly the racial and gender composition of South Africa when judicial officers are appointed. Bodies such as the Commission for Gender Equality, the Democratic Governance and Rights Unit of the University of Cape Town and the South African Chapter of the International Association of Women Judges have, over the years, called upon the Judicial Service Commission, which interviews and recommends candidates for judicial appointment, and other relevant stakeholders to implement measures to fast track the appointment of women to the bench.

## HER JOURNEY AS A JUDGE

**Based on your experience as a lawyer and judge, what additional qualifications, skills, or special training can be of advantage to young women aspiring to be leaders in the legal profession?**

Statistics everywhere show that young women always do better than their male counterparts at university and may not have much difficulty in landing teaching jobs or placement for vocational training for legal practice because they are smart. But they struggle to get meaningful work in the professions because the world is seldom keen to give women a chance to compete and prove themselves in the job market. This is particularly disabling in South Africa for someone with an ambition to join the private legal practice and later, the judiciary. Cliché as it may sound, it takes tenacity and self-belief for women to succeed in the legal field and, indeed, in any other endeavor on all walks of life. At a practical level, it is critical to seek mentors, who need not be other women as there are so few of us. There are male professionals who are willing to empower women. It is also helpful to involve oneself in community work through law clinics and any public interest law projects. These platforms provide very useful networks that can help one's progression in the field. One can also write legal articles for publication in university and professional journals and magazines to enhance one's profile.

**As a woman, have you ever been threatened while deciding a case? If yes, how did you deal with it?**

Fortunately not. As far as I know, that is not a common phenomenon in South Africa and judicial officers of both sexes are usually under threat arising from the nature of the cases they adjudicate and the individuals involved in those cases.

## LAW AND SOCIETY

**There is the notion of equality of all persons before the law. As a member of the judiciary, it is incumbent upon you to ensure effective legal protection of the rights of every human being. In your capacity as a judge, how do you fulfil such an obligation?**

The South African Constitution, which binds all who live in the country and to which judges pledge an oath of allegiance upon their appointment, is premised among others, on the values of human dignity, the achievement of equality, and the advancement of human rights and freedoms. Judges have a duty to adjudicate all the cases that come before them and treat all who appear in their courts with these precepts in mind. It is important to emphasize that this obligation is not just limited to scrupulously applying the law and the constitutional values in adjudicating the cases, but extends to even how judges treat those people in the courtrooms, taking measures to ensure that those with special needs are accommodated, etc.

A simple example would be a mother with a young child from the townships or rural areas, who does not enjoy the luxury of having a nurse or babysitter, is a litigant or witness in a court case and must bring the child into court with her. Ensuring that that woman is comfortable, is allowed time to attend to the child's and her own needs when necessary may seem trivial but is a powerful way of according her respect and dignity and ensuring that she effectively assists the court and that justice is achieved with empathy.

**Based on your years of legal experience, what are some of the appropriate measures that can be adopted to eliminate discrimination against women and ensure equal rights for men and women?**

Women do not ask for much or what they do not deserve; merely an equal shot at opportunities. But because they are starting from the back foot, there has to be a levelling of the playing field. And the most effective measure I can think of so that their fate is not left to the benevolence of some male leaders is affirmative legislation that will afford them the necessary means to education, training, and appointment to positions where they qualify or have potential.

**What can be done to ensure the full realization of the right to education, especially for the girl child in Africa?**

It seems a luxury to even think about these pressing issues right now because South Africa is engulfed by gender-based violence

of the worst kind (itself sometimes the spawn of poverty and lack of means) and our government and society are grappling with the issue with no respite in sight. There is a whole lot that must be put right in African society, especially, to ensure the full development of the girl child, who lacks even the most basic amenities of life: must fetch water for her family from a faraway river before she goes to school and arrives at school late and tired; cannot go to school when she is having a period because she cannot afford sanitary pads; is head of a home, running it and taking care of her siblings because their parents died from HIV/AIDS and they have no one to look after them; faces teenage pregnancy; lives under the constant threat of being abducted and forced into early marriage and have babies which her young body is not yet ready to carry; genital mutilation and now rape and murder. The list of horrors goes on and on. No government can solve these problems on its own and civil society, which includes judges, must play its part.

I am the current President of the South African Chapter of the International Association of Women Judges and there is a lot that the association does, in partnership with other like-minded organizations, to support the effort to empower women and children: wide-ranging mentorship and awareness/education programs starting at the school level, encouraging legislative change to improve the lives of women and children, and providing a support network for them.

**Physical and invisible disabilities may not be barriers to practicing law. However, there may be challenges of inclusivity, special training to ensure ability to practice, availability of facilities for the disabled and perhaps victimization for lawyers with disabilities. Do you think that disability is a challenge to becoming a female lawyer or judge in your jurisdiction and other national jurisdictions in Africa? If yes, what is your message to disabled young women, aspiring to become judges or reputable legal practitioners?**

South Africa has excellent legislation in place and even a dedicated government Department for Women, Children, and People with Disabilities. While the system is not perfect at a practical level, there are sincere and effective measures in place to ensure that the rights and aspirations of persons with disabilities are protected and realized and are properly accommodated in the workplace. One of the first judges of our apex court, Justice Yacoob, is blind. He is a world-renowned and highly esteemed jurist despite that disability. We recently had a young blind researcher at my court who left to pursue greener pastures after a successful stint at the court. I cannot think of a more debilitating disability than the inability to see, especially for someone in the legal field which is all about reading words and faces and one's world in general. But we have shining examples that it is not an impediment to an illustrious legal career. No one should ever be daunted by their disability, any disability, in making their life choices and following their dreams.

Prison systems in countries like the United States and Britain allow for female inmates to study law and become lawyers. Susan Kigula is one of the first Ugandan female inmates who freed herself and 417 inmates from death row in Uganda after obtaining a law diploma from the University of London. Do female prisoners who aspire to study law and become legal practitioners, have such opportunities in your country?

Prisoners are encouraged to study as part of their rehabilitation and many leave our correctional facilities, as our prisons are statutorily called, with university degrees and other life skills acquired during their incarceration. A criminal record is no impediment to a legal career, even judicial office in some instances. Our last Deputy Chief Justice, Justice Moseneke, another internationally respected jurist, eminent human rights lawyer and former political prisoner, was imprisoned at the age of 15 years and obtained all his legal qualifications during his long term of imprisonment. I cannot think of a better example to show that nothing is impossible with determination

***“ No one should ever be daunted by their disability, any disability, in making their life choices and following their dreams.*”**

## PERSONAL PERSPECTIVE

### **What vision do you have for the future of female leaders in the judicial system in your country: What changes would you advocate and why?**

We are still at first base in South Africa in this regard. There are only two women heads of courts in a cluster of 13 in the South African judiciary. All the deputy heads of courts are men. We are not going to see much improvement in the effort to bring more women into the judiciary and address the unique challenges that women face in the institution until we have more women in the leadership itself. The short answer, therefore, is that we need meaningful gender diversity in the leadership of the judiciary.

### **What is your opinion about the role of female judges in mentoring and empowering young female lawyers?**

It is of the utmost importance. Women judges have walked the road, know the challenges and pitfalls for women in the profession, and have gained insights on how to deal with them. No one can better coach a woman on these issues and has the vested interest in doing so than another woman.

### **Do you wish to recommend any formal career mentorship associations for young female lawyers who aspire to become judges at some point in their career?**

Yes. In South Africa, we have women judges and lawyers associations: the South African

Chapter of the International Association of Women Judges that I have mentioned above which allows young students and lawyers membership as its friends and runs mentorship programs for young graduates, and the South African Women Lawyers Association for legal practitioners and academics. There are also professional organizations such as the National Democratic Lawyers Association and the Black Lawyers Association which have membership across the sex and race lines and offer exceptional opportunities for training and advancement, especially the transformation of the legal professions and the judiciary, to accommodate women and black lawyers.

### **Do you think there is enough representation of women in the judiciary? What can be done to increase the number of female judges?**

No. Implementing affirmative briefing patterns and women-friendly rules in the professions so that they get meaningful work, can afford to take time off work to raise families and return to work still with practice if they so choose, mentoring them, encouraging them to join the judiciary when they are ready to do so and supporting them once they become judges, are just some of the measures that can ameliorate the situation.

**Most women are often discouraged from pushing for leadership positions in their field of career, including the judiciary. What can be done to ensure that women, just like men, are encouraged to pursue leadership positions and that they receive adequate support needed to achieve their goals even within the organ of the judiciary?**

With the encouragement and support of other women, it is possible and this is what we are busy doing in South Africa.

## CAREER ADVICE

**What would you do differently as a young legal practitioner and in this regard, what is your advice for young lawyers and prospective lawyers?**

I would not do anything differently. I was one of the lucky few who, with hard work and determination, managed to get many 'firsts' and opportunities that were not ordinarily available to women, including a Fulbright Scholarship to study in the US. As advice to young and upcoming lawyers, I would repeat what I mentioned above.

**What do you have to say about the works of African female lawyers and judges in the diaspora? Do you see them as change-makers?**

African women judges and lawyers are slowly but surely making inroads everywhere and are definitely change-makers who are shaping the future and whose efforts will hopefully make the lives of the next generation of women better and easier.

**What is your advice to African female lawyers who migrated abroad for career development**

They must gather all the available world experience and wisdom and plough back in the motherland. Their insights and experiences are sorely needed here at home. With technological advances, it is possible to establish and maintain vibrant relationships from anywhere. If they will not physically return to Africa they must strengthen their links with their sisters in the continent, bring new ideas and support the initiatives to empower women and girl children and the African society at large.



**Women judges have walked the road, know the challenges and pitfalls for women in the profession, and have gained insights on how to deal with them. No one can better coach a woman on these issues and has the vested interest in doing so than another woman.**

LESS THAN 50% OF WORKING-AGE  
WOMEN ARE IN THE LABOUR  
MARKET, A FIGURE THAT HAS  
BARELY CHANGED OVER THE LAST  
QUARTER OF A CENTURY.



# Interview With

## LADY JUSTICE FLAVIA SENOGA ANGLIN



Lady Justice Flavia Senoga Anglin is a Ugandan High Court Judge. She is the Deputy Head of the High Court Criminal Division. Judge Anglin is the first woman to serve in the capacity of a Chief Registrar at the High Court of Uganda. In the course of her career, she has become a peacebuilder through the law. Her influence and her belief in the oneness of humankind have contributed to the law and society.



"The role of female judges in mentoring and empowering young female lawyers is very essential. It encourages and empowers young female lawyers to know that women are also competent. It helps them to have confidence in their own abilities as women, have trust in fellow women and uplift them instead of putting them down."

**What is the legal requirement for becoming a judge in your country? Are the requirements similar for men and women? Are there special concessions for female applicants?**

Qualifications for the appointment of judicial officers are set out in Article 143 of the Constitution of Uganda. Article 143(1) provides that:

(1) A person shall be qualified for appointment as -  
(e) A judge of the High Court, if he or she has been a judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeals from any such court or has practiced as an advocate for a period of not less than 10 years before a court having unlimited jurisdiction in civil and criminal matters.

(2) Any period during which a person has practised as a public officer holding an office for which qualification as an advocate is required shall be counted in calculation of any period of practice required under clause (1) of this article even though that person does not have a practising certificate.



Jurisdiction of magistrates/registrar in a civil and criminal matter is limited. Therefore when they are being considered for judgeship, Article 143(2) of the Constitution applies.

The requirements are the same for men and women. There are no special concessions for female applicants.

**Could you please give us a brief history of your legal journey, starting from your educational background to your legal practice? What inspired your career path and how long have you been a judge?**

After obtaining a certificate in Higher Education, I joined Makerere University where I had been admitted for Bachelor of Laws Course (LLB); from 1976 - 1979. The course used to be for 3 years.

After graduation in 1979, I joined the Law Development Centre for a diploma in Legal Practice. During this period, students are at one point attached to different institutions like court, Ministry of Justice, or private law firms for clerkship. This helps them to see how things are done in practice. After the clerkship, students go back to the Law Development Centre to complete the course, do final exams and the graduate.

I did my clerkship with a private law firm in Kampala. This is the time I found extremely useful. I learnt many things that included how to draft different documents, interview clients, conduct research for cases pending in court and would attend court to see how cases are heard.

After obtaining the diploma at the end of 1980, I was employed by the firm where I had done my internship. Unfortunately, my employer got political problems and had to go into hiding to save his life. His partner advised me to find a job elsewhere as he was also leaving the firm. That is when I was employed by another law firm.

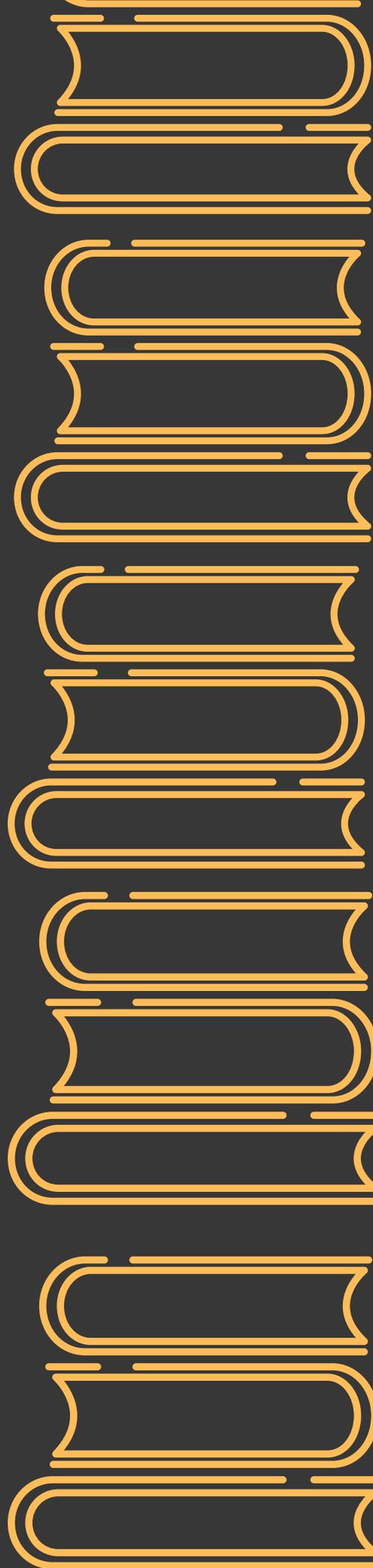
In 1982, I got married and continued working until I had my first child in 1985. I left work and became a housewife until 1989 when I joined the judiciary as a Grade 1 magistrate. By then I had two children and we had moved from Kampala to Mbarara, in Western Uganda.

I rose through the ranks from magistrate Grade 1, to chief magistrate, registrar and finally to chief registrar in 2008. I was the first woman chief registrar in the history of the Uganda judiciary. By then I had had my third child in 1991, and we had moved back to Kampala, in the year 2000. At the end of 2010, I was appointed judge of the High Court, a position I hold to date.

My career path was inspired by my parents, who brought me up and my siblings without discriminating between the boy child and the girl child. My father was a teacher and my mother a social worker. They encouraged us all to work hard and the house chores were equally assigned to all of us without any regard to gender. In fact, my mother tells me that from an early age, I used to act as the mediator between my siblings whenever there were misunderstandings.

The father of my closest friend (we have been friends since our infant school days) was a barrister. His stories were inspiring. My friend is also a judge and she is currently working at a court in The Hague.

During my clerkship and after joining private practice, attending court and seeing how cases were conducted also inspired me. I admired the ability of judicial officers to listen to different sides and make decisions. While there were few women in the judiciary then, their work was commendable.



After I joined the judiciary, the few women judges who included the deputy chief justice, set up the Association for Women Judges, which includes women magistrates. We were encouraged to attend meetings even when some of us were working upcountry. They associated with us as equals and they mentored us.

As already indicated, I have been a judge since the end of 2010.

**Based on your experience as a lawyer and judge, what additional qualifications, skills, or special training can be of advantage to young women aspiring to be leaders in the legal profession?**

Based on my experience as a lawyer and judge the following additional qualifications, skills and or special training can be of advantage to young women aspiring to be leaders in the legal profession: Master's in law or any other masters degree (e.g. development studies), communication skills, mediation including appellate mediation; sexual and gender-based violence impact on the girl child and administration of justice interventions, plea bargaining; to mention but a few.

**As a woman, have you ever been threatened while deciding a case? If yes, how did you deal with it?**

In my career as a judicial officer, I have received a number of threats while deciding cases. Some instances come to mind.

I recall one time as a magistrate; an accused person was to appear before me to take a plea. Before I could go to court, I received a letter from a district administrator instructing me not to release the accused on bail. I responded by telling the administrator that the decision to grant or not to grant bail was entirely mine and did not depend on orders from anyone.

The accused appeared, took a plea and I granted him bail. When he reported back to court a month later, the charges against him were withdrawn by the State as it had been established that he had never committed the theft he had been accused of.

On another instance, was when I was registrar of the High Court, I taxed an advocate/client a bill of costs. The taxation was *exparte* as the client refused to appear to defend himself, although he had been served. Months after I had been appointed chief registrar, the case comes up in the evening news. The next day when I got to the office, a CID officer was waiting for me, requiring me to make a statement. I refused to make the statement asking the police officer as to when making a decision had become an offense. I told him that unless he had evidence that I had been corrupted, which he should disclose, I was not going to make any statement. And that if he insisted, I was going to call my lawyer so that I could make the statement in his presence. He then told me that perhaps I could not remember him, but we had worked together in Mbarara. I replied saying that it did not matter whether we had worked together in hell, but I was not going to make any statement.

He then told me that the police chief knew about the matter and showed me a letter signed "for" the police chief. I told him that the police chief then was a lawyer and could not therefore advise him to do what he was trying to do. I then wrote to the police chief citing the provisions of the Constitution which provide for the protection of judicial officers in the performance of their duties. And told the police officer to advise whoever was not satisfied with my decision to appeal as provided for by law. I never heard from him again.

In another case where a school applied for an order of stay of execution against an unjustified order of closure; I was directed to hear the application and dismiss it. I heard the application and granted the order of stay.

Another case was where someone had borrowed money from a bank, fully repaid the loan, and even overpaid. However, the bank refused to release the title to the land he had mortgaged as security to borrow the money. The aggrieved party filed a suit against the bank. The bank declined to defend the suit. The case was heard *ex parte* and judgment was entered for the aggrieved party with costs.

When the judgment came before me for execution, the counsel for the bank came running seeking an order of stay of the pending attachment of the bank's money on the ground that the court did not have the jurisdiction to hear the matter or to execute. The counsel for the bank was directed to serve the other party with the application and to also bring the title for the mortgaged land to court on the date of hearing.

Before the hearing could proceed on that date, the lawyer for the bank was instructed to hand over the title to the owner, which he did. It was entered on record that the title had been handed over to court and then given to the owner, who signed acknowledging receipt. The application was then heard.

When the ruling was ready, I was prohibited to deliver it. I summoned the advocates and informed them. After waiting for about three weeks and during which time I kept on asking the person in authority who had issued the directives if I could deliver the ruling and only getting angry reactions; I went ahead and delivered the ruling.

The owner of the title had received it to enable him to renew the lease which was about to expire. He had made it clear that he had no objection to the bank getting the stay of execution.

The stay of execution was allowed. But instead of appealing, the bank paid all the money due to the owner, and the matter was closed.

A judicial officer has to be very confident and not succumb to intimidation. The judicial oath which enjoins us

**“To do justice to all manner of people, without fear or favor, affection or ill will”** should be borne in mind at all times.

As a judicial officer, I also always call to mind the following Bahá'í Holy Writings concerning justice and fairness:

“It beseemeth you to fix your gaze under all conditions upon justice and fairness. The Great Being sayeth: The best beloved of all things in My sight is Justice. Turn not away therefrom if thou desirest Me, and neglect it not that I may confide in thee. By its aid thou shalt see with thine own eyes and not through the eyes of others, and shalt know of thine own knowledge and not through the knowledge of thy neighbour. Ponder this in thy heart, how it behooveth thee to be. Verily justice is my gift to thee and the sign of My loving kindness. Set it then before thine eyes”.

“They that are just and fair minded in their judgment occupy a sublime station and an exalted rank. The light of piety and uprightness shineth resplendent from these souls. We earnestly hope that the peoples and countries of the world may not be deprived of the splendours of these two luminaries”.

*- Bahá'í Holy Writings*

**There is the notion of equality of all persons before the law. As a member of the judiciary, it is incumbent upon you to ensure effective legal protection of the rights of every human being. In your capacity as a judge, how do you fulfill such an obligation?**

Certainly, it is incumbent upon me as a judicial officer to ensure effective legal protection of the rights of every human being. Equality before the law is guaranteed by the Constitution. And as already indicated the requirement to ensure justice is entrenched in the judicial oath.

As a judge, I endeavor to fulfill this obligation by ensuring a fair hearing to all parties, applying the law to the facts, avoiding biases, and declining jurisdiction in matters where I feel I cannot be fair. Parties who cannot afford legal representation are referred to legal aid.

**Based on your years of legal experience, what are some of the appropriate measures that can be adopted to eliminate discrimination against women and ensure equal rights for men and women?**

The family being the basic unit of society, all starts with the family. Parents should “take the utmost care to train their children and give them high ideals and goals so that once they come of age, they will cast their beams like brilliant candles on the world”. Children are even as a branch that is fresh and green; they will grow up in whatever way you train them” - Bahá’í Holy Writings

With proper training, children grow up knowing they are capable and equal, and none is superior to the other. They respect each other. “Men and women are like the two wings of a bird. If one wing is weak, the bird will not fly”. Women should be given their rightful place in society.

**What can be done to ensure the full realization of the right to education especially for the girl child in Africa?**

Society must be taught and constantly reminded that education is important for all children. Equal opportunities for education should be given to all children. But where a family does not have sufficient resources to educate all the children, then the girl child should be given priority. This is because **“a woman is the first educator of the children. When a mother is ignorant, the children will also grow up to be ignorant” - Bahá’í Writings**

Special funds should be set up where possible to educate children.

**“Hence it is firmly established that an untrained and uneducated daughter, on becoming a mother, will be the prime factor in the deprivation, ignorance, negligence, and lack of training of many children”.**

**“Beware! Beware! That you fail not in this matter. Endeavor with heart, with life, to train your children, especially daughters. No excuse is acceptable in this matter” - Bahá’í Writings**

**Physical and invisible disabilities may not be barriers to practicing law. However, there may be challenges of inclusivity, special training to ensure the ability to practice, availability of facilities for the disabled, and perhaps victimization for lawyers with disabilities. Do you think that disability is a challenge to becoming a female lawyer or judge in your jurisdiction and other national jurisdictions in Africa? If yes, what is your message to disabled young women, aspiring to become judges or reputable legal practitioners?**

Whether a disability is a challenge to becoming a lawyer or judge in Uganda and other jurisdiction in Africa: Discrimination



of any kind is forbidden by the Constitution of Uganda. Therefore, if a disabled person has got the necessary qualifications for joining law school, they cannot be denied that chance. However, the challenge would arise if the aspirant is deaf and dumb and there is no provision for sign language in law school. Facilities allowing easy access to buildings may not be available at law school and courts for those physically disabled. Lately, new courts are built providing access to people with physical disabilities and some old courts are being adjusted accordingly.

Victimization of lawyers with disabilities would be greatly frowned upon, as it would be in total disregard of the constitutional provisions. Disability should not be a challenge to becoming a lawyer or judge in Uganda. I do not know what happens in other jurisdictions in Africa.

I encourage young disabled women who are able, to attain the qualifications necessary to become judges and reputable legal practitioners bearing in mind that

*Disability is not  
inability.*

**Prison systems in countries like the United States and Britain allow for female inmates to study law and become lawyers. Susan Kigula is one of the first female inmates in Uganda who freed herself and 417 inmates from death row after obtaining a law diploma from the University of London through a private initiative of Alexander McLean. Do female prisoners who aspire to study law and become legal practitioners, have such opportunities facilitated by Ugandan government at the moment?**

Apart from Susan Kigula, I am not aware of any other female prisoner who has studied and aspires to become a legal practitioner. And if there are any, I do not know if they are facilitated by the government.

**Prison is meant to be a rehabilitation or reformatory place, but in some national jurisdictions, it is used as a place for an unending punishment. Is Imprisonment an impediment to fulfilling the dream of becoming a female lawyer or a judge in your country?**

In Uganda, prisoners who wish to study are given the opportunity to do so. But I do not know who facilitates their education. Imprisonment should not be an impediment to fulfilling the dream of becoming a female lawyer, depending of course on the term of imprisonment. As to becoming a judge, I am not sure. I am yet to see a prisoner who has become a judge in Uganda, and I do not know about other jurisdictions.

**What vision do you have for the future of female leaders in the judicial system in your country? What changes would you advocate and why?**

Female judicial officers should be given the opportunity to take up leadership positions in the judiciary. For example, we are yet to have a female chief justice or principal judge. The position of deputy chief justice used to be reserved for female judicial officers, but lately, the trend has changed. All three positions are currently occupied by men. Only the chief registrar position is occupied by a female judicial officer. But we should not despair. We should keep on aspiring and when those positions are available, we should not fear competing with the male judicial officers. The requirements are the same for both genders.

**Proposed Changes:** The appointing authority should always ensure that at least one of those three high positions in the judiciary is held by women. This would ensure that we are fully involved in the administration of the judiciary and would further boost our confidence. There are challenges women encounter in workplaces that can only be more easily shared with fellow women in order for viable solutions to be found. With the Judiciary Administration Act in place, we need representation in those high places.

**What is your opinion about the role of female judges in mentoring and empowering young female lawyers?**

The role of female judges in mentoring and empowering young female lawyers is very essential. It encourages and empowers young female lawyers to know that women are also competent. It helps them to have confidence in their own abilities as women, have trust in fellow women, and uplift them instead of putting them down.

**Do you wish to recommend any formal career mentorship associations for young female lawyers who aspire to become judges at some point in their career?**

Yes, I would recommend formal career mentorship associations for young female lawyers who aspire to become judges. For example, women judges and magistrates associations. But that should not stop aspiring female lawyers from being attached to individual female judges for mentorship. Some people work better as individuals than in groups.

What I have noted in my career though is that some male judges are more willing to mentor upcoming lawyers of either gender, than some female judges who tend to demean fellow women. A lot depends on the individual judge.

**Do you think there is enough representation of women in the judiciary? What can be done to increase the number of female judges?**

There isn't enough representation of women in the judiciary in Uganda. Deliberate efforts should be made to encourage women to apply when positions are available.

**Most women are often discouraged from pushing for leadership positions in their field of career, including the judiciary. What can be done to ensure that women, just like men are encouraged to pursue leadership positions and that they receive adequate support needed to achieve their goals even within the organ of the judiciary?**

Examples of what can be done to ensure that women are encouraged to pursue leadership positions and that they receive adequate support needed to achieve their goals are: training in leadership skills, mentoring, and putting in place policies to prevent sexual harassment. Women should be persistently encouraged to believe in their abilities as women and to accept that they can occupy leadership positions without succumbing to sexual harassment. They should be reminded that they have a right to say no to unwanted sexual advances without fear of adverse repercussions. They should be encouraged to speak up when they encounter such problems and be assured that they will be assisted instead of being ridiculed. Women should support each other at all times.

**What would you do differently as a young legal practitioner and in this regard, what is your advice for young lawyers and prospective lawyers?**

What I would do differently as a young lawyer is to read and research more. Ask questions and seek guidance consistently without fear of being labeled ignorant.

My advice to young lawyers and prospective lawyers is that “knowledge is power”. No one knows everything. Therefore, it is not a crime not to know something. Doing research, reading widely, asking questions, and seeking guidance will open doors one thought was not possible.

**What do you have to say about the works of African female lawyers and judges in the Diaspora? Do you see them as change-makers?**

The work of these female lawyers and judges is admirable. Yes, I see them as change-makers since they are a good example to aspiring young lawyers and judicial officers. They believed in themselves and took the necessary steps to achieve their dreams. They are brave and as a result, have made achievements that were hitherto only thought to be achievable by men. Their actions loudly proclaim that “even women if given the necessary opportunities can positively change the world”. We have a lot to learn from them.

**What is your advice to African female lawyers who migrated abroad for career development?**

Acquire the knowledge, take note of the best practices that can be applied in your home countries, and then return home to share with others who may not have the same opportunities to study abroad. “Sharing is caring. Working together we shall make the world a better place”.



*Consultation is the  
lamp of guidance  
which leadeth the  
way, and is the  
bestower of  
understanding*

---

*Justice Senoga Anglin*



***In South Africa and Mozambique, women hold 30 per cent of the seats in parliament. In February 2004, Mozambique became the first country in the region to appoint a woman as prime minister. In Rwanda, women lead the world in representation in national parliaments.***



# Interview With Honorable Justice James Alala Deng

Honorable Justice James Alala Deng is a South Sudanese Supreme Court justice and part-time lecturer. He has been in active legal service for 30 years now. He teaches courses like Constitutional Making Process and International and Humanitarian Law. He has also published several legal books as well as research papers on different topics including women's fundamental rights in the Constitution of South Sudan. Throughout his career, Honorable Justice James Alala Deng has also been a legal trainer for judges including female advocates and judges.

"In the beginning, I would like to seize this opportunity to appreciate and thank the Centre for African Justice, Peace and Human Rights for the opportunity to interact and exchange experiences and ideas on women empowerment across the African continent."



**In my humble view, women empowerment, especially of female lawyers & judges, is a legal and moral obligation for their colleagues (male lawyers & judges) and also their respective states to implement it without hesitation..**

## Introduction

**Can you tell us the story of your legal journey? Starting from your educational background to your legal practice. How long have you been a judge?**

Concerning my story and legal journey, starting from my educational background, legal practice, and how long I have been working as a judge, I wish to state that I am now thirty (30) years in active service since previous Sudan. I started my career as a legal assistant and from there, I rose to my present position at the Supreme Court of the Republic of South Sudan.

Regarding my studies, I got my LLB from the University of Cairo-Khartoum Branch in 1987. My next step was to get my Post-Graduate Diploma in Mass Communication from the University of Khartoum in 1990 and in that same year I received my Bar Examination Certificate. After this, I went on to get my LLM from Juba University. Finally, I got my Ph.D. from Al Neelain University.

I began my legal work in 1991 as a legal assistant and went on to become a judge at the General Court (High Court). After that, from 1999 until 2004, I worked as a part-time lecturer of Administrative and Constitutional Law. At the same time, I was working as a juvenile court judge and a trainer of juvenile justices. In 2014, I started working as a member of the Task Force-South Sudan Law Review (Reform) Commission and I have been doing so to date. Currently, I work as a part-time lecturer at the University of Juba where I teach Constitutional Making Process, Post Conflict Transitional Justice Mechanisms, International Law, International Humanitarian Law, International Investment Law, Consumer Protection Law, and International Trade Law.

I have been a member of the Specialized Committee of the National Council for Higher Education for Law Studies since 2019. I have been a justice of the Supreme Court, Judiciary of South Sudan (JoSS) from 2016 to this date.

Throughout my career, I have written several legal books as well as several research papers on topics like the principles of criminal investigation, juvenile justice system, women's fundamental rights in the Constitution of South Sudan, and more.

**What are the legal requirements for becoming a judge in South Sudan? Are these requirements the same for men and women?**

The main legal requirements are as follows:

- a) The candidate must be a South Sudanese male or a female (nationality)
- b) The candidate must be of a certain age to ascertain maturity (birth or assessment of age certificate)
- c) The candidate must be a graduate of a recognized university (at least a Bachelor of Laws)
- d) The candidate must be of good conduct (not criminally convicted)

All these conditions are the same and applicable for men and women without discrimination.





## Women in your professional life

**Do you think any woman/women played a role in inspiring you to become a lawyer/judge? If yes, please tell us about it.**

No woman inspired me before joining the judiciary, but a female judge named Nadia Suliman participated in my training when I was appointed as a legal assistant (judge under probation). She was great, learned, instrumental, committed, decisive and honest.

**Which female judges are you most proud of?**

Judge Nadia Suliman and Judge Munna (both are now justices of the Supreme Court in Sudan). They effectively contributed to promoting my career as a judge, and I am proud of them.

**Have you ever been mentored by a female lawyer/judge? If so, please tell us about it.**

Yes, by the two cited judges. They were exemplary and excellent.

## Women Empowerment in General

**What are your opinions on women empowerment and the role men can play in this?**

My opinions are very clear, that humankind comprises males and females. There is no natural society without women, their imperative participation and contribution in public/social affairs in this modern world are of great value. Men cannot do everything alone without them. Therefore, men have a duty and responsibility to sincerely utilize their capabilities for women's education, upgrading experiences, and open ways for them to be fully involved in social activities, whether in the public or private sector.

**There is no natural society without women, their imperative participation and contribution in public & social affairs in this modern world are of great value.**

## **Women empowerment: challenges and solutions**

**Unfortunately, most women are often discouraged from pursuing leadership positions in their careers, including the judiciary. What can be done to ensure that women are supported and encouraged (as men are) to pursue leadership positions?**

Women are equal to men in terms of knowledge and work, they can understand, and think critically and in-depth. They deserve to work as judges or lawyers at all levels. And if they can work as legal officers, what prevents them from being leaders in society? Women have been proven to be the best in leadership, good in management, and in judicial performances; I urge them to climb high ladders.

**What can male judges do to empower women and ensure that they have the same opportunities as their male counterparts in the legal profession/judiciary?**

Male judges can empower women, specifically female judges by providing adequate training, sharing ideas, supporting them in their work, and making them comprehend that they are equal to their male counterparts. The legal profession/judiciary is a decent sphere where women can apply their innovative and creative ability in providing justice, safeguarding the rule of law, and shaping human behavior in manufacturing good citizens.

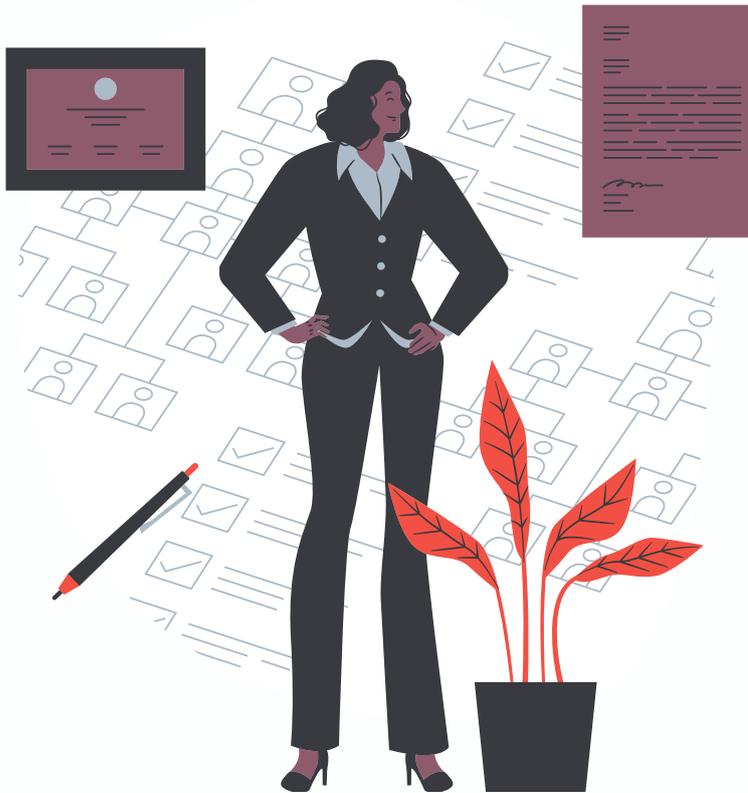
**What do you think are the factors that impede the rise of women in the legal profession? Do you believe it has to do with their expected roles in families, the existing patriarchy, cultural norms, and/or opposition from society?**

In my humble estimation, reasons that are encumbering women to increase their numbers in the legal sector may precisely be confined to the following grounds:

- Communal backwardness
- Lack of State commitment
- Historical grievances

I do not believe that women's role in families can hinder their contribution as active actors in public institutions or organizations, particularly in the legal profession, because the latter is like any other profession in society. It is one of the most learned segments; in addition to that, the nature of legal work facilitates synchronization between public and private roles of persons as provided by the law.

Furthermore, the existing patriarchy, cultural norms, and/or opposition from society, are irrelevant factors when trying to answer this question. It is true that the size of work being done by African women at home is very vast and heavy and can obstruct them from doing other works. However, I believe that with their courage and capabilities, they can combine and do even better. They can record more success in public institutions, including the judiciary because a woman's unique natural capacity is sufficient and dependable in most situations.



## What are the measures that have been put in place to ensure that both male and female judges are accorded equal respect?

Women empowerment has been on most African States' agenda. Backed by international and domestic NGOs, many seminars, workshops, conferences, and educational programs have been conducted. As a result, a lot has been achieved, for example, Transitional Constitution 2011 (amended) of South Sudan, Articles 16, 142(1) and 163(7) give women rights that were not there before independence, for instance:

- Right to dignity of person
- Right to public life participation
- Right to work benefits
- Right to affirmative action
- Right to property
- Right to inheritance
- Right to protection from harmful practices
- Right to medical care for pregnant women
- Right to maternity and the child

## In your opinion, how do you think women empowerment can help increase the number of female judges in the judiciary?

Women empowerment targets and concentrates on their intellectual as well as material needs and their well-being. This is a positive step in the correct direction, above that, it plays as an eye-opener for all women across the board. Women as human beings possess human rights that make them equal and even better in many cases. Therefore, in my humble view, women empowerment, especially of female lawyers/judges, is a legal and moral obligation for their colleagues (male lawyers/judges) and also their respective states to implement it without hesitation.

The Constitution and laws seem to be in favor of women empowerment. They are allocated percentage at recruitment, principally in public sectors, it was twenty-five (25%) and it is going to be increased as promised by the State. This is a clear demonstration of what is known as 'affirmative action'. The law, for instance, prohibits discrimination against women, and provides for gender equality, equal payment, it punishes harassment at the workplace; men and women compete for high positions equally, that is the law. However, in terms of application, the remainder is very huge and calls for more efforts so that this brilliant idea of gender respect and women empowerment becomes steady in the society, not in South Sudan only, but also beyond.

## Your personal experiences and expertise

**From your experiences in the judiciary, have you witnessed female judges being treated differently from male judges?**

I did not come across such a thing.

**How do you think you can personally empower young female lawyers to attain a similar position as you have in the judiciary?**

Personally, I believe young female lawyers deserve legal coaching and capacity building through genuine preparation, guidance, and continued professional education. I have been intensively participating in training female lawyers (women advocates) at different forums. This year alone [2020] I facilitated two workshops conducted by AMDISS on 'media crimes' and 'basic principles of the modern constitution'. It is through these efforts that one can help female judges. Through patience, hard work, honesty, self-confidence, impartiality, and commitment, women will definitely fly high and easily attain leadership positions in the judiciary.

**What vision do you have for the future of female leaders in the judiciary in South Sudan? What changes would you advocate for and why?**

All judges (female and male) are equal in terms of managerial, judicial work, and leadership in the judiciary of South Sudan. This can be achieved for instance by way of;

- Consolidating laws that help female lawyers to work in the judiciary.
- Enlightening the general public (civic education) about the importance and necessity of women's participation in the administration of justice in the country.
- Opening chances for female lawyers to access employment as judges through affirmative action.
- Empowering female judges by upgrading their judicial capacities, self-confidence, and making possible their aspirations to rise to leadership positions in the judiciary.

It is important to advocate for equal treatment of male judges and female judges because women and men complement each other; women can carry out any judicial job like men. Justice in various aspects may only be made complete when women's participation is secured and adhered to by the State. As I have stated, experiences have shown that female judges can perform wonderfully. Therefore, what is needed is a structural reform and change of African's mindset, to appreciate women's essential role in public work in South Sudan and African judiciaries.

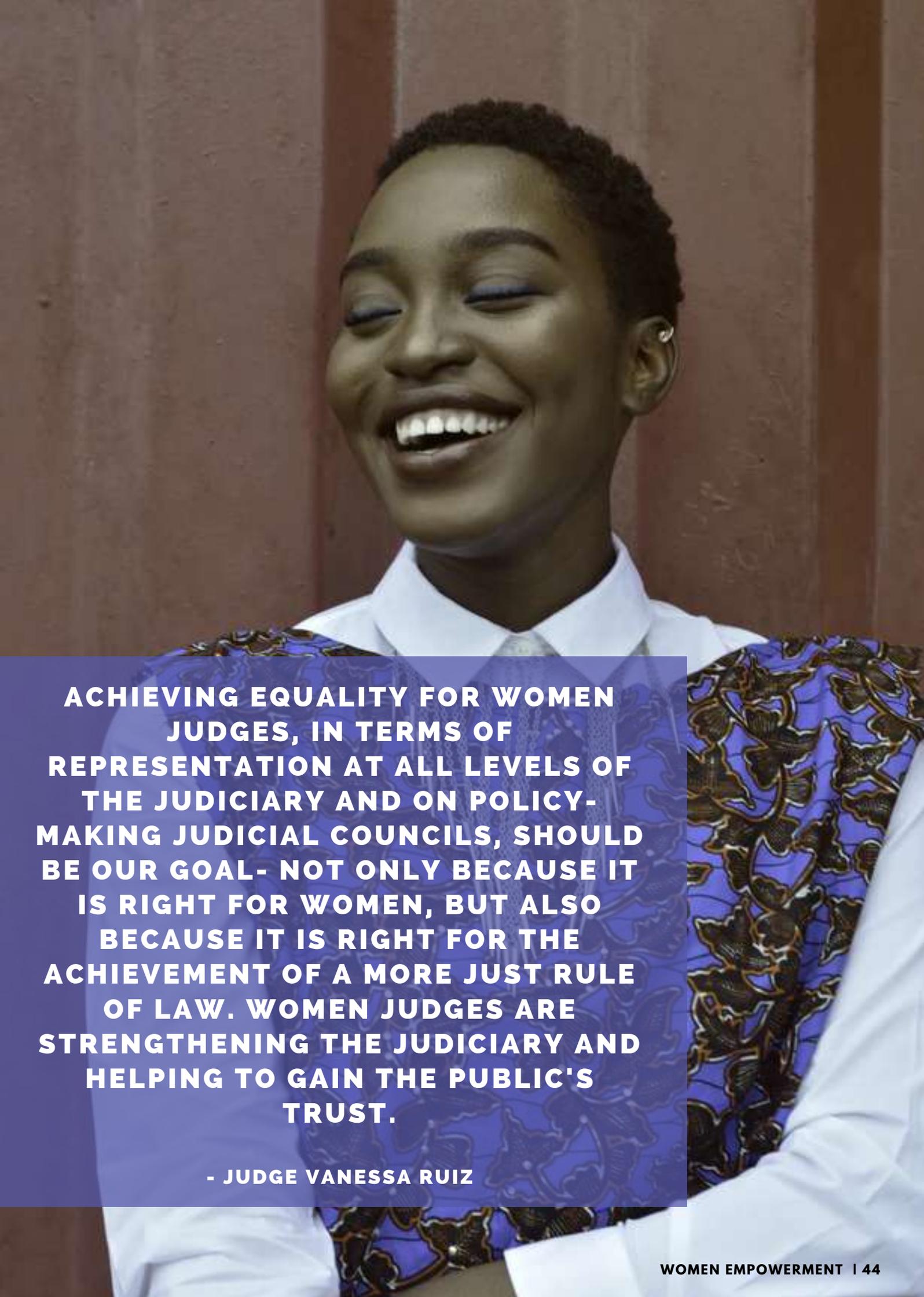


**As a successful male judge at the Supreme Court, what is your advice for young African women who want to become lawyers or judges?**

Apart from what I have said, young African women wishing to be lawyers or judges are advised to be authentic in their choice. Serving justice is a noble goal; it requires credibility, self-respect, and personal sacrifice. They say, 'it is like slaughtering oneself with a knife', meaning the profession is not for gaining personal profits. The whole thing is about self-denial. To excel, African women ought to help themselves, their national, regional, and international organizations and shall coordinate their work and efforts, interact, share information, and exchange their experiences amongst themselves. Since there is a notable concern for issues of women empowerment, African women should vigorously come forward to present their views and propose ideas that would aid the women empowerment movement to advance further. All these things can be carried out through modern technology. To substantiate its vision, the Centre for African Justice, Peace and Human Rights can initiate the idea of making the whole continent (Africa) as five regions and gradually establish its branches to get closer to the grassroots.



*Best Regards.*

A close-up photograph of a woman with short dark hair, smiling broadly with her eyes closed. She is wearing a white collared shirt and a blue vest with a gold floral pattern. The background is a plain, light-colored wall.

**ACHIEVING EQUALITY FOR WOMEN  
JUDGES, IN TERMS OF  
REPRESENTATION AT ALL LEVELS OF  
THE JUDICIARY AND ON POLICY-  
MAKING JUDICIAL COUNCILS, SHOULD  
BE OUR GOAL- NOT ONLY BECAUSE IT  
IS RIGHT FOR WOMEN, BUT ALSO  
BECAUSE IT IS RIGHT FOR THE  
ACHIEVEMENT OF A MORE JUST RULE  
OF LAW. WOMEN JUDGES ARE  
STRENGTHENING THE JUDICIARY AND  
HELPING TO GAIN THE PUBLIC'S  
TRUST.**

**- JUDGE VANESSA RUIZ**



# *Women Judges and the Lack of Representation within International Tribunals*

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By Valeria Beneke

Despite women amounting to around half of the population of the world, this is not represented within the judges in international tribunals. Women judges make up less than half of the judges for these tribunals. To demonstrate, the first woman judge to be appointed to the International Court of Justice (ICJ) was Honorable Judge Rosalyn Higgins in 1995.

This year (2021), the ICJ will be celebrating its 75th Anniversary. After so many years, concerns are being raised that the court has only appointed 4 women judges, the last one being Honorable Judge Julia Sebutinde from Uganda in 2012. Judge Sebutinde is the first and only African women judge to serve at the ICJ. It is noteworthy to mention that at the end of 2020 Judge Sebutinde has been re-elected for a second nine-year term as well as Judge Hanqin Xue. This was a remarkable win for women judges and women alike. I am looking forward to seeing more women like Judge Julia Sebitunde and Judge Hanqin Xue in the court.

This is only one example where an international tribunal presents a lack in representation of women. Other international tribunals that are still made up of more male judges than females include the European Court of Justice (ECJ), the International Tribunal for the Law of the Sea (ITLOS), and the International Criminal Court (ICC).

Moreover, this past December 2020, the ICC elected six new judges. Fortunately, four of them are women judges and one of those four women is Honorable Judge Samba. This is yet another remarkable win, not only for women but also for African women who can look up to Honorable Judge Samba and be empowered by this accomplishment.

Certainly, these are occasions to celebrate, but it is also a time to remember the importance of gender equality within national and international decision-making bodies. It is important to acknowledge that the number of female judges in comparison to male judges is getting higher as the years go by (within international tribunals). An example of this being the election of the four women judges by the ICC in December 2020. However, these numbers are still alarmingly low.

The inclusion of women within international law is of utmost importance for society as a whole and our development and growth as such. Equality is more than an ambition, it is a right that can be found in several international instruments and conventions. That being said, it is the responsibility of the States and international bodies to ensure that there is adequate representation for women and to ensure they have equal access to opportunities.

Not only is it important to have more women judges within international tribunals because of the right to equality but women also provide value and credibility to these tribunals. Women's experiences and perceptions should be valued in general and also when thinking of international legislation and decision making.



" Women and girls represent half of the world's population and, therefore, also half of its potential "

– UN, Gender Equality

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V. Krsticevic, 'Gender Equality in International Tribunals and Bodies: An Achievable Step with Global Impact' (2015) GQUAL Campaign for Gender Parity in International Representation; P. Andrews, 'Pursuing Gender Equality Through the Courts: the Role of South Africa's Women Judges' 13.

Female judges have so much to offer and we can learn a lot from the accomplishments of women like Honorable Judge Samba, Honorable Judge Navanethem Pillay, as well as from many other female judges from different backgrounds. For example, Judge Samba has played an important role in many revolutionary judgments related to sexual violence against children. Not only that, but she has played a valuable role in ensuring there is accountability in Sierra Leone for sexual-based violence and gender-based violence alike. Furthermore, Judge Pillay was the only female judge at the ICTR for the Akayesu trial who brought up an issue of sexual violence during the proceedings. Her initiative brought the first sentence for rape and genocide founded on rape. It is important to note that these are only two examples of many. These women and their accomplishments represent the value and impact of having female judges within these international tribunals.

Again, despite the number of female judges appointed to international tribunals is rising, this number is still unfortunately low. Especially when comparing this number to the population ratio. However, in 2016 Nienke Grossman proposed two methods that could help improve “openness and transparency at the national nomination and international voting levels”, which is how elections of judges work within international tribunals.

The first method proposed by Grossman was to enhance the candidate selection procedures. What she meant with this proposal was that we should take the power of state officials to select national candidates and transform the procedure into a better laid out procedure. The reason for this is so that the procedure becomes more open and accessible and to also improve the probability for women to be nominated. She refers to the procedure done by the European Court of Human Rights (ECHR) where pertinent political parties provide examples of the procedures that can be implemented for a better nomination and selection procedure.

*The absence of female judges is not tolerable in a society committed to the constitutional goals of equality and dignity for all its citizens.*

- Professor Penelope Andrews



The second method proposed was to set aspirational targets or temporary mandatory quotas. Grossman proposed her second method because in some states the idea of transforming the nomination procedure might not be tolerable. Grossman suggests that adopting ambitious language or mandatory targets, as she proposed, on national systems could be adopted at the candidate nomination stage as it is done by the ECHR.

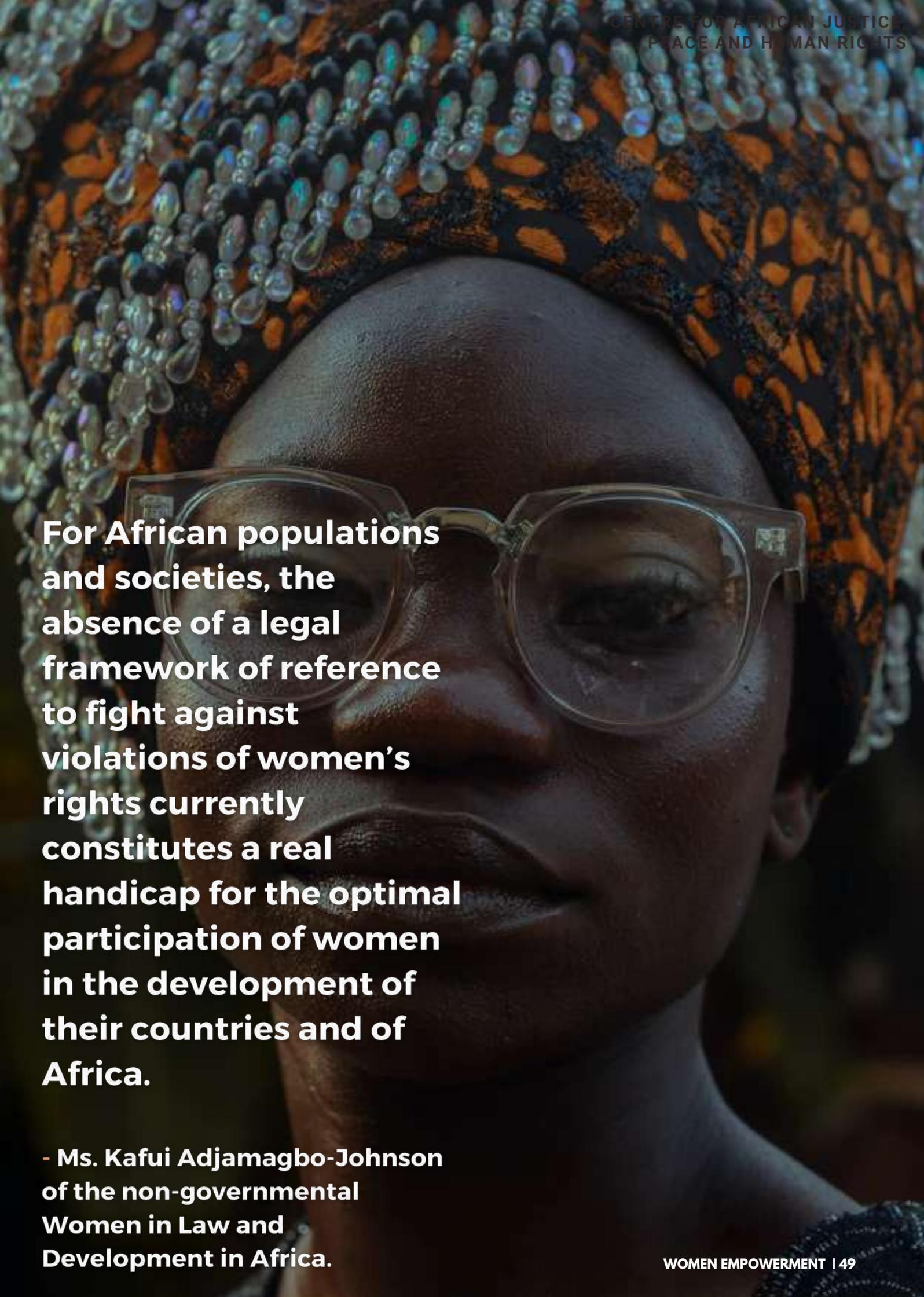
More information on these proposals can be found in her paper “Shattering the Glass Ceiling in International Adjudication”.

Hopefully, soon the international community considers proposals like the ones made by Professor Nienke Grossman and/or come together to create the best plan to ensure women are represented and nominated as men are within international tribunals.

The CAJPHR would like to give special recognition to the work of Professor Josephine Jarpa Dawuni and her organization, the Institute for African Women in Law. We would like to recognize their efforts in documenting the contributions of African women judges in international law and for campaigning for the appointment of more female judges.

Women belong  
in all places  
where decisions  
are being made.  
It shouldn't be  
that women are  
the exception

- Ruth Bader  
Ginsberg



**For African populations and societies, the absence of a legal framework of reference to fight against violations of women's rights currently constitutes a real handicap for the optimal participation of women in the development of their countries and of Africa.**

**- Ms. Kafui Adjamagbo-Johnson  
of the non-governmental  
Women in Law and  
Development in Africa.**

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