
**IDLO AND EBRD FORUM:
TOWARDS A WOMEN JUDGES PLATFORM IN THE SOUTHERN
AND EASTERN MEDITERRANEAN REGION**

Morocco, December 14, 2017

Irene Khan: Thank you. I am honored to welcome you to this Conference, on behalf of the International Development Law Organization, IDLO. It's a great pleasure and privilege to participate in this Conference and to co-organize it with our strategic partner, the European Bank for Reconstruction and Development, and with the support of the International Association of Women Judges.

You're an amazing group of women, as Ms. Birken has mentioned. As a Muslim woman, from Bangladesh, and as a lawyer, I know from my own personal experience how hard it is to lead in your profession. How hard it is to balance your personal and professional desires and ambitions. And, how difficult it is to fight in the kind of environment, in many of us, in which many of us live. And, that is why I admire your courage and your achievements.

I congratulate all of you for breaking society's stereotype of what a Muslim woman can or cannot do. For overcoming all kinds of barriers, prejudices, misrepresentations, misperceptions to fulfill your dreams. You are role models for thousands of girls, for millions of girls, not just in this region, but across the Muslim world. I know, because when I grew up in the 60s and the 70s, it was with stories of women from this part of the world, that I learnt from school, that women could lead revolutions, women could fight for freedom, and women could succeed.

As the world's only intergovernmental organization that is exclusively devoted to advancing the rule of law and development, IDLO is deeply committed to the principal of equality. The rule of law, we all know, we are all lawyers here, judges, the rule of law is fundamentally about equality. About equal protection and about equal accountability of all, no matter who they are.

Creating and supporting a fair, equitable and accountable justice system where women and girls are treated equally, where their concerns and situations matter, and where they cannot only seek justice, but actually get justice is a true manifestation of the rule of law. But, women are not only justice seekers. Women can and are also justice providers. Your presence here, is of course, living proof of that. Women's full participation in the justice system is an important benchmark for determining the true work of a justice system.

Six years ago, in September 2012, at the High-Level Summit on the rule of law at the United Nations, just months after I became the first woman to head this organization, my organization, IDLO made a commitment at the UN General Assembly, to increase women's participation in the justice sector. And, we have been working towards that since then.

We have introduced a Gender Strategy in the organization that applies to all our programs. We have developed and implemented programs on legal empowerment and access to justice for women and girls, and we have acted proactively in various countries of the world, from Afghanistan to Tunisia, from Kyrgyzstan to Kenya, supporting and building the capacity of women in the justice sector. Judges, prosecutors, investigators, defense lawyers.

IDLO is also a founding member of a campaign called GQual. This campaign, this is an international campaign, to ensure gender parity in international tribunals. So, we are looking both, at the situation at the national and the international level for women, as consumers of justice, but also as actors in the justice sector.

Why are we committed to the women's participation in the justice sector? Firstly, because we believe it is a human right. The right of all women to participate equally in political and public life, including in the judiciary. This is a right that is well-recognized in the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW. In the Beijing it was also recognized the Beijing Platform of Action and has recently been recognized in the UN Agenda for Sustainable Development. All governments have subscribed to these instruments and are therefore obliged to uphold them.

Secondly, I would say, the second reason why it is important to be committed to women's participation in the justice sector is, because when women are in the judiciary, the quality of justice improves for women who are seeking justice. IDLO's work on gender equality and legal empowerment of women, over the many years that we have done this in many countries across the world has shown, that justice by women improves justice for women. And, that is not because women are more just than men. It is because women judges, by their very, own very experience of being female, bring a different perspective that helps to create a more balanced approach to many issues. Justice becomes more representative of reality.

Women lawyers and judges understand better the situation that women victims and petitioners face. Also, in traditional settings, the women who are seeking justice are more comfortable dealing with other women as judges, lawyers and court officials. And, so, they are more likely to seek justice in court. More likely to approach a lawyer, more likely to bring a complaint. And, that is why, I believe, it is not only unfortunate, but also unfair, and an impediment to development that women's participation in the justice sector, including in the judiciary, remains low around the world.

Just look at the statistics! Let me start with the International Court of Justice, the world's highest court established in 1945. Since then, only four women have been appointed as a judge to the ICJ. And, that is four out of 106 judges who have been appointed over a period of 72 years. From countries around the world. What can be more stark than that? And, as happens so often, the global is a reflection of what is happening at national levels. Taking some 155 countries, or economies, from around the world, the World Bank's Business, Women and the Law Report, shows that the average, the global average, is only 27 per cent of women are judges. Of the judiciary, only 27 per cent are women. And, in 31 countries of the world, there is not even one single woman as a judge. And, only in 26 countries of the world, women have been appointed as Chief Justice.

Now, in this region, in the Southern and Eastern Mediterranean region there is a great variance on women's participation in the justice sector. It varies a lot from country to country. Of course, we always have to be careful with statistics, because the statistics are coming from different sources and the statistics are based on different methodologies, different time frames, different levels and so on. So, comparison is a tricky business.

But, nevertheless, if we look at comparative data, and this data goes back a few years, so things may be better now, it shows that there is progress. Progress is being made across the region, but progress varies with some very low and some reasonably good. Jordan, in Jordan women now constitute 18 per cent of the judiciary and we are honored to have with us, at this meeting, Judge Barakat, who has been appointed as the Kingdom's first female Supreme Court Judge, and we are delighted to have you with us.

Although we don't have any participants from Algeria, in Algeria 44 per cent of the magistrates are women. And, 66 per cent, are, of the judges in tribunals and lower courts are women. In Lebanon, in Lebanon this year, women accounted for 48 per cent of magistrates, but few women are in high positions. And, in the religious courts, there are no women. In Tunisia there has been an evolution over time. In 2008, there were some 30 per cent women magistrates, and last year it went up from about 30 per cent to about 43 per cent. So, there's progress. And, we have already heard from Justice Latifa Toufik about the progress that is being made in Morocco.

So, while some countries are evolving towards gender parity in numbers, of course, there still remains some questions about the level of leadership of women in the judiciary. Now, these figures were actually presented in a regional workshop that IDLO organized with the Center for Arab Women on Training and Research, (CAWTAR) in Tunis on the 24th and 25th November, this year (2017). And, in that same workshop, the participants also discussed barriers and challenges to women's participation in the justice sector. They talked about gender stereotyping, attitudinal barriers, how often senior, prominent senior male judges say that women are not fit to be judges because women are not supposed to be stable, women are, lack patience, women are not strong enough to deal with criminal cases. I am sure you know these issues better than me. There are issues of opaque recruitment processes, so it's unclear, how women can apply or be appointed. There is, legal and social environment, is not, often, enabling. It's very difficult for women to balance personal and professional demands. It is difficult, for example, in the area of legal education.

And, we have very often heard in our work issues of sexual harassment. And, this is not peculiar to this region. Across the world, where we have been working, we have had issues about sexual harassment of the judges, themselves, by others. So, it is an, also insubordination by junior colleagues, are not willing to accept instructions from female judges. So, there are many, many difficulties and challenges. But, at this workshop in CAWTAR, organized with CAWTAR in Tunis, we also heard suggestions for improvement, about great ideas for change. So, clearly it was a very dynamic and fulfilling meeting. And, I am sure, that you have many interesting and important ideas of what can be done, of what we can do together to bring about change, to overcome challenges, and to make it possible for women to participate and flourish in the judiciary in this region.

And, I hope that we will share experiences and learn from each other. There are very good success stories here. And, it's important to acknowledge that success. It's also important to acknowledge that there is a long journey ahead. That there are many improvements that can be made. And, what you will do here will serve as a lesson also, for other parts of the world. Keep in mind, how much others look to you for leadership, particularly in the Islamic world.

But, most importantly, I hope, as we find pathways to a more representative and gender sensitive judicial profession, we will also explore how we can leverage the collective strength of women judges from across the region to build solidarity, knowledge and understanding that will allow us all working together to overcome this under-representation of women in the justice sector.

As Marie-Anne Birken said, in solidarity lies women's strength! And, that is clear from the history of the women's movements across the world. If we look back at the last century, whether it was in the West, or here in North Africa, or in other parts of the world, the power of collective action has been driver for gender equality and women's rights. And, that is why, a shared platform to achieve gender parity is critical in order to transform the justice sector and make it equitable for women, both, as justice providers and as justice seekers.

And, my colleagues from IDLO and I are here to learn, share and support. We look forward to working with all of you, as well as with the EBRD, and the International Association of Women Judges to help, help you, figure out how to make this platform a reality. And, we all hope that we can become partners in an exciting new venture.

Now, as you know Casablanca, has been made world famous by an American film, of that name. And, I am sure, many of you have seen that film. And, so, let me end by quoting that famous final line from that film, 'I think, this is the beginning of a beautiful friendship'. Thank You!