

Women's Representation In The Judiciary

Women are grossly underrepresented in Pakistan's judiciary and in the legal profession, which not only leaves the interpretation of the law bereft of women's perspectives, but also makes it harder to prosecute gender based violence.

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Women comprise almost half of our country's population, but their representation is disproportional to the size of their population, and negligible in almost every field, from the public and private sector to the state's policy making institutions and fora. Women remain grossly underrepresented in many fields, specifically in the essential legal profession.

A recent report from the Law and Justice Commission of Pakistan (LJCP) provides a stark reality check for gender inequality in the justice system. The LJCP report reveals gender segregated data in the judiciary and legal sector and claims that out of 126 judges in superior judiciary, only seven are women, making up only 5.5% of judges in the upper tier of Pakistan's judiciary, while the Supreme Court has only two female judges.

The report stated that among the 3,142 judges or law officers serving in the district courts across the country, out of these, 2,451 are men and 565 are women, so women constitute 19%. Besides the bench, the bar itself reflects a similar pattern of gender disparity. Among the 230,879 lawyers registered in bar councils nationwide, only 17% are women. Similarly, within the cadre of prosecution officers numbering 2,210, women constitute 15%.

The situation is not any different at the district level judiciary as well; the LJCP findings show that out of 3,016 judicial officers 2,451 are men, and just 565 women. The province wise data shows that one in Lahore has a single woman judge in its strength of 39 in High Court, the Sindh High Court has three out of 30 judges, Islamabad High Court has one woman out of eight judges, while there are no women judges in Peshawar and Balochistan high courts.

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The report also provides gender segregated data for lawyers: there are a total of 230,879 lawyers enrolled in different provincial bars of the country. The number of male lawyers is 98,100, while 40,000 are female lawyers, thus female lawyers make up about 17% of the total lawyers enrolled. Like the bench, women are underrepresented in the country's bars. This situation is deplorable and highlights the gender inequality that is ubiquitous in Pakistan's judicial system. The legal sector and justice system is heavily male dominated, with a horrifying gender gap, which clearly indicates that Pakistan does not have a judiciary that is representative of its female population.

Women's low representation in the judiciary reflects the sad reality of gender based discrimination that is deeply rooted in our society's cultural, religious, and patriarchal mindset, which exists from the family level all the way to state level decision making institutions.

Recently, the Supreme Court's honorable Justice Mansoor Ali Shah, addressing the 5th edition of the Asma Jahangir Conference in Lahore, highlighted the importance of including women in the judiciary, and he stated that "a critical perspective pertaining to women is missing in the judiciary. There are only 562 female judges in Pakistan and that's a number too small." He also further stated that women judges bring their own perspective, approach and experience and moreover, they are able to analyze legal matters with a gender sensitive lens.

The judiciary plays a very crucial role in interpreting and applying the laws through their decisions, so it is a matter of great unfairness and injustice if women judges' perspective and legal opinion is missing. The presence of women judges creates an impact on society through its decisions and rulings. Justice Ayesha Malik's judgement on the use of the two-finger test for female victims in rape cases – terming the test illegal, unlawful and unconstitutional – is an example to quote here.

There is also an imperative for institutionalized professional trainings on gender equality for judges and all other concerned staff in order to creating gender sensitized approach and environment towards women in judiciary. Sindh High Court's Justice Salahuddin Panhwar's rulings declaring jirgas giving away women to settle disputes as illegal in Sindh and his other such rulings are also encouraging in this male dominated profession.

That systematic discrimination against women in society needs to be addressed as a priority and the process of reform has to be started from the judiciary by minimizing gender disparity in the legal profession. Along with increased gender representation, there is an imperative need for fundamental factors, such as ethnic and class diversity, which should be incorporated in this the legal profession and the institutions of the law, especially in the Supreme Court.

When it comes to the issue of women's representation in judiciary, the Pakistan Peoples' Party (PPP) is only political party which has included inclusivity in its manifesto for the 2024 election. Recognizing the importance of diversity in the judiciary, PPP emphasized the need to increase representation for women, minorities, and underrepresented segments of society at all levels of the judiciary.

PPP always has walked the talk. In 1994, due to former Prime Minister Shaheed Benazir Bhutto's pro women policies, five female judges were appointed in High Courts: three in the Lahore High Court, one in Sindh and one in Khyber Pakhtunkhwa; at that time not a single woman judge had been appointed to any superior court in the country. Shaheed Benazir Bhutto also inducted more female judges in lower courts. Many barriers were created by the patriarchal mindset, with women judges' appointment being challenged twice in the Federal Shari'at Court. It was again in the Pakistan Peoples' Party government in 2009, a considerable number of women judges were appointed to the lower courts.

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It has also been observed that due to a lack of women judges in courts and also due to social and cultural barriers and norms, female survivors of gender-based violence and sexual violence are reluctant to go to the courts and do not want to share the details of sexual violence, rape and other

abuses to male judges. The same goes for the police, where due to male police officers, women survivors of GBV and harassment don't feel comfortable in reporting cases.

The overall environment and the working of courts are not women friendly and gender sensitive, therefore not only women victims and survivors of GBV, but female lawyers also feel intimidated and harassed. If there are more women judges, women lawyers and women police officers, it will make investigation of GBV cases more effective and as a result, the conviction rate could possibly increase.

Without addressing this fundamental issue of gender representation in the judiciary, the greater cause of gender equality would remain a distant dream. Moreover, it is crucial for Pakistan to make systematic and structural changes to enhance women's representation in decision making positions in all institutions in order to achieve the Sustainable Development Goals (SDG) on gender, particularly Goal 5 which aims to "achieve gender equality and empower all women and girls," and SDG 16, which seeks to "build effective, accountable and inclusive institutions at all levels."



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