

Women as Justice Makers:

Perspectives from
Southeast Asia



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Women as Justice Makers:

Perspectives from Southeast Asia

“ Tell others, girls, young women, that they can be anything they want. They can dream big but also they should be informed about what they may have to face.

Head of law firm in Malaysia.

”



MESSAGE from HRH Princess Bajrakitiyabha Mahidol

The importance of gender equality and the empowerment of women has been recognized in international instruments, for example in the Universal Declaration of Human Rights, the International Covenant in Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination against Women. It is also reflected in Goal 5 of the United Nations Sustainable Development Goals, adopted by the General Assembly in 2015.

Many countries, including all ASEAN countries, have reflected these norms in their laws, and in many cases in their national constitution. All too often, however, implementation of the norms in practice is hampered by misogynist attitudes ('women are weak and inferior') as well as cultural stereotypes ('women should stay at home and care for the children').

The international instruments call on governments to overcome these difficulties, in particular by ensuring that women have access to justice. But what if the problems appear in the justice system itself? What if women face difficulties in entering and advancing in the legal profession? Without a critical mass of women justice professionals on all levels, those responsible for interpreting and applying laws related to gender equality run the risk of not recognizing or understanding the day-to-day difficulties that women encounter in securing the right to an education, the right to equal pay for equal work, the right to equal consideration in promotion, and more generally the right to protection against discrimination at work.

The Thailand Institute of Justice, as part of its Women and Children Empowerment Programme, has produced a landmark study on the empowerment of women in the justice systems of the ASEAN countries. The study lays out the reasons why it is important for democracy and justice to have women on all levels and in all functions in the justice system, as a reflection of one half of humanity. It recognizes the commitment of ASEAN countries to gender equality, and pays tribute to the work that governments have carried out in order to increase the number of women in the justice system.

At the same time, however, the study reveals the structural inequalities that keep many women in low-level and marginal roles in the justice system, as a result of both overt and hidden discrimination. It does so in particular by giving voice to the women justice makers themselves. As a public prosecutor and practitioner in the justice system, I found the abundant use of citations from interviews with women in the ASEAN countries particularly revealing, as they show the main challenges, such as male-defined standards for work performance ('taking care of children is the woman's responsibility – but if you are absent from work to take care of your children, you are not sufficiently committed to your work'), the pigeon-holing of women ('women are nurturers, and as a woman you should be working on family law matters') and stereotyping ('lawyers should be aggressive – and since you are a woman, you are not aggressive, and you cannot effectively argue cases in court.')

The interviews also show the strategies that women in the different ASEAN countries use when confronted by these challenges: how they try to influence their co-workers, how they try to change the rules of the game to secure equal and fair treatment, and how they seek to inspire young women through networking, mentoring and leadership. The study provides an excellent analysis of these strategies, an analysis that I believe will speak not only to practitioners in the ASEAN countries, but to practitioners around the world who have encountered gender-based discrimination.

The study also provides clear recommendations which, although prepared in the context of the ASEAN countries, should prove of value to practitioners and policy-makers around the world who are working on the implementation of Goal 5 of the Sustainable Development Goals. As noted by the UN Committee on the Elimination of Discrimination against Women, improving women's professional participation in the justice sector is key to enhancing women's access to justice, and by extension, achieving women's equality, democracy, and the rule of law.

This is in the interests of all of us, men and women, throughout ASEAN and around the world.

HRH Princess Bajrakitiyabha Mahidol

UNODC Regional Goodwill Ambassador on the Rule of Law in Southeast Asia and the Pacific, and President of the Thailand Institute of Justice

FOREWORD



The 'Women as Justice Makers; Perspectives from Southeast Asia' is one of the signature publications of the Thailand Institute of Justice. Not only is it a part of our efforts in producing evidence-based information on women empowerment in the justice system, but also an advocacy tool upon which a paradigm that women are agents of change in the justice sector is built.

While an overall increase in the number of women who are serving as justice professionals in most countries in Southeast Asia is an indication of promising progress, we have yet to acknowledge and overcome the intrinsic challenges that prevent them from entering, retaining and advancing in their justice careers. More importantly, their invaluable roles and contributions have not been adequately recognized. This has led to a one-sided perception of women as being mere victims passively waiting to receive justice.

CEDAW's recommendations, regional human rights instruments and recent key national legislation in many countries seek to give greater recognition to the roles and contribution of women. They emphasize that more women are needed in the justice sector for reasons of democracy and equal representation, and most crucially, for their vital roles in improving access to justice for others.

The Thailand Institute of Justice hopes that this important publication, the first of its kind in the region, will serve as a substantial basis for the emerging policies and practices on women empowerment. We truly believe that it will inspire younger generations, especially women and girls, to be confident as well as empowered to pursue the path and embrace their true potential as justice makers, with a solid vision of what might be awaiting ahead. Lastly, we are grateful to the research team, to all who contributed information for the purposes of the study, and to all the justice makers in Southeast Asia whose commitment and conviction encourage us in our pursuit of justice.

A handwritten signature in black ink, reading "K. Kittayarak".

*Professor Kittipong Kittayarak
Executive Director, Thailand Institute of Justice*

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LIST OF ACRONYMS

ADB	Asian Development Bank	IBP	Integrated Bar of the Philippines
ASEAN	Association of Southeast Asian Nations	ICCLR	International Centre for Criminal Law Reform and Criminal Justice Policy
AWL	Association of Women Lawyers	ICCPR	International Covenant on Civil and Political Rights
CAW	Committee for the Advancement of Women	ICESCR	International Covenant on Economic, Social and Cultural Rights
CCPCJ	United Nations Commission on Crime Prevention and Criminal Justice	IFGS	Institute for Family and Gender Studies
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	ILAM	Independent Lawyers' Association of Myanmar
CIA	United States Central Intelligence Agency	ILO	International Labour Organization
CIDA	Canadian International Development Agency	IPL	Institute of Public Policy and Law (Viet Nam)
COMELEC	Commission on Elections (Philippines)	ISDS	Institute for Social Development Studies
CSO	civil society organization	JBI	Jacob Blaustein Institute for the Advancement of Human Rights
EC	European Commission	JPA	judicial police agents (Cambodia)
ECCC	Extraordinary Chambers in the Courts of Cambodia	KAS	Konrad Adenauer Stiftung
EU	European Union	LBA	Lao Bar Association
FAO	United Nations Food and Agriculture Organization	LICADHO	Cambodian League for the Promotion and Defense of Human Rights
GEN	Gender Equality Network (Myanmar)	LII	Legal Information Institute
GGG	Global gender gap	LPRP	Lao People's Revolutionary Party
GII	Gender Inequality Index	LWU	Lao Women's Union
GJC	Global Justice Center	MOJ	Ministry of Justice
HRRC	Human Rights Resource Centre (Indonesia)	MOLISA	Ministry of Labour, Invalids, and Social Affairs (Viet Nam)
IAWJ	International Association of Women Judges	MOM	Ministry of Manpower (Singapore)
IBA	International Bar Association	MoWA	Ministry of Women's Affairs (Cambodia)
IBAHRI	International Bar Association's Human Rights Institute	MPI	Ministry of Planning and Investment (Lao PDR)

MSF	Ministry of Social and Family Development (Singapore)	TIJ	Thailand Institute of Justice
NCAW	National Commission for the Advancement of Women (Lao PDR)	UNDP	United Nations Development Programme
NCRFW	National Commission on the Role of Filipino Women (renamed PCW in 2009)	UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
NDI	National Democratic Institute	UNICEF	United Nations Children’s Fund
NGO	Non- governmental organization	UNIFEM	United Nations Development Fund for Women (merged into UN Women in 2011)
NIAS	Nordic Institute of Asian Studies	UNFPA	United Nations Population Fund
NST	New Straits Times	UNODC	United Nations Office on Drugs and Crime
OCA	Office of the Court Administrator	UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
OCSC	Office of the Civil Service Commission (Thailand)	UPCWGS	University of the Philippines Center for Women’s and Gender Studies
PCW	Philippine Commission on Women (see also, NCRFW)	VAW	violence against women
PEC	Public Education Committee on Family (Singapore)	VHLSS	Viet Nam Household Living Standards Survey
PEKKA	Women Headed Household Empowerment Program (Indonesia)	VIPPL	Viet Nam Institute of Public Policy and Law
PLACs	provincial legal aid centres (Viet Nam)	VMU	village mediation unit (Lao PDR)
PWJA	Philippine Women Judges Association	WAO	Women’s Aid Organization
RSJP	Royal School for Judges and Prosecutors (Cambodia)	WCE	Women and Children Empowerment Programme of the Thailand Institute of Justice
SIGI	Social Institutions and Gender Index	WLAT	Women Lawyers’ Association of Thailand
SPC	Supreme People’s Court (Viet Nam)	WON	Women’s Organizations Network (Myanmar)
SPP	Supreme People’s Procuratorate (Viet Nam)		
SWHF	Singapore Women’s Hall of Fame		
TAFEP	Tripartite Alliance for Fair and Progressive Employment Practices (Singapore)		

Q U O T E S



'I don't think I can separate my being a woman and my being a lawyer.'

Because the way I do my work as a lawyer, I think it's distinctive and it's because I'm a woman. That's why I do things the way I do things. If I were a male lawyer, I would probably do things differently. So I can't separate that identity from being a woman. I have different sensibilities because I am a lawyer, and I have different sensibilities because I have been exposed to many issues of women. [...] A feminist lawyer is someone who understands that there is a systemic disadvantage and discrimination against women. It is everything in the society, the whole system, political, economic, cultural, social ... all fields of life. And law is very much part of that system of oppression.'

Lawyer from the Philippines.



'You are responsible for someone's life;

a rape victim, for example. So, take yourself seriously, be prepared to feel tired, to feel overwhelmed. Life is a marathon.'

Lawyer from Malaysia.



'You know, men they can drink and have good relationships with each other, they can talk more. But women they cannot talk about anything. They just work and work. We just meet each other at work ...

We normally don't go outside to drink together. [...] Good women don't go out.'

Prosecutor from Cambodia.



'I am not saying that we [judges] need to be in favour of women in all instances.'

But we need to be sensitive and to understand their situation and vulnerability especially in cases of sexual and domestic violence.'

Judge from Thailand.



'We need to have sensitivity but also knowledge and expertise in order to bring justice to women in the society.'

We, women, don't look down on ourselves even if they look down on us.'

Lawyer from Viet Nam.





'The career system is really hard for men and it is really hard for women especially if they already got married. They need to be separated from their family.

So women who enter the court system - they need to be ready to be transferred throughout the country every time they are being promoted. And they don't want to be promoted to a higher level because of that.

This is not easy to handle because it is related to the government policy. It is not likely that they will change it in the near future.'

Justice reformer from Indonesia.



'You know in the future there will be more women at the very important level.

If there are more women in the future in leadership positions, peace will come.'

Lawyer from Myanmar.

'We need to bring different perspectives to the table.

Everybody's voices and needs must be represented. Just because the justice system is neutral, you can't assume that men will know and have the answers.'

Lawyer from Singapore.

'Also, the perspective of most Asian men towards female judges or women in high-ranking positions is that they are quite intimidated and don't approach these women.

I personally think that most high-ranking women usually focus and devote their time to work. Some of them are just very determined with their goals and keep on working too much that they sometimes forget to think about marriage. As a result, it is possibly too late when they look back.'

Judge from Lao PDR.

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INTRODUCTION

The fair and equal treatment of women is linked to broader questions of social justice. This includes the need to have more women as practitioners and administrators in justice systems throughout the world (Ghimire, n.d.). Women justice professionals can make important contributions to sustainable development, combating poverty, advancing inclusive growth and addressing gender-based violence. In the past decades, women have assuredly progressed in the justice professions in most countries in Southeast Asia. This progress is visible not only from the growing numbers of women in the justice professions and in universities, but also from the fact that top roles in these professions are increasingly occupied by women. However, progress in changing the rules of the game and having an impact on existing mindsets has been painfully slow, and despite positive achievements, much remains to be done for women justice makers in the region. Whereas in the past, women were explicitly discriminated against in Southeast Asia, much discrimination today is subtle, pervasive, and hard to detect. The numerical presence of women in the system may have increased, but gender equality means more than just numbers. Women find themselves trapped in the lower levels of the justice system, with little room for progress, while a handful of successful women at the top creates the impression that gender equality has been achieved. Moreover, the influence and positive impacts of women justice makers are largely undemonstrated in the region.

Most governments recognize the importance of having more women working in the justice system for the sake of intrinsic fairness and representation, among other things, which has arguably led to this increase in the presence of women along the justice chain. One of the main findings of this research is that, as a result of their increased presence, a number of women justice professionals believe that gender equality has been achieved and that nothing more needs to be done. While statistics show that women have not yet equalled men on most levels of the professions in the justice system, it cannot be stressed enough that even when they have reached parity, this does not translate into equality: the number of women in a profession gives no indication of the quality of their working environment, nor of the kind of positions they occupy.

This research, therefore, looks to go beyond just the numbers. It provides a comprehensive overview of the structural inequalities, and of the obvious, subtle or hidden discrimination that women face in the justice system. In Malaysia, for instance, women outnumbered men in some professions in the justice system in 2017. But a closer look reveals that only about 18 per cent of the federal court is made up of female judges, whereas women comprise over 80 per cent of the High Court senior assistant registrars.¹ Similarly, most Filipina justice professionals interviewed claimed that men and women now had equal professional opportunities in the country, especially in the justice system. However, a 2014 study found that childcare in the Philippines was mainly provided by Filipinas, at approximately 84 per cent, which was roughly 4.3 times the period that the men in the household spent in taking care of the children (UNESCAP, 2015). In Lao PDR, women make up approximately 25 per cent of lawyers and only a meagre 20 per cent of judges (LBA et al., 2015).

This study was instigated by two factors - firstly, the absence of literature on women professionals in the justice systems in Southeast Asia (in contrast with abundant similar information from other parts of the

¹ Information provided by the Federal Court of Malaysia.

world); and secondly, the seeming disconnect between the legislative frameworks in the region guaranteeing equality in law and opportunity, and the actual state of affairs in various jurisdictions. The report attempts to build linkages between the discourse on women working in justice systems generally, and on women in justice systems in the ASEAN context. It unveils the wide scope of discrimination that women face, including the various structural and societal challenges they may encounter during their career. This study also aims to reveal the generally unnoticed and undocumented transformative powers that women justice professionals have generated in the course of their careers, and how they have an impact not only on notions of justice, but also on the status of women in their societies. Finally, laws are based on texts but their implementation depends on the actors in charge of their interpretation and application. Therefore, this research is crucial to re-establishing women justice professionals in their rightful place and highlighting their importance in the justice system.

While the scope of the research focused on women justice professionals in Southeast Asia, it also engaged with key individuals (referred to as 'justice advocates') in order to enlarge perspectives on the subject. Women justice professionals provided their experiences 'from the inside' of the justice professions; justice advocates provided social context and inputs on structural imbalances between men and women in each country. After synthesizing and analysing existing research and policy documentation from within and outside the ASEAN region, extensive field visits were made to nine countries, involving interviews with between five and 18 justice makers in each. A total of 114 participants were interviewed, among which five were men. The study did not aim to capture all perspectives nor offer a definitive understanding, but rather to provide insights into the lives of women working in justice systems in the region. As a result, the study offers the limited perspective of some women justice professionals based on in-person interviews. It shows the span and patterns of discrimination that women encounter, and poses questions for further study.

The report is divided into three parts. The first part provides the context and background for this study. The second presents a detailed comparative analysis of women justice professionals in the nine countries studied. The third part contains country reports for each of the nine countries which also put forward the challenges encountered by women justice professionals. The report concludes with a set of recommendations and suggests the way forward based on the findings of the study.

The target audiences for this report are decision-makers in the justice systems, justice professionals, justice advocates, law professors and law students. It may also be of interest to organizations working on improving access to justice for women and on gender equality in the workplace and in society. The study can be used for various purposes - as a guide for policy reform, as a launchpad to study other issues connected to gender, diversity and workplaces, and as a tool to empower women and female law students in particular. The overall goal is to help improve the justice systems of Southeast Asia by developing trust and disseminating knowledge, and to strengthen the foundations of these systems as guarantors of the rule of law. Finally, this aligns with the vision of the Thailand Institute of Justice (TIJ), to be an internationally recognized institute with excellence in research and capacity-building in crime prevention, criminal justice and the rule of law.

MAIN FINDINGS

WHY DO WOMEN MATTER?

1



FAIRNESS AND EQUALITY

Women should be fairly represented in justice institutions, corresponding to their population-share.

Equality in numbers across all levels upholds the principle of fair representation and diversity in justice delivery.

2

IMPROVE WOMEN'S ACCESS TO JUSTICE



Increasing women's professional participation in the justice sector is key to enhancing women's access to justice, and by extension, achieving women's equality, democracy, and the rule of law (CEDAW, 2015b).

A critical mass of women justice professionals can help fight gender stereotypes and sexism in the outcomes of justice.

Trained women can enhance progress so that the justice sector can better handle women victims of violence.

3



WOMEN HAVE TRANSFORMATIVE POWER, AND HAVE AN IMPACT NOT ONLY ON NOTIONS OF JUSTICE BUT ALSO ON WOMEN'S STATUS

Women justice makers offer new perspectives on women's issues, conflict resolution, and codes of conduct in the workplace that benefit everyone.

By being proactive, women demonstrate that justice matters do not concern only men, and that women are capable justice professionals.

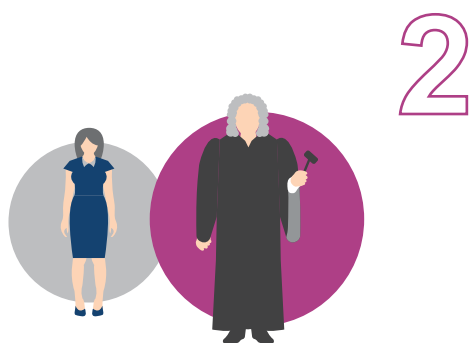
COMMON TRENDS AND PATTERNS



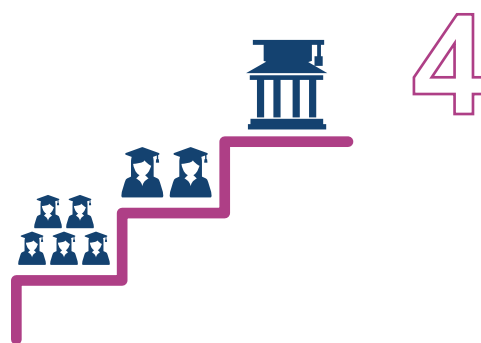
Data collection on women in the justice professions is still under-developed in all countries studied. Improved collection of data would help reveal the situation of women in more nuanced detail.



The main challenges faced by women are common across the studied countries, and not culture-specific. However, local characteristics produce a varied scope of barriers.

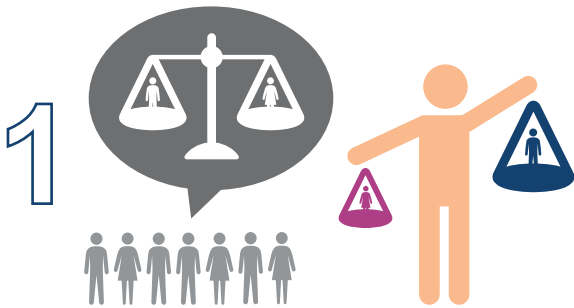


In some countries, women equal the number of men in some justice professions. But generally, they are a minority at all levels, and are more present in the lower ranks of the professions, in secondary tasks, and often remain absent in influential roles.



There are limited quotas in place to increase women's presence in the justice professions. The perception in some countries is that quotas would be counter-productive if women do not have the required knowledge and competence.

THE MAIN CHALLENGES



MISTAKING PARITY IN NUMBERS FOR GENDER EQUALITY

A number of women claimed that equality has been achieved between men and women in their profession or in society. A deeper analysis reveals that even when women are equal in numbers, substantive equality has not been achieved. This is reflected both in their professional and in their personal lives.

Interviewees often believed that men and women should be treated in the same way in order to ensure gender equality. However, 'de facto' equality, or equality in practice, means that the similarities and differences between men and women are recognized and are valued equally, and that their opportunities and their benefits become and remain equal.

Some obvious discrimination remains, but also subtle and systemic discrimination is prevalent in all countries studied.

A handful of women in top positions may be mistaken as an indication of the general state of women's empowerment. Some successful women also believe that there is no discrimination since they have, as individuals, managed to succeed in male-dominated environments.



MALE-DEFINED STANDARDS

Standards of merit have been defined by men, since they have dominated the justice professions until now. Very few women seem to be aware of this.

This affects the rules of the profession (e.g., putting in late hours is an indicator of hard work, without discounting for the different external and social roles that men and women perform). Women have tended to accept these norms as 'the rules of the game', without questioning their fairness or otherwise.



DOUBLE STANDARDS IN THE PROFESSIONS

Certain activities integral to the justice professions are deemed to require characteristics regarded as inherently gendered (e.g., litigation requires aggression, or adjudicating family law matters requires femininity, etc.).

Women are often entrusted with cases involving women as victims because they are expected to 'understand' them better. But they are also considered unduly partial to women victims for the same reason. If women choose to distance themselves from roles with such gendered expectations, they are regarded as being 'too tough' or 'too masculine'.

4



STEREOTYPING

Women are often labelled as being 'too shy', and their given social role as 'nurturer' has an impact on their work and their image in the justice professions.

Women are constantly reminded of what is regarded as appropriate behaviour for women, such as speaking in a certain tone, or dressing in a certain way, or socializing at certain times of day. Many are aware of these issues, and are unsatisfied with this situation.

5



PIGEON-HOLING OF WOMEN

Women tend to be relegated to certain aspects of law (e.g., family law matters). This is either because they are given only those opportunities, or it is accepted that women are better equipped to handle such cases. Consequently, women may be denied entry to or discouraged from handling other issues, such as criminal matters.

Women also tend to be given roles that are outside mainstream practice (e.g., research or administration or clerical roles). Such pigeon-holing can have a negative impact on their career advancement.

6



CHILDCARE AND FAMILY RESPONSIBILITIES

Women are expected to (usually) be the sole partner to handle childcare and family responsibilities. This was found to be much stronger among justice professionals than justice advocates. Such a dual responsibility unfairly affects the ability of women to contribute in equal measure to the justice professions as men.

Most women seemed to have accepted this dual role, even though they admit it should be more balanced. Very few suggested that the government or the workplace should shift responsibilities onto men, or accommodate this reality in other ways.

Women often abandon thriving careers in law, stating that they opted to do so. Many may also have been forced to leave, or 'pushed out', because of the life stage that they were at, and because of the lack of women-friendly or family-friendly working arrangements.



7

HARASSMENT AND DISPARAGING TREATMENT

Sexual harassment and disparaging treatment are not uncommon but the grievance mechanisms to report such practices are rare.

8



LACK OF ENTRY AND ADVANCEMENT OPPORTUNITIES

There are biases at the entry-level in several professions and countries. In a number of countries women have less access to education, and therefore limited opportunities to enter law schools. They also have access to fewer resources than men, and some women drop out quickly after law school because the path to these professions is often arduous, long and costly.

Pigeon-holing implies that women do not get the kinds of high impact opportunities that can give them visibility in the profession, and are often not given the same responsibilities as men. This negatively affects career advancement and earnings.

Due to the kinds of informal networking practices that persist (e.g., socializing after work hours), women tend to have relatively fewer chances of advancement as compared with their male colleagues.

Promotions in professions such as the judiciary are in the hands of seniors from within the profession, who are usually men, and who may exhibit biases in their selection.

STRATEGIES OF INFLUENCE



1

TECHNIQUES OF INFLUENCE

Women have personal strategies to circumvent obstacles. Some of these are coping strategies that may be unintentionally harmful as they reinforce existing barriers. Other strategies may enhance real change through, for instance, having an impact on the behaviour of male and female peers.

Some women tend to adopt - sometimes artificially so - extreme approaches to handling their peers. A 'soft' approach may entail being excessively patient, non-aggressive, or polite to male peers, whereas a 'strong' approach would mean the opposite.



2

CHANGING THE RULES OF THE GAME

Women can change the status quo and provoke positive change within their workplaces. With time, women become more confident and organized, and succeed in creating more women-friendly workplaces and promoting human-centred rules.

By raising awareness and speaking out, women can fight against sexism and stereotypes.

Women justice makers have a substantial impact not only on the status of women in the professions but also on women's access to justice.

3



INSPIRING YOUNGER WOMEN

Women take their duty as role models seriously and often try to help younger women in their own career paths.

Networking, mentoring and leadership are particular strategies that can be utilized to encourage the women who are already a part of the profession. Among other things, such strategies can also positively affect the design of women-friendly workplaces, and change the standards that professionals are expected to meet.

The background features a stylized map of Southeast Asia in shades of orange and yellow, set against a dark blue background. In the foreground, there are two large, semi-transparent silhouettes of a woman and a man, filled with a mosaic of pink and purple colors. The woman is on the left, and the man is on the right. A white rectangular box is overlaid on the lower-left portion of the image, containing the text.

PART 1: CONTEXT AND BACKGROUND

A. Rationale – Method – Limitations

I. Background and rationale

The Thailand Institute of Justice (TIJ), through the Women and Children Empowerment Programme (WCE), seeks to ensure that justice serves as a critical pathway to achieve substantive gender equality and development outcomes. An essential component of the TIJ's work is conducting evidence-based research on women's access to justice, with a focus on Southeast Asia for the purpose of policy advocacy. Improving women's professional participation in the justice sector is key to enhancing women's access to justice, and by extension, achieving women's equality, democracy, and the rule of law (CEDAW, 2015b).

Justice systems around the world are characterized by male dominance. Laws are generally codified by male legislators, enforced by male prosecutors and police, and interpreted by male lawyers and judges. While women have been making inroads at lower levels of the justice professions, the upper echelons remain male-dominated. As a result, men continue to define the 'rules of the game', resulting in barriers to equal employment, equal pay, and equal opportunity in most countries.

The relevance of ensuring equal opportunity for women to participate and progress at all levels as professionals in the justice systems cannot be emphasised enough, for various reasons, including:

- promoting gender equality and achieving a fair society;
 - complying with international justice norms and standards;
 - bringing diversity into the justice professions, and in particular, adjudication;
 - enhancing women's access to justice by having a potential impact on the way women are treated in court (as litigants, victims or agents);
 - ensuring that the justice system reflects the society it serves;
 - building trust between the public and the justice institutions;
 - enlarging and enriching the notion of justice; and
 - inspiring younger generations of women who wish to enter the justice professions.
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II. Research objectives and scope

This report seeks to study the situation, challenges and opportunities of women in the justice professions in Southeast Asia. Anecdotally, it appears that women in the region have a relatively low presence in the justice professions. However, little or no research, quantitative or qualitative, has been done in individual countries, or on the ASEAN region as a whole. This report seeks to fill this gap in the literature, based

especially on qualitative research, and in this regard, is perhaps the first of its kind.

The objective of the study is to present the scope of the challenges and opportunities that women justice makers may encounter in their careers in the Southeast Asian region.

Southeast Asia is a geographical group of non-homogeneous countries differing from one another in terms of political regimes, religions, languages, legal traditions, and so on. For this report, nine countries in the region were selected. Of the ASEAN countries, Brunei Darussalam was excluded due to budget limitations and inaccessibility to key individuals who could serve as sources of information.

Box: The concept of women justice makers

The research team identified several categories of people as possible sources of information in each country:

- Women judges, prosecutors, lawyers, preferably but not limited to professionals with experience working on women's issues; and
- Other relevant key individuals who could bring diverse perspectives to the situation of women justice professionals and women's status more generally.

Consequently, for this study, the inclusive term 'women justice makers' was chosen to encompass all participants. Women justice makers mean women involved in some professional capacity in the justice system, such as legal practitioners (women justice professionals), and women involved in activities in contact with the justice system (women justice advocates), as well as academics.

Women justice makers:

Women justice professionals are women who have studied law and work closely to the law, generally as legal practitioners. This includes, for this research, staff at Ministries of Justice, judges, prosecutors, lawyers, lawyers by training, and law students.

Women justice advocates are women who may or may not have studied law and never passed the bar exam or practiced law but are involved in complementary activities related to justice. This includes for this research: staff at Ministries of Women's Affairs, victim support centres, justice reformers, paralegals, staff in women's organizations, and staff in other civil society organizations (CSOs).

Academics are women teaching as law professors or professors on gender and the law, among other relevant subjects.

Due to the complexity of national contexts, different justice systems, variations in professional roles and

tasks, as well as scarcity of information, it was not possible to offer thorough analytical insights into every country. It is relevant to note that this study did not set out to obtain a comprehensive picture of women justice professionals. **The objective, rather, was to introduce nuances into prevalent narratives of women justice makers in Southeast Asia, with a focus on the challenges that women face as justice professionals. In this regard, the study provides valuable insights into the lives of such women, and serves as a base for future research.**

III. Methodology

The report employed a number of key research methodologies, using primary and secondary sources such as a detailed literature review as well as interviews with key individuals. The research team conducted 114 interviews with 109 women and five men. Most interviewees lived in the capital cities of their respective countries, and were also interviewed there, due to logistical and budgetary factors. An overview of the tools used is provided in the following table:

Table No. 1: Tools used in the research process

Literature review	The research team reviewed literature relating to women justice makers in Southeast Asia and also conducted a global review of women working as justice professionals (English language sources).
Research method	The research team used an inductive method, accumulating descriptive details to construct general patterns and explanatory theories, rather than testing hypotheses derived from existing theories and/or models. The research is also dialogic, since the interpretations and findings of the researchers evolved through engaging with the study's participants. Overall, the research is based upon the framework of feminist jurisprudence. 'Feminist jurisprudence is a philosophy of law based on the political, economic, and social equality of sexes. [...] Feminists believe that history was written from a male point of view and does not reflect women's role in making history and structuring society. Male-written history has created a bias in the concepts of human nature, gender potential, and social arrangements. The language, logic, and structure of the law are male-created and reinforce male values' (LII, n.d.).
Design and pilot of qualitative tool	The questionnaire was divided into three parts. The first part focused on the kinds of challenges and opportunities that women justice makers have encountered along their trajectories; the second part focused on gender roles and expectations about women at three levels (home, work, and society); and the third part focused on women's techniques of influence and strategies.
Review of available national statistics	Online sources for statistics on women justice professionals in each country included: websites of the Ministry of Justice, Department of Statistics, Supreme Court or bar associations, official statistics websites, online articles, news and reports. Some statistics were also provided by participants themselves, and are cited accordingly.

Timeframe of country field visits






The target was to meet around ten interviewees in each country.

Key informant interviews


Justice Advocates


Justice Professionals


Academics

Country				Total
Cambodia	11	4	0	15
Indonesia	6	4	2	12
Lao PDR	9	6	0	15
Malaysia	5	8	0	13
Myanmar	9	7	0	16
The Philippines	3	14	1	18
Singapore	1	2	2	5
Thailand	1	6	1	8
Viet Nam	4	3	4	11

Roundtable discussion with key informants	A roundtable discussion was organized in October 2016 in Bangkok at the TIJ with between one to two participants from each country (other than Viet Nam, as no one could join) in order to identify further challenges and success stories from women justice professionals, but also to validate some of the preliminary findings of the study.
Transcription and translations	All country reports were transcribed verbatim in order to capture all the nuances of the shared experiences. Some of the interviews were done in the Thai language (especially in Lao PDR and Thailand) and were then translated into English.
Peer review	One key participant from each country was chosen to help revise each country report and provide feedback.

Justice professionals and justice advocates were asked about their career trajectories, the support (or otherwise) they received in reaching their current positions, and the impact they had on their profession. To provide a holistic picture of the status of women justice professionals, the research team tried to capture three dimensions of the lives of women justice makers - in society, at work and at home. The underlying assumption in this three-dimensional study is that these three dimensions are intertwined, and cannot be regarded in isolation. For instance, a woman's role in her family directly affects her professional capabilities, and similarly, her role as a professional has an impact on social perceptions. The research team was conscious of internal biases among interviewees. Considering that most families, workplaces and societies continue to be male-dominated, it is likely that most of the interviewees were deeply influenced by their conditioning and environments. After these general questions, which were directed to all groups, the researchers asked specific questions to each group. Justice professionals, for example, were asked about the challenges they face as women in the justice system, or their relationship with male colleagues. Similarly, justice advocates were asked about their views of gender equality in society, or their impact on women victims. The identities of all interviewees were kept anonymous because, in some countries, the information they offered could be regarded as sensitive.

The research team was particularly interested in answering the following questions:

- What are the perceptions of women justice professionals? Are they, or do they feel, discriminated against?
- What professional attitudes or behaviours do women internalize?
- How do women negotiate with men? What are their techniques for exerting influence?
- Do women try to assimilate male-defined practices, or do they shape their own methods and behaviour?
- Do women challenge traditional expectations at work and at home? Do their work and status influence their role in the family?
- Does their presence, or advocacy, make their workplaces more women-friendly?
- Has the state intervened to support women in any way? Who else has supported them?
- Do international frameworks help promote gender equity and equality in these professions?

IV. Research challenges

A key limitation was the lack of access to or availability of national statistics on women in the justice systems of the countries studied. In most cases, the data that could be gathered was scattered, and could not be compared with each other, since statistical methodologies were different, or were collected in different periods.

Another limitation was that the literature review was restricted to material available in the English language. Similarly, the research team could not speak to all the interviewees in their native language, nor were certified interpreters always available. Most interviews were conducted in English between non-native speakers, sometimes with the help of interpreters.

The staggering diversities in these countries render the act of conducting a study in a limited time even more challenging. The perspectives contained in the study are correspondingly limited, and reveal only certain aspects of life as a woman justice professional. Therefore, the views presented in the report are not to be treated as wholly representative views of all women justice professionals in these countries. It must also be noted that it was sometimes complex to categorize the interviewees as 'women justice professionals', 'women justice advocates', or 'academics', because boundaries were, at times, blurred. Yet, all those interviewed were involved in the justice system and related justice activities, and hence, the inclusive term 'women justice makers' was chosen to encompass them all.

B. Approaches and debates

In most countries, women have been traditionally excluded from the realm of the law. As decision-makers, men tend to create and shape legal norms and practices that perpetuate the unequal balance of power between the genders.

I. Conceptual framework

'In the history of patriarchy, men's speech has been regarded as rational, objective and right, whereas women's speech has traditionally been ignored or considered worthless, especially by the criminal justice system' (Leung in Brickell, 2015). The justice system is understood broadly to include the legal framework, the judiciary, the government (through its Ministry of Justice or any similar institution), prosecution and investigative authorities, lawyers' associations, traditional systems and customary practices. Justice professionals play a critical role in ensuring that the legal framework is applied fully, justly and equitably, to benefit all individuals. The reasons why women in justice matter has been examined by a number of researchers offering various lenses to the debates. For instance, through the sociology of law, feminism has helped understand how laws shape women's lives and experiences in ways specific to women. Similarly, the connections between law and culture offer insights into the complex process of changing both mindsets and the laws in favour of gender equality. This section of the study presents the existing debates with regard to women in the legal field, and explores the implications of an increased presence of women professionals in the justice system. Is having more women professionals in the justice system merely symbolic, or are there substantial gains?

Women's status and the law. The extent to which law and culture are interconnected has long been

undocumented, but exploring this relationship is crucial to understanding how women's status in society is determined by the way law and culture interact with one another. Several interviewees were of the view, for instance, that law is based on logic and common sense. A high-ranking attorney in the Philippines said, *'Apply the law, if there is no law applicable, apply equity. And your consciousness. Because we have common sense. Law is just based on common sense.'* But this viewpoint does not take into account the variations in the understanding of terms such as 'logic' and 'common sense'. Both these terms are highly subjective, and influenced by the culture of a group or a country. Similarly, laws cannot be dissociated from the historical, economical and sociological contexts in which they were designed. Indeed, laws were written by people with biases of their time. 'The law itself often is what it is because judges previously said that it was judges who were influenced to an uncertain degree by their ideological and other prejudices' (Geyh, 2014: 510). Some scholars contest the supremacy of law itself. They argue that because laws claim to be the expression of truths, they effectively disqualify or invalidate the knowledge and experiences of others, in particular, those of women (Smart, 1989 In Hunter, 2012). As a result, laws shape the hierarchical interactions between genders, and replicate, consciously or otherwise, the social, economic and political power structures that condition women's rights (Bahdi, 2010).

Studying the impact of the law. Several interviewees pointed out that, until now, academic institutions have only taught the law and its technicalities, whereas the impact of laws on society has remained widely disregarded. A Thai expert on law and gender described how she had had to face backlash from her professors when, as a student, she had questioned the effects of the law on women, and wanted to write a thesis on the subject. She said, *'Initially my advisor thought it was not a law thesis but then I convinced him and found other professors who understood that a law thesis didn't have to talk just about law but also about its social aspects and impacts.'* She is today regarded as a prominent figure in feminist legal theory in Southeast Asia. In her view, justice professionals are often reluctant to consider the feminist approach because, *'The word feminist sounds very political and biased for the justice system to understand.'* A young lawyer who recently graduated claimed that the problem remains unchanged in 2017, and that law professors continue to focus only on the theoretical aspects of the law, and not on its different effects on men and women. In fact, the lens of feminism is crucial to understanding how laws work for women, as feminists consider that rather than the expression of justice and order, laws are an expression of power and control (Fletcher, 2002: 2).

Misperception about gender equality. It is a common misperception that gender equality means gender balance or gender parity. Simply increasing the number of women present in the justice system does not necessarily lead to more gender-sensitive workplaces, nor does it imply that all men are insensitive to gender issues. Gender equality as a concept generally refers to equal rights, responsibilities and opportunities for women and men. **Such equality does not mean that women and men will become the same in any way, but rather, that women's and men's rights, responsibilities, and opportunities will not depend on whether they are born male or female.** A misperception of equality, of requiring the same treatment for men and women, has led to male-defined practices and programmes being applied to women. A number of interviewees in this research believed that gender equality had been achieved in their respective professions, and based this judgement on a mere numerical increase of women as lawyers, judges, and prosecutors around them, or pointing to the few in top political positions. A Thai prosecutor said, *'I think one fundamental problem we have now is the artificial understanding of the notion of gender equality. People seem to think that treating men and women the same way and expecting them to behave in the same way is the essence of gender equality. But in reality, treating them identically does not equate to equality.'*

Box: The false appearance of equality in the justice professions

Women interviewed in the Philippines, Lao PDR, and Singapore seemed satisfied with the efforts of the government and society to achieve gender equality. Both Singapore and the Philippines have a strong set of laws designed to protect and enhance women's rights (the Women's Charter and the Magna Carta for Women, respectively). In Lao PDR, the Lao Women's Union works to ensure that women's interests are represented by the state apparatus (LWU, 2009). Interviewees from these countries were optimistic about the government's willingness to improve the situation of women.

However, high scores in gender equality indices, or a widespread feeling of empowerment, does not mean that gender equality has actually been achieved. A Singaporean lawyer by training explained, *'I think that there is a strong belief that gender equality has been achieved. I really don't think it has been achieved. That also ties in with other things like there is a Women's Charter and there are women in leadership positions. So how is it not gender equality? When I did outreach talk to students and public and I told them, "Thailand and Indonesia as well as our neighbours have higher percentage of women in management than we do", they were shocked because they imagined that Singapore is more advanced.'* She also claimed that pregnancy, motherhood and ethnicity are still a source of 'massive discrimination' for women in the justice professions in Singapore.

In the Philippines, despite half the prosecutors being women, several interviewees complained about an unfair punch card system that reduced the ability of women to balance their roles as working professionals and mothers at the same time. Others complained that it is seen as inappropriate for women to socialize in bars. A judge in the Philippines even generally advised younger women to start their careers later in life, because she had personally found it difficult to perform the role of judge and mother simultaneously. Yet, starting later would penalize women in respect of their chances of promotion.

Implementation of laws. The implementation of laws depends on the will of the various actors involved, whether they be lawmakers, justice professionals, law enforcers such as police, or the people themselves. Several interviewees who were policy-makers pointed out that without the willingness of key actors, the implementation of gender sensitive programmes in the judiciary is unlikely to result in change. For instance, an officer in charge of mainstreaming gender in the various ministries in Lao PDR regretted that increasing awareness about gender still depends on men who dominate the decision-making sphere. This interviewee said, *'We have tried to encourage not only the Ministry of Justice but also all ministries. But you can see that if gender works in one ministry, it means that the male leaders there understand and are sensitive about gender issues. But if, in some ministries, men do not care, it does not matter how hard you try. That person in that ministry needs to have vision to work with me so that we will move forward. I met some men who are very conservative. They respond that the gender issue is the work of the Lao Women Organisation.'*

Box: Gender in the Lao justice system

The lack of gender sensitivity in the justice sector reinforces the widespread notion that justice professions are not women-friendly and are based on male values. An interviewee from UN Women explained, *'The justice sector needs to wear gender lenses and to accept that women issues exist. Even in the law study courses, there is no specific gender course nor case study. So, government officers, prosecutors, courts, or investigators are still lacking skills and knowledge on the issue of gender. Even in cases of rape, women can't choose female nurses or doctors to take care of them or a female investigator to investigate them. There is a certain guideline on how to treat women in law and policy but in practice, it does not work as much as they want to yet.'* A legal trainer, who is engaged in a research project on gender-based violence in Lao PDR, recalled her experience when teaching law students. According to her, most students answered in the affirmative to questions that were asked in a survey (results of which will be released at the end of 2017), such as, *'Is it ok for a husband to hit his wife if she gambles, if she does not do the house chores, or if she goes out in the evening?'* This leads to valid concerns about the justice professions failing to provide adequate perspectives about the relationship between gender and the laws through the education system.

This example also emphasizes the need for collaboration between different sectors, in order to maximize the benefits of the laws and legal procedures for all citizens. An expert on gender-based violence observed that gender sensitivity was not well understood by justice professionals, and emphasized the need to create a gender-based manual for judges, prosecutors and lawyers. When such tools are jointly prepared by justice actors and women's groups, there is a higher chance that justice professionals will understand the procedures and their impact on women victims. Moreover, such manuals could help train women justice professionals and increase their confidence. For example, a high-ranking judge admitted that, in rape cases, she often feels shy and 'awkward' when asking sensitive questions and details that could be considered impolite towards the rape victim. She admitted that she let her male colleagues ask the questions in court. This shows that both men and women need to be trained on gender issues and violence against women in order to bring justice to female victims.

Clearly, the lack of gender sensitivity of leaders might hamper progress towards gender equality in critical institutions such as the judiciary. The key, arguably, lies in gender training targeted at all genders. There is a need to appreciate women's needs, interests, concerns and approaches to effectively alter traditional personnel practices and prevailing negative attitudes to ensure equality of opportunity. Gender equality means not only having more women, but also ensuring that institutions address the structural inequalities between men and women.

That fact that countries in Southeast Asia have reached various stages of gender parity, and equality in numbers, does not mean that no issues remain. Fundamental questions of true equality, influence and leadership, notably in the judiciary and the justice professions, remain. While feminist legal theorists can help justice makers rethink the relationship between women and the law or the justice system (Bowman

& Schneider, 1998), no change is possible so long as policy makers do not understand why women and women's perspectives matter.

II. Why do women matter?

Box: What the interviewees said

While most interviewees agreed that there should be more women professionals in the justice system, only a small proportion spontaneously identified benefits of the presence of women in the justice professions, besides fair representation and the fact that women 'naturally understand' women's issues.

Despite an increasing awareness on the issue, the subject of women's representation does not seem to be commonly discussed among justice professionals, unless when the staff has been trained on gender issues and where the question of the empowerment of women has been specifically raised.

Very few interviewees knew if quotas or other temporary measures existed to increase women's presence in the justice system of their country.

A significant number of interviewees noted that solely increasing the number of women justice professionals would not automatically have an impact on their professional environment or the outcomes of justice for women victims. Instead, it was found that women justice professionals consider that appropriate training is crucial for women (and men) to have a positive impact on the justice system and address better the needs of female justice users.

Fair representation. One measure of accountability is true representation, and in this context, women should be equally represented in all public institutions. According to a Thai scholar, the presence of women as justice professionals is an indicator of the state of gender equality in a country (Siampukdee, n.d.). Arguably, despite being traditionally viewed as masculine, the justice professions and the justice system ought to mirror the public they serve, where women constitute at least half of the population. The inclusion of women from diverse backgrounds also makes a difference, for courts can play a critical role in unifying a population under a set of commonly shared values and norms. A fairer representation of women and men in the justice system is beneficial to the entire society, as there is a positive correlation between the promotion of gender equality and women's empowerment, and peaceful, prosperous societies and sustainable development.

The different voice. In the 1980s, in a book titled, 'In a Different Voice', a scholar argued that women bring something different than men to the table in the justice professions, something uniquely feminine, which made these organizations more complete, humane, inclusive or responsive to the public (Gilligan, 1982). However, since then, the debate on women bringing different outcomes in judging has not

brought any definitive answers. On one hand, there is evidence that having more women in justice systems has an impact on judicial decisions. For instance, a recent study found that the gender of judges matters in a court, and that even though a sole female judge on the bench may not be enough to influence male judges radically, the presence of two or more female justices tremendously increases the probability of a more liberal vote (Mallicoat, 2015). While resisting the temptation to 'essentialize' women or men as a homogenous group, it can be admitted that there may be distinctive behavioural patterns among female and male justice professionals which should be carefully considered within the national and professional contexts in which they are evolving. A judge in Viet Nam confirmed, *'Female justice people are trying to reform the justice toward more human rights and equality than men would do. Men seem to be much more conservative than women in judicial reform.'*

On the other hand, studies have found that sentencing behaviour does not differ based on the judge's gender. Even in rape cases, some studies have not found significant variations between the decisions of male and female judges.³ Some argue that searching for differences between men and women is fruitless (Kenney, 2013). Indeed, some scholars and practitioners in the United States have completely abandoned this line of research because they consider that gender should be understood as a process, and that judging itself may be affected in a wide variety of ways (Barberet, 2014). Instead, some researchers propose to focus on the impact of feminist justice professionals, such as judges who would potentially challenge myths and stereotypes about women (Dawuni, 2016).

The essentialist debate. The essentialist argument that women bring something different than men goes in favour of women when what are perceived feminine qualities are needed (e.g., domestic violence desks, sexual assault bureaus), but goes against them when they want to take on responsibilities usually assigned to men and classified as requiring masculine qualities (Barberet, 2014). Yet, on many occasions, women mentioned the differences they noticed between men and women at work, whether in attitude or outcomes, such as women were 'more thorough', 'less corrupt', 'more understanding and receptive to female victims' and so on. They also expressed essentialist arguments about their roles in the family, and claimed that women were 'natural mediators in the household.' These assumptions echo what is found in the literature, such as the notion of a stereotypical woman lawyer motivated by an ethic of care. Such gendered assumptions about women are considered dangerous by some scholars as it only reinforces stereotypes of imbalances between men and women (Bowman, 1999), and penalizes women who do not fit such expectations. However, a study on the Indonesian Supreme Court found that historically, women justices have had more integrity than men (Pompe, 2005).

Several factors are highly likely to influence justice outcomes and the justice system itself, such as the presence of a critical mass of women, the increase of gender responsive programmes, and the impact of feminist justice makers.

A low number of women justice professionals is detrimental to women's rights. It was found that when women are too few in number, they struggle to voice their perspectives or challenge the status quo. In Malaysia, which had relatively few female judges in the Sharia courts as of January 2017, an interviewee said that decisions usually tend to favour men over women, and husbands over wives. She recalled a case where the law allowing for child marriage under 18 (or even under 16 with the permission of a Sharia court) was challenged (Girls Not Brides, 2017); in a panel of seven judges, the sole woman

² One study found that there were more differences among women themselves than between men and women, while another identified that women judges were twice more likely to send women to prison (Schultz & Shaw, 2012).

could not influence the verdict. Similarly, in Cambodia, anecdotal evidence, based on interviews with a legal trainer, shows that women do not generally manage to challenge their fellow male judges or prosecutors who presume domestic violence as being inevitable when wives *'are not cooking well, if they don't look after the kids or if they reported the violence to the police'*. Yet, at the judicial level, some studies show that the mere presence of one woman or more in a panel can influence justice outcomes (Johnson et al., 2011). A Cambodian prosecutor claimed that in rape cases *'Usually the decisions that say "not guilty"; mostly the judges are men. If one of them is a woman, mostly they are found guilty.'* More research is needed to understand the circumstances under which women are more likely to influence the outcomes of justice, although the literature shows that, generally, when women reach a critical mass in an institution³ the policies and outcomes are likely to change and become more responsive to women's needs. Indeed, *'[a]ccording to Drude Dahlerup, "the test that a critical mass of women is present is the acceleration of the development of women's representation through acts that improve the situation for themselves and for women in general"'* (Karam & Lovenduski, 2014: 189).

More women may improve women's access to justice. According to a 2011 report, women judges can create a more conducive environment in certain circumstances. In cases of sexual violence, for instance, the presence of women judges has a beneficial impact on both men and women victims in the courtroom (Thornton, 2006; UN Women, 2011). Other scholars explain that because women are expected to be care-oriented in society, they will display a different lawyering style than men, and may reject the win/lose approach of the adversarial system in favour of dispute resolution methods, seeking compromise between parties (Bowman, 1999). Yet others argue that because men and women have different experiences in society, women's perspectives, needs and interests can contribute to law by challenging gender hierarchies, expanding the notion of diversity, and bringing an understanding of the impact of the law on the lives of women (Dawuni, 2016). The argument that women are *'naturally'* fairer and sensitive appears ungrounded. Instead, it is more pragmatic to argue that women are socially trained to understand each other better because they share a similar defined role in society and face similar issues. A Singaporean lawyer said, *'Sometimes when you are bullied or disadvantaged and discriminated, your sense of justice will grow stronger.'*

Women improve the workplace. When they reach a critical mass, women are also more likely to have an impact on their professional environment to make it more women-friendly and human-centred. Numerous interviewees revealed their strategies which led to raising awareness of women's particular situations, adapting the workplace to women (breastfeeding, menstruation, double burden, etc.), improving the work-life balance for both men and women, fighting against gender stereotypes and sexual misconduct, reporting on disparaging treatment, training on gender issues, and so on. Yet, these changes take time and may not happen in cases where there are very few women in a male-dominated environment. Moreover, a word of caution about the strategies to improve the workplace structure is warranted here as they need to be implemented with an understanding of the systemic discrimination embedded within society. Otherwise, these strategies might inadvertently end up reinforcing the discriminatory practices against women, instead of challenging male institutional structures in place. **Changes such as these not only benefit women, but are also supportive of more human-centred professional environments.**

³ The concept of a critical mass of women is useful despite the absence of consensus as to a particular percentage. It should be noted that there are limited studies done on the critical mass of women in the justice system.

Increase public trust in the justice institutions. Public trust in justice may be eroded if its institutions are perceived as being unable to represent half of the population. In the same spirit, the Malaysian government announced that if competent female judges were promoted to higher ranks, they would ‘enrich the decision-making process and instil greater public confidence’ in the judiciary’s ability to settle disputes more fairly in society (The Malaysian Judiciary, 2012: 99).

Gender-responsive justice professionals. International standards call for well-trained justice professionals, both men and women, to handle cases involving women and sensitive issues such as sexual violence.⁴ Techniques to put victims at ease and develop trust can be easily taught in law schools. However, in countries where men and women are more explicitly segregated, male justice professionals may have to make additional efforts to break boundaries between the female victims/witnesses and themselves. Many women believed that they were better equipped to handle women’s issues: for example, they said it was easier for female victims of domestic or sexual violence to disclose what happened in their homes, or provide details of violent incidents, to female professionals. Consequently, in the Philippines, for instance, the prosecutors assigned to handle female victims of domestic violence are usually female. Indeed, as long as gender mainstreaming in justice institutions remains weak, and justice personnel are not trained, it may seem preferable for women to handle certain kinds of cases. However, men are equally capable of handling such cases. A strategy that relegates women’s issues to being something specifically in the domain of women perpetuates gender segregation and also has negative consequences for the careers of women justice makers (see ‘The main challenges’ in Part 2).

Moreover, the sensitivity with which these women handle such cases is not guaranteed merely on account of their gender. In Indonesia, a study on the effect of gender mainstreaming in the Islamic judiciary shows that some women claiming to have been trained on gender issues were unable to influence justice outcomes to bring justice to women. Two reasons were given for this: firstly, despite training, women might not have a good understanding of gender equity; and secondly, female judges may have been prevented from expressing their sensitivities more clearly and been unable to argue with their male counterparts (Nurlaelawati & Salim, 2013). Consequently, the impact of training and trainers on gender sensitivity should be assessed regularly, and the material provided should be checked by a judicial academy and women’s groups. In general, well-trained individuals are more likely to have a fairer impact on women and family issues than individuals of any particular gender.

The need for more feminist legal professionals. A 2016 report on the implementation of CEDAW in Lao PDR mentions that, ‘There is an urgent need to have more feminist lawyers (women and men) in the country. In addition to increasing the numbers of female lawyers, it is critically important that male lawyers and other judicial actors in the system – judges, prosecutors, and legislators – receive gender training and training on women’s human rights, including CEDAW’ (MPI, 2016: 29). This study found that women who had studied or learnt about women’s issues, gender and feminism were able to have a stronger impact on women’s access to justice. A Filipina lawyer defined what a feminist lawyer is. She said, ‘A feminist lawyer understands that there is a systemic disadvantage and discrimination against women. [...] A feminist lawyer is someone who work as a lawyer and tries to contribute to that project of improving the situation of women by using the law.’

⁴ See the United Nations Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.

Box: The issue with feminism for women justice makers in Southeast Asia

Several interviewees who could be regarded as ‘feminists’ (in the sense that they are aware of the imbalances between men and women in society and act in some way to correct it) did not identify as such, either because they did not know the term, or because they believed it was necessarily associated with activism and public demonstration. According to a foreign sociologist with extensive experience in Asia, the word ‘feminism’ does not have a positive connotation in the region. She said, *‘This label is not really appreciated. Because it means “to stand out”. There are few women who could do that.’* A legal trainer in Lao PDR explained how she had dedicated her life to helping women and children, and how she refused to play a traditional role at home (e.g., raising her sons to participate in household chores, not ironing her husband’s clothes, or not cooking). Despite having studied women’s issues in school, she hesitated in calling herself a feminist. She said, *‘I think in a feminist way but ... somehow I cannot implement all the feminist theories because once we work in the society, we cannot be very feminist. And we can’t say “no” to everything that is unequal or confront things directly. Somehow, I need sometimes to stay quiet and bear or stand with the things that happen. I try to change things in a different way.’* Once the researcher clarified that a feminist was not necessarily an activist, and that, at her level, she had already had an impact, the interviewee agreed, *‘In that case, I consider myself a feminist.’*

Feminist justice makers are not only more likely to bring justice to women, but also to challenge the status quo and push for progressive change in favour of women in legal practices and structures. For instance, a Thai law academic claimed to have created one of the first foundations to empower Thai women, and equip them with legal knowledge and feminist legal theories or jurisprudence. She also created one of the first research centres focusing on women’s issues and gender equality. She expanded her work and impact internationally, teaching and training numerous stakeholders on the relationship between women and the law. She also encouraged men and women, particularly justice professionals, to scrutinize laws with the lens of gender, and undertook extensive advocacy training. **Most feminist justice makers interviewed have proven to be particularly pro-active at different levels of the legal field (drafting laws, engaging with CSOs, improving their workplace and the justice system for women, etc.),** whereas other justice professionals tend to focus on the activities prescribed by their work.

The need to have more women risk-takers. Some interviewees admitted to having gone beyond their call of duty to render justice. A prominent Thai judge explained how she had to overstep her judicial role and personally meet with young, distressed, female sex workers and offer legal solutions and assistance (e.g., providing addresses of support centres). She also recalled having had to motivate the police to handle such cases, and how her professional environment constantly prompted her not to step out of her ‘role’ as a judge. She said, *‘I was always warned to stay in my role, strictly interpret the law and remain neutral, ruling with the law as supreme. While I didn’t entirely disregard this, I made sure I took into account all the influential factors.’*

Box: The impact of female justice advocates in Myanmar

The ability to support and improve women's access to justice beyond one's own professional duties was also found among justice advocates working for civil society organizations. In some regions, female justice advocates seemed more able to have an impact on women's access to justice, while female justice professionals felt restrained from taking action due to rules of their professions. Volunteers and activists in Myanmar revealed the various types of missions they had to take. For instance, sometimes, they had to force the police to take action in sex trafficking cases. In other situations, they had to use public opinion to highlight horrific cases involving young female rape victims. To prevent such key cases from 'disappearing' in the judicial system (something that is common in Myanmar in sexual offences involving powerful perpetrators), they sometimes collectively attend court hearings to show that there is strength in numbers. Some even went so far as to directly threaten the perpetrators of violence against women, pretending to have a law degree and saying that they would bring them to the court if they did not admit their crimes and pay reparation to the victims (in reconciliation settings). Many justice advocates have shown a high level of dedication to the cause of women's access to justice. Several had to take on duties that are similar to those of women justice professionals, and it was found that most were also strongly in favour of having more women in the justice system.

The need to have women leaders. It is argued that many women in justice professions avoid confrontation and adopt leadership styles that are less hierarchical or conflicting than the ones used by male office-holders. Women are said to place more emphasis upon mutual respect and non-competitive power (Mallicoat, 2015). However, increasing the visibility of women in justice professions can inspire other women to enter such professions. Numerous interviewees explained how they regarded their role as models for the younger justice professionals very seriously. A Deputy Chief Judge in Thailand said, *'The spark that edged me towards a legal career was my mom, who came across an article about the first female prosecutor in Thailand, K. Nuathip. Knowing that there are female judges and prosecutors out there can really help inspire women. Much like how my mom pushed me to become a judge after reading about the first female prosecutor.'* This study found that in some Southeast Asian countries, women are not seen as capable leaders or as able to enter male-dominated professions such as law. A number of interviewees noted that having more women in the judiciary at the top level, such as in the Supreme Court, high courts, courts of appeal, or the Ministry of Justice, shows younger justice makers that women are as competent as their male counterparts.

C. Global review

The justice profession is quintessentially male (Ehrlich-Martin & Jurik, 2007). The following table provides a comprehensive overview of the most common challenges that women face in the justice professions, according to the global literature.

Table No. 2: Challenges of women in the justice professions

CHALLENGES OF WOMEN IN THE JUSTICE PROFESSIONS		
Category	Challenge	Description
Male-defined standards	Merit	The concept of merit is rarely defined. For a long time, men were the ones to appoint and decide on what merit is. It is often based on subjective criteria. 'Merit is an abstract term involving a claim to excellence, commendation and worth, but it has no meaning without reference to the social context in which it appears' (Thornton, 2006: 401).
	Impartiality and gender in the judiciary	Judges are commonly assumed to be 'professional' by being impartial. 'This position believes that the individual is miraculously able to leave the particularity of his sex and other characteristics of identity together with his life experiences at the courtroom door, in order to carry out the adjudicative role with impartiality' (Thornton, 2006). It is found that women, more than men, have to prove they can be impartial.
	Equating performance	Commitment and the ethos of working long hours. The law firm culture, such as the billable hours and the rotation system were created when women had mostly the role of housewives, and developed by men at a time when men were the breadwinners and working mothers were an anomaly. These rules are now seen by some scholars as outdated, unnecessary and detrimental to both men and women (Bowman, 1999). Despite studies showing that productivity increases when employees are happy, the culture of long working hours remains the norm in the legal field (Thornton, 2016).
	Ignoring male-dominated cultures	Misunderstanding of the notion of equality. When women ask for accommodating rules in a gendered organization, men often claim that such treatment would be unfair towards men. 'It is common from males to denounce anything other than a strict application of the equal treatment standard that usually means retention of the status quo' (Fawcett Society & Commission on Women and the Criminal Justice System, 2009).

Category	Challenge	Description
Gender stereotyping	Assumptions about female physiology	The insistence on women's roles based on physiology: women are perceived mostly as emotional beings and nurturers. This theory claims that women's reproductive role and lactation or menstruation patterns legitimizes gender stratification. 'The narrative of law tends to portray women according to a few outmoded stereotypes associated with the body, sexuality, subordination in marriage and the supposed vacuity of the female mind' (Easteal et al., 2015).
	Gender and motherhood	Women are perceived as less committed when they become mothers. After maternity leave, some women are suddenly downgraded in their professional responsibilities in comparison with the kind of work they did earlier. Also, despite being advantageous, the 'mommy track' solution (e.g., flexible work practices, part-time work and job sharing) merely works to reinforce undesirable stereotypes and confine women to subordinate positions, instead of offering a real, long-term solution. Examining stereotypes in the workplace, a study found that part-timers are commonly associated with housemakers. Moreover, while business women are associated with 'confidence, ambition, hard work and dominance', the common stereotypes for housewives are 'submissive, dependent, selfless, nurturing, tidy, gentle and unconfident'. Such attributes may be problematic when women are considered for promotion (Porter, 2006).
	Historical stereotypes persist	Women and their so-called 'feminine characteristics' have long been seen not to be fit for the justice professions. 'The law is perceived by society by male personality traits, adversarial instead of mediating, rational as opposed to emotive and detached instead of personal' (Easteal et al., 2015).
	Double standards and double blind	Women are expected to maintain a balance between assertiveness and softness while not appearing too aggressive or complacent. 'This creates a no-win situation for women who are viewed as incapable of handling the stress of litigation but are too aggressive for collaboration and partnership. It also results in a negative work environment, gender wage gap and lack of advancement' (Flake, 2011).

Category	Challenge	Description
Sexual division of labour/The pigeon-holing of women	Pigeon-holing	Women often face sex segregation patterns reflected in the justice system. They tend to be assigned to specific areas of the law where their stereotypical qualities are seen as appropriate. This has an impact on their earning potential and leads to women remaining underrepresented in more mainstream areas of the laws. 'Women continue to be disproportionately assigned to work in areas of the law such as domestic and sexual violence, juvenile delinquency and child welfare cases. [...] In the private practice of law, women are often pigeonholed into practicing within the stereotypical "acceptable" areas for women such as family law, trust and estates' (Fawcett Society & Commission on Women and the Criminal Justice System, 2009). Women judges also find themselves subjected to patterns of specialization and isolation on the bench. Reflecting the stereotypical thinking about women in general, they are assigned mostly to family law or juvenile courts rather than trial courts (Backhouse, 2003).
Childcare/ Family responsibilities	Sharing of family responsibilities	Women are still expected to do most of the non-paid domestic work and to take care of children and other family members. 'The hope of the women's movement that men would share in the demands of family life equally with women has not been realized, especially if both are working in this culture' (Thornton, 2016: 6).
	Opting out or being pushed out?	Some very successful women may declare that it is their own choice if they decide to opt out. They put their career on pause or 'slow down' because they have to take care of their children. However, this 'choice discourse' fails to show that the workplace is simply not favourable to working mothers. Unknowingly, women might actually be 'pushed out' (Stein, 2008).
	Work-life balance	The work-life balance discourse tends to be associated with the feminized role of caring for others, particularly children (Easteal et al., 2015). Nonetheless, it has been proven that it is not the quantity but the quality of work achievement that matters. 'The ideal legal worker is still expected to be unencumbered by private sphere responsibilities in order to be able to devote himself unconditionally to work, to be able to work on short notice, be on call, or be relocated' (Easteal et al., 2015).

Category	Challenge	Description
	Hitting the maternal wall	Women are often not given the same responsibilities when they return from maternity leave. ‘One scholar pointed out that a key time of leaving seems to be when women return to work following pregnancy and are faced with a lack of support for part-time work or a lack of any options for flexible work, or stuck with lesser quality work. Some have noted outright hostility from employers to lack of support, others felt devalued by work allocation that did not meet their capacity and experience’ (Easteal et al., 2015).
Gender pay gap	Women are paid less	Wages are often confidential and women are often paid less. This is in part due to the fact that women are more likely to be engaged in part-time and casual work, which affects significantly retirement savings and promotional opportunities. Even when women think they earn the same as men, it is worth remembering that salaries are usually confidential. ‘This pay gap is worrying, not only because it demonstrates women are not receiving equal pay for work, but also because it highlights the fact that barriers still very much exist in relation to women’s progression to the senior levels of the profession’ (Fawcett Society & Commission on Women and the Criminal Justice System, 2009). Some research shows that this disparity emerges at a very junior level and continues to the senior levels (Easteal et al., 2015; Angle et al., 2010).
	Lack of mentoring	Learning with senior justice professionals is crucial. They are the source of desirable job assignments, provide substantive guidance and supply career advice and connection. Women often claim that they lack mentorship. ‘Scholars have noted that mentoring is a significant predictor of the promotional opportunities and earning potential of lawyers’ (Flake, 2011).
Lack of advancement opportunities	Job assignments with less of an impact	Women are generally offered less challenging job assignments, and that have less of impact, than their male counterparts. This has been described as the ‘gendered hue’: advancement depends on billable hours, which depend on assignments (Sterling et al., 2009).

Category	Challenge	Description
Lack of advancement opportunities	Less opportunities for socializing outside work	Women usually have difficulties socializing with colleagues after work. This is either because they have family responsibilities or because they are not invited to be part of the male-dominated networks or the 'old boys' clubs. 'Most inequitable treatment has taken on subtle forms such as exclusion from the "good old boys" network, perpetuation of traditional gender roles and stereotypes and differential opportunity paths and structures' (Flake, 2011).
Retention issues	Drop out	There is a high attrition rate of women lawyers. 'There remains a perception that many women regard failure to reach their full professional potential as the price they have willingly paid to combine their careers with their family life' (Raday, 1995).
Harassment and disparaging treatment	Sexual harassment	Women are more likely than men to encounter sexual harassment by their colleagues at firms or in courtrooms. In addition, women often fear a backlash when reporting harassment at the workplace. 'The descriptions included in these reports make clear that women attorneys are being harassed in the crudest of ways, as well as being subjected to hostile treatment that would qualify in workplace settings as sexual harassment on its own' (Bowman, 1999).
	Disparaging treatment	Women are treated differently by male colleagues and afforded less respect. For instance, they might not be addressed as 'Your honour' but rather 'Ma'am' or 'Missy' or 'Dear'. This is often hard to change as it is subtle and appears harmless. 'Studies show that women lawyers experience disparaging treatment in the form of demeaning comments, repeated interruption while speaking, and being addressed by terms of endearment undermines the stature of women lawyers in the eyes of clients, witnesses and juries' (Flake, 2011).
Discriminatory treatment	Exclusion and other forms of discrimination	Exclusion and restriction. 'In a study examining the treatment of women judges, two patterns emerged: one is exclusion, male colleagues who isolate or ignore women judges and two, restrictions, in their work assigned to the simplest cases or shunted to the area of family law' (Backhouse, 2003). This scholar listed the kinds of discriminatory treatment experienced by women judges: condescension, stereotyping, sexist comments, hostility, denial of status and authority, invisibility, double standards, tokenism and exclusion (Backhouse, 2003, 2009).

Category	Challenge	Description
	Lack of effective grievance mechanisms	Women often do not dare to complain and are not encouraged to. A recurrent theme that emerged from the research was that when women had a grievance with the firm, whether it was about pay, promotion, or assignments, they did not speak up to the partners or senior management. As Sterling and Reichman put it, 'Women were afraid to rock the boat in what they already perceived as treacherous waters. For all sorts of gendered reasons, women were not making formal complaints about discrimination. Too often, women just left the law firm or the practice' (Sterling & Reichman, 2013). Indeed, women may be afraid to endure backlash if they came to denounce their colleagues' behaviour.

D. International framework

I. Women as justice professionals: relevant legal and policy frameworks

The international legal and policy framework provides that women should have equal opportunity to progress in society. For women professionals in the justice system, this means being free from discrimination and harassment, and being given equal opportunity to progress at all levels of justice sector agencies. **Women's participation in justice professions is both an expression of a broader participation of citizens in the public sphere, as well as a means to promote women's rights** (Kamatalli, 2016).⁵

1. The promotion of gender equality and empowerment of women

Gender equality is a cornerstone of the international human rights framework. The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) are considered the women's bill of rights, all of which call for the prohibition of discrimination, equality before the law and equal protection of the law. The UN Sustainable Development Goals 2030 recognize that gender equality is a human rights issue as well as a precondition for sustainable development. Goal five of the 2030 Sustainable Development Goals is 'Achieve gender equality and empower all women and girls'. This is based on evidence that in countries where there is higher equality, there is also less poverty, more economic growth and a higher standard of living.

⁵ See Annex No. 1 on gender equality.

Box: The various aspects of gender equality

Establish legal protection of the rights of women on an equal basis with men (CEDAW article 2).

In all fields, in particular in the political, social, economic and cultural fields, all appropriate measures are to be taken to ensure the full development and advancement of women to guarantee them the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality with men (CEDAW article 3).

Eliminate discrimination against women in public and political life (CEDAW article 7).

Expose and remove the underlying social and cultural barriers, including gender stereotypes that prevent women from exercising and claiming their rights and impede their access to effective remedies (CEDAW General Recommendation No. 33).

Source: CEDAW, 2003; 2015b

The promotion of gender equality in employment means that all appropriate measures must be taken to eliminate discrimination against women to ensure they have the same rights to employment opportunities, advancement, and remuneration, on the basis of the equality of men and women. States are particularly called upon to take measures to prevent discrimination against women on the grounds of marriage or maternity (CEDAW article 11). The international framework also contemplates forms of affirmative action to achieve gender equality. For instance, adopting temporary special measures aimed at accelerating de facto equality between men and women is not considered discrimination (CEDAW article 4).

2. Women justice professionals to promote women's access to justice

The CEDAW Committee in 2015 issued General Recommendation No. 33 on women's access to justice (WA2J). It emphasised the right of women to access justice for all the rights protected under CEDAW. It also stressed the importance of this right as an aspect of the rule of law and good governance. The multidimensional aspect of this right was also addressed in the wide range of recommendations on how states are to meet their obligations.

In advancing this right, the CEDAW Committee calls on state parties to:

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- Confront and remove barriers to women's participation as professionals within all bodies and levels of judicial and quasi-judicial systems and providers in justice-related services.
 - Take steps, including temporary special measures, to ensure that women are equally represented in the judiciary and other law implementation mechanism as magistrates, judges, prosecutors, public defenders, lawyers, administrators, mediators, law enforcement officials, judicial and penal officials and expert practitioners, as well as in other professional capacities.
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- To gather and analyze data, which should include but need not be limited to, the number of men and women in law enforcement bodies and judicial and quasi-judicial institutions at all levels; and the number and geographical distribution of men and women lawyers, including legal aid lawyers.
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Source: CEDAW, 2015b

The Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice contains provisions relevant to women working in the criminal justice system, specifically:

- Member States are urged to ensure gender-equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels (article 16(k)) (CCPCJ, 2010).
- Member States are urged to provide victims of violence, where possible, with the right to speak to a female officer, whether it is the police or any other criminal justice official (article 16(l)) (CCPCJ, 2010).

All ASEAN countries are parties to CEDAW and therefore guided by General Recommendation No. 33 on Women's Access to Justice (TIJ & University of Cambridge, 2016). In addition, all ASEAN countries, as members of the General Assembly, have consented to the soft law instruments which include the Beijing Platform for Action and the Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.

E. The ASEAN context

This section provides background on women in Southeast Asian countries, and the socio-cultural as well as legal contexts in which women justice professionals work.

I. Women's status at a glance

1. Gender equality in Southeast Asia

Exploring the structural inequalities between women and men justice professionals requires an understanding of how gender operates in societies. However, measuring gender equality is challenging, given the range of tools and indicators used, and make comparisons between Southeast Asian countries even more difficult.

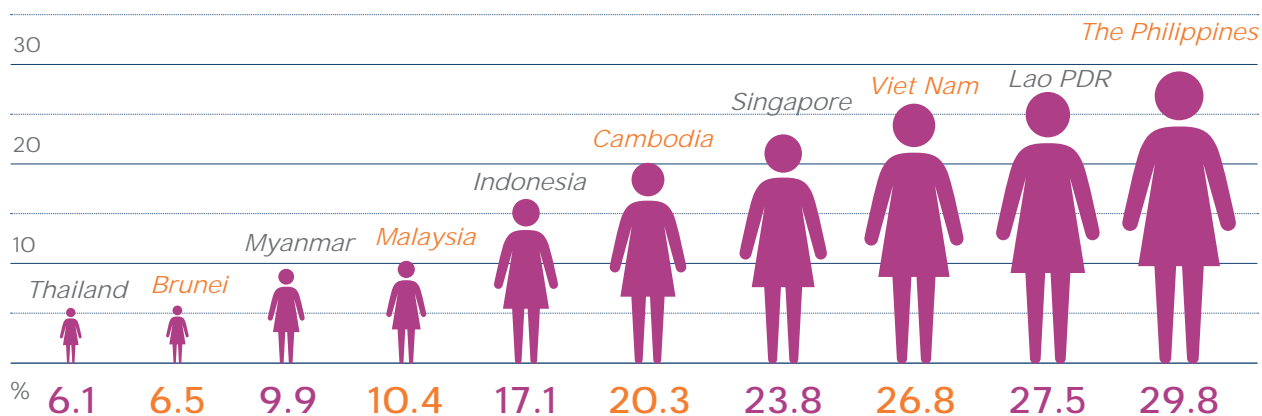
Table No.3: From de jure to de facto equality

De jure equality					De facto equality	
Country	CEDAW State Party	Does the Constitution contain a clause on non-discrimination?	If yes, does it mention gender?	Does the Constitution contain a clause on equality?	Global Gender Gap rank/145 2015	Gender Inequality Index rank/188 2015
Cambodia	✓	Yes	Yes	Yes	109	112
Indonesia	✓	Yes	No	Yes	92	105
Lao PDR	✓	No	N/A	Yes	52	106
Malaysia	✓	Yes	Yes	Yes	111	59
Myanmar	✓	Yes	Yes	Yes	88	80
The Philippines	✓	No	N/A	Yes	16	96
Singapore	✓	Yes	No	Yes	54	11
Thailand	✓	No	N/A	Yes	60	79
Viet Nam	✓	Yes	Yes	Yes	83	71

Source: see 'Data sources'

Politics. Graph No. 1 shows that women are still a minority in parliament in all countries of the region. They occupy less than 10 per cent of parliamentary seats in Thailand, Brunei Darussalam and Myanmar.

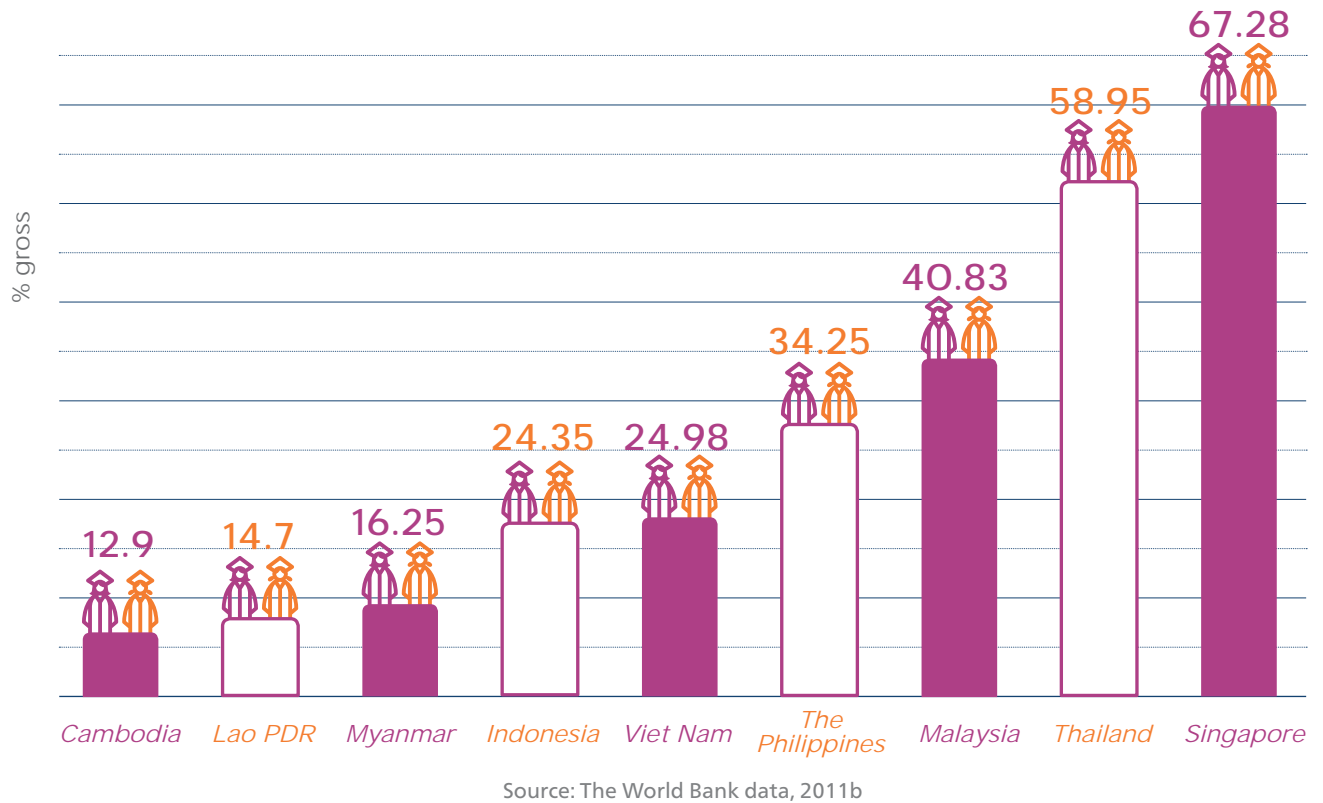
Graph No. 1: Woman participation in Parliament in ASEAN countries 2016



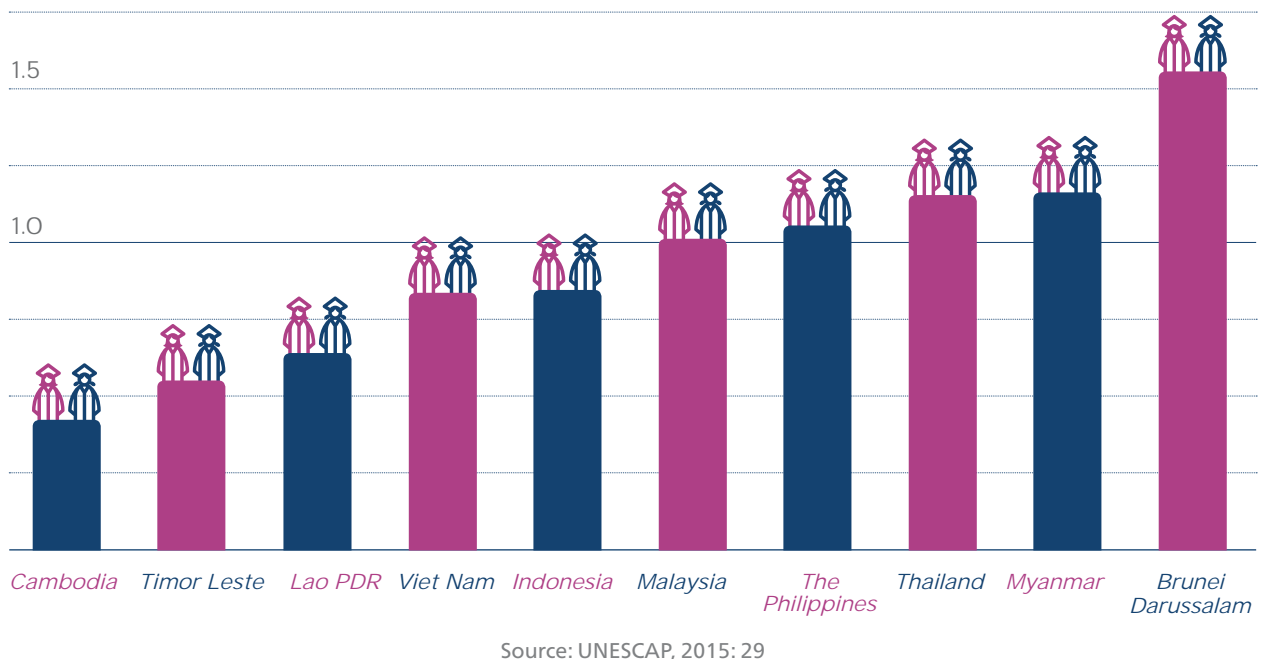
Source: Inter Parliamentary Union, 2016 *In Statistics on Women, Family and Community*, 2016: 110

Education. The lack of education and other opportunities for women to advance to the tertiary level has a significant impact on their ability to become justice professionals. As Graph No. 2 illustrates, women’s enrolment in tertiary education is high in Thailand and the Philippines, and much lower in Cambodia, Lao PDR and Myanmar. However, Graph No. 3 shows that gender parity in tertiary education enrolment is high in Myanmar and Thailand, but lower in Cambodia, Lao PDR and Viet Nam.

Graph No. 2: Gross tertiary education enrolment of women 2011



Graph No. 3: Gender parity index for tertiary education enrolment 2015



Participation in the labour force. Some studies show that women are progressing in the workforce in the region. According to a 2016 report, the labour force participation gap has slightly narrowed in Southeast Asia and the Pacific between 1995 and 2015 and, 'In South-Eastern Asia and the Pacific, the share of women in wage and salaried work increased from 30.4 per cent in 1995 to 40.9 per cent in 2015, while contributing family work decreased from 42.4 to 25.9 per cent' (ILO, 2016b) (see *Graph No. 4*).

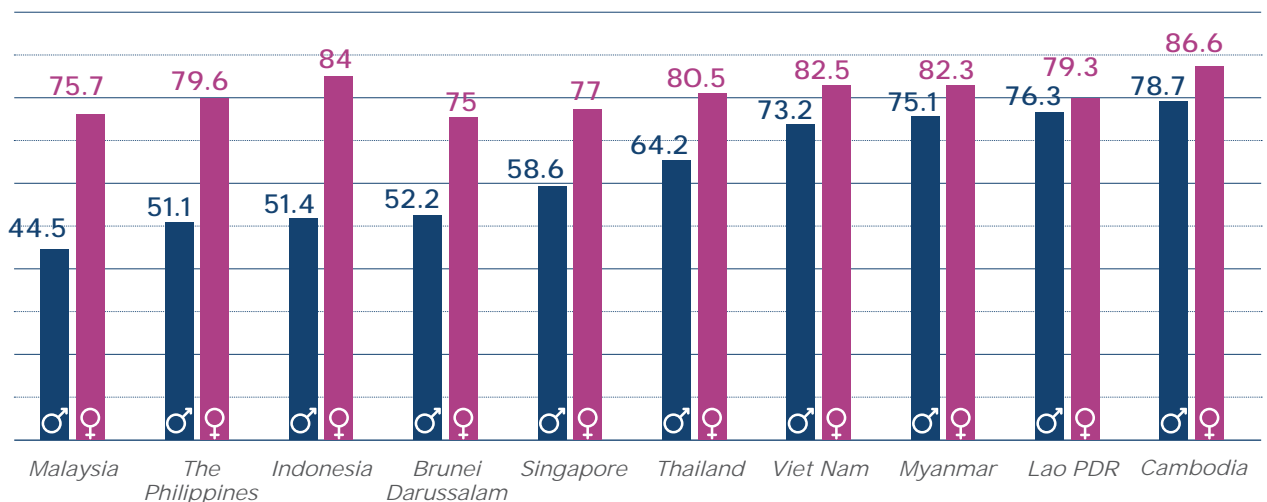
Graph No. 4: Female and male employment status by regions, 1995 and 2015



Source: ILO, 2015 /n ILO, 2016b

In 2012, a report by Grant Thornton revealed that 32 per cent of senior management roles were held by women in the region, which was higher than in the European Union (EU) (24 per cent), Latin America (22 per cent) and North America (18 per cent) (Hussein, 2012). Within the region, the Philippines, Thailand and Indonesia score the highest, with 39, 37 and 36 per cent respectively of women holding senior positions in the private sector in 2016 (Grant Thornton, 2016). In 2014, the rate of participation of women in the labour force was the highest in Lao PDR whereas it was the lowest in Malaysia (see Graph No. 5).

Graph No. 5: Labour force participation rate for ASEAN countries by sex 2014



Source: Department of Statistics, 2014 *In Statistics on Women, Family and Community*, 2016: 42

II. Women and the law

To understand the situation of women and the challenges they may face in the justice professions, it is helpful to briefly explore the relationship between women and the law in Southeast Asia. Many academics have argued that patriarchal laws, intended for a male audience and interpreted by men, frame the lives and experiences of women. This concern was echoed by those interviewed for this study as being applicable to Southeast Asia as well. An Indonesian scholar said, 'The gap between the law as a text and the law in practice is very apparent. Law as text is open to multiple interpretations. Anyone can interpret the law based on views and beliefs related to their individual interests' (Irianto, 2013: 23). Many laws continue to discriminate against women in the region. In addition, most Southeast Asian legal systems were influenced by Western legacies, and certain laws which are considered outdated elsewhere, remain applicable in these countries to this day.

It also happens that domestic laws fail to reflect realities on the ground. For instance, the Indonesian Bureau of Statistics estimated in 2010 that women headed 14 per cent of the 65 million households (Sumner, 2010). Despite this, the 1974 Marriage Law only recognizes that a man or a husband can be the head of a household. In Southeast Asia, academics, women's groups and women justice professionals have been advocating for the repeal or amendment of patriarchal laws, guided, among other things, by the CEDAW Convention which all states have ratified. But, not only do old discriminatory laws remain, amendments of new laws do not always work for women (Irianto, 2013). Besides this, laws and policies

designed to improve women’s status in workplaces are often not implemented. Discriminatory laws, combined with a lack of implementation, remain an unaddressed issue in the region, and reinforce gender inequalities in these legal systems.

1. Women and the labour codes

When laws have a negative impact on women’s status in the society, they also affect the ability of women to progress in the workforce. This applies to most professional spheres, but women in the justice professions also face other kinds of discrimination specific to their sector, which adds to an already unlevel playing field (see ‘The main challenges’ in Part 2). Table No. 4 affirms that inequalities remain in many countries, notably in the workplace.

Table No. 4: Gender inequality and labour codes 2015⁶

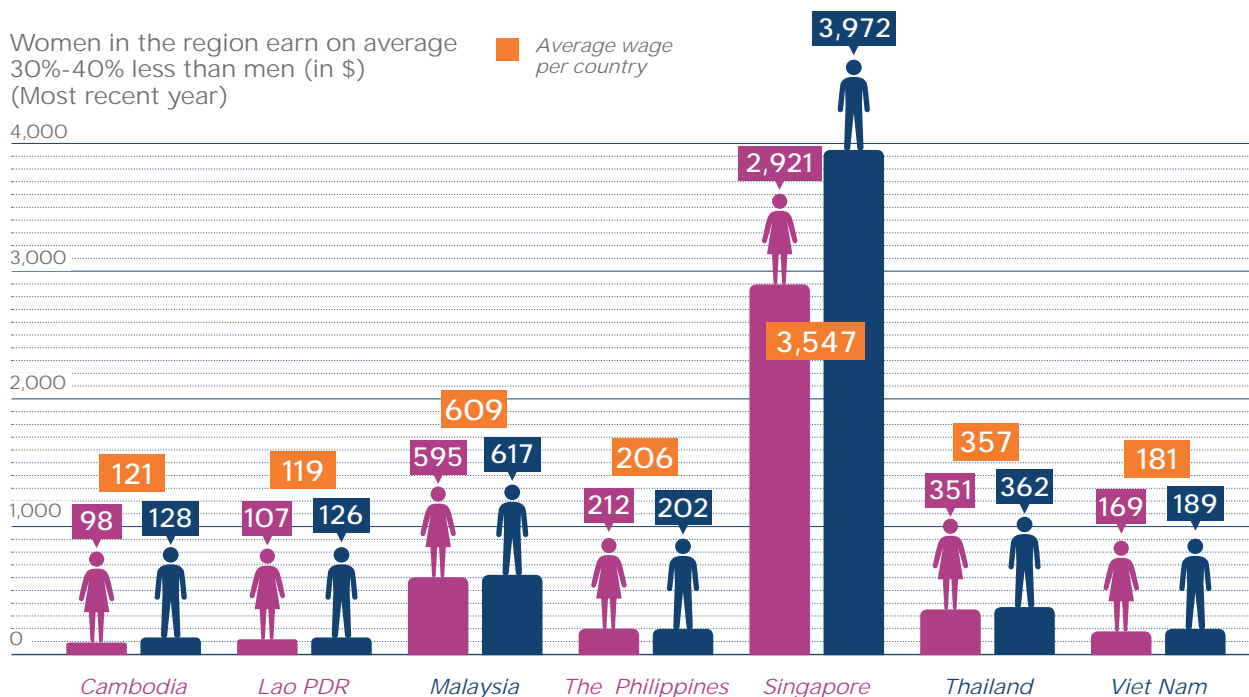
	CAMBODIA	INDONESIA	LAO PDR	MALAYSIA	MYANMAR	THE PHILIPPINES	SINGAPORE	THAILAND	VIET NAM
Does the law mandate equal remuneration for work of equal value?	YES	NO	NO	NO	NO	YES	NO	YES	YES
Are there tax deductions of credits specific to men or women?	YES to men	YES to men	YES to men	YES to men	NO	YES to men	YES to women	NO	NO
Must employers provide leave to care for sick relatives?	YES	NO	YES	NO	NO	NO	NO	NO	YES
Must spouses jointly financially maintain the family?	YES	NO	YES	NO	YES	YES	YES	YES	YES
What is the age of retirement for women/ men to get full benefits?	55/55	55/55	55/60	60/60	N/A	60/60	62/62	N/A	55/60
Does the law mandate non-discrimination based on gender in hiring?	YES	NO	NO	NO	NO	NO	NO	YES	YES

Source: see ‘Data sources’

⁶ It should be noted that this table provides a general perspective on gender and the labour codes. It does not reflect the specific conditions of the justice professions (e.g., judges may retire at a different age from the general rule), or the differences between the private and public sectors (lawyers in private practice versus public prosecutors).

As shown in Table No. 4, women are not always guaranteed equal remuneration for work of equal value in Southeast Asia. Women’s groups in the region have repeatedly been advocating for equal pay for equal work and other guarantees that would improve women’s working conditions (IWRAP, 2012). A 2015 ADB report found that women earn between 30 to 40% less than men in six Southeast Asian countries. The Philippines was the only exception to this (Gentili & Rakyan, 2016 *In ADB, 2015*) This may be explained by women taking a break to have children or preferring part-time positions, as well as outright discrimination (Friedrich Naumann Foundation for Freedom, 2017).

Graph No. 6: Average monthly wages in Southeast Asia



Source: Gentili & Rakyan, 2016 *In Asian Development Bank, 2015*

Childcare and family responsibilities. Working women usually have dual responsibilities - professional as well as familial. Table No. 5 shows that Cambodia, Malaysia, Thailand and Viet Nam do not provide any parental leave for men. Care leave to attend to sick or needy relatives is guaranteed by the law only in three countries. In Indonesia, contractual law prohibits the dismissal of a married woman relating to pregnancy or childbirth. The ILO recommended that this regulation be revised to cover all women regardless of their marital status (ILO, 2011a). In Malaysia, pregnant women are still discriminated against, despite the fact that the Malaysian Federal Constitution prohibits gender discrimination (WAO, 2016). **In contrast, in January 2017, Singapore introduced two weeks of paid paternity leave funded by the government and seven days of partially-paid shared parental leave** (see the Singapore country report in Part 3).

Interestingly, the largest group of migrant domestic workers is found in Southeast Asia and the Pacific and in 2015, a study found that 'Of the total of 150.3 million migrant workers, 11.5 million – or 17.2 per cent – were domestic workers. The majority of the domestic workers (73.4 per cent) were women. Regionally, South-Eastern Asia and the Pacific host 24.0 per cent of female migrant domestic workers, followed by Northern, Southern and Western Europe (22.1 per cent) and the Arab States (19.0 per cent)' (ILO, 2016b: 70). However, more research is needed to understand which Southeast Asian countries provide women justice professionals with access to childcare facilities and where domestic workers are mostly used.

Table No. 5: Family responsibilities in the law 2015⁷

	CAMBODIA	INDONESIA	LAO PDR	MALAYSIA	MYANMAR	THE PHILIPPINES	SINGAPORE	THAILAND	VIET NAM
Is dismissal of pregnant workers prohibited?	YES	YES	YES	YES	NO	YES	YES	YES	YES
Maternity leave/ paternity leave	90 days for women/0 for men; 50% of wages paid by the employer	90 days for women/ two days for men; 100% of wages paid by the employer	90 days for women/ two days for men; 100% of wages paid by the employer	60 days for women/0 for men; 100% of the wages paid by the employer	98 days for women/15 for men; 70% of wages paid by the government	105 days for women/ seven days for men; 100% of wages paid by the government	105 days for women/ seven days for men; 100% of wages paid by the government	90 days for women/ 0 for men; 100% of wages paid by the government	180 days for women/0 for men; 100% of wages paid by the government
Are mothers guaranteed an equivalent position after maternity leave?	NO	NO	NO	NO	NO	NO	NO	NO	YES
Must employers provide leave to care for sick relatives?	YES	NO	YES	NO	NO	NO	NO	NO	YES

Source: see 'Data sources'

⁷ It should be noted that some of these provisions were updated since the publication.



**PART 2:
COMPARATIVE
RESEARCH
FINDINGS**

The second part of the report presents the findings of the study from a regional perspective. It highlights common issues and general trends with a two-fold focus: the challenges that women justice makers encounter, and the strategies they use to handle male-dominated environments. It also seeks to stimulate reflection, and uncover the complexities of the findings.

A. Women justice professionals in Southeast Asia

In most countries of Southeast Asia, women have historically been excluded from legislative drafting, evicted from the design process of the legal systems and prevented from entering justice professions. As men dominated decision-making spheres, women often faced discriminative laws that explicitly impeded them from being involved in the justice system, and in the justice professions. In Thailand, for instance, the professions of judge and prosecutor were exclusively reserved for men until 1975.⁸ With CEDAW urging states to achieve gender equality in all state institutions and with the expansion of women's movements, justice professions have gradually opened their doors to women. Now, there are almost no formal or explicit barriers blocking women's access to these professions.

Consequently, the presence of women in the justice professions has increased in the last decade. Some governments in the region have recognized the importance of involving more women, and the need to improve their working conditions. Towards this, some countries have implemented quotas for women in various professions, mostly in politics. But, it is often unclear if these policies are merely temporary measures to increase women's representation, and if such quotas also exist in the justice professions. In any event, the implementation status of these quotas is unverifiable, due to the lack of statistics. According to many interviewees, women are almost equally present as, or even outnumber, men in the law faculties of some countries. An example is the University of Indonesia, where, in 2016, female law students represented 56.3 per cent of law students (see the 'Available data on women justice makers' in Part 2). Some mechanisms attempt to tackle explicit discrimination in the workplace and in selection procedures. Several women have also reached the highest levels in their professions, for example, as Chief Justice in the Philippines in 2012 (Cabacungan, 2012), and as judges in the male-dominated Islamic High Court in Malaysia in 2016 (The Indian Express, 2016).

Despite these efforts and achievements, women remain a minority in most justice professions. Even when women are fairly represented, they tend to be relegated to secondary tasks in state administration or law firms. They also remain a minority in top jobs in all countries studied. Women were routinely found in greater numbers in lower-paying jobs, and typecast in certain areas of law. Why do women still struggle to reach top positions, or drop out of educational or professional opportunities at higher rates than men? Is this out of a deliberate choice, or is it driven by other factors?

This section of the report identifies the factors linked to the low involvement of women within the justice field by capturing transnational causes and local specificities, and bringing to light many personal experiences that may have been previously unknown.

⁸ According to an interviewee, between 1959 and 1975, female judges were nominated and assigned to work in the newly founded juvenile courts because policymakers viewed women as sensitive persons who would fit well into this area of law.

The collection of disaggregated statistical data is tremendously important in evaluating the situation of women justice professionals and in tackling demographic imbalances at all levels of the justice sector through tailored interventionist policies. Even though some data was found for each country, it remains largely incomplete. Harmonizing the data and breaking each professional sphere into detailed categories could help understand where women are missing, as well as identify where explicit or hidden discrimination remain. Updating these statistics regularly would aid the identification of drop-out rates and stages; understanding where women go when they quit; and evaluation of the effects of governmental programmes and policies on women justice professionals.

A large number of interviewees overlooked the gender inequalities in the justice system because they relied on an anecdotal understanding of the situation, and did not necessarily know the wider picture. Many affirmed that women were fairly represented in leadership, because they could name a few in high-ranking positions. The claim, however, did not correspond to the available data which revealed that women are still a minority in the higher courts and in leadership roles in the private sector. The data also ignores the overwhelming male domination in higher spheres of the professional ladder, or that women’s participation in some organizations is high only because women are relegated to secondary activities, such as research and administrative tasks. Finally, the collection of such data can help decision-makers precisely identify gender imbalances, and design special measures to tackle the issues.

Table No. 6: Female representation in justice professions (as per latest data available in each country)⁹

LEVEL		CAMBODIA	INDONESIA	LAO PDR	MALAYSIA	MYANMAR	THE PHILIPPINES	SINGAPORE	THAILAND	VIET NAM
JUDGE	Supreme Court	2013 21%	N/A	2017 25%	2017 18.75%	2016 0%	2016 20%	2014 22.7%	N/A	2012 27%
	Courts	2014 13%	2015 25%	2017 19.8%	N/A	2012 50.5%	2015 42.4%	2014 48.3%	2014 27.5%	N/A
PROSECUTOR		2013 8.1%	2015 29.7%	N/A	N/A	N/A	2016 50%	N/A	2015 23.2%	2012 12%
LAWYER		2013 17.6%	2015 5-10%	2015 20.5%	2016 51.9%	2010 34%	2010 53%	2015 42.8%	2010 42%	2011 30%

Source: see 'Data sources'

⁹ While every effort has been made to verify the accuracy of the data, in some cases, the information was originally provided orally, and there was no printed or official resource that could be used to confirm the information. The information has nevertheless been retained, in order to provide an approximate sense of the situation in each country, as experienced or otherwise understood by the persons interviewed. Reliance on such data, however, is entirely at the discretion of the reader, who can explore the sources at the end of the report (see 'Data sources'). Another issue encountered in this study was that of standardization. As a result of the variety of judicial systems in the region, each country follows its own hierarchy and terminology, which become practically impossible to compare. Consequently, the terms for officials or ranks or courts used are in accordance with the terms used in the respective countries, and were not harmonized.

Women's progressive integration. The study in the box applies a model of women's progressive integration in the justice professions in Southeast Asia, borrowing hugely from Brown, who developed this model to explain such integration into the police force.

Box: Brown's model for women entering policing, applied to the justice professions¹⁰

Using her model, Brown showed that women entered the police experimentally, often because men were unavailable (women started to be judges in Indonesia due to a shortage of competent male judges), and initially performed restricted duties such as administrative work (women judges in Myanmar are still relegated to administrative tasks) and dealt with women and children as victims and offenders (before 1975, women judges in Thailand were allowed to work only in juvenile courts). As they entered the force in greater numbers, there was resistance from men in the form of ridicule and sexual harassment (a Singaporean lawyer faced disparaging remarks from a male colleague while working longer hours). As women climbed the ladder, besides male resistance, they also had to face resentment from other women, who clawed them back to the lower ranks. Finally, women reached a threshold in which their claims and the vindication of their rights established them as legitimate members of the organization (the Malaysian Bar Association recently established a lactation room). This did not occur without lawsuits and watchdogs (a Filipina lawyer recalled having had to sue a judge for shocking sexist comments). The author reminds us that entry into the profession is only one part to consider in the study of women professionals, and that retention and promotion are also important indicators of women's full integration.

Source: Barberet, 2014: 192

The lack of comparative data in Southeast Asia. 'Gender disaggregated data is still inadequate [...] which impedes the formulation, execution of policies and intervention programs meeting gender needs' (Socialist Republic of Viet Nam, 2014). Evaluating the presence of women in the justice system has been challenging. The collection of statistical information is not systematic, nor is it disseminated to the public in most countries in the region. Interviewees found it arduous when asked to provide statistics to back up their claims. Furthermore, the subject of women in the justice professions is particularly underdeveloped. For instance, one of the few studies about women in the justice sector in Thailand reveals that research on female employment in the country usually focuses on sex work and politics. 'Interestingly, the research on women in the justice professions and the legal occupations seems to be neglected in comparison with other areas of gender studies in Thailand' (Siampukdee, n.d.: 126). In addition, information in English that could be useful for neighbouring countries, regional organizations, or overseeing actors such as the CEDAW is often missing, outdated or imprecise. Several interviewees suggested studying the webpages of bar associations or government ministries, but most of these did not display gender-disaggregated data. This has made it difficult to obtain a complete overview of the situation, and understand the nuances of professional hierarchy. Finally, most attempts to obtain these statistics by emailing justice institutions proved to be unfruitful.

¹⁰ The assumptions inserted in the box were submitted by the interviewees themselves or their sources may be found further in the report (see 'The country reports' in Part 3).

Box: Suggestions for future research




Further study is needed to evaluate women's integration into the justice professions. This could include: examining attrition rates (how many women drop out of the legal field after five, ten or fifteen years), or how many shift out of private practice into public practice, such as becoming a public prosecutor or city solicitor. It would also be interesting to research women who reintegrate into the justice professions after taking a break, such as maternity leave. What was their satisfaction rate after returning to work? Could they find positions equivalent to the ones they left, or if not, what positions did they find? In addition, considering the level of responsibility of some positions, more information on the relationship status (married, single, etc.) of women within the field could help understand if the proportion of single women is higher than in other professional fields. Other suggestions include studying the rate of feminization of work in the justice professions in each country; representation at each position; rates of advancement; retention rates; wage differentials, and so on.

Box: Finding data in Singapore

It is often easier to find statistical information in Singapore than in other countries in the region (due to a well-functioning website of its Department of Statistics). Despite this, a prominent Singaporean lawyer admitted that officials and academics have been neglecting the subject. She recalled her experience when she was trying to estimate women's presence in the justice professions in the mid-2000s. 'Well, that is what I discovered. It was about 10 years ago, I was part of a law conference and I found out that we hardly had anything. But I was a lawyer and I was interested in women and the law. So, I decided to start from scratch and looked at what other countries had done. So, I literally had to go to the law faculty websites, Supreme Court data, Department of Statistics and in some cases I was literally counting. I was looking at the photographs and counted how many women I could see. Back then it was not that many so it was easy to count.'

The false appearance of parity in the judiciary. Parity in the judiciary does not necessarily amount to substantial equality, and aggregate numbers often do not reveal the actual allocation of responsibilities, as, for instance, women being given secondary tasks and relegated to administrative or research activities in the courtroom. Table No.7 shows the importance of detailed and easily accessible statistics which show the actual state of equality.

Table No. 7: Judges by gender (Malaysian judiciary)

				
Federal Court			3	13
Court of appeal			12	14
High Court	Judge		27	36
	Judicial commissioner		9	18
	Deputy registrar/ Research officer		39	19
	Senior assistant registrar		85	21
Session Court	Judge		77	79
	Registrar		82	39
Magistrate's Court	Magistrate		100	46
Total			434	285

Source: see 'Data sources'

In Malaysia, according to the information provided by the Federal Court, women in the judiciary outnumber men. But this hides the fact that women in the top positions remain a minority: they constitute only 27 out of 63 high court judges and only 19 per cent of the judges at the federal level. On the other hand, women constitute 67 per cent of the research officers and 80 per cent of the senior assistant registrars, both of which are often considered as secondary positions. Similarly, women in the Philippines occupied 42.4 per cent of the total seats in the judiciary in 2016, but still occupied only 20 per cent of seats at the Constitutional Court and the Supreme Court (in 2015 and 2016, respectively) (see 'Data sources').

B. The main challenges

The situation of women in the justice professions has generally improved over the past two decades but progress is unequal in the region. While some issues remain obvious and disturbing, most discrimination is now subtle and less easy to unveil. In some countries, gender issues in the judiciary and other justice professions are not seen as a priority because the justice system is burdened by other concerns. For instance, a Laotian government official explained that while it is important to have more women in the justice system,

it is even more important to improve law enforcement in the country. She said, *'Because effective law enforcement will encourage more people to become judges and lawyers as well as showing the importance of their roles. It is not limited to gender issue. Gender issue could be examined after that. The main thing is we need a more effective justice system. We need lawyers who trust judges.'*

Box: The appearance of equality

In a worrying pattern, it was found that many women generally believe that there are no barriers for women to enter the justice professions, and even that there are equal opportunities for men and women. A researcher, Deborah Rhode, has described this phenomenon as the 'no problem' problem, or the misconception that gender equality has been achieved in the justice professions when it has not (Rhodes, 2002). This is applicable in the Southeast Asian region. One consequence of the appearance of equality is that a lot of studies on gender equality focus on women in politics. In Lao PDR, for instance, a few participants cited the presence of women in the political sphere as proof of women's empowerment. The increasing number of women in some sectors also results in a numbing effect on the willingness to pursue efforts towards substantive equality. A 2016 article notes, *'Myanmar women are perceived as enjoying equality in society, but the majority of the decision-makers at the parliament, at the judicial systems, at the administrative bodies are men. We see very few women obtaining leadership positions. Women do not have access to equal pay and equal opportunities'* (England, 2016). While women's positions in politics are one aspect contributing to development, the role that women play in other sectors of society should not be neglected, and women in the judiciary is a separate sector which is far less explored. For instance, in Thailand, very limited research has been undertaken on the subject (Siampukdee, n.d.).

Misunderstanding of the notion of equality. Unless they received specific training on women's issues, findings show that justice professionals were generally not familiar with the notion of substantive equality. A Thai Deputy Vice Chief Judge said, *'When I joined the criminal court, I was more exposed to women's issues. I also met UN Women as well. It really changed how I saw things. Before, I used to think that equal treatment under the law for men and women was fair. But afterwards, I became more sensitised to women's issues.'* It is still a common belief that equality between men and women means applying the same rules to everybody. But such a notion merely reinforces inequalities, as the same norms have a different impact on different people. Instead, a 'substantive equality' approach can correct the imbalance between genders much more effectively. **'It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences. Pursuit of substantive equality also calls for an effective strategy aimed at overcoming underrepresentation of women and a redistribution of resources and power between men and women'** (CEDAW, 2004).

Despite a large number of women taking up law as a subject of study at university, many do not pass the bar exam or join judicial schools after graduation. The results of the study show that some women instead search for safer options such as joining government, women's organizations or other careers

that bring more security and flexibility. It was not always clear if this was a choice or the result of being barred from more lucrative opportunities. Among those who become lawyers, judges or prosecutors, working conditions are often irreconcilable with the situation of women, which in turn affects chances for promotion to the highest levels of their professions. Most women interviewed seemed to have resigned themselves to this dual role of working mothers, despite being aware that it was unfair and unbalanced. Very few interviewees expressed the view that the government or the workplace had a role to play in changing gender roles in society through policies and incentives to involve more men in daily household duties as well as family responsibilities. This demonstrates the deep-rootedness of societal gender norms. Long-ingrained stereotypes and sexist behaviour also continue to create an unfriendly environment for women in these professions traditionally perceived as masculine. Some of the challenges that women face are discussed in this part of the report.

I. Male-defined standards

The dominance of men in the justice sector has led to men defining ‘the rules of the game’ and setting how competency and commitment are evaluated (Fawcett Society, 2009). The arguable prevalence of male-defined standards suggests that the ability of women to perform a job is frequently judged against traditional standards rather than the competences required for the position (skills, knowledge and behaviour necessary to perform the job). Further, these standards may negatively influence women throughout their career, at the point of entry, recruitment and hiring, as well as advancement and promotion. The analysis reveals that one of the most common barriers for women was in reconciling professional duties and family life, and to find accommodating workplaces that adapt to women’s roles as caregivers in the society. The culture of billable hours in law firms, for example, is still detrimental to women’s promotions, as such a culture prefers (and by extension, promotes or otherwise incentivises) individuals who can work long hours. **Moreover, a Singaporean lawyer found that the billable system ‘Is fraudulently presented as a gender-neutral measure of a lawyer’s contribution to a firm, but it is not gender-neutral at all; in fact, it has a discriminatory negative impact on women through its inherent hostility to family needs’** (Das, 2015). In this situation, women may drop out and struggle to find an equivalent position if and when they choose to return to professional life after a few years’ break, as this was guaranteed under law in all of the countries studied besides Viet Nam. A Malaysian lawyer claimed that this may explain why women reach top positions much later in life, once their children are raised, whereas men do not seem to face such choices.

1. The issue of merit

Transparency and merit. In 2013, the UN Special Rapporteur on the Independence of Judges and Lawyers urged Malaysia to be more transparent regarding the elevation of judges, as there were concerns that judges in the country were not promoted or appointed on merit or seniority (HRRC & KAS, 2016). **But what is merit? Literature shows that the concept of merit is rarely defined. For decades, men dominated the decision-making sphere in the justice system, and consequently, created the rules of the profession and established requirements for recruitment and promotion. More specifically, male decision-makers defined what merit meant in the justice professions, making it to be understood as an issue of objective assessment, but which informally includes subjective (and often masculine) characteristics.** For instance, a 2013 report on women in the criminal justice system in Viet Nam found that ‘The ability to perform a job is frequently judged by men against perceived male standards rather than focusing on the competencies required to do the job’ (UNODC & UN Women, 2013: 62). Here, the

position of criminal investigator was considered 'too difficult' for women, as the requirements focussed on physical strength rather than the actual responsibility of the position, such as the ability to gather evidence or interview witnesses (UNODC & UN Women, 2013).

Box: Is meritocracy a fair system? Focus on Singapore

The concept of meritocracy lies at the foundation of Singaporean society (See the Singapore country report in Part 3). In response to the low score of women's empowerment in politics, the Parliamentary Secretary for Ministry of Social and Family Development affirmed in 2013 that 'It is more important to anchor political representation on meritocracy rather than impose gender quota' (Mokhtar, 2013). However, evidence suggests that meritocracy is not a fair system. 'Firstly, recruitment without gender quotas is not meritocratic. Rather, it is based on [male] gender, privilege, and an uneven playing field. [...] This suggests, by inference, that underrepresented groups, including women, ethnic minorities and people from less privileged backgrounds, are relatively absent from politics because they don't deserve to be there' (Murray, 2015). Singapore places considerable emphasis on transparency in the justice system, symbolized even by the architecture of the Supreme Court and its glass walls. Most justice professionals affirmed that the promotion system in the Singaporean judiciary is fair, but there are very few women in leadership positions. A lawyer said, *'Singapore can't escape this idea. The view of Singapore is that it is so advanced that gender equality is not an issue. If women are not represented, it means they want to stay home and take care of children and it is their choice.'*

Subjective criteria. Often, 'objective' components of merit rely in fact on subjective appreciations that are rarely defined in the texts. In Thailand, some women justice professionals claimed that the promotion system was 'fairly based on meritocracy' but declared that women judges were promoted because they were seen as more moral, responsible, and hardworking. Even though such terms appear to qualify women positively, such subjective criteria are grounded on assumptions that women are expected to be more docile and virtuous than men. The flipside of such positive, idealist assumptions is that women who do not fit this image are at a disadvantage. In Lao PDR, women said that 'reputation' was crucial for promotions. As a result, they claimed that they could not wear skirts above the length of the traditional Sinh, or go out to socialize in bars, or attract attention on social media. Similarly, a code of conduct supposedly prevents judges of both genders from misbehaving in public places, but men generally can socialize with other men in the evenings without concern, whereas women in similar positions are poorly regarded. While augmenting existing cultural constraints in Laotian society, such restrictions in the judicial code of conduct have a negative impact on women, and affect their chances for promotion.

Men are presumed to be capable and to have potential whereas women must demonstrate their capability and prove their worth. The results of the study reveal that women's capacities tend to be doubted, especially in leadership roles. A justice advocate in Indonesia said, *'Women in high positions carry more expectations. But if she doesn't have the capacity, the men will doubt her and she will be dominated by them. Women have to struggle more and finally they give up.'* Although most women may not 'give up', the dropout rate in justice professions may partly be explained by women bearing the burden of higher expectations than men on their shoulders (see 'The country reports' in Part 3).

2. Gender-neutral rules

Commitment and the ethos of working long hours. A number of rules, described as gender-neutral, disadvantage women as they do not take into consideration the different roles that men and women play in society. *'Men appear more laid back and they have less expectations on family tasks from others. [...] And it is more difficult for women to build portfolio in [a] continuous way as it is difficult to match male colleagues'*, a Malaysian lawyer said. The rules of the justice professions, such as the commitment to a 'workaholic' schedule in law firms, or a rotation system for judges and prosecutors, were created at a time when most women took care of children and chores at home, leaving men free to work. A 2015 article on Women in the Law in Singapore noted that, 'Indeed, it's agreed across interviewees that being a lawyer and having children might not be the simplest of life plans. But [the interviewee] says the supportive environment of modern law firms and clients helps, "I've had two children in the past three years, went to meetings heavily pregnant, and the clients remained fully supportive – they wouldn't ask for somebody else on the deal, because they knew I was committed"' (Gray, 2015). The literature shows that when women are unable to offer open-ended availability, their commitment to the profession is doubted, particularly if they have children. In contrast, working fathers are seen to be committed out of financial necessity and rewarded with higher salaries (Ehrlich-Martin & Jurik, 2007). This is particularly applicable in Southeast Asia where men are commonly regarded as the breadwinners or as heads of households (Kemasingki, 2011).

Women internalize 'the rules of the game'. It was found that women themselves tend to internalize these rules, which can lead to extreme consequences. A former Thai judge said, *'When I was pregnant with my third child, I was stationed in [one province]. To get there, I had to take a bus, followed by a trolley, followed by a train. The final destination was in the middle of a rice paddy. I had to walk along the fields. I ended up suffering from a miscarriage. I felt like I needed to do everything men could do to stand up for women's rights.'* This is a tragic example of women wanting to be 'strong' to the point that they fail to acknowledge anymore the different needs of women and men.

Women impose 'the rules of the game' on other women. Many women internalized male-defined standards as the norm, and appeared to impose these burdens on other women. In Indonesia, a justice reform agent said that she refused to work in a law firm because of the long working hours. She said, *'I know a corporate firm led by two strong women actually. And they work really hard to maintain it at the top level. What I heard from my friend working there is that there is no exception for any lawyer. Either men or women, you need to work until late at night.'* The findings show that to survive at higher levels, women believe that they must become tough and act accordingly with their employees or mentees. An Indonesian lawyer described how her female mentors were 'little dictators', and were more authoritative than men, *'Very like "if I can do this, you can do this."'* She also admitted that she encouraged her own female employees in the same manner when they complained about having to juggle family and professional responsibilities. However, this lawyer conceded that childcare assistants and her own mother had helped her tremendously to cope with family responsibilities, and it was important to consider that other employees at the law firm would not necessarily have access to similar options.

The rotation system. Judges often operate under a rotation system that requires them to be transferred to a new court every two years or so. Despite being described as a gender-neutral rule by a few interviewees, the results show that it disproportionately affects women for several reasons. Due to the concentration of the justice systems in urban areas, most have lived and worked in capital cities. The mindsets of those in urban areas were consistently described as being more progressive in comparison

with those from non-urban, or 'remote areas'. For instance, it was found that negative perceptions and attitudes towards women were exacerbated in remote areas, and that women had fewer opportunities in education, making professional choices or household decisions. Some women reported how they had to fight discrimination when assigned to work in such areas. An Indonesian judge, when based in a Muslim-majority community area, had her competence as a female in a high position questioned, despite her experience and qualifications. She was told that she would 'not last three months' on the job. She defended herself by reminding her critics that the government had assigned her to this position, saying, *'I have been appointed here by the Supreme Court so I have the right to be here and I will stay here.'* She remained on duty until the end of her assignment. Circumstances like these may make women particularly reluctant to work in remote areas. This may be due to the hostility they are likely to face there, or because they are exposed to societies that have different mindsets, religions, or languages than their own. Conversely, other women interviewed declared that they did not mind working in remote areas despite such challenges, since their presence could help change the mindsets of communities that are not used to seeing women in power.

Family responsibilities in the rotation system. The rotation system also leads to most women having to choose between their families and their career. An Indonesian judge had to live away from her family for ten years, and took four planes a week to see her children every weekend. Interestingly, she explained that she would not change the rotation system because if this was the rule for men, women should be able to do it too. This shows that women themselves are not always aware of the unequal playing field and they accept the rules as the norm, whereas their familial responsibilities are not taken into consideration. On the other hand, a Filipina judge refused a promotion to stay with her husband and children who would not accompany her on her posting outside the city. While it may be difficult for men to leave their families too, the results show that women tend to be relatively more reluctant to leave children in the care of their fathers, especially if childcare is not a role familiar to them. Some interviewees reported that they would be seen as bad mothers if they left, or that their husbands might not look after the family as well as they would. A Thai prosecutor said, *'If women are married, most people tend to think that it is the woman who needs to make the necessary sacrifices for the family – give up her job for her husband and kids.'*

Financial investing preferences. Women have generally less access to financial resources than men (Transparency International, 2010) and anecdotal evidence suggests that in some countries of Southeast Asia, parents may prefer to invest in the higher education of their sons rather than of their daughters, as reported in Lao PDR and Cambodia. This may impede women's participation further, since a higher education degree is usually a minimum requirement to access the justice professions. In Lao PDR, female law graduates may feel discouraged from taking the bar exam as it involves an additional year of unpaid training. A Laotian lawyer said, *'I remember that, at the beginning, there were 30 females but only eight of the trainees remained at the end of the training period. Many of them faded away to private sectors or different ministries during the period because usually the lawyer trainees are not provided with a salary.'* Similarly, a Cambodian prosecutor reported that she was not paid during the first year of practice (but the government reimbursed her later). More research is needed to understand how the transition period between graduation and entry into the professions has a different impact on men and women.

Box: Inability to afford the fees necessary to study and enter law in Cambodia

Formal and informal enrolment fees reportedly ensure a higher dropout rate among female students since primary education in Cambodia (LICADHO, 2004). While in higher education, it may be easier for men to find cheap or free accommodation in Phnom Penh as, for instance, they can stay in Buddhist temples, whereas religious norms prevent female students from doing so (Chea, 2015). Some interviewees and reports suggest concern that the fees required to become a lawyer in Cambodia might be arbitrary and extremely high. A recent book on Cambodia claimed that it costs around US\$ 30,000 to pass the bar exam and that the entrance fee to the Royal School of Judges and Prosecutors (RSJP) could be twice as much (Strangio, 2015). Another report alleged that the school fee for a year's training at the Cambodian Lawyers' Training Centre was US\$ 2,000, and a woman claimed that she was asked to pay US\$ 15,000 to be admitted to the Bar after failing the last oral exam (Keur, n.d.). A 2015 report claims that students must pay between US\$ 20,000 to US\$ 50,000 (30 to 60 times the average annual income) to secure their place at the RSJP. Students who are poorer and without connections may not be able to finance such enormous fees as they rely on their parents. If such claims are correct, this would reinforce an elitist image of the judiciary, which is already seen as symbolically distant from the public and does not promote diversity. Can privileged women adequately represent women's interest in the judiciary? There is thus concern that the judiciary in Cambodia is not perceived as a balancing power and ordinary people seem to 'avoid it altogether' (IBAHRI, 2015: 8).

A paralegal said, *'I think that it is more difficult for women to become lawyers ... If women come from rich families, they are fine. But in case you are from normal or poor families, your dream cannot come true. Some men they don't hesitate to pay the big amount of money to get a lawyer certificate because they can earn back more money by making a business with the court. But women are more generous. Most women lawyers are working for an NGO organization.'* The assumption that women are more 'generous' might arise from the perception that women 'opt out' of more lucrative legal careers rather than being 'pushed out' or blocked from such opportunities. It also shows the common perception that men will be able to make more money than women after they graduate from law school. This perception of higher creditworthiness also enables men to take on more debt to finance their careers, while women may not take such risks.

The fear of backlash for 'special treatment'. While a fair number of interviewees claimed that there were no inequalities in the justice system, many observed that it was hard for them to ask for accommodating rules in legal organizations. One reason is that men (and women) often claim that such treatment would be unfair towards men. **The analysis shows that women often feel guilty to ask for or receive 'benefits' or 'privileges' that would simply allow them to handle their double burden.** A Filipina judge said that she proposed to do the same amount of work as her colleagues in less time so she could take care of her newborn child. After the birth of her second child, she thought these 'privileges' were unfair towards her colleagues, and resigned and moved to the civil service. Therefore, despite being

more efficient than her colleagues, she opted for another track, and chose to earn less money. A Filipina lawyer said, *'Well, I never asked that because ... again that's using the male language, but I don't want to disturb them with my family life. Because I see other male colleagues who do not have the same issue so, quite unfortunately, I feel embarrassed saying "I have to go home because I need to pick up my kids."'*

When law firms adopt progressive policies such as alternative work schedules, family leave and organizational support, women are afraid of backlash or of being excluded from promotion and partnership (Das, 2015). These flexible work practices, often known as the 'mommy track solution', might be useful for women in the short-term, but are not really long-term solutions, as they reinforce undesirable stereotypes that women cannot do the job as required, and confine them to subordinate positions (Porter, 2006). Also, progress on this count is unequal in the region. For instance, in Myanmar, maternity leave is described as a 'pipe dream' (Droulers, 2016). In contrast, Viet Nam, with six months of maternity leave, has one of the longest in Asia (Shira & Associates, 2015), whereas men have paternity leave of only five days (Talentnet Corporation, 2016). This excludes men from the raising of newborn infants and confines women at home longer. It is also common for women justice professionals to feel suddenly downgraded (McVeigh, 2013) in comparison with the kind of work they used to do (Porter, 2006). Viet Nam is the only country in Southeast Asia where women are guaranteed the same position by their employers after maternity leave (Lee & Nguyen, 2013). More research is needed to study the degree of enforcement of this law.

II. Gender stereotyping

'If people wouldn't think that these stereotypes are natural, the system of oppression would not stand. It just works because people think that men are born to do the brain work and physical work, to lead, and that women are born to give birth and nurture children. If women do not do that, it is assumed for them that they secretly want it. And if people see men doing something that is connoted as feminine, they think there is something unnatural. Although in other spheres of their life, they don't really care about nature, when it comes to gender they actually care a lot about that argument of nature.'

Gender expert in Indonesia.

1. Historical stereotypes persist

Lack of recognition. A 2005 doctoral thesis on female lawyers in Malaysia found that 'Negative stereotyping emerged as the strongest factor differentiating male and female lawyers' views: male lawyers did not recognize female lawyers' commitment to their work and their possession of legal skills' (Hamid, 2005: 168). This discriminatory belief is partly due to the stereotype that men have a higher status (Ehrlich-Martin & Jurik, 2007). A large number of interviewees observed that women are still seen as secondary to men in relationships. For instance, in Indonesia, a state-sanctioned Islamic law document for Muslim people was promulgated stating that the husband was the head and the wife was the manager of the household; that a husband must be a guide and a mentor to his wife, provide her with economic support and education in religious matters (Parker et al., 2015). Such gender stereotyping reinforces the widespread assumption that women are not fit for litigation. As a result, women develop strategies to leverage their credibility and gain the respect of both their male clients and counterparts. A recent study of lawyers in Kuala Lumpur and Selangor in Malaysia shows that women lawyers are considered not only to be less able but also to be less suited to litigation than their male colleagues, due to the perceptions of the clients and of the perception of male and female lawyers themselves (AWL, 2014).

Gender biases are learnt from childhood. A 1990 study on patriarchy in the Philippines said, 'From childhood, human beings are socialized into stereotypical roles and personality traits. Daughters imbibe an entire view of culture and society, aspirations are bound by motherhood functions, and dispositions are moulded in accordance with the masculine/feminine dichotomy. These are reinforced in religion, school and mass media. These social mores are likewise reflected and sanctioned in formal laws and policy legislations' (Rodriguez, 1990: 24). Almost three decades later, some participants claimed that schools were still promoting traditional gender roles in Southeast Asia. In Lao PDR, a gender expert explained how she was raising her son to be inclusive and play with girls and their toys. However, the boy stopped quickly after his classmates called him 'a ladyboy'. Some interviewees alleged that gender biases have not totally disappeared from learning materials. In Lao PDR, textbooks were recently modified to be gender neutral, but the current generation is still under the influence of traditional stereotypes and gender roles. **While some stereotypes are obvious, others are admittedly subtler, and research qualifies such remaining discrimination against women as 'subliminal discrimination' (Azizah, 2002).** There is anecdotal evidence that such stereotypes get constructed (and reinforced) at university itself, as several participants reported having heard stereotypical comments from teachers that could influence future practitioners in negative ways. Without a grievance mechanism in place, or unprejudiced teachers that students can openly speak to about this, such behaviour will persist, and cause harm.

Gender roles and stereotypes. Women can also feel pressured by societal norms regarding behaviour in workplaces dominated by men and defined by male standards. Numerous interviewees seemed to have internalized the fact that women are shy and men are confident, and they shape their behaviour in this mould. According to a Laotian legal trainer, women are as active or even more active than men in law schools, but this changes once they enter the workforce. She said, *'After graduation, everything changes. Women are talented and active in the law school but after they graduate they go into the government offices and they don't keep these active skills anymore. That is kind of strange.'* Similarly, some Indonesian participants also pointed out that being an ambitious woman was not regarded as a positive trait. *'It shows that you have a really negative side. You are tricky, you are sneaky, you would do anything to get what you want,'* she said.

Some interviewees admitted that power dressing was a technique used to be respected and influential in court. But a Thai public prosecutor said, *'What I experience is not direct but unconscious discrimination by the male dominating standards. And this comes from gender stereotyping. So sometimes even if we don't want to, we have to act in the way they want or we are not taken seriously. So if you are a judge or a prosecutor you have to wear totally black. When I look at my wardrobe it is like "oh my god so much black and grey." If you are male they don't care what colour you are wearing, if you are beautiful etc.'* Justice professionals who are not willing to play by these pre-set rules suffer backlash. Such gender roles can deter women from feeling at ease in their professional environment. In a study of women lawyers in Malaysia, an interviewee explained that the hostile environment at police stations and in prisons made her choose another area of law. The study noted that there are generally very few senior female lawyers in litigation, other than in family law (AWL, 2014).

Intersectionality. In some cases, negative presumptions have a multiplier effect when combined with other factors, such as appearance (wearing a hijab), age (being young) and ethnicity. For instance, intersectionality is an important component in Malaysia. 'The gender ideology of appropriate feminine and masculine behaviour subscribed to by an ethnic group can thus have an adverse impact on the career of female litigators' (AWL, 2014: 88). A young lawyer described Malaysian society as being 'very multicultural'. She felt that being Muslim and Malay (the majority of the population), turned to her

advantage in her professional activities. Conversely, it could turn into a disadvantage in an international context where wearing a veil may not be taken in a positive light. The director of a law firm in Malaysia said, *'Many lawyers including women lawyers do not see gender discrimination as an issue as they tend to believe that the justice professions are based on merits. Here in Malaysia, race and religion are seen more as discriminating factors. The Chinese Malays and the Muslims are very clearly separated. And Malaysia has affirmative action for the majority. But do not forget that this intersects with gender.'* A Filipina lawyer also explained that in meetings, people would inevitably begin by doubting her abilities, and question her because she was a woman 'from a third-world country' working for a renowned international organization.

Masculine professions. That justice professions are more suited for masculinity is a stereotype present in many countries where the law has historically been perceived as 'a gentleman's profession'; and the fact that characteristics for justice professionals, such as aggression, an authoritative personality, or having a disciplined, logical mind, were predominantly associated with 'male characteristics' (Bowman, 1999; Mossman, 2007; Flake, 2011). Depicting the justice professions as an area in which rationality, neutrality, competitiveness and authority are distinctive masculine qualities can reinforce gender stereotyping (Seidman, 2005). Numerous studies have found that pervasive stereotyping of women justice professionals continues on the part of their male colleagues, superiors and the public at large (Fawcett Society & Commission on Women and the Criminal Justice System, 2009), and the results of this study show that it is also present in Southeast Asia.

Women as emotional beings and nurturers. Women's biological characteristics are often used to claim that women are natural child-bearers, which, in turn, feeds into perceptions about women's roles and abilities. The director of a law firm in Malaysia said, *'So in litigation work, the boss will say "Oh, sending women may not be a good idea because they are too soft. They are not trained to negotiate or trained on public skills". The world of litigation is very male ... nobody is nice. Women are brought up on softer approach but there is no softer approach in litigation especially not at the court.'* Besides identifying women as 'soft', such stereotypes incorrectly interpret women as a homogeneous group. Women internalize shyness as being the realm of women and agree to undertake complementary activities where their efforts are valued.

These recurrent associations between women and motherhood create stereotypes about mothers not being as committed to their professions when they have children. It also creates gender expectations about women justice makers. Often, women themselves spread these stereotypes. For instance, one top Filipina attorney claimed that she had a maternal approach to leadership. According to her, managing a household, a nation or an office involved the same process. Therefore, *'A woman should pay attention to every detail and [...] educate the employees like a mother would.'* She claimed she would often advise her younger colleagues on how to manage money, how to be organized and even how to clean their clothes. Women who do not conform to such stereotypes of the nurturing mother or caring judge suffer retaliation. For instance, women who do not have children are seen as dubious characters or unaccomplished beings.

Unethical practices. Several interviewees claimed that women are often seen as less corrupt than men. In countries where corruption is widespread in the judiciary, it is possible that women identify even less with the roles of judges, prosecutors or lawyers since they may not feel equipped to navigate an ambiguous structure without the leverages that men have (economic, cultural and social capital). For instance, a judge explained how she resigned because she did not feel comfortable with such unethical

practices. However, when women reach a critical mass and are sufficient in number to start curbing policies and practices by bringing issues of gender equality to the table, they often raise the issue of corruption as well (Hossain et al., 2010). Corruption exacerbates the barriers that women face when they have to prove that they are as competent as men, and such practices can potentially negate their professional efforts completely. In some Southeast Asian countries where the prototype of a lawyer is a man, clients generally prefer male litigators. But when they choose a female lawyer and the justice outcome is unexpected, the blame may be put on their 'inability to think as a lawyer' (Ehrlich-Martin & Jurik, 2007), rather than on shady practices within the system.

Women are pushed towards more stable, low-paid careers. Gender stereotypes discourage women from an early age to take on risks. Parents often appear to encourage their daughters to choose more 'gender-appropriate' stable and safe professions in government. Indeed, a combination of professions that are not women-friendly with low salaries and poor career prospects may deter women even more from joining the justice professions, such as in Lao PDR. A 2012 study estimated that the salaries of judges and civil servants are very low in Viet Nam and Indonesia (where judges threatened to go on strike in 2012 for this reason) (HRRC & KAS, 2016).

The perception that justice professions are risky. Several interviewees believed that working in the justice professions was considered dangerous. For example, a legal trainer in Lao PDR had heard repeatedly in the news how lawyers had disappeared while working on high-profile cases. Similarly, a Malaysian study says, 'Specifically in criminal litigation, safety issues are cited as a consideration for female lawyers since they may encounter hardcore criminals who may threaten and harass them' (AWL, 2014: 87). Other interviewees recalled how they had to take risks and explained how difficult it was to work with unethical professionals. Despite being a concern for both men and women, women may feel even more limited at being agents of change.

III. Double standards and double blind

Women and men tend to be judged differently by their peers and social expectations with regard to each gender in the justice professions. A number of studies have explored how women face double standards, as they are expected to maintain a balance between assertiveness and softness in order to not appear too aggressive or complaisant.

Women are seen as biased towards female victims in court. Studies show that women often have to prove that they are impartial, whereas men are automatically assumed to be so (Flake, 2011; Sterling & Reichman 2013). It was found that many women believe they adjudicate differently than men and some admitted that their choices are sometimes doubted. A Thai judge said, '*When you join the court, it is gender blind. All judges regardless of their sex should make judgments based purely on [the] facts of the case. Just because you're a woman you shouldn't empathize more with the rape victims. But there seems to still be an inherent bias in the court that female judges shouldn't have to hear rape cases because they will judge the defendant too harshly since they are also women.*' A study of women in the justice professions in Thailand argues that casting doubts about the impartiality of women is merely another way to stereotype them: '[There] is the gender stereotype on collective behaviour of female judges. Female judges have been illustrated to be soft-minded, sympathetic and tend to favour sisterhood upon sexual violating cases.' The author suggests that this stereotype may be unfounded since there is qualitative evidence that 'Female judges perform strictly judgement mediated by existing evidence and

the legal codes while male judges are found to be casually negotiable in making the verdict' (Siampukdee, n.d.: 138).

High social expectations. The results of the study show that the fear of being called partial may compel certain kinds of behavioural changes. Female judges may be 'too harsh' with female complainants so as to not appear 'weak' or 'sympathetic' towards women. One Indonesian lawyer said that female judges may be confused about their professional obligation to be impartial and their willingness to help women fairly. She said, *'You would expect that women would be sensitive when they handle divorce cases. It seems to me that they want to show that "Even if you are a woman appearing before me it does not mean that I will side with you". So, I think the room for improvement is to show them that "If you want to support women that does not mean that it will influence your independence."*' A Filipina lawyer explained how she changed the way she spoke so as to not appear too soft, and even copied the language and behaviour of men. On the other hand, numerous interviewees pointed to there being expectations that women judges be sensitive and nurturing, which further confuses the debate on impartiality. In effect, women judges face criticism regardless of how they adjudicate: if their decisions favour the weaker party, they stand to be regarded as incompetent, whereas, if they deliver strict decisions, they may be considered 'too harsh'.

Women may be disproportionately labelled as 'too tough'. A Thai prosecutor pointed out that when a woman acts professionally, she may be labelled in a negative light. She said, *'I have always observed that whenever a woman who is in a more senior position takes the time to meticulously make a decision in a meeting, the men would always say that it is because she is nit-picky and too demanding. These are the types of toxic stereotypes. Because in reality, she is just being prudent and professional.'* A staff member of the Lao Ministry of Justice described that she was sometimes said to be rude, when according to her she was simply being direct. A justice reformer in Indonesia recalled how a female supervisor was mocked and attacked in respect of her personal life because she was acting tough at work. Double standards effectively have women trying to maintain a balance between assertiveness and softness while not appearing too aggressive or complaisant (Flake, 2011). This creates a no-win situation for women who are viewed as incapable of handling the stress of litigation but are too aggressive for collaboration and partnership. It also results in a negative work environment and can have an impact on their advancement. The term 'double blind' is used to describe the point of view of a woman justice professional caught in this dilemma (Bowman, 1999).

Box: Behavioural dilemmas

'Scripts prescribe norms of professional interaction such as who can do what, with whom, and under what circumstances. They also reflect the broader cultural beliefs about gender dominance and deference. Men's positions of power and authority as partners and their general status superiority give them the right to control the structure and content of professional conversation. By controlling the professional context, men behave in ways that show that other men are taken seriously and accorded respect. Conversely, the way men talk about women and their appearance treats women as invisible, devalues them, and affects their ability to perform effectively. For example, when a judge allows the opposing attorney to label a woman attorney's appearance a "distraction", it signals to others that it is acceptable to use a woman's looks as the basis for objecting against

other women attorneys. Similarly, a judge may defer to a male attorney who monopolizes argument time or displays an aggressive style, but penalize a woman who displays the same behaviour as “shrill” or “too aggressive”. Yet, if a woman adopts a less combative, more soft-spoken lawyering style, it is assumed to be because she is a woman, and she is regarded as “not tough enough” and treated as less effective. When a man displays a similarly non-combative style, it is viewed as simply a different style and may be regarded as “negotiating skill”.

Source: Ehrlich-Martin & Jurik, 2007: 127

IV. Gendered division of labour

1. Pigeon-holing

Women often face age-related segregation patterns reflected in the justice system. A lawyer from Malaysia said, *‘I work at a firm where the head is a very traditional man. He does not hesitate to say that you are not going to be the lead litigator, let someone else take over because he is a man. Some women are still doing the same job as men, but are paid less. The court would take male interns rather than female because they think boys are more open to work in prisons.’* Stereotypes about women and work culture dictate what is acceptable work for men and women. Women tend to be assigned to specific areas of the law where their stereotypical qualities are seen as appropriate. This has an impact on their earning potential, and leads to the underrepresentation of women in the more mainstream areas of laws. A 2013 study showed that ‘The idea that women are “weak” and require special treatment is widespread in Viet Nam and reflects a protectionist attitude. [...] However, it is essential to recognize that while women may require some special treatment because of their biological role in reproduction (e.g. maternity leave and breastfeeding) and historical structural discrimination, this is not a weakness and such classification perpetuates sexist notions in society’ (UNODC & UN Women, 2013: 61).

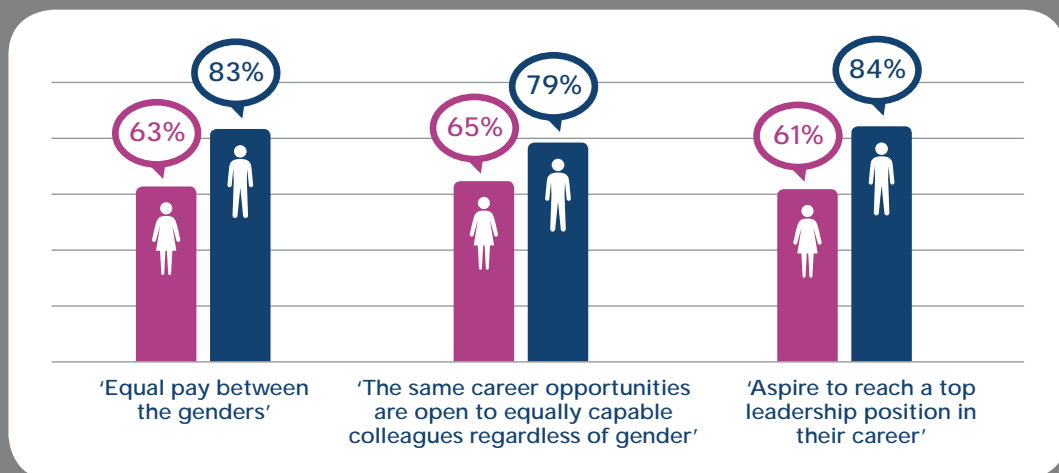
The pigeon-holing of women is a challenge for decision-makers. On the one hand, women’s skills are particularly valued in cases involving violence against women, as female (and male) victims do not feel comfortable reporting domestic or sexual violence to the police, especially to male police officers (UNODC, 2011). The literature also suggests that, around the world, women police officers are seen as more pleasant and respectful, while women judges are perceived as more liberal, more prone to seek for concessions to both sides, and more attentive to extralegal factors (e.g., it was found that women judges are more likely to take into account social conditions when sentencing juvenile offenders) (Mallicoat, 2015). This is also argued about women lawmakers who tend to see women’s issues as broader social issues, and identify the government as a tool to help serve minority groups and underrepresented people (NDI, n.d.).

On the other hand, women should not see their own choices hampered or their career paths chosen for them, because of preconceived gendered expectations. In practice, women are asked to take care of women’s issues, while there is less of an emphasis on men being relegated to work on men’s issues. In the Philippines, some prosecutors said that they felt pigeon-holed when they were assigned to work on women’s issues and family matters just because they were women. In Singapore, in legal practice, public and private alike, it was reported that women were often assigned ‘cleaner’, easier cases, which denote

non-criminal and non-sensitive cases. A Malaysian director of a law firm said, 'At the bar council, under 10 per cent of representatives are women in the governing bodies. And it is also gender segregated in areas of practice. For example, there are not many women in selling property kind of law and within the litigation community. Most importantly 90 per cent are men in criminal law practice. For civil cases, the more complex the cases, the less there are women. Women are concentrated in generic litigation. There are some women at federal court but not that many.' The literature suggests that the tendency to relegate women to less prestigious and lucrative spheres of the justice professions is partly responsible for the gender pay gap that can be observed after a few years of practice (Das, 2015).

Box: The gender pay gap in Singapore

Despite Singapore having ratified ILO Convention No. 100 on Equal Remuneration for Men and Women Workers for Work of Equal Value in May 2002, the gender pay gap remains higher than 10 per cent in most professions in 2016 (Reych, 2016). Similarly, while Singapore has recently withdrawn its reservation against article 11 paragraph one of the CEDAW concerning the elimination of discrimination against women in the field of employment (CEDAW, 2015a), it has not explicitly addressed gender discrimination in the labour force in its domestic legislation (Reych, 2016). A recent survey shows that men and women disagree on gender equality in the workplace in Singapore. 83 per cent of men and 63 per cent of women think there is equal pay between the genders; 79 per cent of men and 65 per cent of women think the same career opportunities are open to equally capable colleagues regardless of gender; 84 per cent of men and 61 per cent of women aspire to reach a top leadership position in their career (AsiaOne, 2016).



In July 2007, female lawyers earned less than men (\$5,500 versus \$6,400 median monthly salary, with women making about 86 per cent of men's median salary), while legal officers had a pay gap of six per cent, with women earning \$5,500 versus men earning \$5,800 (Das, 2015). A 2015 study from Singapore's Ministry of Manpower declared that women are paid at least 10 per cent less than men on average for doing the same job in most sectors (Vaswani, 2015), except clerical and support (Liang-Lin, 2015). The literature suggests that at the entry-level after graduating from law school, women earn as much as men, but this changes according to the areas of practice chosen, and also with the years of practice as 'experience strongly influences pay for this job' and women may be at a disadvantage considering their childcare responsibilities and potential year gap (Payscale, 2017).

Another kind of pigeon-holing happens when women are tasked with secondary activities, such as research and administrative matters. Results show that women may be discouraged from taking up challenging criminal cases, and encouraged towards administrative roles. In Viet Nam, the literature suggests that women police officers are not entrusted with physically demanding activities or on-site visits to crime scenes and mostly assigned to office tasks such as responding to emergency calls, organizing conferences and taking care of logistical work (UNODC & UN Women, 2013). A Cambodian prosecutor explained that one of her supervisors would let her stay at home when a crime occurred at night, apparently empathising that it was not socially accepted for women to go out in the evening. Intentions aside, such special treatment only reinforces stereotypes of women not being 'fit for the job' and confines women at home. This interviewee was single, but being called to a crime scene at night would be even more difficult if she had children. The interviews show that such pigeon-holing and stereotyping can translate into fewer opportunities and into job assignments with less of an impact. Women claimed that they sometimes chose office positions themselves rather than the bench, to avoid the rotation system which would send them to remote areas, or to avoid the responsibility of arguing in court.

Some women turn to the NGO and social sectors where they have more responsibilities and where their achievements are better recognized. If women avoid litigation, it should not be assumed that they are not fit for it. Numerous examples both from the literature and interviews show that women are capable of handling serious cases such as those involving the death penalty or other serious criminal cases. Tasks in the justice professions need to be assigned in ways that ensure against discriminatory attitudes, while at the same time they should be gender sensitive to the situation of women.

V. Childcare and family responsibilities

1. Unequal sharing of family responsibilities

Gender inequalities in the household are a major concern for women justice makers in Southeast Asia. Participants who claimed that they shared responsibilities with their husbands or partners belonged mostly to the justice advocates group, in particular the ones involved in gender issues, but far less so among justice professionals. A Malaysian lawyer said, *'Nobody asks "how men accommodate family life?". They always ask about how women cope! Why do we have to cope and men don't?'*

Box: Gender inequalities in Vietnamese households

A 2015 study found that the value of the role of women as family caregivers is firmly sustained in the minds and behaviour of Vietnamese women and men across all social strata. A 2016 study claims that women spend 314 minutes and men, 190 minutes per day, on unpaid care and domestic work. Women earned an average 20 per cent less than men in Viet Nam in 2012, whereas it is estimated that in 2015, unpaid care work contributed to more than 20 per cent of the total GDP of Viet Nam. A 2012 survey shows that 85 per cent of respondents agree that the double burden of women is a major barrier for women's careers and 93 per cent of women claimed that family responsibility is the most significant constraint for women leaders.

Source: ISDS, 2015; Australian Government Department of Foreign Affairs and Trade & UN Women, 2016

Women are expected to do most of the unpaid domestic work and to take care of children and other family members. Numerous interviewees referred to the ‘superwoman syndrome’ about women justice professionals having to juggle with everything at once. A Thai prosecutor explained, *‘I think that society still expects that women should be followers. For instance, even my female colleagues, if they are married to male prosecutors, they still have to pick up the kids even though they have the same job, while their husbands only have to focus on their job. Of course, the women willingly do it, after all, it is their own child, but I think a part of it is due to societal expectations that women shouldn’t only excel at work, but need to have kids and need to do a good job taking care of them.’* Interestingly, it was reported in more than one country that, even at the workplace, women are left with washing the dishes, or preparing food for their colleagues, even though they share the same level of responsibilities.

2. Work-life balance

Work-life balance. In Singapore, it is often required to be visibly present at work in law firms, even though many professional requirements could be accomplished remotely. This suggests that justice professions place higher value on the traditional billable hours at work, and being physically present rather than on the quality of achievements (Das, 2015). To cope with their double burden, many participants declared that they were fortunate enough to afford nannies and other care workers, but described different time-management preferences. Some women preferred to ‘leave work at work’ and be fully dedicated to their other roles and activities at home, whereas others preferred to bring work home while being near their children. A group of female prosecutors in the Philippines complained about a recently introduced punch card system that prevented them from managing their time as they used to, for example by working from home. In addition, women may miss work because of children’s illnesses, and may be less willing to travel, to work overtime, or to relocate because of their family. This can have a negative impact on their career and a high number leave the profession, for which reasons they are referred to as having ‘hit the maternal wall’ (Easteal et al., 2015). A Thai prosecutor disclosed that her colleague who had children had to step down because she had to leave earlier than others to pick them up from school. Examples such as these encourage recruiters to prefer men over women as prospective candidates. Women who chose to ask for more flexibility from their workplaces often feared retaliation, such as not being taken seriously, or being excluded from promotional opportunities, or ‘the partnership track’ (Das, 2015).

Box: Are part-time contracts the solution?

In a 2015 article, the president of the Singapore Law Society recommended that women should not quit their jobs: ‘Building a fulfilling and sustainable career in law is not a sprint, it is a marathon. Pacing is important. I’d say slow down if you have to, but don’t get off the track. The need for a more balanced, less onerous and more controllable scope of work may only be for a season’ (Vijayan, 2015a). Nowadays, Singapore is facing a fertility crisis and apart from the fact that Singaporeans work among the longest hours in Asia (McCarthy, 2016), another reason that could explain this situation could be that women refuse to choose between their career and their family life (Vaswani, 2015). One solution could be to increase part-time contracts but in Singapore, a study claims that part-time positions are not common in the legal sector, whether in law firms, government office or in-house. One reason advanced is that part-time lawyers lack legitimacy or the belief that

certain kinds of work can only be done on a full-time basis (Das, 2015). In Indonesia, part-time positions were available to female judges in the 1960s, but this has not been the case since the early 1990s (Nurlaelawati & Salim, 2013). Part-time contracts could help women handle their work-life balance, but they need to be carefully implemented to avoid being equated with the 'mommy track' which retains the burden on women's shoulders, and does not push men to be more involved in marital/parental responsibilities.

The lack of childcare facilities. The lack of childcare can have a negative impact on female justice professionals more so than their male counterparts. Several participants reported that childcare had been more available in the past than it is now. In Lao PDR, a staff member from the Ministry of Justice explained that it had been allowed to bring children to work in the past, but that this practice had faded. A lawyer by training also described how childcare facilities are not so common in Thailand. In Cambodia, a prosecutor claimed that it was not common practice to hire nannies to take care of children because 'It is not safe'. Yet it was found that one of the most preferred solutions for women is when they are allowed to bring their children to the office, ideally with a special room provided with a nanny to take care of them. For instance, the director of a law firm in Indonesia explained that she allowed mothers to bring their newborn infants into such a room with a nanny until they were six months old so that women could develop a strong connection with their babies. Such initiatives were described as a considerable relief for many female employees who could then focus on their work knowing that their children were nearby and were being watched over safely.

1. Opting out or being pushed out

Women claim that it is their own choice to opt out. It is common for successful women to think that there are no barriers for women, since there is no law directly preventing them from entering the justice professions. It was found that they often claimed that it is out of their own choice if women want to step out. This perception shifts the blame on to women in respect of their failure to reach their full professional potential, treating it as the price they have willingly paid to combine their careers with family life. In an article, a Singaporean co-head of a finance law firm declared that 'In some ways we are a traditional society. There are women who may opt to be home-makers or take that step back in their careers – but it's not because of a lack of opportunities' (Gray, 2015). This views women as voluntarily 'opting out' rather than having been 'pushed out' due to insensitive or inflexible workplace conditions. This suggests that they put their career on pause, or 'slow down', because they have to take care of their children and not because of the profession's inability to address structural gender inequalities. The 'choice discourse' goes on when, in Lao PDR, it was found that women decline promotions or refuse to travel because they have to take care of their families. This, in turn, may cause the employers to assume that women do not grab the opportunities offered to them, instead of recognizing that there may be other factors guiding their choices, such as inflexible jobs, lack of good, affordable childcare, and lack of paid leave to take care of sick children.

Women-friendly is human-friendly. These circumstances might change with time due to socio-economic circumstances faced by many societies today. Findings show that in some countries, such as Singapore and Malaysia, a dual income is increasingly necessary to live comfortably in urban spaces. Therefore, it is assumed that women may be less able to quit their jobs and that male lawyers, judges and prosecutors

will progressively face the same work-life balance issues as women do. For instance, during an interview in the Philippines, a male prosecutor came to request leave as he had to attend a meeting at his children's school. Justice professionals may increasingly seek a more conducive working environment, and women's demands may lead to durable changes in law firm cultures and rules of judicial and prosecutorial positions (Das, 2015). **Historically, however, a work-life balance has often been associated with work-children balance, and therefore, as an issue of particular concern to women. For men, it may well be, as some studies show, that work-life balance means more time off generally, rather than taking on family obligations** (Boone, 2015).

VI. Lack of entry and advancement opportunities

Women remain a minority in the top positions of the justice professions in all of Southeast Asia considered in this study. Having some women at the top gives a false appearance of equality in the justice professions, feeding practices of tokenism, and findings show that barriers to promotion are not obvious, as many interviewees claimed that promotion systems in their respective countries were fair.

Quotas. Numerous participants were unsure whether any quotas had been imposed by the government to increase the number of women in the justice professions. It was also suggested that governments are not fully motivated to implement temporary special measures. A Thai academic said in a recent article, 'The decree on National Commission of Human Rights actually says that there should be equal representation ... but note the word "should". There must be a quota and positive action in order to reach it. Even the National Commission on Women's Affairs is dominated by men' (Kemasingki, 2011). Moreover, quotas alone are not a panacea. A common perception is that women should also be adequately trained, failing which quotas would be counterproductive. A staff member of the Ministry of Justice in Cambodia said *'They are not really qualified to work on these jobs. They give priority to women but women themselves do not have any capacity sometimes.'* The misuse of quotas may reinforce the idea that women are less competent. Treating diversity in the workplace as merely a capacity issue ignores the structural challenges that women face, such as not having adequate prior training to take on such roles. The implementation of such quotas must also be carefully examined. A 2013 study showed how quotas may be misused in Viet Nam. In the police sector, once the quota of 10 per cent women had been reached in a police station, qualified female candidates were no longer considered (UNODC & UN Women, 2013). Therefore, it is important to indicate that quotas should refer to a minimum, rather than a maximum breakpoint, and reward agencies that increased their share of women beyond the token targets.

Wage disparity usually emerges at a very junior level and continues to senior levels (Monahan, 2017). This may be explained because women are more likely to be engaged in part-time and casual work, which significantly affects retirement savings and promotional opportunities. However, not many interviewees mentioned this issue, or the ones who were asked the question claimed that there was no difference between men and women. But such information is often confidential, which does not help women justice professionals to investigate the matter, in law firms in particular. This, in turn, explains why women's scope of expectations and satisfactions are often wider than that of men in studies on women and job satisfaction (Anleu & Mack, 2009). The gender gap is even more visible when a vast amount of economic contribution is not taken into account. In a 2011 article, an expert on women and the law pointed out that women's roles outside their professions are not recognized in Thailand, 'Socially, we are the reproducers, caretakers, nurturers, housekeepers, writers, educators, intellectuals' (Kemasingki, 2011). Laws should ensure equal pay for equal work, regardless of gender.

1. Bias

Job assignments with less of an impact. Women are often offered less challenging job assignments, with less of an impact, than their male counterparts. This is due to a combination of gender stereotypes, imbalanced responsibilities at home and the lack of mentorship, among others. For instance, in Lao PDR, a prosecutor claimed that there was no limitation preventing women from progressing in the justice professions. She said, *'In Lao PDR, everyone is equal. So it all depends on skills and abilities of both men and women to get the job. If a woman is more skilful, the job will be assigned to that woman. There is also no limitation, it all depends on women themselves to be active in developing themselves or not.'* This once again puts the burden on women by suggesting that men and women start with an equal playing field which is often not the case. Legal institutions and stakeholders should shift the burden from the women to the institution itself, and understand why women are not being promoted and how to adapt to their needs and situations.

Box: A pattern of bias

'Bias also may take the form of excluding a woman from key social interactions, mentoring, and assignment to "big" cases, or exposure to important clients. Such behaviors individually may appear gender neutral when considered in isolation since they also are experienced by men associates. However, they cumulatively produce a pattern of gender bias when connected to broader exclusionary patterns. For example, even if a woman is willing to work around the clock, often firms make decisions based on stereotypes and assume that she will not be available or believe that she should not be. Opportunities for a woman are limited if the partner does not give her an assignment based on the assumption that she does not want to travel or because she is pregnant. These assumptions would not be made on an otherwise equally qualified male associate which cumulatively create a pattern of bias' (Ehrlich-Martin & Jurik, 2007: 126 - 127).

Fewer opportunities to socialize outside work has an impact on advancement opportunities. Most women justice professionals in Southeast Asia have difficulties in engaging with colleagues and clients outside workplaces, particularly with men. This may be due to family responsibilities, or gender segregation, or because they are not invited to be part of the 'old boys' club'. **The literature repeatedly shows that unofficial meetings are a crucial part of the legal practice: 'Lawyers meet, socialize, secure clients and business contacts, plan policy, provide leadership opportunities and set the rules of their profession through informal gatherings'** (Ehrlich-Martin & Jurik, 2007: 128). A study in Viet Nam shows how female defence lawyers are at a disadvantage because they lack connections to obtain the necessary documentation to defend their client, or to get permission to visit their client, whereas male lawyers use informal meetings to do so (UNODC & UN Women, 2013). In Singapore, anecdotal evidence confirms the existence of such exclusionary practices there too, and women 'Feel excluded from commercial and social networks that are highly influential in furthering a legal career' (Das, 2015). This has been described as a 'second-generation' bias (Ehrlich-Martin & Jurik, 2007) involving the practice of exclusion of the non-dominant group. These are less obvious than intentional exclusionary practices, and are justified as more sophisticated 'homophily preferences' (tendencies of men and women to associate with people like themselves).

Gender segregation. The analysis shows that, in several countries of Southeast Asia, the segregation between men and women is quite rigid. Women and men interact at work because they must, but would rather communicate with people of the same gender. Several interviewees confessed that they found it difficult to discuss with male colleagues at work. A Cambodian lawyer explained that men lead the discussion and are not prone to reach consensus. She also admitted that she would rather go out with female friends rather than men because *‘Women understand each other’*. In countries such as Lao PDR, Myanmar and Cambodia, among others, women come home early and avoid going out in the evening altogether, as it is seen as inappropriate for women to drink alcohol in bars with male (or even female) colleagues. Filipina prosecutors claimed that they would probably socialize more if it were not so poorly perceived. Security concerns were also found to be one of the main reasons why women did not go out, which implies a wider, systemic problem of protection of women in society.

2. Procedures of promotion

The politicization of the judiciary. Women are generally a minority in the top positions of the judiciary and in the government, and it may be the King, the President, the Members of the Supreme Court or the Party (Malleon & Russel, 2006) who decide on the appointment of judges and recruitment criteria. In some countries, clientelist practices obscure the procedures of promotion, and the requirement to be affiliated to a party keeps women away from advancement. In Viet Nam, some criminal justice professions require Communist Party membership (UNODC & UN Women: 2013). **A United Nations country assessment recommended in 2016 that ‘Methods of promoting, rewarding, and disciplining judges could also be revised in order to encourage judicial impartiality and efficiency’** (UNDP, 2016b: 121). A 2016 article claims that, in Thailand, some judges at the top were recently appointed not only for their professional qualifications but also for their known political stance (Dressel, 2016).

Box: Climbing the ladder in the Philippine judiciary

In the Philippines, the President appoints members of the judiciary. According to a 2009 report, ‘Filipinos tend to view the world in terms of personal relationships; it is not the merit of the case, “not what you know but whom you know” that often matters. Therefore, the cultural tradition of “utang na loob” or debt of gratitude engenders the belief that an appointed public official is perpetually indebted to the appointed power and whoever endorsed the appointment. Since courts ultimately resolve political contests, some politicians exert means to influence the appointment of judges and justice, with a view to collecting such “debt of gratitude” at a later, “more opportune time”’ (Asia Pacific Judicial Reform Forum, 2009: 216). A prosecutor explained that her dream was to become a Supreme Court justice, but she doubted it would ever happen, *‘Not because you are a woman but because of the fact that you have to be politically connected and affiliated to reach a certain position.’* Despite her claim that being a woman does not have an impact in this situation, the fact that Filipinas account for more than 80 per cent of the time allocated to childcare (UNESCAP, 2015), the low number of women at the top in politics (COMELEC, 2017) and the lack of opportunities to socialize after work are key to understanding the lower rate of women in top positions in the judiciary.

3. Retirement

In several countries, women are required to retire earlier than men and this may also be mistaken for a gender neutral rule. Indeed, some arguments to defend this in Lao PDR were that women are weaker than men (despite the fact that they live longer) or that women may have to take care of their grandchildren. However, it is reported in the literature that young educated Vietnamese women feel that it has a negative impact on their professional opportunities. As a result, unlike men, women aged 50 to 55¹¹ are rarely considered for promotion (Pham, 2008). Indeed, according to the World Bank, 'When there is a vacancy in the management and leadership positions in an institution, managers consider the age of applicants because the person who is promoted is expected to work in that position for a significant length of time' (The World Bank, 2011a: 33). Therefore, a lower age of retirement has an impact on women's opportunity to maximize their wages along their career span, and compounds the negative effects of other interruptions in the course of their working lives (due to child-bearing, for instance). Training opportunities are curtailed, as are opportunities to reach senior positions, and, eventually, their pension contributions may be affected and result in lower benefits. Although a contribution formula favouring women could partially help reduce this imbalance.

Box: Retirement in Viet Nam

'Regulations in many organizations stipulate differential ages for male and female applicants in the appointment and promotion of public officials, which contributes to the situation where qualified women are not considered for promotion to leadership positions. [...] Looking at Viet Nam Household Living Standards Survey (VHLSS) data, it is clear that female public officials are disadvantaged by retiring at 55 years old. Public officials' salaries peak in the previous year to retirement. The average salary of female public officials in 2009 was around seven per cent lower than the average salary of male officials. Yet, in their last 10 years of work, the difference jumps to almost 14 per cent, harming future female public officials' pensions.'

Source: UNDP, 2012c: 8

VII. Harassment, discrimination and disparaging treatment

The literature shows that women disproportionately experience the use of inappropriate language, harassment and bullying in the justice professions (Das, 2015). For instance, being addressed as 'Ma'am' or 'Missy' or 'Dear' instead of their honorific title may be considered disrespectful, if men are usually called by their titles. **According to a scholar, the kind of discriminatory treatment experienced by women judges can take numerous forms, such as condescension, stereotyping, sexist comments, hostility, denial of status and authority, invisibility, double standards, tokenism and exclusion** (Backhouse, 2003).

1. Sexual harassment

Women are more likely than men to encounter sexual harassment by their colleagues in firms or

¹¹ There is currently a proposal to change the retirement age for both men and women in Viet Nam, but the differential between the two would likely remain (see the Viet Nam country report in Part 3).

courtrooms. In a recent study on women lawyers in Kuala Lumpur and Selangor, 17 of the 42 female respondents, and three of the 19 male participants claimed that they had been sexually propositioned at some point. Interviewees reported verbal harassment and suggestive remarks (comments on physical body parts, being called 'darling' or 'baby', the use of jokes and offensive language such as 'screw') but also 'Clients trying to physically take advantage, inappropriate touching such as holding of hands, sitting on their lap and attempted kissing. Then there were the suggestive invitations when clients would ask them out on the pretext of discussing work, they were asked to stay late by senior colleagues, offered to go on a fully paid holiday with a client, and so on' (AWL, 2014: 80). Quoting this same study, the author of an online article said, 'I have experienced all three while in practice and either got my senior male partner to intervene or confided in a female colleague. I did not know that I could really do anything about it. At the time there was no mechanism for sexual harassment' (Kosai, 2015).

Sexual harassment is hard to address. Criminal laws deal with the more overt and physical forms of sexual assault and violence, whereas Labour Codes are progressively implementing protective measures against sexual harassment at work in the region. When the harassment becomes subtler, such as the form of jokes for instance, it is harder to tackle because the subjectivity of the victim may be questioned. If a woman reacts negatively or fails to laugh at such jokes, she can be labelled as not having a sense of humour, or being too aggressive and crying wolf, whereas ignoring sexist jokes indicates tacit approval (Ehrlich-Martin & Jurik, 2007). A justice reformer in Indonesia described how other employees gossiped about one of their supervisors who was tough at work, attributing her behaviour to the fact that she was single, and to the absence of a sexual life. It is hard to respond effectively to offensive gossip attacking women about their sexual behaviour, or discrediting them by implying that they are 'inappropriate' women, because the notion of intent is difficult to prove in a court of law (Haspels et al., 2001). Indeed, courts are not well equipped to tackle subtler (but not less discriminatory) instances of work-related sexual harassment. Moreover, women often fear backlash and underreport sexual harassment in the workplace.

Box: Enforcing sanctions against sexual harassment at the workplace

A study in Viet Nam notes, 'Sexual harassment at work appears to be affected by occupational features. The lack of a clear definition of sexual harassment at work has led to the fact that judicial agencies, such as courts, have difficulties in charging accusers with sexual harassment and employers try to deny their responsibilities. Most importantly, the country's lack of enforceable legislation on sexual harassment in the workplace - including the lack of legal definitions, and legal and financial responsibilities of enterprises and employers, redress processes, payment of damages and fines - does not encourage victims to report their cases or lodge their complaints. It remains common that most sexual harassment at work is unaccounted for and not thoroughly or exhaustively processed.' If courts themselves have difficulties in punishing sexual harassment, it is not unreasonable for women justice professionals to struggle with reporting instances at the workplace.

Source: ILO, 2013

In Viet Nam, a study found that sexual harassment occurs in criminal justice agencies, but is not commonly reported in the Procuracy or the Supreme People's Court. The study also claims that these agencies do not see the need to have internal regulations prohibiting it (UNODC & UN Women, 2013). In Lao PDR, interviewees declared that women could report misconduct to the Ministry of Justice, and that sanctions could be taken against misbehaving judges. More research is needed to determine if such complaints are in fact made, and if they are effectively addressed.

2. Disparaging treatment

Disparaging treatment. The devastating effects of the lack of gender training on female victims in the court is well known but its impact on women justice professionals is less frequently discussed. It was found in most countries that justice personnel lack gender sensitivity, especially in the lower courts, and that trained judges are mostly found 'at the top' of the judicial structure. This is not a conducive environment where women justice professionals can feel empowered and at ease to practice law. **Disparaging treatment can take the form of repeated interruptions while speaking, demeaning comments and being addressed with terms of endearment meant to undermine the stature of women justice professionals in the eyes of clients, witnesses, juries and their fellow justice colleagues** (Flake, 2011). A Cambodian prosecutor revealed how she struggled to be respected by male police officers. She said, *'At the beginning it was very difficult. They said, "the baby talks, the baby comes". The men are older than me. And so, I am a leader and they had to listen to my orders. And because they are older they sometimes think that "Why do you order me to do this? We never do like this! We usually do this or that."*' She explained that she discussed the matter with a mentor, who did not help her sufficiently.

In some countries, women are encouraged to be more discreet and quieter than men, and so the unfriendly atmosphere of the courts may prevent them from considering the justice professions. A judge from Myanmar recalled that she did not want to become a lawyer because male lawyers *'Use very dirty words. [...] So, I became a judicial advisor. In the courtroom, I could stay behind the curtain I didn't need to fight.'* It was also reported that while victim-blaming and victim-shaming are recurrent issues in Southeast Asia, some judges may not wish to be taught about gender sensitivity because they do not consider it a priority, or because they fear criticism. In turn, the lack of law enforcement officers, judges and prosecutors trained on gender limits the ability of the state to bring justice to victims of gender-based discrimination (UNDP, 2016).

C. Opportunities and strategies to exert influence

'From when I started, and even until now, I was usually the only one [woman] to stand up for something, and that can be discouraging. It's like stepping out of your comfort zone, but I feel that one should get out of their comfort zone because that's the way they can progress.'

Lawyer from Malaysia.

One of the main objectives of this study is to show that women justice makers are agents of change, and that most of them, consciously or unconsciously, contribute to improving the relationship between women and the justice system. Some of the women interviewed are actively working for the

betterment of the status of women in the justice sphere and at the workplace, by enhancing changes and rejecting harmful stereotypes. Others may not be consciously trying to improve the situation of women working in the justice system, but are in fact doing so by their mere presence as professionals and through their personal achievements. The techniques that the participants unveiled also reveal that there is a fine line between empowering techniques and coping strategies. Most interviewees could not distinguish between the two. Coping strategies are those used by women to work within male-dominated environments, whereas empowering techniques challenge male-dominated environments to become more gender responsive and equal. The interviewees, through their personal and collective experiences, revealed more than merely individual techniques of influence and strategies to change the status quo. They also showed that women often have much more to achieve in order to reach the same levels/results as men, and that they have to overcome specific barriers by being creative, brave, organized and determined.

I. Empowering techniques or coping strategies?

It was found that most women have their own techniques to appear more confident, or charismatic, and to make their voice heard. For this study, interviewees were asked about the techniques they used as women to be more influential in their working environments, in meetings with male colleagues, or with employees or clients. While some of them are empowering techniques, others reinforce the discriminatory male-defined standards that require women 'to do more' or comply with social expectations to obtain the same opportunities as men at the same level.

1. Male shadowing

Delegating responsibility. Male shadowing refers to a technique where women hide behind men in order to achieve something that they believe they could not do on their own. For instance, the director of a law firm in Indonesia revealed that she sometimes used her father's name to introduce herself and her firm, as he used to manage the law firm before her. In doing this, she felt that it gave her more credibility in the eyes of her clients, '*because it is a man's world*'. As a result, her new clients often expected to meet a man when they came to the firm's office. This was where she had to prove herself and convince her clients that she was qualified and competent to handle their cases. A young lawyer in Myanmar admitted that in large meetings, she would sometimes use a male colleague to convey her message for fear of not being heard or taken seriously enough. A major stakeholder in charge of upholding gender equality in Lao PDR explained how she would often send messages to key male participants before important meetings, and occasionally also let them take the credit for these ideas at the meetings.

2. Adopting a 'soft approach'

Being soft as a coping strategy. The analysis shows that women often use 'soft' strategies while working with men, such as explaining things repeatedly, very patiently, carefully avoiding blame and confrontation, being especially polite to male judges, being meek when asking something, being cautious, and so on. Whereas interviewees identified this as a strategy, it can also be an example of a coping strategy.

Box: Example of a coping strategy

A young female prosecutor in Cambodia recalled how she struggled to impose her authority on male police officers at the beginning of her career. Her main concern was that when the policemen refuse to cooperate with her, she is likely to be the one to be blamed if anything goes wrong during the investigation. To remedy this situation, she chose to adopt a 'soft approach', such as avoiding putting the blame on the policemen, being very patient, explaining several times why they needed to obey her, and what the law was. She said, *'I just speak normally. Not like them. I just talk about the law, and we apply the law to our practice. I tell them the mistakes ... I do not blame them. I just ask them not to do that again because we had better do something like this, etc. I just try to talk with them in a normal way. Not like I am superior. I try to make them feel comfortable with me.'*

On the one hand, using 'softness' to achieve her goals reinforces the negative stereotype that women are 'too soft' for these professions, and it may undermine their image as leaders in the justice system. On the other hand, it shows an alternative to the belief that leaders, managers or prosecutors must be aggressive and tough to be obeyed. Moreover, she probably felt that she did not have any choice, for, if she had confronted them, there was a high chance that her day-to-day relationship with the policemen would have worsened. She mentioned that it took about a year and a half to establish a better relationship with the police officers. It is unclear if they were disparaging her because she was a young woman or because she used a soft approach, or a combination of both. The director of a firm in Malaysia stressed that stereotypes of women being 'too soft' undermine their ability to work in litigation.

Challenging stereotypes about leadership in the justice profession. Despite being a survival technique, introversion may not be incompatible with success in the justice system. It also breaks down the common stereotype that toughness is required in professions traditionally regarded as masculine. A successful law firm director in Indonesia spoke of how she adopted a 'soft' strategy with her male clients, even as she admitted to having a relatively strong personality. She said that she would rather be accommodative and solution-focused than be aggressive. Similarly, a female judge in Myanmar described how, in court, she would speak softly in order to 'force other people to lean in'. What appears, at first glance, as a 'feminine characteristic', may also be a well-thought technique to capture the attention of the audience and court personnel. A Malaysian lawyer pointed out that some judges laud the ability of not being aggressive. She said, *'I think that if you want to be powerful you need to overcome your fear. If you are fearful, you will not be powerful. I think this should be trained in universities. Personally, I will be silent to gain attention. It's true that some lawyers shout, which would scare witnesses or someone who is not legally trained but the judges don't like it. Also, this makes the witnesses have their guards up very high and makes it difficult to talk to them.'* These 'soft' techniques of influence are particularly helpful when they are consciously used as a choice of leadership. Otherwise, they may be mistaken for 'weaknesses' by male and female observers alike.

3. Adopting a 'strong approach'

Copying males' habits and codes. Some participants admitted that they copy male behaviour to 'be tough like them' in order to earn their respect and fit in. A Filipina lawyer working in an international organization realised that copying the behaviour and language of her male colleagues helped her thrive, but she was uncomfortable with this strategy, because it did not allow her to be her natural self. She said, *'Yes, unfortunately yes. That's how I was able to deal with a male-dominated workplace. In all ... not only where I am working now but also in other working places, like the Supreme Court, the law firm ... so yeah. I shaped my language according to how my male colleagues would speak. So, you don't say "I feel", you say "I think". You avoid saying "perhaps we may be able to do this" because that's how women normally say things, in a very soft ... No, you have to be decisive. But you know ... I shouldn't have been doing that!'* Women also find themselves easily dismissed when they are aggressive. A Thai justice advocate recalled how she had to change her ways as she was perceived as being too aggressive. She said, *'Then I saw [that] men laughed when I offered my opinion, especially when it concerned issues of labour and women. I had to change.'* Changing attitudes is a valuable strategy if it helps successfully convey messages or communicate adequately, but it reinforces the idea that women are the ones who must watch their behaviour.

4. Using femininity

Similar to adopting consciously 'soft' strategies that are considered 'feminine', women use social expectations and their appearance or femininity to their advantage. Without taking away women's power of influence, such examples show that the line between coping strategies and empowering techniques is very thin. They may be useful in the short-term, but they reinforce gender expectations and stereotypes about women needing to be soft, pretty, emotional, and smiling. Nevertheless, they can be considered as entry-points to gain the attention of men before proving their ability or obtaining what they want.

Using gallantry as a peace-making tool. A Filipina judge described how she often used her womanliness to diffuse tense situations in court and ask male litigators *'To behave in a gentlemanly fashion in front of a lady'*. An Indonesian lawyer also said that gallantry could be used as a leverage. She said, *'Sometimes I put this as an advantage. Men to men, they will be very tough. But when they meet women, probably because of our culture, they will refrain from being as tough.'*

Using 'feminine charm'. Other women take greater advantage of social expectations and of their 'feminine charm'. A prosecutor in the Philippines claimed that *'the only way'* to convey her opinion and influence the management of the office where she worked was *'To appeal to the emotions of my boss, smile a lot and everything.'* She said that using 'feminine charm' was a 'very common' strategy for women.

Appearing to be weak. The prosecutor also added, *'That's the time we appear to be weak. Because we want to get something from them. Without them knowing.'* In similar vein, an Indonesian head of law firm explained that, wearing a veil, her male clients would doubt her abilities. *'I still have to prove who I am. Especially with my appearance, people will challenge me or doubt me. But sometimes, since they lowered down their expectations, or their defence, they are not that tough. That is my opportunity to show who I am. So, if they are a little bit weaker that's where I strike!'*

Refusing gender expectations. While some women revealed that one of their strategies was to power dress, others explained how they refuse to adopt attire that would make them look more ‘feminine’ or ‘trendy’ and go against prevailing expectations of the appearance of justice professionals. The director of a law firm in Indonesia described how she refused to comply with social and professional expectations and chose to wear a veil and a traditional dress rather than a suit. She said, *‘Sometimes, because of the scarf, people don’t think that I have that capability as a lawyer, especially when I meet directors or high-level positions, CEOs etc. They expect me to be more ... very corporate. Very lawyerly.’* This strategy is double-edged, as on the one hand, she advocates for her freedom of choice and successfully contrasts with social expectations, but simultaneously, it forces her to leverage herself by referring to her academic qualifications.

II. Effective strategies by and for justice makers seeking to have an impact

1. Building and using connections

Networking. Among the most commonly cited ways women found to optimise their career development prospects were provoking networking opportunities and building a strong reputation on reliability and integrity. A Thai lawyer pointed out that sharing information and connecting with other justice professionals had been highly beneficial to her progress. A foreign lawyer working in Myanmar also insisted that building a network outside the office in order to find new employment opportunities was really important for one’s career, and that connecting with members of the boards and seniors in the organizations she had worked with had made her job *‘much easier’*. But for many Southeast Asian women, it is considered inappropriate to socialize after work with male colleagues and senior personnel. A Cambodian prosecutor mentioned how one of her colleagues would ignore social conventions and drink with police officers, as a result of which, *‘She has a very good relationship with the police now.’*

Making alliances. An effective strategy that seems to work for women is to make alliances among themselves, either along the justice chain, with women of the same profession, or with other women’s groups.

Box: The Philippine Women Judges Association (PWJA)

The PWJA was created in 1987 and it offers a platform for women judges to voice their issues, to promote the welfare of women judges in the Philippines and to improve the administration of justice. The association does not work solely for the betterment of the situation of female judges, but also for the betterment of the whole court system, proposing, for instance, the computerization of courts, and the speedy disposal of cases. It also extends its influence by exchanging knowledge on the international scene (PWJA, 2015).

In Malaysia, a number of interviewees highlighted the benefit of connecting with women’s groups, not only to gain support in improving the rules of the profession for women, but also to gain knowledge on women’s issues and gender awareness. A prominent Malaysian lawyer said, *‘The importance of women supporting women is a new discovery for me. I always thought that, from people’s success stories, you have to make it on your own, that’s the only way to do it. Later I realized that it’s the wrong position to take. The kind of attitude, thinking that I made it here on my own and no one helped me, does not help the working environment. Because it’s not an equal playing field, the working environment is not conducive for women, especially for working mothers, we need to have this support group among women.’*

Box: The Gender Equality Tribunal

Women's rights organizations in Malaysia have proposed the creation of a Gender Equality Tribunal, which though still an idea, remains an interesting proposal to tackle gender discrimination. 'Recognising that the court process is formal, cumbersome and unfriendly; and following from the successful industrial court process as well as other newly formed adjudicative boards; the Act sets up a tribunal as an alternative mechanism to expedite adjudication of discrimination cases in a less formal and less technical setting. A specialised tribunal will also help develop the jurisprudence on gender discrimination.'

Source: Aziz, 2008

2. Mentorship and leadership

Women as role models. The study revealed that women put great value in being an example for others, as mentors, role models or leaders. This was particularly true in the Philippines. In the Philippines, women kept referring to their two past female Presidents, of whom Corazon Aquino, was 'just a housewife'. Similarly, the current female Chief Justice Maria Lourdes Sereno proudly cited during interviews. Such achievements had obviously a huge impact on Filipinas' perceptions of women's empowerment. **It is crucial to have women in the highest positions for the younger generations to know that women can lead, but it is also equally important that the youth sees value in them, to feel inspired and consider them as role models.** It was found that Filipina justice professionals attach a strong importance to their reputation and aspire themselves to be looked up to. A Filipina prosecutor said, '*I always believed that whatever I impose to the followers I should be able to do.*' Such an attitude also helps them in building a solid reputation for themselves.

Box: The culture of recognition

One particularly interesting aspect of the legal professions in the Philippines is the culture of awards. Most, if not all, interviewees had been rewarded (for some, multiple times) for various accomplishments such as being 'outstanding prosecutor of the year' etc. Despite being positive for both genders, such a culture of acknowledgement decisively boosts women's confidence, particularly in the context of women not receiving enough recognition (Grant Thornton, 2016). It also helps them build a solid reputation for their career. Among the large panel of awards that are attributed to justice professionals, the Philippines has a gender justice award aimed at raising the quality of court decisions in cases involving violence against women, encouraging gender sensitivity among judges, and raising the public's expectations of judges (ADB et al., 2008); it also puts gender-sensitive professionals in the spotlight (PCW, 2009c). A report describes the positive impact that such rewards have had, not only on justice professionals, but on the justice system itself. 'Most of the awardees from 2004 were promoted to higher posts by the Supreme Court, for example, and the most gender-sensitive judge who used to serve at a regional trial court in the Southern Philippines got appointed as Supreme Court administrator. We also published the judicial decisions made by the awardees, and the publication is currently being used in training and seminar programmes for judges and law students' (Pasqual, 2009: 25).

Promoting women in leadership positions in the judiciary. In Viet Nam, the 2006 Law on Gender Equality imposes clear legislative directions upon the government agencies to promote equality in their institutional structures and policies (ILO, 2006). A judge said, *'Gender equality can happen when the leaders and the society fully recognize the rights of women and facilitate their lives. Women change but if the society has not changed and recognized that women have changed, it is difficult to have real equality.'* As a state party to a number of international treaties, including the CEDAW, Viet Nam has incorporated many provisions on gender equality into domestic law. Decree No. 49 provides further elaboration including specifying that female labour should account for at least 30 per cent of the workforce and calls on the Ministry of Home Affairs to coordinate with relevant ministries and branches to promulgate regulations on the proportion of female leadership (ILO, 2009). The National Strategy and Programme of Action sets specific targets for women's participation in leadership and management (The World Bank, 2006).

Box: Promoting women leaders in Viet Nam

The Supreme People Procuratorate's Decision No. 438 to promote gender equality within the procuracy sector, sets out targets in management and leadership positions for 2015:

- Increasing the participation of women in the Party leadership to more than 25 per cent.
- Ensuring that 90 per cent of the total number of units subordinated to the SPP will have promoted women into management and leadership positions.
- Requiring that at least 15 per cent of the total procurators are women.

The decision also sets out targets to improve the quality of female human resources by 2015:

- 25-30 per cent of the total female cadres and civil servants will have a post-graduate education.
- At least 30 per cent of all participants in training courses will be women.

It also calls for studies of the regulations such as on recruitment, training, promotion and evaluation, to consider their gendered impact in order to revise and develop a master plan to address any negative effect on women.

Source: UNODC & UN Women, 2013: 59

Mentorship and support. A number of women recognized the importance of having a mentor from whom they could learn the nuances about their professions early in their careers, but also to be less apprehensive. The literature on the subject finds that there are generally few female mentors. 'Lack of mentoring is another factor. Too many women remain out of the loop because they do not have a role model to usher them into the legal world. Women would feel more comfortable adjusting to a firm if they could see that other women were accepted there. Plus, an atmosphere that fairly represents both genders would allow women to feel more at liberty to ask questions and participate because there would be no need to prove anything or fear that they were constantly being judged' (Das, 2015). More research is needed on the challenges and opportunities of female mentors.

Men's support is also important. When asked if male colleagues, parents or mentors had helped them in their career, a large number of interviewees answered in the affirmative. For some it was their fathers, who encouraged them to have high expectations and work hard to obtain what they wanted, or raised them no differently than their sons. Some cited their husbands or their working colleagues. Others described how their male mentors supported them and other female colleagues.

3. Pushing for the improvement of workplace structures

Lobbying for more women-friendly workplaces. Some measures could tremendously improve women's lives in the workplace, such as 'flexi-time' procedures, or the right to breastfeed, or guaranteeing women a position equivalent to when they left can be very useful (Hassan & Musa, 2014). To achieve this, women justice makers can create their own structure with women-friendly rules. An Indonesian justice reform agent reported that a friend of hers created her law firm after having endured long working hours which in part caused her to divorce. This law firm is now a successful corporate firm and adapted to women's situations. In another case, a Malaysian lawyer described how she pushed her superiors to provide a lactation room for women at her workplace, despite the disinterest of the male supervisors at the workplace.

Box: Breastfeeding in the Malaysian Bar Association

A prominent lawyer spoke of how working more closely with women's organizations had opened her eyes to her own issues. She said, *'At that time, I was not aware so I just complied with maternity leave policy of the firm, which was constraining.'* She quickly understood that the rules in the firm were not helping her either as a mother or as a female lawyer. So, she successfully used her influence in order to accommodate the workplace to be more responsive to women's needs. She said, *'I pushed for [a] lactation room at the Kuala Lumpur Bar. The Chief Judge who was male said it was going to be difficult. And men at the Bar did not understand. But I fought for it and finally we now have [a] breastfeeding room at the Kuala Lumpur Bar. The breastfeeding room is an example of using our own life experiences and turn it into action that benefits other women at the Bar.'* If such changes are extended more widely to the rest of the workforce, they are likely to help the government of Malaysia to attain its objective of increasing female labour participation to 59 per cent by 2020 (NST, 2016).

A Singaporean lawyer cited an initiative from the Government that was pushed by women unionists through a labour movement (Soin & Thomas, 2015). She said, *'The Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) was set up in 2006. TAFEP formulates guidelines for fair employment practices to protect workers of all ages, gender, races and religion. Employers are expected to abide by the Tripartite Guidelines on Fair Employment Practices. Workers who face workplace discrimination may approach TAFEP for advice and assistance. Companies that do not comply with the Guidelines would be investigated by MOM and may have their work pass privileges curtailed.'* Such initiatives increase the notion of fair, human-centred workplaces.

Changes should be carefully watched by women's groups. Such policies should be closely monitored by women to ensure that they do not reinforce existing stereotypes. In Viet Nam, some efforts exist to

improve the workplace environment for women but there is a downside. In a recent policy dialogue on gender mainstreaming, a Ministry of Justice Paper listed the number of legal provisions that stipulate special treatment for female employees, such as maternity leave. It continued by noting that a lawyer had said, *'There are many other legal documents which pay special care to the weak in the society, of which women create a large proportion.'* It is one thing to recognize that women require special treatment because of their biological role in reproduction (maternity leave and breastfeeding), but to extend this to categorizing women as 'weak' does not help ensure gender equality. Instead, such efforts should recognize that, in the past, the male-dominated work environment has not taken into consideration women's needs.

Box: Changing the rotation system

Unlike other countries, Laotian women did not seem to think that the rotation system was a problem, as judges can continue to stay in the region where they live. *'Although people come from different places to study law in the centre or Vientiane, after graduation they will be assigned back to their hometown and rotate in their region only. In the case that they have to leave their hometown, their families normally will follow them but it is just a few cases. The system will ask them first if they can move to different regions. So, it depends on a judge who decides whether they are willing to relocate or not. I have never been relocated to different regions because I have my mother and sister here. Normally, women are prioritized and will not be assigned to go out of the area but it is easier for men because their families follow them.'* An Indonesian judge also spoke of how she had benefitted from a special measure which allowed her to work for a few years in courts that were not too distant from her house and family. Several possibilities to change the rotation system should be explored to align the rules of the justice system to the reality of its participants.

Redefining standards. According to a Singaporean justice advocate, *'You can see that in very male-dominated environments, the women feel that it will be seen as a kind of weakness if they adopt [a] more pro-women perspective. So, those pressures will also need to be addressed and I don't think we could rely solely on women to create the change. Men also need to change their mind.'* Several participants explained how they educate students on gender issues in order to change the mindsets of the practitioners, or to advocate for a better understanding of these issues at the managerial levels in law firms. This could decrease female law student dropout rates and introduce future male lawyers to the concept of sharing tasks and responsibilities. In addition, the involvement of men in family duties needs to be separately encouraged, which could be done through some form of law or policy. A female lawyer said, *'Men still do not feel that they have to take care of the children. Say a woman lawyer will have to take leave to take care of sick children, not male lawyers. Men should stand up and do more. Women are being sandwiched between children and parents.'* Organizations such as the Asia Foundation have also tried to expose law students to real-life criminal and civil cases, corruption, the environmental and women and children cases (The Asia Foundation, 2016).

Fighting against harmful stereotypes. Women often described how they challenge sexist ideas and take action for their colleagues to stop generating harmful stereotypes. In Myanmar, women's groups and women lawyers are actively trying to change the perceptions about women. A report pointed out,

'Too much focus is on women's political and business leaders, but there is insufficient conversation about changing gender norms in Myanmar. Women are still seen as second class' (England, 2016). A Cambodian lawyer complained that women were often thought not be fit to travel to the provinces or to go to prisons and meet criminals, while a Thai law professor shared the view that gender stereotypes were commonly expressed among employees at the law faculty. For instance, it was implicit that women should not wear pants to work, that representatives of the law faculty should be males and *'At times, I would hear renowned male professors say certain things, such as "women back in the days would only go to college to find suitable husbands"; etc. I couldn't react too overtly as he was more senior. However, I stood my ground and my male colleagues became more considerate of things they said in my presence.'*

Combatting sexual harassment. One effective strategy against sexual harassment in the legal sector is provided by Malaysia where reporting mechanisms have been put in place.

Box: Reporting sexual harassment in Malaysia

'Now both the Malaysian Bar and KL Bar Committees have policies on sexual harassment and reporting mechanisms. The KL Bar has adopted the Ministry of Human Resource's Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace ("the Code") and has conducted awareness. However, law firms are merely "urged to take the initiative" rather than being compelled to. This is interesting given that the Employment Act now requires action against sexual harassment in the workplace. But only employees are covered and partners and clients are not employees. Lawyers who have experienced sexual harassment can report straight to the Bar Committees.'

Source: Kosai, 2015

4. Changing the rules and enhance progress in the justice professions

It was found that the increased proportion of feminist practitioners in law enforcement agencies and judiciaries has had a positive impact on the working culture, which is beneficial for both men and women. They said that the climate and culture of the organization had improved and it created a less hostile work environment that benefitted both actors and beneficiaries of the justice system The Locum Lawyer scheme is an example of how women tried to change the status quo which benefits both men and women.

Box: Encouraging lawyers to return to practice - The Locum Lawyer scheme

The second female elected president of the Law Society, Ms Selvam, created the 'locum lawyer' scheme in order to encourage lawyers who had left the profession to return. Locum lawyers benefit from flexible options, can work on a project basis and freelance for one or more law practices. Interestingly, in June 2015, seven lawyers, mostly males, were registered as such.

The scheme ‘would allow lawyers to obtain a valid practising certificate without being attached or “linked” to any particular law practice and offer their services to one or more law practices at the same time.’ Ms Selvam outlined the benefits of the scheme in her speech as follows:

1. Encourage lawyers who cannot practice on a full-time basis to return to practice. Lawyers who left practice to be full-time mothers or lawyers who wished to have an alternative lifestyle to full-time practice or senior practitioners who wished to remain in practice but not on a full-time basis could under this proposal return to practice.

2. Encourage specialisation as a lawyer can commit himself or herself to a preferred area of law and offer his/her expertise to more than one law practice which required a lawyer for that area of practice.

3. Improve manpower allocation. Law practices can have the flexibility of being able to engage a lawyer on a temporary basis to deal with a particular project or an unexpected surge in work.

4. Provide locum service to small law firms, particularly sole proprietors, when they were ill or wished to take some time off or simply assist them for a short period of time.

The Society’s proposal for a ‘de-linked practising certificate’ was submitted in 2003, and in 2004, the Legal Profession Act (Cap 161, revised edition) (‘Act’) was amended to set the necessary legal framework for what is now called ‘the locum solicitor scheme’.

Source: Das, 2015; Dhoraingam, 2005

5. Improving the justice system for women

Using gender lenses to look at the laws. In order to change the status quo for women in the workplace and in society, justice practitioners should be trained not only in analysing the laws, but also in the means to implement them. Using gender lenses would help women justice makers to truly measure whether a rule in the profession has equal impact on both men and women and if laws are truly gender neutral.

Box: Analysing the relationship between women and the law

‘So one of the things that we provide our justice professional participants in the trainings is an analysis we call “substance, structure, culture”. So essentially we give them a case study and then we ask them to analyze the law from a “substance-structure-culture” perspective. So the “substance” is what is evident, what is written. “Structure” is the enforcement mechanism; the police, the department, whoever is supposed to be applying the substance and then the “culture” are the things that are outside, around it, the community, the country. That’s outside the system and outside what is written down. Then, we would ask them to break it according to that and then you can almost always see where the law is missing something. Because you could have a beautifully written law but you don’t have any structure to implement it. Or your structure is kind of confusing, nobody really knows who is supposed to implement it. Or it’s the culture that is not being challenged at all, you have a beautiful law, you have a beautiful system but you are not doing anything against the cultural aspect. So we believe that all these aspects should be addressed for the law to kind of fit in.’ Lawyer by training, and staff member of an NGO based in Chiang Mai.

Litigation. According to an interviewee who trains women justice professionals, analysing the law to understand women's disadvantages is crucial in public litigation cases in Malaysia. An example of this is found in the Norfadilla case, which used several lawyers trained in studying laws from a 'substance-structure-culture' perspective.

Box: The Norfadilla case

Ms Norfadilla was a teacher who had just been granted a position while she was suddenly fired on the ground that she was pregnant. She proceeded to take legal action. It was the first time that a civil servant had done so against the Government over gender discrimination at the workplace. The female judge in the high court decided in favour of Ms Norfadilla, which was a victory for both women and the CEDAW. The judge used the CEDAW to justify her judgment, thus giving power to the convention in cases concerning women's rights in Malaysia. Both the judge and at least one lawyer defending Ms Norfadilla had been trained in analysing women's discrimination in the laws. This also led to making CEDAW part of the law in Malaysia (Lim-Kabaa, 2014).

Promoting legal empowerment and social change. It was found that most interviewees in Myanmar spend a lot of time getting other women to know their rights and the law. They empower women and other vulnerable communities and get involved in the drafting of laws. A prominent lawyer from the Philippines explained how she felt that change comes from a collective effort. She said, *'But the disadvantage of the woman really starts from her economic dependence on the husband. So it is very hard to change. It will take a long time even with the laws. But you see you can change that with laws ... there are several laws already. When I will see cases on TV, I would hear the judge rendering a sentence to a man, so many years in prison for not giving financial support to his wife and children under the violation of 9262, I will smile and say ... Good. We've done it.'* Another example of such effort is the Women's Association for Justice and Legal Aid (LBH-APIK) which is one of the main civil society organizations reaching out to women victims around the country, and participating in the effort towards women's legal empowerment.

Teaching. Most female law academics interviewed revealed how they tried to have an impact on both access to justice and the status of women in the justice professions. A law professor spoke of how, with the help of other members of the academy, she managed to establish a course on 'gender and the law' in 50 faculties of law throughout Indonesia. Another recalled how she trained judges in gender sensitivity and helped reduce sexist comments and attitudes at the law faculty in the Philippines. Trained law professors are a crucial channel in changing the status quo in the justice professions.

6. Success stories

Some of the women interviewed were deeply involved in changing the status quo with regard to women's images and their working conditions. Their actions offer examples of the positive circle of a combination of efforts: the effect of gender awareness raising, the collaboration between actors along the justice chain and with the civil society, and the determination of the individuals who decided to change things.

Box: Story of a former Thai judge¹²

'In the past, I was very reluctant to study law but when I actually started studying, it was clear I performed better than men. I excelled in my exams and consistently ranked first. All the professors [all of whom were high-ranking nobility with official ranks and titles] would question why women would study law. They asked why I didn't stay home to raise kids - because they were of the opinion that the law requires one to be reasonable and logical. And women weren't expected to be able to behave in that way. Also, many of the women in my faculty were flunking out. [...] [When I passed the bar exam] I ended up ranking first that year [in the mid-60's] out of over 1,000 people and outperformed all the men. After that, I didn't want to be a practicing lawyer so I decided to take the judge exam. [...] At the time, women weren't allowed to take the judge exam.

But later, with the founding of the juvenile court, policymakers viewed that since women were sensitive and have maternal instincts, they would make good judges for these types of cases. So when I took the judge exam, I had to go out and serve in the different provinces in the juvenile courts. In 1975, they rescinded the policy that women could only serve as judges in the juvenile courts. [...] So with this new policy, women could be assigned to any province, citing gender equality in the Constitution. I was pregnant at the time. So when I went to the MoJ [Ministry of Justice] to get my assignment, my superiors said I didn't need to go. I was in my last trimester but I told them, I wanted to go because this was the career path I had chosen. [...]

'I was to be the first female head judge and I hadn't studied abroad. At the time, there also wasn't a juvenile court there. Which meant that children were treated like adults when they committed crimes. But when I was appointed there, I took my own approach with juvenile cases. I felt they may have walked on the wrong path because of the factors in their environment. So although I was no longer in the juvenile court, I took my own approach - opting for a child-centred and victim-centred approach to help nurture and rehabilitate youth back into society. For cases dealing with children, we needed to be more sensitive. A story that has really stuck with me is that 30 years later, when I became a Supreme Court justice, a well-groomed man approached me and asked if I had been the head judge in that place. He said he was tried in my court and because I gave him a chance, even though he did something wrong, his history was cleared and it inspired him to work hard. He was now a prosecutor. It made me very proud.'

'I have always been a supporter of using well-rounded reasoning to use the law from many approaches to help the people I am sentencing. There were many times in my career when I was warned by more senior judges who said I should stick to the law in making my decision [that all decisions should be black or white] and that I shouldn't be too considerate of the surrounding factors. But I stood my ground because I thought it

¹² Note: this is an extract from a forthcoming booklet on the success stories of women justice makers in the ASEAN region, which will be available on the website of the Thailand Institute of Justice: <http://www.tijthailand.org/>

was important to be reasonable. I've sentenced people to death before too. I am fair but I always think it's important to give everyone a fair chance. When I was the Deputy Chief Justice of the central family court, I also pushed for the expansion of a social service centre for adolescent women. [...]



PART 3:
COUNTRY
REPORTS

Introduction to the country reports

The following country reports are based on an extensive desk review and field study of nine countries in Southeast Asia. The field study comprised of mainly in-person interviews conducted with justice makers in these countries. The field study helped obtain incredibly rich information from justice professionals about the role of women; in those professions, in society, at work, as well as at home, as single women, or as mothers, as spouses or companions, and so on.

Our resource limitations affected what could be identified, accessed, and who could be interviewed. Only a very limited number of persons were interviewed from each country for the study. As a result, the anecdotes and perspectives offered here are precisely that - they offer, at best, a handful of perspectives of life as a woman justice maker, with a focus on the challenges that women face as justice professionals in the sector and whose points of view are complemented by those of women justice advocates. Indeed, it is acknowledged that several perspectives other than the ones presented legitimately exist in each of the countries visited. At no point in time, therefore, should the views presented here be treated as a wholly or truly representative view of women justice professionals in these countries.

While this field study did not set out to obtain a comprehensive picture of women justice professionals, it did have another objective, of seeking to introduce nuances into prevailing narratives of women in the law in Southeast Asia. In this regard, this study aims to provide valuable insight into the lives of such women, and serve as a basis for future research.

A small but significant portion of these reports is devoted to statistics and data concerning justice makers collected from various sources. While every effort has been made to verify the accuracy of the data, in some cases, the information was originally provided orally, and there was no printed or official resource that could be used to confirm the information. The information has nevertheless been retained, in order to provide an approximate sense of the situation in each country, as experienced or otherwise understood by the persons we had interviewed. Reliance on such data, however, is entirely at the discretion of the reader, who can explore the sources at the end of the report (see 'Data sources').

Another issue encountered in this study was that of standardization. As a result of the variety of judicial systems in the region, each country follows its own hierarchy and terminology, which become practically impossible to compare. Consequently, the terms for officials or ranks or courts used are in accordance with the terms used in the respective countries, and were not harmonized.



'If I compare with other countries where a lot of women study law, they believe that laws can protect them, can protect their friends, their families and themselves. While, in Cambodia, women don't see it that way.'

Staff member of the Ministry of Women's Affairs (MoWA).

I. Introduction

In Cambodia, the justice professions remain dominated by men, with women making up only a small percentage of judges, prosecutors, and lawyers. The challenges for women as justice professionals need to be viewed in the context of the legal institutional culture and the structural inequalities that exist between men and women in Cambodian society. The Cambodian legal system, originally based on the civil law model, was devastated during the Khmer Rouge regime. During the country's post-conflict reconstruction, some elements from common law were introduced (CIA World Factbook, 2017a). The legal system has been described by one source as suffering from a shortage of lawyers, insufficiently trained judges; a lack of transparency and efficiency; and insufficiently developed standards of judicial ethics (Freedom House, n.d.a).

Besides having to work in an already crippled legal system, women justice professionals operate in a society where women are regarded, literally, as 'the weaker sex'. This principle is embodied in the 'Chbab Srey', a code of conduct for women that was taught in schools until recently, and which places women subservient to men in all aspects of life. The code's legacy, as described by some interviewees, is embodied in concepts such as serving one's husband, avoiding contradicting the head of the household (for men are regarded as the decision-makers in the family), keeping family issues private, not going out of the house 'for security reasons', and so on. A psychologist associated with the justice system said, *'For me, I think women are still expected to be responsible for the family and its reputation and the harmony of the family. They themselves accept to be passive to the husband. Like whatever the husbands do, they consider it as their obligation. They know little about their rights. Families treat sons as kings.'* In contrast, another young psychologist associated with the justice system explained that her own parents treated her on equal terms with her brother.




The Cambodian Constitution prohibits all forms of discrimination against women (Nuon et al., 2011) and being a state party to CEDAW, Cambodia is implementing the provisions of the convention and gender mainstreaming measures into general policy frameworks (UN Women, n.d.). The country has also been urged to develop and implement effective strategies to increase women's representation in the judiciary (MoWA, 2014a), among other sectors. However, gender inequalities persist, and barriers for women, in general and as justice professionals, remain.

Box: Lack of a movement for women justice professionals in Cambodia

Several interviewees were not familiar with the concept of 'feminism'. Others viewed their own actions of empowering other women or even themselves as a local effort with an impact on local issues, but not as a wider movement that could be affiliated with feminism. A female lawyer said, *'I stand for women and protect women. This is how I see myself, even if I'm not in a big movement in the society. Because here if you are in a big movement in the society it means you have to be in a party. If you are in one party they will call you not a feminist for the society but for a party. And this, I don't want to be.'*

II. What do the numbers tell us?

Table No. 8: Justice makers in Cambodia

 Level		Year			Total
Judge	Court	2014	13%	87%	264
	Supreme Court	2013	21%	79%	23
	Constitutional Court	2015	18%	82%	11
	Appellate court	2013	20.8%	79.2%	24
	Provincial court	2013	13.6%	86.4%	184
Prosecutor	Supreme Court	2013	12.5%	87.5%	8
	Appellate court	2013	16.7%	83.3%	18
	Phnom Penh municipal court	2013	16.7%	83.3%	24
	Provincial court	2013	8.1%	91.9%	111
Lawyer	Lawyer	2013	17.6%	82.4%	716
	Cambodian Bar Association	2016	19.4%	80.6%	1,208
	Members of the Bar Council	2012 - 2017	14.8%	85.2%	27
Other	Court clerk	2013	22.1%	77.9%	N/A

Source: see 'Data sources'

From the available statistics, as shown in Table No. 8, women justice professionals in Cambodia are very few in number, and seldom exceed 20 per cent in each category. The percentage of female judges in the country remains low in comparison with global percentages (UN Women, 2011) at roughly 13 per cent. Between 2013 and 2016, the number of male lawyers increased significantly, while the percentage of women lawyers stayed at under 20 per cent. One prosecutor said that there were probably less than 20 female prosecutors and deputy prosecutors in the whole of Cambodia, out of roughly 200. However, it should be noted that a woman was appointed Prosecutor General of the Supreme Court in 2009, which is the highest position in the prosecution wing in the country (ECCC, n.d.).

Women and legal education. While statistics were not available for Cambodian law schools, one interviewee from MoWA pointed out that the number of female students in law schools had been decreasing in the last few years. She said, *'You see, there are not many female students who join the law schools. So if they don't join the law school they are not capable to do the law skills. There are not so many women interested in law. [...] And on the other hand, they might not be able to pay for the school fees. But our schools have some budget to support poor students. The other reason is that it is not easy to learn.'* Perceptions such as these reinforce stereotypes about the incapability of women to do as well as men. The interviewee also mentioned that traditionally, the education of girls was not a priority in Cambodia. Indeed, for a long time, girls were not sent to school, as educating boys was believed to be a 'better investment' for the family. In 2011, the Gender Parity Index in school enrolment in tertiary education in Cambodia was the lowest in all ASEAN countries (The World Bank Group, 2016). One reason for this, suggested by the interviewees, could be that families lack the money to send their girls to a university far from home, and also fear for their security.

But this appears to be changing in recent times. From 2000-2001 to 2012-2013, 'The percentage of higher education female students in public institutions increased from 21 per cent to 38.81 per cent, and the percentage of female students in private institutions of higher learning increased from 23.53 per cent to 40.79 per cent' (National Education for All Committee, 2015: 37). Sources suggest that providing a dormitory for female students in Phnom Penh immediately encouraged some to study law (Maloy, 2007).

III. The main challenges for women working in the Cambodian justice system

1. Male-defined standards

Lack of awareness about the male-dominated institutional culture. There appears to be a lack of awareness of how male standards dominate institutional culture in the justice profession, including in law schools. One interviewee, for instance, said, *'Women are not really discriminated against. The government civil servant testing allows opportunities for both women and men equally to join and do the test. But in fact, not many women apply to do the test. Actually, I am teaching in a law school here in Phnom Penh. The first year, there are many female students. Second year, third year, there are not many of them anymore. They need to marry or they are not interested in law anymore.'* Views such as these shift the focus away from issues of institutional culture, and instead, attribute the high number of women leaving law school to the women themselves.

Obscure procedures of appointment. Anecdotal evidence suggests that there is an unofficial procedure of selection at the entrance level. Indeed, according to a prosecutor, women are not officially barred from signing up for classes in law school required to become a judge or prosecutor, but in practice, there is a hidden quota restricting women's entry. The prosecutor said, *'It is not that they [women] don't want*

to. But in my promotion, they just take 11 women out of 55. So, they are 1/5th in the class. A lot of women apply to take the state exam to become judges and prosecutors. They don't say how many women they will take, but every year we see that they only take 11.' This effectively negates the efforts of the MoWA and other key governmental agencies to increase women's presence in the justice system, and contradicts the argument that women are not interested in law.

Box: The lucky draw

A unique rule in the Cambodian justice profession is the lucky draw system. After a joint legal education, applicants to the position of judges and prosecutors participate in a lucky draw ceremony (Pisey & Robertson, 2014), to determine who will be judge or prosecutor. Selected persons specialise in respective curricula. This system was created with the assumption that it would be fairer and would discourage ambiguous practices. However, it is problematic for various reasons and is even more detrimental to women.

Firstly, due to the arbitrariness of the selection mechanism, women may not want to risk becoming a prosecutor instead of a judge. Indeed, it was found that the profession of prosecutor is viewed as particularly unsafe for women. As one female prosecutor described it, *'I wanted to be a judge. Because a prosecutor has to work closely with the police and sometimes work at night ... it's very difficult for us as women. For the cases, we have to go to the place where the crime happened. And if it happens at night we have to go immediately and I'm the only woman with all the other men. [...] My mother is not happy that I am a prosecutor because I have to leave the house to work in the provinces and sometimes they call me at night and I work outside. Sometimes, she is afraid for my security.'*

Secondly, this system is not merit-based, as the assignment to either the prosecution service or the judiciary does not depend on academic performance. Instead, students who performed poorly may become judges, whereas academically successful students may end up as prosecutors. Whereas academic excellence could ordinarily be used by women to enter a male-dominated profession such as the judiciary, this system deprives them of such a possibility.

An interviewee alleged that, if applicants are not satisfied with the results of the lucky draw, they can switch professions (from judge to prosecutor or vice versa) by making a request to the Ministry of Justice, and presenting their case to the judges of the Supreme Council, who would then vote. The frequency of such requests, or the success rate of these applications, is not known. This scenario offers particular challenges to women, since the Ministry of Justice and the Supreme Council are dominated by men and women may generally have less resources than men to negotiate a change.

Special requirements to enter the justice professions. In Cambodia, it was found that large sums of money were required for entrance into the justice professions. There are two ways of becoming a licenced lawyer: a 'fast track' through the bar examination, and a longer track where applicants may enter after years of experience in legal matters. Several interviewees said that entrants through either track have to pay a huge amount of money (See 'Financial investing preferences' in Part 2). As a result, women may rather choose to work in the marginal and informal sectors, or female-dominated occupations such as the NGO sector.

Ambiguous practices. One lawyer expressed concerns that the lack of standards of judicial ethics have a negative impact on female litigants. According to the interviewee, verdicts could be seen to be particularly unpredictable in Cambodia due to ambiguous practices in the justice system. If this were the case, then it would make it difficult for lawyers to inspire confidence. Generally, male lawyers inspire relatively more confidence as they are deemed more capable than women. It is supposed that in Cambodia, litigants on the losing side, when represented by women lawyers, could potentially blame their female lawyers, rather than the flawed justice system.

1. Gender stereotyping

Historical stereotypes. In Cambodia, non-married men and women are rarely seen together in public spaces, and it was found that the interviewees do not feel comfortable working with their male colleagues in the justice sector. Several interviewees drew attention to the lack of opportunities to socialize after work, which is deemed inappropriate behaviour for women, and how this affected their career and professional relationships. One lawyer said, *'The culture here is a challenge for women. Men, especially lawyers and judges, often get along well when they go out at night. I cannot go out and do that because I don't drink or smoke. This affects me in terms of effective communication. If they know me, they will treat me better than when they don't.'* A female prosecutor mentioned how she would not stay out late in the evening. Prevailing social norms reinforce the gender stereotype that 'good women' do not go out at night. The prosecutor said, *'When we go out at night [to work on cases], other people watch. They don't know that we go to work.'*

Women lack confidence. According to an interviewee, the systematic degradation of women (as being less intelligent, or less capable) was reflected not only in the mindset of Cambodian families, but also in government policies, as a result of which women lack confidence to apply to top positions. She said, *'Her Excellency the Minister of Women's Affairs, she proposed to have women joining the government framework at the Ministry every year, to have more women involved with the prosecutors and judges in the judiciary system but not many show up.'* Presumably, the lack of confidence, qualification or capacity is mainly why women do not apply to positions in government or the judiciary or prosecution, rather than their presupposed lack of interest for law.

Box: Challenges faced by girls in schools

According to a 2014 study on education and gender in Cambodia, parents, teachers and students view girls as less intelligent and motivated than boys. Reportedly, teachers (particularly men) tend to encourage the participation of boys in the classroom, while neglecting girls. Teachers, who allegedly lack adequate training, encourage gender inequality by reinforcing prescribed cultural roles. 'The standard cultural norms are adhered to, showing men as doctors, lawyers, engineers and managers and women portrayed as weavers, housekeepers, mothers, and shop attendants' (Booth, 2014: 45). This may partly explain why few girls see themselves in justice professions. 'In spite of these setbacks, girls routinely score higher in graduation exams. However, because of Cambodia's entrenched system of hierarchy and patronage, promotion based on merit is unlikely once girls graduate from upper secondary school, unless they come from families that have wealth or social standing. Again, the opportunities for girls/women, even with an education, are few' (Tan, 2007).

Being sensitive may also reinforce stereotypes about women. There is also a tendency to misunderstand equality and to ignore the many unwritten discrimination and deterrent factors that prevent women from considering law as a career. One prosecutor explained how her supervisor let her stay indoors when a crime had taken place. She said, *'There were two prosecutors when I was working in the province. With the first one, whenever the crime happened I just had to go at night. But for the second one, at night he doesn't ask the women to go. He knows that for women it is difficult to go out at night.'* Women are certainly likely to feel uncomfortable working at night, among male police and other justice enforcers. By having allowed this particular prosecutor to stay indoors, her supervisor was being sensitive to the social conditioning that condemns those women who go out at night, even if they go to work. But it also reinforces the commonly shared idea that women 'cannot do it', or 'do not have the capacity' to replace men in traditionally male-dominated professions. This example brings up an interesting contradiction, and a challenge, for the persons who have a role to play in increasing the presence of women in the justice system.

3. Childcare/family responsibilities

Family life. Women are still the primary caregivers in the family. As in several other countries of Southeast Asia, women are expected to sacrifice their professional careers for their role as caregivers. A paralegal said, *'Women spend more time with their families after they got married. It's quite difficult for women lawyers to concentrate on work and to travel a lot to provinces as [do] men.'* An interviewee at MoWA also revealed that Cambodian women often stop working once they get married. She said, *'The MoWA and the Ministry of Education push [such women] to understand the concept of women studying and participating more in the society.'* The situation is not likely to change unless concrete measures, such as incentives to work in the provinces, or setting up dormitories at universities, are taken.

4. Unwelcoming work environments

Unfriendly working environments, discriminatory attitudes, and disparaging treatment can deter women from wanting to be justice professionals. Several interviewees reported that disparaging treatment in the courts is common. Due to the shortage of qualified women trained to work with female victims in courts, trained judicial police agents (JPAs), such as female staff from the MoWA or police, intervene in criminal cases of violence against women. Some interviewees said that JPAs were particularly discriminated against. A lawyer said, *'I have experience with the judicial police agents. They are very scared to communicate or ask any question in the court. Because you know the reaction from the court when women ask a question? They say, "Oh why do you ask such a simple question?" And this does not encourage them to communicate.'* It was admitted that she preferred to work with female justice professionals as she felt uncomfortable with the men in court.

5. Lack of resources

Lack of connections. An expert on gender pointed out that women are rarely seen in the top positions of the judiciary and in the political sphere. The expert said, *'If you look into the Ministry of Justice and into the judicial process, and particularly in the provinces, that is a very hard area to enter. Because it is not only the professional and education development, it is about the power play among them. And usually women are not part of that.'* The 'power play' here is a reference to the control over the 'rules of the game'. Invariably, and especially in the justice system, women are forced to play by rules set by men. For instance, a legal adviser insisted that 'connections' play an important role in the justice sector. While

both men and women are likely to need 'connections' to move forward in the profession, the fact that women are particularly deprived of opportunities to socialize with male colleagues prevents them from succeeding in this 'power play'.

Lack of financial means. There is a systemic lack of financial resources available to the Cambodian judiciary (IBAHRI, 2015) to the extent that prosecutors are required to buy their own professional equipment (e.g., chairs, desks, and computers). A prosecutor mentioned that she did not receive any payment from the government all through her first year in practice. After a year, the government reimbursed the payments due, and paid her the equivalent of US\$ 450 per month,¹³ but according to the interviewee, this amount was barely enough to pay for the rent and other expenses linked to her profession. Such working conditions deter applicants from considering prosecution as a profession, and maybe even more so, discourage women, who often have less access to financial resources than men.

13 According to the interviewee, deputy prosecutors are now paid the equivalent of around US\$ 900 per month, and prosecutors, US\$ 950. She also mentioned that judges are paid less than prosecutors, at around US\$ 400.

B. Indonesia



'My husband is my mentor. I don't think I can be the way I am now if I am not supported by him. I was not convinced that I could be a lawyer.'

Indonesian lawyer.

I. Introduction




The population of Indonesia is made up of more than 300 distinct ethnic groups, six recognized religions (with 82 per cent of the population being Muslim) and thousands of beliefs (CIA World Factbook, 2017b). Adding to the complexity is a justice system that is based on civil, customary and religious laws. While the 1945 Constitution guarantees equality among Indonesian citizens, it does not explicitly mention gender. The situation for female justice professionals tends to reflect the social status of women in society and the cultural influences in their lives.

Beyond socio-cultural norms, Indonesia's legal framework also does not completely provide women with the judicial basis to seek de jure or de facto equality. For instance, the 1974 Marriage Law provides that legally, only a man may be the head of a household (Zulminarni, 2014). Other national laws¹⁴ state that sexual and reproductive health services may be given only to legally married couples, and the husband's consent is required to access some methods of contraception (Das & Schaner, 2016). Marriage laws allow women to marry from the age of 16, while the age threshold for men is 19. A study shows that 27 per cent of women were married at an age below the prescribed age (some as early as age 9), which prevented girls from pursuing their education, as some schools do not permit students to enrol once they are married (PEKKA & AusAID, 2010).

¹⁴ According to an interviewee, both the Population and Family Development Law (No. 52/2009) and the Health Law (No. 36/2009) provide that access to sexual and reproductive health services may be given only to legally married couples, thus excluding all unmarried people from these services.

II. What do the numbers tell us?

Table No. 9: Justice makers in Indonesia

 Level		Year			Total
Judge	National civil court	2010	24.2%	75.8%	3,104
	All trial court judges	2011	23.4%	76.6%	N/A
	Total Indonesian judges	2015	25%	75%	8,097
	Constitutional Court	2015	11.1%	88.9%	9
	Appellate court	2011	15.4%	84.6%	N/A
	Islamic trial court	2010	19.91%	80.09%	3,390
	Appellate judge in the islamic court	2009	5%	95%	N/A
	First-instance and appellate judge in the religious court	2011	13.7%	86.3%	3,687
Prosecutor	Prosecutor	2015	29.7%	70.3%	9,903
Lawyer	Lawyer	2015	5-10%	N/A	27,000
	Legal aid	2013	N/A	N/A	Jakarta: 64 Padang: 51 Surabaya: 72 Makasar: 37 Papua: 31
Other	Law student: Faculty of Law University of Indonesia	2016	56.3%	43.7%	3,094
	Law professor: Faculty of Law University of Indonesia	2016	46.7%	53.3%	15

Source: see 'Data sources'

The interviewees estimated that, generally, there was a shortage of lawyers in Indonesia, with many of them choosing commercial law as a profession, and women being generally underrepresented. A global study of women lawyers estimated that 27 per cent of all lawyers in Indonesia were women in 2010 (Michelson, 2013). But a more recent source indicates that this number could be in fact as low as 5 to 10 % in 2015 (see Table No. 9). There is no information as to how women progress in their careers or which areas of the law they tend to gravitate towards. In 2015, women comprised almost 30 per cent of the 9,903 prosecutors in Indonesia (Kejaksaan Republik Indonesia, 2015). Given that the data shows that at least in one law school, female law students outnumber male law students, further study is needed to see where women drop out later in their career. Research from other countries has found that the promise of the 'pipeline theory', where parity in law school students will eventually mean parity in senior positions, is false (Thornton & Bagust, 2007; Thornton, 2016).

Box: Women as judges in Indonesia

In 2015, approximately 25 per cent of Indonesian judges were female. As with lawyers, the number of judges in Indonesia seems to be insufficient and women are underrepresented. 'While the Supreme Court received 100 applications in 2008, only 75 applications were submitted in 2009. Of these, only 19 were from women' (Nurlaelawati & Salim, 2013: 262). In the religious courts, women have been appointed as judges since 1964, when there was a shortage of qualified male candidates and despite the opposition from local Ulama. The Religious Judicature Act only officialized the status of female judges in 1989, and in 2011, women made up 15 per cent or more of the judges in the religious courts (Nurlaelawati & Salim, 2013). This is progressive in comparison with neighbouring countries where Islam is the main religion, such as Malaysia where the number of women judges in Sharia courts is still very low (Badlishah & Masidi, 2009). In 2011, women represented 35 per cent of the clerks in religious courts offices (Nurlaelawati & Salim, 2013), which shows that women may be more attracted to positions in the justice sector that are not affected by the rotation rule.

III. The main challenges for women working in the Indonesian justice system

1. Male-defined standards

Women have to prove themselves. A UNDP opinion poll in Indonesia in 2010 revealed that '77.5 per cent of respondents [male and female] believe that men should be the leaders and decision-makers of the community, and 95 per cent believe that men should be head of the family' (UNDP, 2010: 24). Within the justice professions, this translates into men being presumed to be capable and women having to demonstrate their capability, and some interviewees explained that they had to adopt coping strategies to leverage themselves. For instance, a lawyer who is also the director of her law firm said that she used her father's surname for herself and as the name for her firm. As a result, new clients often expect to meet a man when they visit her. She also pointed out that wearing a veil led to additional discrimination, as people expect lawyers to wear Western-style suits instead.

Religious conservatism. A professor of law recalled how it was difficult to reconcile Islamic teachings with women's rights, and said, *'Most students are still resistant, especially men. They think that I am changing the Qur'an. They don't want to listen to me when I lecture. Yes. Gender is a very sensitive issue. It's very hard for men to accept that women are equal. It is against their belief and old traditions.'* However, religious courts in Indonesia are seen as more reliable and closer to the people's perspective than state courts, and women's applications for divorce are usually successful (Sumner & Lindsey, 2010).

2. Gender stereotyping

Historical stereotypes. A key factor justifying the relatively low number of female judges in the Islamic courts is 'The widespread, incorrect notion among some Muslim circles that women are sensitive, emotional and irrational [which] still influences some Muslim women and prevents them from holding crucial decision-making positions in both Islamic and civil courts' (Nurlaelawati & Salim, 2013: 260). Women justice professionals who were interviewed declared that male litigants are more aggressive, which is a deterrent for many women. A lawyer said, *'But again the most aggressive opponent men are men lawyers. They don't see whether you are a man or a woman, when they attack, they attack sharp. For me it's fine like sometimes I take advantage of being a woman but sometimes that takes me by surprise. Being a woman, it has some advantage, but some men, they want to be harsh. They want to be tough.'* Two interviewees said that ambition was perceived as a negative trait for women. A justice reform agent said that women who were tough at work were considered to be of dubious character. According to an interviewee, numerous young women lawyers are now challenging stereotypes about women being less committed than men by working additional hours, even though they may be married.

Women assume gender stereotypes. It is not uncommon for women to have to negotiate their space within the justice professions by accepting the reality and normalizing prevalent gender stereotypes. One female lawyer described how she used her 'nurturing side' (which men, in her view, did not possess) to be successful. She said, *'In terms of serving clients, I am more loyal. Like my other partner will say that "If your client won't do as you told them, just leave it like that as long as you've done your best". But I say no. I will be more persistent to show them. Like men they just say "I've done my job, I've done my best, that's it". Not only will I take the extra mile, but for me you have to do more and more and more. Even though your client will ignore it. You are the nurturing side, your nurturing side will come out and that's good for business.'* This is an interesting example of a woman taking advantage of the stereotypes assigned to her. While it may be a profitable strategy in the short term, in the long run it does not help change the status quo.

3. Childcare/family responsibilities

The Kodrat. The Suharto regime (1968–1998) is said to have emphasized the differences between men and women, and the special role that women have as mothers at the centre of the house (Das & Schaner, 2016). According to a gender expert, this ideology remains active to this day, and is reinforced by a widely-shared concept known as the 'Kodrat'. The interviewee said, *'This very dominant gender ideology is still relevant here, the ideology of that New Order Indonesia. And that was very clear: the role of the woman is to fulfil her natural functions as mother and wife. Kodrat is a kind of social-biological concept. [...] It is very strong because of the connection to the biology, this is everywhere integrated somehow, and it is difficult to deconstruct. The main role is at home serving the husband and the family and also the community ... be supportive towards the community in terms of development. So, it's not actually forbidden to work outside the house, it is respected, but of course priority should be the care work. And she should stand behind the male of the household.'* This does not mean that such an ideology stands

firmly true for all women in Indonesia, or that it governs their lives and marriage, but rather that gender roles take long to evolve due to the persistence of such conventional beliefs of 'natural' functions.

Negotiating time and roles. Many made reference to a relatively widespread notion (particularly among the older generations) that women worked only to bring more income to the family, rather than to have a career of their own. A justice reform agent said, *'One problem is about the culture [...] saying that women are working just to help the family. We don't really work for ourselves. So, if money is not an issue, women think "why do I have to go higher? Because I have my husband to provide the income for the family.'*" This interviewee also explained how she was considering quitting her job to spend more time with her children, while she described her husband as *'A typical husband. [...] He only spends time with children when he feels like it.'* However, this view of a 'typical husband' cannot be generalised. Many alternate views exist. A judge pointed out how her husband took care of their children while she was working in remote areas, and a lawyer stated that working mothers like herself enriched their children's upbringing by introducing another perspective from the professional world into household discussions.

4. Advancement opportunities

Opting out or being pushed out. According to a 2013 report, a senior female judge in a workshop said, *'The number of female judges in religious courts is still limited, because unlike men, women are less interested in being judges.'* According to this official, this situation illustrated why the required 30 per cent¹⁵ of women involved in decision-making processes had not yet been achieved. She quickly added that *'All this has nothing to do with structural barriers, but that it was internally driven by factors specific to women themselves, namely their inability and lack of interest'* (Nurlaelawati & Salim, 2013: 260). An interviewee echoed this idea that women themselves do not want to become judges. She said, *'We interviewed the decision-makers within the judiciary asking questions about the likeliness of having more women in the judiciary. So, there is no barrier for women to enter the judiciary system in Indonesia. Because there is no written regulation saying that women should not enter the law.'* This view ignores the underlying barriers that prevent women from considering such careers. Most of the time, observers assume that women 'choose' to opt out of professions, ignoring the working conditions that may have been instead incompatible with their responsibilities at home. These barriers need to be eliminated in order to provide women with equal opportunity to reach top positions. In 2008, 15 per cent of the Supreme Court judges were women. In 2010, there were none (UNDP, 2010).

Inflexible rules. The Indonesian justice system operates a rule of frequent transfers for judges every two to three years, which according to one interviewee made it difficult for both women and men. This is also the case in the Islamic courts, where the candidates for judicial appointment must be ready to declare that he or her is ready to accept a placement anywhere in Indonesia (Abdelkader, 2014). While seemingly gender-neutral, this rule has an adverse impact on women who have more carer responsibilities than men, are not considered as heads of the household, and depend on their husbands to access some services. This explains why some women may be reluctant to leave their children in the sole care of their fathers, why families may not relocate to where women have been assigned, and why women would be more prone to drop their careers if it involved a rotation system. An interviewee admitted that her husband did not agree to her putting in so many work hours, and consequently, considered quitting her job to find a part-time position. **Regrettably, part-time positions, which would also be welcomed by women (and men) judges, have not been available in Indonesia since the early 1990s** (Nurlaelawati & Salim: 2013).

¹⁵ The government is pursuing a policy of women filling 30 per cent of positions in politics and the judiciary. See more at Nurlaelawati & Salim, 2013.



'It has changed my life a lot. To be a judge, you are going to be a role model for both inside and outside the office. I get respected by the public and also, at the same time, get framed and limited in my life in order to be a role model. For example, I cannot go to a pub for a drink.'

Laotian judge.

I. Introduction

The Lao Women's Union (LWU) led a campaign to increase the presence of women in state institutions which resulted in women comprising around 25 per cent of the members of the National Assembly (one of the highest proportions in the region), and the appointment of a female president at its head in 2009 (LWU, 2009). An interviewee described this achievement as a double-edged sword, because the government uses it to claim that women are already empowered in the country. The LWU also recommended specifically in 2009 that the government increase women's presence in the justice system:

30. Create opportunities for more women to take part in the justice administration through being appointed as judges, prosecutors, lawyers, members of village mediation units, etc., so that women will be representatives who effectively promote and protect the rights and interests of women and children.¹⁶

32. Create conducive conditions for women to participate in the legal, health, credit, employment and welfare services (LWU, 2009: 5).

Although progressive, linking the participation of women justice professionals to improving the rights and interests of women and children suggests that women and children's issues are the domain of women alone. This could have been made more inclusive by mentioning men as both beneficiaries and promoters of women's (and children's) empowerment.

¹⁶ Indeed in 2009, women represented only 1 per cent of village chiefs at the local level (SIGI, 2017a).

Box: The image of lawyers in Lao PDR

The literature shows that in Lao PDR, the role of lawyers is still not yet fully understood by the population and by the actors of the justice sector themselves as lawyers are not ordinarily called for assistance in dispute settlement (Nichibenren, n.d.). A lawyer confirmed, *'The people seem not to understand what is it like to be a lawyer, even the law students. They perceive that a lawyer is driven by the money talk and that lawyers are here to help one criminal to escape prison.'* To address the lack of information about justice professions, in 2015, the government published a document titled, *'Why choose to be a lawyer?'* The objective was to encourage young people to take up law. In the publication, only one female lawyer was represented among the seven pictures shown. Another report claims that the law is generally not (yet) a lucrative or prestigious profession in the country (LBA et al., 2015), and attracting lawyers to rural areas or to legal aid is particularly difficult (Nichibenren, n.d.). A study notes, *'In court, the subordinate status of lawyers is still apparent, reflected in the respective seating arrangements for judges, prosecutors, and lawyers. A defence counsel is sometimes seated in the public gallery, rather than having a specially reserved place. Even the lack of distinctive dress conveys the impression that a private lawyer is not an officer of the court'* (UNDP, n.d.b: 18). A lawyer also explained that the profession does not have a good image in people's eyes. She said, *'I do think salary is a real barrier. The solution is we need to come up with the strategies of how to communicate with youngsters that you can get good money if you are good enough in your profession. Lawyers need to be reimaged and viewed as one of the money-making professions. In the media, soap dramas, lawyers are often portrayed to have acquaintance with bad guys.'* This negative image may be a deterrent for women who consider studying law.

II. What do the numbers tell us?

Table No. 10: Justice makers in Lao PDR

Level	Year	Gender		Total	
		Female	Male		
Judge	People's Supreme Court	2017	25%	75%	12
	Total	2017	19.8%	80.2%	424
	Assistant judge	2017	37.6%	62.4%	218
Prosecutor	N/A	N/A	N/A	N/A	N/A
Lawyer	Lawyer	2015	20.5%	79.5%	161
	Intern	2015	32%	68%	41
Other	Total court staff	2009	30.8%	69.2%	1,012
	Clerk	2017	53.8%	46.2%	186

Source: see 'Data sources'

According to a judge, her profession is more attractive than lawyering as *'It is a stable career and judges receive social welfare from the government.'* However, Lao PDR has a limited number of judges considering the population of the country – as of 2017, the country has only 424 judges. Of these, less than one-fifth are women (see Table No. 10). This trend is reflected throughout the justice professions, with percentages of women's representation ranging between 20 per cent and 38 per cent.¹⁷ It is estimated that by 2020, Laotian courts will need around 730 judges and 1,869 officials to cater to their litigating population (MOJ et al., 2009). Several interviewees said that they did not choose this profession, but were appointed as judges at the beginning of their careers due to the shortage in the country. According to an interviewee, *'The numbers today are increasing. Yesterday, there was a meeting to propose the candidates' names to be chosen and appointed as judges. In the name list, there were 50 per cent males and 50 per cent females. All of them were approved by the national congress.'* The number of women in management roles within the justice profession is also a concern. Of the 23 lawyers in the Committee of the Lao Bar Association, there are only four women at the decision-making level.

An interviewee from the Ministry of Justice said that *'Women and men are "rather balanced" in law schools'*; whereas a female judge said that *'around 30 to 45 students out of 100 would be female.'* This was confirmed by a young lawyer, who said *'there were 40 female students out of 100 in my class.'* The absence of official numbers, however, is a major limitation in determining the participation and progress of women in the justice professions in Lao. Statistics play a fundamental role in accurately evaluating gender diversity and advancement, or else too many justice professionals may assume that parity has been achieved, when it may not truly be the case.

III. The main challenges for women working in the Lao PDR justice system

1. Male-defined standards

The willingness of justice officials and authorities is key. Several interviewees expressed concern about women's issues being the 'job of women'. For instance, an interviewee lamented that the National Commission for the Advancement of Women (NCAW) (presently in charge of mainstreaming gender in the government policies) was going to be returned to the administrative control of the LWU. This would mean that gender issues would no longer be regarded as *'the whole community's responsibility'*, but rather as women's concerns only. A male gender advocate said that *'People often ask why I work on this issue. They put high expectations on the fact that only women should be working on this job. They normally think that working on gender or women's issues should be for LWU and/or Lao NCAW. But I think that gender should be mainstreamed in every government agencies.'* Despite the efforts of the LWU, women remain a minority in the justice professions in Lao PDR.

Box: Village mediation units

Village mediation units (VMU) are the lowest level of the justice system and the most widespread in the country, since main courts are mostly based in big cities and 80 per cent of Laotians live in rural areas (FAO, n.d.). In 2009, women represented 14.8 per cent of the members of the 8,766 VMUs in the country (UNDP, n.d.b). Despite the positive influence of

¹⁷ Information provided by a judge at the Supreme Court.

the LWU, several interviewees reported that the lack of training and gender sensitivity of both men and women in VMUs may deter the effectiveness of these semi-formal systems with regard to women's access to justice. An interviewee from UN Women explained that even though criminal cases are not supposed to be mediated, there is a lack of knowledge on how to differentiate them from minor offences. An expert on gender-based violence confirmed, *'Their role is not so clear because actually they are not investigators, they can resolve small problems only. Domestic violence, gender-based violence are considered common issues, not big issues. Rape for example, it is not their role to investigate that. But they try to solve that problem between themselves. For example, if a boy rapes a girl, they just negotiate how much that boy can pay or encourage them to marry.'*

Unawareness about male-dominated institutional culture. It was maintained that *'The percentage of women in high rank positions is high in comparison with other ASEAN countries and that more and more women are appointed in high-ranking positions such as the Ministry of Justice. and the President of the National Assembly is also a woman.'* A judge also pointed out that the president of the north regional court, the vice president of the south regional court, and the president of the district supreme court were women. While many agreed that the situation was improving and women were more confident, there is a gap between the perception of the interviewees and the reality. Several participants claimed that progress was sufficient for women in the judiciary, whereas women make up only 25 per cent of judges in the Supreme Court in 2017.¹⁸ Interviewees in high-ranking positions also claimed that women had the same opportunities as men in the justice sector. This suggests that interviewees are not sufficiently aware of the institutional structural inequalities, discrimination, and conditions impeding women from entering or staying in these professions.

2. Gender stereotyping

Historical stereotypes. Several reports mention that women in Lao PDR are more likely to be shy in school and encouraged to have a more 'discreet' role in society, compared with men (Birkoff et al., 2008). The belief that women should exhibit the character traits of shyness and subservience contributes to a lack of confidence which may continue to be reinforced during a lifetime. A young lawyer confirmed that she avoided appearing in court because she did not like confrontation, and used an external legal team instead. She claimed to have refused an opportunity to become a judge because she did not feel confident to make strong decisions. To address confidence-building concerns, a legal trainer described how she trained law students to improve their speaking abilities. Several interviewees regretted that despite the increase of women's presence, most legal and security professions were still perceived as the domain of men. *'It is believed that the implementation of laws needs some kind of muscularity.'* Interestingly, it was observed that for Lao people, justice is perceived to derive from the police or military, which is dominated by men. This type of perception can be attributed to cultural grounds rather than Government policies per se.

3. Childcare/family responsibilities

Work-life balance and childcare. A judge claimed that marriage and motherhood are a problem for female judges. Several interviewees also pointed out that childcare had been more easily available in the

¹⁸ This information was provided by a judge from the Supreme Court.

past. Previously, parents could take their children to the workplace while it is more difficult at present, as the Government has removed budgetary allocations on this account. There is also an issue of lack of space at workplaces for such facilities. At the LWU office, however, it was found that there is a childcare room, and a hired person to take care of the children.

4. Advancement opportunities

Entry costs and appointment system. Some interviewees said that some women choose not to become lawyers because they can neither afford the internship fees nor be unpaid intern lawyers for a year. A young lawyer said, *'I paid the lawyer intern fee. 500,000 KIP¹⁹ per year (300,000 KIP for LBA head office, and 200,000 KIP for Lawyer Office Unit 4).'* Besides high entry costs, intern lawyers also remain unpaid for the entire year of their internship which is a deterrent for many who start working right after graduation and do not wish to remain dependent on their parents. While this may be an issue for both men and women, it can be assumed that it is even more detrimental to women who often have less access to financial resources than men. This was stated by several persons in Lao PDR, even though women claimed that *'it is changing'*. A lawyer said, *'I remember that, at the beginning, there were 30 female trainees but only eight left at the end of the training period. Many of them faded away to private sectors or different ministries because usually the lawyer trainees are not provided a salary. And when there is no salary, people perceive this profession as unstable. Moreover, they have been taught to work as civil servants because they can have salary and hence more security. Finally, people choose to be judges because they see judges as more privileged and superior.'*

Appointment system. In Lao, appointments to higher judicial offices such as the President and Vice-president of the People's Supreme Court and judges are made by the National Assembly Standing Committee, which, in turn, is controlled by the Lao People's Revolutionary Party (LPRP), as is the office of the public prosecutor (Freedom House, n.d.b). The Ministry of Justice issues licences to attorneys on the recommendation of the Lao Bar (IBA, n.d.). It was also reported that women themselves refuse promotions for reasons of having to take care of their children. An interviewee added that the seniority system also affects women's chances for promotion, and this is even more accentuated by the fact that women retire at the age of 55 and men at the age of 60.²⁰

Reputation and promotion. Reputation is an important factor for promotion in the justice system. Interestingly, interviewees mostly did not link reputation with merit and achievements but with 'good behaviour'. It was noted that, *'The working culture of Lao people is "unity". It means that whatever people do in the office, they have to do it together. If you are the odd one out, you might not get promoted. In Lao society, in order to get promoted, you need to be a member of a youth union, then member of trade union and then a member of the Party. And in order to be a member of these clubs or unions, you need to attend their activities in order to gain scores and the system itself also has coaching. Thus, there are a lot of women in this system. However, being a member of these clubs or unions, you will be watched all the time through social media. Women can't even wear shorts or sexy outfits, while men may party. This is just the working environment that women have to face.'* An interviewee from the Ministry of Justice stressed that it is more a barrier for women than for men since, *'It is harder for women to go out in the evening.'* In addition, women attempt to pre-empt possible negative repercussions by exercising self-restraint, in their attire, for instance, by wearing traditional long skirts (as shorter skirts would be considered 'too short'), or in public engagement.

19 KIP 500,000 equals about THB 2050 or USD 60 (in July 2017).

20 However, a judge said that at the Ministry of Justice, the age of retirement for both male and female judges is 60.

Pigeon-holing. Many women judges insisted that increasing the presence of women in the justice system would be particularly useful in family courts and in handling rape issues where their presence and attitudes could encourage female victims to testify. Despite being potentially true in the absence of trained male judges, assumptions such as these have proven to be detrimental for women who wish to work on other matters, such as criminal law. There is rarely consideration that male judges, if appropriately trained to work on women's issues, would be as competent as women in family courts.

5. Safety issues

Security issues and education. According to a legal trainer, families push girls to choose 'safer positions' and some refuse to invest in their daughters' education if the profession is seen to be unsafe. She admitted that she was hesitant to pass the bar exam even though it would help her career, for fear that her parents would not support her. A judge confirmed, *'Firstly, women perceive decision-making as men's responsibility. Secondly, people traditionally send their sons to higher education rather than daughters. So, it is a barrier for women to get well educated.'* Laotian women seemed particularly concerned with security issues. Parents are often reluctant to send daughters to school or to distant universities because they fear for their safety more than for their sons'. Also, in the evening, streets are seen as unsafe for women even in the capital, Vientiane. Yet, it was added that the situation for lawyers had improved considerably over time, so people are now beginning to view this profession as less risky.

D. Malaysia



'The male-dominated situation in the judiciary, it's very much contributed by the patriarchal nature of the society in Malaysia. Subconsciously they will think that male judges have more credibility. It's a mindset problem.'

Malaysian lawyer.

I. Introduction

In Malaysia, young women have equal access to education, and in fact, outnumber men in enrolment in tertiary education in 2014 (The World Economic Forum, 2014). But women are still 'Underrepresented in politics, the civil service, and professional fields such as law, medicine, banking, and business' (Freedom House, n.d.c). In the justice system, however, women have made significant inroads as professionals. On the other hand, despite the percentage of women lawyers reflecting greater parity, women seem to be 'stuck at the bottom' and are not advancing to senior positions. Similarly, although women began to be appointed as judges in the lower courts as early as the 1960s, and in the High Court since the 1980s (Badlishah & Masidi, 2009), they remain underrepresented throughout the judiciary. The legal environment in Malaysia is also fairly complex. The legal system is based on common law, and shaped as a dual judicial system with federal, civil and criminal courts, and Sharia courts at the state level (Tew, 2011). Sharia courts cover mainly family, inheritance and moral or religious matters involving Muslim citizens (Mosbergen, 2015).

The situation for women justice professionals tends to reflect the social status of women in society and the cultural influences in their lives. Several interviewees expressed the belief that women were seen as secondary to men in Malaysian society. A justice advocate said, *'They [women] should be supporters. They should support the men, which is a huge expectation. You're also supposed to hold your family together. [...] Men think that women are inferior in everything.'* While the Constitution includes a provision on non-discrimination and equality with reference to gender, a number of legal provisions continue to be discriminatory to women. For instance, certain married women are not allowed to choose where to live after marriage (The World Bank Group, 2015). Women are expected to dedicate their time to their family and household, while other social roles become secondary (WAO, 2001). This message was clearly illustrated when the newly created Women's Affairs Ministry in 2001 was quickly changed into the Ministry of Women, Family and Community Development, which women's groups criticised for relegating family issues to the responsibility of women.

As pointed out in the field study, numerous women tend to drop out from the workforce when they get married. However, this might be changing, as reflected in the 2015 female labour participation rate of 54.1 per cent (Bernama, 2016). According to interviewees, one salary is not enough to live comfortably any longer, at least in Kuala Lumpur, which may explain why more women choose to continue working, even after childbirth. Another interviewee raised the concern that ‘religious lobbies’ might deter government efforts to empower women, including the effective implementation of the 2004 Government policy of ensuring 30 per cent of women in decision-making positions.




Box: Pioneers

The first woman to be appointed to the High Court bench in 1983 was Her Ladyship Siti Norma Yaakob. In 2001, she joined the Federal Court bench and was Chief Judge of the High Court in Malaya in 2005. ‘At her elevation as the Chief Judge, the then Bar Council Chairman Datuk Kuthubul Zaman Bukhari said the appointment was very much welcomed and “very good for the judiciary” as she was well-known for her commitment and judicial independence’ (The Malaysian Bar, 2007).

II. What do the numbers tell us?

Table No. 11: Justice makers in Malaysia

Level	Year	Gender		Total
		Female	Male	
Federal Court	2017	18.75%	81.25%	16
Chief Justice of the Federal Court	2016	0%	100%	1
Court of appeal	2017	46.2%	53.8%	26
President of the Court of appeal	2016	0%	100%	1
High Court	2017	42.9%	57.1%	63
Judicial commissioner of the High Court	2017	33.3%	66.67%	27
High Court deputy registrar/ research officer	2017	67.2%	32.8%	58
High Court senior assistant registrar	2017	80.2%	19.8%	106
Chief Judge of Malaya	2016	0%	100%	1

 Level		Year			Total
Judge	Chief Judge of Sabah and Sarawak	2016	0%	100%	1
	Session courts	2017	49.4%	50.6%	156
	Session court registrar	2017	67.8%	32.2%	121
	Sharia Chief Judge	2016	0%	100%	1
	Judge of the Sharia court of appeal	2016	0%	100%	5
	State Sharia Chief Judge	2016	0%	100%	14
	State registrar of the State Sharia court	2016	14.3%	85.7%	14
	Sharia court judge	2016	10.8%	89.2%	74
	Sharia officer	2016	38.1%	61.9%	84
	Sulh officer	2016	43.5%	56.5%	46
Prosecutor	N/A	N/A	N/A	N/A	N/A
Lawyer	Bar	2016	51.9%	48.1%	16,414
	Legal assistant	2014	68%	32%	N/A
	Partner	2014	42%	58%	N/A
	Consultant (experienced judge or lawyer)	2014	25%	75%	N/A
	Mentor	2013	35%	65%	N/A
Other	N/A	N/A	N/A	N/A	N/A

Source: see 'Data sources'

Women are achieving parity in law schools, with anecdotal information noting that in some law schools, women make up the majority of law students. A young lawyer by training confirmed that, at the faculty of law where she studied, women outnumbered men. She said, 'I distinctly remember all four years that I was in there that there was probably about I would say 60 per cent females and 40 per cent males.' Even so, women seem to be 'stuck at the bottom'. Women continue to be underrepresented on the bench at different court levels, with lower representation in the higher courts and in the Sharia courts.

Box: Female judges in Malaysian Sharia courts

There is no legal prohibition in the Malaysian system for women to be appointed to preside over Sharia court hearings, and there is a clear constitutional prohibition of discrimination based on gender (Badlishah & Masidi, 2009). However, it was only in 2010 that two female judges were appointed as Sharia court judges. According to Sisters in Islam's research on women judges in Malaysia, 'Interpretations that discriminate against women were influenced mostly by cultural practices and values which regarded women as inferior and subordinate to men' (Badlishah & Masidi, 2009: 2). In recent years, women have increasingly been recruited as female Sharia officers, and in 2016 they composed 129 out of 400 Sharia officers in service (Roslan, 2016). In 2016 two women judges were appointed to the Sharia High Court for the first time, and seven more women were appointed as judges in the lower courts (Malay Mail Online, 2016). Although progressive, this remains very low in comparison with neighbouring Indonesia where there were approximately 100 women judges in the Sharia courts already during the 1990s (Badlishah & Masidi, 2009).

III. The main challenges for women working in the Malaysian justice system

1. Male-defined standards

Double standards. Some interviewees reported that they felt that women have to work harder than men in a male-dominated environment. The managing partner of Grant Thornton Malaysia revealed the results of a survey on what was women's strongest drive to reach senior leadership positions. 42 per cent of respondents said that recognition of ability pushed them the hardest towards success, 35 per cent said it was to earn a higher salary, 35 per cent said it was for the experience, and 31 per cent said it was to empower or serve others (Grant Thornton, 2016). According to a prominent justice maker and head of a law firm, '*Women are still not told clearly and repeatedly to be a career person. They are not told that being ambitious is something you should want.*' This may partly justify why recognition of their capacity seems to be the most important for them. A 2014 study also found that female lawyers have to prove themselves more (AWL, 2014).

Gender pay gap. Another challenge is posed by gender pay gaps and hiring practices. Equal wages for work of equal value is still not enforced in Malaysia (Lee, 2015), despite the Constitution guaranteeing gender equality. A 2014 study of lawyers showed that at entry level, 79 per cent of women, compared to 60 per cent of men, earned about or under MYR 35,000 annually²¹ (AWL, 2014). This is unlike Singapore, where women at entry level earn as much as their peers but then earn lower amounts than men later in their career (see the Singapore country report in Part 3).

Box: Religious courts or religious figures

Reports show that religious figures in Malaysia have increasingly managed to influence notions of justice, law and order. An academic and justice advocate said, '*The Chief Sharia*

21 MYR 35,000 equals about THB 277 or USD 8152 (in July 2017).

judge complained that they cannot appoint more women judges because the matter had to be considered by the local Fatwa Committee. Even if the national Fatwa Committee said that women can be judges, the local Fatwa still does not approve the appointment of female judges.’ Interviewees expressed concerns about the negative bias towards women in Sharia courts where women’s testimony is not given the same weight as that of men. A justice advocate said, ‘We provide a platform for women to advocate themselves. It is very difficult for women to get representation in Sharia courts. There are still barriers for women justice professionals in the Sharia system. And in general women judges cannot do criminal matters as it is believed they cannot use all of their mental faculty in their judgement.’ This justice advocate working on women’s rights explained how her organization had come under legal attack from religious authorities, and that her colleagues had received death threats for their work.

2. Gender stereotyping

Adjusting attitudes. A 2014 study explored the challenges of female lawyers, such as the fact that they are seen as too soft and less credible than male lawyers (AWL, 2014). In male-dominated situations, those who do not match the stereotype of ‘soft’ women tend to get labelled as emotional or aggressive. It was reported that women often have to act submissively or play ‘docile’ with male police officers and other important stakeholders for them to handle domestic violence cases. To overcome these challenges, a successful woman lawyer insisted that *‘It is OK to be unwomanly and raise your voice and make your point without being called emotional.’*

Pigeon-holing. In Malaysia, it was found that women lawyers face difficulties in working in prisons and that there are very few women working on criminal cases. Even though more women lawyers are entering criminal practice, scepticism prevails as to whether women can survive in such areas of practice. Increasing the number of women in the criminal field is crucial to fighting against the negative assumptions that women are not ‘fit’ for such roles.

3. Childcare/family responsibilities

Labour participation. Even though women made up more than 60 per cent of public university enrolment for the 2013/2014 academic year, only 44.3 per cent (ILO, 2016a) of women of working age were professionally active in 2013, which is lower than average in Southeast Asia (59 per cent) (ADB, 2015). This rose to 54.1 per cent in 2015 (Nor & Said, 2016). It is interesting that both Indonesia and Malaysia have the lowest rates of female labour participation in the region, while also being the only countries in the region where spouses do not, by law, have to financially maintain their family (The World Bank Group, 2015).

The double burden. Evidence suggests that women drop out at the peak of their careers in order to take care of their children or elder family members. One survey revealed that after leaving their career for an average of 2.5 years, 89 per cent said they wanted to return, but only 40 per cent found a full-time job in their preferred sector (NST, 2016). Another survey on female lawyers quotes a woman lawyer saying, ‘Female lawyers who took a few months of maternity leave did not obtain the same remuneration as their male counterparts, such as not getting a bonus or increment, even though they had worked

productively throughout the months when they were not on leave' (AWL, 2014: 86). Moreover, single mothers could be more encouraged by Government policies as for instance, unlike married women, they cannot apply for a domestic helper (Chin & Meiken, 2017).

4. Harassment and disparaging treatment

Harassment. Anecdotal evidence shows that no workplace is immune to harassment, including sexual harassment, even when the legislation punishes it explicitly, and even among people who are trained on human rights and gender issues. An interviewee recalled an incident that had occurred while she was working closely with human rights lawyers' organizations. She said, *'A lot of them are human rights lawyers, and they had this completely misogynistic sexist article by one of the male lawyers in the organization on their main website. Something about "What do you want to give your boyfriend to valentine? Give him oral sex, and nothing else."'* Subsequently, women's groups in Malaysia reacted vehemently to this article and the woman at the forefront endured criticism. Describing this, she said, *'[The woman] got a lot of harassment from male lawyers who are supposed to be human rights lawyers. I mean you get sexist and misogynist comments from politicians all the time, which is one of the arguments that people there had thrown upon saying, "But you know people say these kind of stuff all the time!" And you are like "But people are not supposed to say this kind of stuff!" [...] It was so ugly ... but I think it was important to have seen that level of harassment that a woman was receiving online from human rights lawyers.'*



'Our women are very silent. We need to break that silence. [...] Even women in the High Court they are smart but they stay silent.'

Lawyer from Myanmar.

I. Introduction




In 2016, while acknowledging Myanmar's efforts to promote the participation of women in political and public life after the 2015 elections, the CEDAW Committee noted the low representation of women at many levels, including the judiciary (CEDAW, 2016). Myanmar's recent transition to civilian government after decades of military rule has led to many changes in the country, notably the adoption of a new Constitution in 2008. The Constitution guarantees equality for all citizens and forbids discrimination based on sex, but it refers to women principally as mothers with the risk of encouraging gender stereotyping (ADB et al., 2016). The Constitution also explicitly states that women shall be entitled to the same rights and salaries as men in respect of similar work, but a 2013 World Bank report notes that the pay gap is one of the main current challenges for women in Myanmar (The World Bank, 2013). The Constitution also prohibits gender discrimination with regard to the appointment of women to government posts, although with the caveat that 'Nothing in this section shall prevent the appointment of men to positions that are naturally suitable for men only' (ADB et al., 2016: 18). The constitutional guarantees for women's rights are complemented by a burgeoning women's movement in Myanmar. A number of women justice professionals interviewed referred to the creation of a Women's Organizations Network (WON) in 2008 and the publication of the first feminist magazine of Myanmar titled, *Rainfall Myanmar Feminist*.

Despite recent developments, women's progress as professionals in the justice system has been slow in Myanmar. The lack of gender diversity in the justice professions reflects the perceived status of women generally in Myanmar society. Interviewees frequently mentioned that gender imbalances of power were part of the country's culture and traditions. As one female justice advocate described, men are seen as 'masters' or 'gods' in the family. Results reveal that women should get married as soon as possible, as unmarried women are considered to be of 'dubious character', and that married women should be patient with their husbands even when they are beaten. As in several other countries, women justice professionals

explained that it was seen as inappropriate for women to go out at night. As one interviewee recounted, women on the streets after dark may be considered to be prostitutes, even by the younger generation. Women are taught at a young age not be assertive, talkative, not to raise their voice, and to respect older men in particular. These gender stereotypes contribute to women’s feelings of insecurity both in the public and private spheres, and affect how they are treated as justice professionals in a male-dominated field.

II. What do the numbers tell us?

Table No. 12: Justice makers in Myanmar

 Level		Year			Total
Judge	National (non-specified)	2012	50.5%	49.5%	1,128
	Supreme Court	2016	0%	100%	N/A
	Constitutional Court	2015	33.3%	66.7%	9
	High court of the Region and the State	2013	30.76%	69.24%	52
	District level	2013	52%	48%	146
	Township court	2013	39.6%	60.4%	738
Prosecutor	Prosecutor	N/A	N/A	N/A	N/A
Lawyer	Barrister advocate	2013	N/A	N/A	8,300
	Lawyer	2010	34%	66%	11,835
Other	N/A	N/A	N/A	N/A	N/A

Source: see ‘Data sources’

Law students. A 2013 rule of law assessment reports that there are only 200 to 300 law students graduating every year in Myanmar, but there is no indication of how many of these law graduates are women (JBI et al., 2013). Yet, female justice professionals interviewed for this study were of the view that there were more women than men in law school, especially in the early years of study.

Lawyers. A global study found that approximately one third of lawyers were women in Myanmar in 2010 (34 per cent women versus 66 per cent men) (Michelson, 2013). Among the interviewees, some women chose to study law in order to fight against unfair and unethical practices or to help vulnerable communities such as women and poor people. Some did it more for themselves in order to be protected and to help the members of their families. Based on 2013 figures, there are some 8,300 barristers and 39,700 solicitors in Myanmar; however, it is unclear whether one third of the barristers and solicitors are

women or how many women are junior or senior partners in law firms (JBI, New Perimeter & Perseus Strategies, 2013). According to private lawyers, the state of practicing law in Myanmar is truly dismal, with most qualified lawyers in the country not practicing, and those who practice, lacking access to sufficient office space, basic legal material, computers, and printers (JBI, New Perimeter & Perseus Strategies, 2013). The extent to which these circumstances have an impact on female lawyers is not known. The launch of the Independent Lawyers' Association of Myanmar (ILAM) in 2016 might improve the situation for lawyers in general, but it is not clear whether the situation of women in the justice profession is an issue that ILAM has on its agenda (JBI, New Perimeter & Perseus Strategies, 2013).

Judges. In 2011, more than half of the 1,107 judges nationwide were women. Women mostly occupied the lower ranks (around two-thirds of township judges in Shan State were women); and of the 52 judges in the 14 region and state high courts, only 16 were women. A similar pattern may be observed in recent years (ADB et al., 2016).

Ward administrators - Village level justice makers. In 2014, women occupied only 0.25 per cent (42 out of 16,785) of the village tract administrator positions. This is particularly problematic since these administrators play a central role as justice 'gatekeepers' or front-line dispute resolution practitioners. Other community and religious leaders at the decision-making level in the villages are also mostly male (Minoletti, 2016: 13).

III. The main challenges for women working in the Myanmar justice system

Besides working in a male-dominated profession, women also have to deal with the weak rule of law that presently exists in the country. Most women interviewed cited obscure procedures in the judiciary, violence against women, and a weak accountability system as important challenges, both for women in the profession and for female victims. Moreover, one prosecutor revealed that salaries of civil servants were not satisfactory. She said, *'So if somebody give money and they don't have enough salary ... I never blame them. [...] Because in Myanmar you know men are responsible for their family. So that's why you know ... he must take the bribery money because he needs to support his family with the bribery money.'* However, it was agreed that the situation is improving slowly and many rested great hopes upon the new Government.

1. Male-defined standards

Lack of gender sensitivity in the courts. *'[Judges] they are not aware about gender justice. They get angry'*, a lawyer said. In Myanmar, gender sensitivity is absent from the school curriculum and there is no specific training on gender for judges. In its 2008 concluding observations, the CEDAW Committee expressed concern over the 'Inadequate knowledge of the rights of women under CEDAW [...] among the judiciary at all levels, as indicated by the absence of information on any court decisions that refer to CEDAW' (GEN & GJC, 2016: 31). As of 2016, the law still allows judges to require rape victims to testify in court against their perpetrators, and they may draw a negative inference from the victim's refusal to answer questions about rape (GEN & GJC, 2016).

Unwelcoming work environments. Gender sensitization of the justice system would create a more conducive environment not only for female victims of crimes but also for female legal practitioners who may not feel comfortable working in courts that are not women-friendly. For women lawyers, defence

lawyers and police appear intimidating and do not treat them with respect. A lawyer said, *'Policemen are threatening, they have frightening faces. Their personal appearance is a threat to women. Once I remember that I went to the police station and I was afraid. But I controlled myself and I spoke. I am confident, and they don't like it. I argue. They were threatening. I said again "according to the law, according to the law" etc. Before the 2008 Constitution and 2010, it was very difficult to talk. After the 2010 elections, implementation was better. I could say that "We are lawyers. We have legitimacy licenced from Supreme Court.'*" This shows that there is progress and that women may feel increasingly confident in performing their duties as women justice makers.

Unawareness about male-dominated institutional culture. Organizations such as the Judicial Council or the Women's Affairs Federation could help improve gender sensitivity in the courts but it was revealed they do not always seem aware of the situation. Therefore, the onus is on the women justice professionals that are hired to train them. A lawyer described how the members of the Federation had no understanding of women's issues, claiming that women had no problem in Myanmar. To correct this, the lawyer explained that legal awareness training was crucial to improve the impact of the authorities such as the staff of the Federation.

2. Gender stereotyping

Historical stereotypes. Cultural values and traditional stereotypes are still obstacles for women in the justice professions. This translates into men (or even women) regarding women as not being 'fit for the job'. Assumptions such as these directly affect women taking on leadership roles, and in Myanmar, there are few women in top government positions.

Women lack confidence. Several interviewees mentioned that female students struggle more in law school and training than men, as men often have more opportunities and confidence to express themselves, develop skills of argumentation, and have access to more news and knowledge. These historic gender stereotypes have influenced the way women justice professionals negotiate their presence in the male-dominated justice system. Several explained how they used softness as a coping strategy.

3. Advancement opportunities

Obscure procedures for promotions. A retired judge recounted that she left the profession partly because at the time it was *'easier for men to get promoted'*. While procedures for promotion in the judicial system in Myanmar are already opaque, the situation is compounded by a weak rule of law, and the interference of the military which further deters women from pursuing their careers in these professions. For instance, the recent appointment of 20 male military officers to various positions in the Supreme Court sparked the 'yellow ribbon campaign' where justice professionals around the country called for ending the practice of appointing unqualified personnel to key positions in the judiciary (Mar & Myat, 2015). Further, gender segregation and confinement of women in homes in the evenings keep them from accessing opportunities to network or socialize with their peers.

Pigeon-holing. According to a 2016 report, women are often relegated to lower positions in lower courts, or at best, administrative positions in higher courts. According to a member of Parliament for the Yangon Region, while it is true that many women work at the district court level, they are not often seated on the bench. The member said, *"Once women [judges are promoted to] the district level, they*

no longer sit in the court: they will work in the administrative office. This doesn't mean we have [fewer] women at the district level, it's just that they stay in the office. They do research, they have many administrative duties, they give advice, [or] sit in meeting[s] as legal aides''' (Justice Base, 2016: 33-34). Despite reports that women compose half the total number of judges, the above comments confirm that the bench is populated mainly by men, while women are relegated to the backstage of the courts.

4. Harassment and disparaging treatment.

Sexual harassment. There is no law in Myanmar to protect women from sexual harassment at work. Interviewees revealed that women are often at the receiving end of disparaging treatment. A lawyer said, *'To give bribes we need to communicate with the judges so ... almost all the judges are men so you know as women lawyers we need to talk with the men judges and at this time their behaviour is very disrespectful to the women. [...] Actually once we talked with a judge, he called us to come in his own chamber. But you know the man judge and women lawyers, we ... that is very inappropriate to meet in a chamber!'*



F. The Philippines

'So me when I conduct my direct examinations; I always do it while standing. To establish my presence. I never sit down. And I show that I am always listening, always ready to strike. Because I am a lady and I don't want them to underestimate me. It doesn't mean that because they are men, they are better than me.'

Filipina prosecutor.

I. Introduction

The rate of progress of women as professionals in the justice system in the Philippines is considered one of the most advanced in the Southeast Asian region. The country has been at the forefront of pushing for gender equality in many aspects. The 1987 Constitution guarantees the fundamental equality of women and men before the law, and prohibits discrimination on the basis of gender and marital status (The World Bank Group, 2015). That same year, the national association for women judges (PWJA) was created. The Philippines was also the first country in Southeast Asia to ratify CEDAW and its optional protocol, which has been implemented into domestic law with the Magna Carta for women (PCW, 2009a). The country has had two female Presidents.²² It has been ranked first in Asia and the Pacific and seventh globally in the 2016 Global Gender Gap Index (PCW, 2016); and in 2014, the first female was elected Chief Justice (Mercurio, 2015). Numerous interviewees claimed that women in the Philippines are almost equal to men.

Nonetheless, there is still evidence of patriarchy which tends to idealise 'true' and 'virtuous' Filipinas. According to the Philippines Commission on Women, 'Societal norms and traditions dictate people to think men are the leaders, pursuers, providers, and take on dominant roles in society while women are nurturers, men's companions and supporters, and take on subordinate roles in society' (PCW, 2009b). Religious representatives have a great influence in the Philippines, where divorce is still forbidden. A female lawyer recounted how a priest told her before her marriage that a woman '*Should marry in order to feel complete*'. Reports of activities at high political levels reveal what was described in the New York Times as 'state-sponsored sexism' among Filipino male leaders (Syjuco, 2016). During a debate on reproductive health law in 2013, a senator declared that women should not be looking for 'safe and satisfying sex' since it was not culturally appropriate for Filipinas. He said, '*When a true Filipina speaks of reproductive health, she means family, marriage, parenthood, nurturing and rearing her children and [being a] mother*' (Danguilan, 2013). Laws also reflect this gender

²² C. Aquino in 1986 and G. Arroyo in 2004.

stereotyping and discrimination. For example, the man is the head of the household, and some property and tax provisions directly favour men (The World Bank Group, 2015). Articles 211 and 225 of the Family Code state that with regard to the upbringing of children, 'In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary' (SIGI, 2017b). A lawyer declared that even if the law changed, mentalities were harder to break. She said, 'Even if there is a law, the culture is the same. The Filipinos think that the head of the family is the man. There are very few marriages that are based on equality.'




This idealisation of male leaders is widespread in Filipino society, and is also reflected in the justice professions. For instance, several female prosecutors remarked that a woman socializing and drinking in the evening was considered inappropriate. A prosecutor said that people could tarnish her reputation and accuse her of 'Negotiating the cases backstage or even of having an extramarital affair.' The data shows some progress for women, but also suggests that few women are able to reach the upper echelons of the courts. Qualitative research from the Philippines reveals a more complex story of the situation of women working in the justice system. A law professor said, 'I went through a full circle. I worked with private companies, I worked with the government, with the Academy, I worked with the NGOs and all these four institutions are male-dominated.'

II. What do the numbers tell us?




The statistics on justice professionals in the Philippines are not always disaggregated by gender or from the same year. But it can be observed that Filipina justice professionals have made significant inroads into law schools and the justice professions.

Law students and lawyers. In the one law school for which data was available, women formed a majority of law students at 54 per cent in 2016. Of those who passed the bar, a 2005 number shows that women were close to half, making up 48.3 per cent of the 1,500 who passed the bar (PCW, 2014), which was an increase from 40 per cent in 2001. A global study found that 53 per cent of all lawyers in the Philippines were women in 2010 (Michelson, 2013). What remains lacking, however, are statistics on how many women drop out of the legal field after five years, or shift out of private practice and move to public practice, such as becoming public prosecutors or city solicitors. It is also not known how easy it is for women to advance in the justice professions, as there is no data on how many senior or managing partners in law firms are women. Further, Table No. 13 shows that almost half of the prosecutors in central offices and about 40 per cent in regional offices are female.²³

Table No. 13: Justice makers in the Philippines

 Level	Year			Total	
Judge	Total judges in the 1st and 2nd level court including Sharia court	2010	34%	66%	N/A

²³ According to the Department of Justice, Philippines, as of October 2016.

 Level		Year			Total
Judge	Total seats at the judicial level	2015	42.4%	57.6%	1,859
	Supreme Court	2016	20%	80%	15
	Constitutional Court	2015	20%	80%	15
	Court of appeal	2016	36%	64%	69
	Court of tax appeal	2015	55.6%	44.4%	9
	Family court judge	2015	50%	50%	118
	Sandiganbayan	2016	25%	75%	20
Prosecutor	Main office	2016	50%	50%	100
	National Capital Regions and regional offices	2016	40.5%	59.5%	1,724
Lawyer	Lawyer	2010	53%	47%	41,605
Other	Law professor: University of the Philippines College of Law - Regular faculty members	2016	35%	65%	20
	Law student: University of the Philippines College of Law	2016 - 2017	54%	46%	874

Source: see 'Data sources'

Judges. The President appoints judges after receiving recommendations from the Judicial and Bar Council and they serve until the age of 70. In 1987, the Philippine Women Judges Association (PWJA) was created in order to improve the situation of women in judicial office. At the time, only nine per cent of all judges in the Philippines were women. Since then, there has been a significant rise in the number of female judges in the Philippines. In November 2015, women occupied approximately 42 per cent of all 1,859 judicial seats, well above the global average of 27 per cent (PWJA, 2015). No clear pattern emerges from the data on the numbers of female judges at the different levels of the judiciary. At the trial court level, about one third of judges are women (PCW, 2014). However, 50 per cent of family court judges are women, which raises the concern of pigeon-holing. At the next level of the court of appeal, women make up 36 per cent of judges (OCA, 2016). The special courts (court of tax appeal and Sandiganbayan) have 55 per cent and 25 per cent female judges respectively (OCA, 2016). The presence of women in the highest court, the Supreme Court, improved from 20 per cent in 2001 (PWJA, 2015) to 43 per cent in 2007 (PCW, 2014) but since then has declined to 20 per cent in 2016 (OCA, 2016).

III. The main challenges for women working in the Philippine justice system

1. Male-defined standards

Male-defined standards. Many participants still felt the need to be ‘tough’, which tends to be associated with competence and commitment, and is also regarded as a male characteristic. Two prosecutors said that they always stood up and spoke loudly in court. It was admitted that some women copied ‘male behaviour’ throughout their career and aligned their language and behaviour to that of men. It was echoed that while men were inherently accorded with respect by those around them, women had to earn it. This reflects the common observation found elsewhere that men are presumed to be capable, whereas women must demonstrate their abilities and must be judged by their achievements rather than evaluated on potential as men. However, a number of women who were interviewed argued that gender should not be an issue and that women should not have to act tough to be successful.

Gender sensitivity. Despite the argument that judges should be chosen based on their ability to be impartial, regardless of gender, there was agreement among the interviewees that sometimes the assumed characteristics of women (e.g., patience) allowed them to be more successful than men in mediating. Several interviewees suggested that certain current laws protected women more than men, such as the anti-domestic violence law. These interviewees claimed that this particular law was abused by some women who ‘nag and slap’ their husbands (it is worth noting, however, that husbands may also sue their wives under a more general law). There appeared to be confusion on the part of some of the interviewees as to the meaning of gender equality: they regarded it as the need to treat everyone equally instead of as ensuring substantive equality (the latter would take into account past discrimination), and responding with gender sensitive laws to address past gaps in laws and enforcement. Whereas some people may indeed abuse the laws for their personal interests, international research on the subject has shown that this is usually a very low percentage of cases. More research is needed in the Southeast Asian region to determine the prevalence of frivolous cases.

2. Gender stereotyping

Historical stereotypes. Both men and women share stereotypes about themselves and their gendered characteristics. Many women who were interviewed, despite having had many years of experience and training on gender issues, appeared to think about women in stereotypical ways. Certainly, stereotypes reinforce segregation based on gender as they link women with ‘the nurturing side’, and secondary activities such as secretarial and cleaning tasks. For women, this often translates into fewer opportunities and less impactful job assignments, as pointed out by an attorney, who said that executives preferred to hire female secretaries, because they are cleaner and more orderly, rather than, say, female senior executives.

3. Childcare/family responsibilities

Dual responsibilities. The Family Code grants men and women equal parental authority and shared responsibility with regard to the upbringing of children (SIGIb, 2017) and women are required to provide financially for the family (The World Bank Group, 2015). Yet, women remain largely responsible for childcare, household chores and elderly care. An overwhelming majority of interviewees declared that they were fully responsible in all these aspects. A judge said, *‘There is the notion that you are a superwoman: you work all day, you function as a judge and then you come home you have to manage the household,*

you have to make sure that there is food on the table and you plan the menu, take care of the dogs, take care of your children ... So it doesn't stop. You don't stop being a wife or a mother when you become a judge. So the stress for women is escalating.' Very few admitted that this contradicted their right to equality in family rights. Instead, most interviewees appeared satisfied that they were financially independent and had careers, and resigned themselves to familial responsibilities. Most agreed that they relied heavily on domestic help, sometimes having as many as 10 people to help with domestic tasks.

Box: Interview with a senior prosecutor

A prosecutor was firm in claiming that men and women were equal in the Philippines. She then went on to describe her role at home, *'Oh I have to take care of the ego of my husband. [Laughs]. Of course. Because even though we are empowered, or we are equal ... we work things differently. Me ... I always have to take care of how he feels. I cannot be ... I cannot show him that I am better than him. I have to show him that he is better than me.'* Instead of perceiving this situation as challenging notions of equality, she interpreted this as a consequence of marriage being about compromises, and speculated that progressive ideas could be one of the main causes of divorce. She said, *'We have to accept that we have certain roles to fill and it cannot always be the best or the top role. There should always be a compromise. It is not always getting what you want, and being progressive sometimes means that there is no compromise already.'* For this prosecutor, progress appears to mean having a fruitful career in the justice system, but not challenging traditional gender roles in the family.

Practical consequences. Family and other responsibilities often cause women to temporarily forego opportunities, only to realise that they may not have access to certain opportunities anymore. For instance, a law professor described how she was unable to apply for important scholarships to pursue a post-graduate study in law because the age limit was 40. It was found that it is not uncommon for women to restart their studies and career once their children are less dependent, which may affect their opportunities for promotion. Some prosecutors expressed regret about not being able to bring their children to work. It is interesting to note that some women in the public sector viewed the private sector as being more flexible and accommodating, whereas the findings from this study revealed that often, women in the private sector resigned from their jobs in search of a greater work-life balance in public service. Conversely, the public sector was described by a senior prosecutor as *'less stressful'* and more difficult *'to be sacked from once you are in'*. One judge recalled how she had to decline advancement opportunities twice: first, at the beginning of her career, when she refused an offer to join a big law firm and worked in a smaller one, where she could negotiate flexible hours; and second when she was promoted in a court of appeal, as she would have had to leave her family behind and because her husband earns more than her in his *'big law firm'*. *'So that is my decision. You don't stop to be a mother and you don't stop to be a wife. It is a career sacrifice'*, she said.

4. Advancement opportunities

Political connections. To justify the lack of women in top positions in the judiciary, some interviewees raised the issue of public confidence in female leaders. As in many other countries, women in the Philippines lack confidence to become leaders and are scared of not being liked, drawing negative

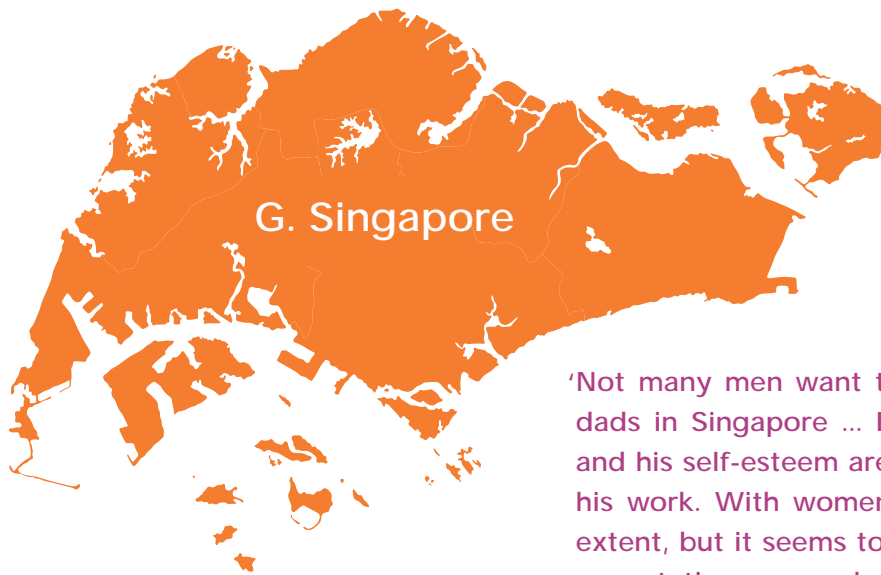
attention, or being judged as a bad mother or wife or daughter (PCW, 2015). Moreover, in common law systems, the appointment of judges occurs after several years of experience and not necessarily following the completion of education. A prosecutor confessed that she would probably never be able to reach the Supreme Court since she did not have the necessary political connections. Despite the claims that this issue affects men and women equally, there is strong evidence that the impact on women may be disproportionately large. This is because of the more restricting conditions for women to socialize, and the expectations on childcare and family responsibilities which hinder them from being proactive in establishing connections. Indicatively, men dominate the political system and top positions in the government in the Philippines.²⁴

5. Harassment and disparaging treatment

Sexist comments. Sexist comments labelled as ‘harmless jokes’ often convey and reinforce gender stereotypes, and are a form of sexual harassment that has long-term harmful consequences for women.²⁵ Even though sexist comments are considered offences under the Anti-Sexual Harassment Act, the findings from this study confirm that they remain widespread, yet were regarded as trivial and normal by some women interviewed, even in the justice sector in the Philippines.

²⁴ In 2013, women made up only 16.8 per cent of elected Barangay captains (COMELEC, 2017) and in 2016, women constituted only 30 per cent of the lawmakers and 25 per cent of the senators (Bueza, 2016).

²⁵ Republic Act No. 7877.



'Not many men want to be stay-at-home dads in Singapore ... For a man, his ego and his self-esteem are very much tied to his work. With women, it is to a certain extent, but it seems to be easier. Societal expectations are such that if someone has to give up, it'll be the woman.'

Singaporean judge.




I. Introduction

Modern-day Singapore is composed mostly of Chinese (74 per cent), Malay and Indian communities (CIA World Factbook, 2017c). Among other things, meritocracy (Dimmock & Tan, 2015), heterosexual marriage (Oswin, 2014) and Confucianism are said to be at the foundation of the Singaporean society. Alongside 'pragmatism' and 'honesty', the 'meritocracy' principle is often used to explain the progress and achievements of Singapore as a nation (Mahbubani, 2015). Women are seen as major contributors to this success. In 1961, the Women's Charter was created to safeguard women's rights in all matters related to marriage, divorce, custody of children, and matrimonial repartition of assets (CEDAW, 2001). In 2015, women composed 44.3 per cent of the workforce (MSF, 2017a), and 65.4 per cent of the part-time work force (MSF, 2017b), while the gender wage difference at the managerial level was at about 13.2 per cent (MSF, 2017c).

According to interviewees and the literature, there is still room for improvement. The Women's Charter, for instance, is seen as protectionist rather than empowering. In a similar vein, the assumption that the country is gender-equal has led to gender-blind policies including those of the justice system. For instance, female students have comprised the majority enrolment in law schools since the 1970s. In addition, since the creation of the Faculty of Law, more women than men have graduated, reflecting a 'slow feminization of the legal community' (Das, 2015). Despite this, the 2012 concluding observations of the CEDAW declared that women in Singapore 'Continue to be under-represented in decision-making in the government, the judiciary, the diplomatic service, as well as in the private sectors' (CEDAW, 2012). A report on the progress of women in Singapore showed that women in 2014 were not the majority to enrol in law schools (The Law Society of Singapore, n.d.). That women are still a minority in top positions shows that the 'pipeline theory' (the assumption that increasing the number of women in male-dominated professions should lead to more equality along the career path) is not borne out (Thornton & Bagust, 2007; Thornton, 2016).

II. What do the numbers tell us?

Table No. 14: Justice makers in Singapore

 Level		Year			Total
Judge	Supreme Court	2014	22.7%	77.3%	N/A
	Judicial officer in the Supreme Court	2014	48.3%	51.7%	N/A
	Judicial officer in the state court	2014	47.9%	52.1%	N/A
	Judicial officer in the family justice court	2014	69%	31%	N/A
Prosecutor	Prosecutor	N/A	N/A	N/A	N/A
Lawyer	Practitioner	2015	42.8%	57.2%	4,834
	Director or partner in a law firm	2015	33%	67%	N/A
	Associate	2015	Around 56%	Around 44%	N/A
Other	Law school intake	2014	42.8%	57.2%	397
	Law school enrolment	2014	47.2%	52.8%	1,514
	Law graduate	2014	49.4%	50.6%	356

Source: see 'Data sources'

Box: Pioneers

Ms Lai Siu Chiu was the first woman to be appointed to several top positions, including as judicial commissioner²⁶ in 1991, Supreme Court judge in 1994 and senior judge at the Supreme Court in 2015. This led to a change in the standard mode of address in the Supreme Court from the traditional 'My Lord' to the gender-neutral 'Your Honour' (SWHF, 2016).

²⁶ 'The powers of the JCs and judges are the same. But the difference is that judges have tenure and are appointed on a permanent basis – from whatever age you are when you are appointed until you are 65 which is the official retirement age in the Constitution. JCs are appointed on a term basis – generally speaking, 1 to 3 years, and at the end of that term, you can be renewed, you can be made a judge, or you may leave. It depends on the situation, what you want and what the courts want as well. I think what has happened with JCs, not all, but the majority of them is that they become judges after the term expires. Sometimes even during the course of the term.' Female judge.




In 2014, women represented only 22.7 per cent of judges in the Supreme Court, whereas the family court consisted of 69 per cent female judges (CEDAW, 2015a). This overwhelming majority of women among judicial officers in the family court hints towards a pigeon-holing of women. In 2015, in the private practice, women made up only 33 per cent at the director/partner level (Das, 2015). This reveals the imbalance of men and women at the highest level.

Box: Gender in Justice – Women in the Law in Singapore

According to the 2015 Law Society of Singapore Law Gazette, women are fairly represented not only among the prosecutors in the Attorney-General’s Chambers, but also as justice law clerks, registrars, senior assistant registrars and deputy registrars. However, women tend to drop out at several stages of their careers. For instance, whereas women outnumber men in the junior category of lawyers, this trend is overturned after seven years of practice. 42 per cent of all lawyers in Singapore holding a practicing certificate as of September 2015 are women. 67 per cent of male lawyers hold the position of director or partner in a law practice. The majority of women lawyers (56.4 per cent) in September 2015 were found to be at the level of associates (as compared to only 38.8 per cent of men). The decreasing presence of women in the justice profession after a certain stage in their careers may be due to the fact that they do not maintain a practicing certificate, and instead, seek alternative careers. Additionally, male lawyers who are retired or semi-retired maintain practice certificates as consultants or commissioners, which also affects the official statistics.

Source: Das, 2015

Table No. 15: Law professor at the National University of Singapore

 Level		
Assistant professor	5	8
Associate professor	21	11
Professor	21	4
Total	47	23

Source: see ‘Data sources’

Women make up overall 33 per cent of the staff at the National University of Singapore. Table No. 15 shows that, compared to men, fewer women are law professors at the National University of Singapore and they are disproportionately represented in assistant and associate professorships. According to the literature, ‘Having female law school professors and lecturers are important for women in the

profession, not only as role models but also for their influence on issues of gender bias in the training of law students. They can also bring in different perspectives and substantive content on gender issues in the law and they often do so, to legal knowledge' (Das, 2015).

III. The main challenges for women working in the Philippine justice system

1. Male-defined standards

Unawareness about male-dominated institutional culture. Many women at senior levels may not feel discriminated against because they believe that 'the work has already been done' and that workplaces are more women-friendly. Interestingly, it was suggested that the Women's Charter was responsible for these positive perceptions, as having such a Charter is widely perceived to be an indication that all women's matters have been taken into consideration. At the same time, many said that women being pregnant or having children was still '*a massive source of discrimination*', as was ethnicity in Singapore.

2. Childcare/family responsibilities

'Women in Singapore are fortunate as domestic help is accessible and generally affordable.'

Lawyer.

The politics of fertility. 'Some may perceive that marriage and family are private matters, and that choices should be left to the individual. However, these can have collective impact on our nation' (PEC, 2002). Measures have been put in place to tackle the declining birthrate of the Singaporean population since the 1980s (Teng, 2005: 76). According to one interviewee, this was also around the same time that the government encouraged women to get primary education. The 1980 census showed that the better-educated women were more likely to remain single, while the lower educated 'over-reproduced' (Yap, 2003: 1). In 2011, only half of the women had secondary education, but this rose to 71 per cent by 2014 (Reych, 2016). A judge illustrated how the efforts of the government changed over time. She said, '*When I started working in 1974, the official policy was to stop at two [children]. After I had my first child, I was paid a visit from the family population board who gave me contraceptive advice as they didn't want me to have another one so quickly. They'd have been happy perhaps if I'd stopped at one. But then I had two, then I had three, then I had four. By the time I had four, they were trying to encourage people to have more. Between 1977, when I had my first one and 1989 when I had my last one [12 years], there was quite a change in policy as they saw how successful their population planning policies had been.*' Now, the challenge seems to be stronger than ever as Singapore's fertility rates of 1.4 are regarded as 'ultra-low', and considerably below the preferred replacement rate of 2.1 (Lee, 2016).

Box: Positive efforts of the government to help working mothers

In order to facilitate childcare responsibilities, Singapore introduced two weeks of paid paternity leave funded by the government in January 2017 (MOM, 2017b) and seven days of partially-paid shared parental leave (MOM, 2017c). In addition, Singapore provides subsidies for childcare centers (CEDAW, 2001), and incentives for well-educated women

to procreate (Stotsky, 1997). It is also one of only three countries in the world that offers tax deductions for working mothers (The World Bank Group, 2015). In 2016, the Government considered 'Giving new mothers returning to the workforce after maternity leave a legislated right to an additional eight weeks of flexible work arrangements, or eight weeks of no-pay leave ... [through] staggered hours and shorter work weeks, or in work location, by allowing working mothers to tele-commute' (Lim, 2016).

Despite the efforts by the Government, the traditional division of gender roles in family responsibilities appears to be the main obstacle to a fulfilling continuous career for women in the justice professions. In 2013, 56 per cent of women who had been practicing for seven to twelve years did not renew their practicing certificate (Vijayan, 2015a). This seems to be twice more than in the year 2005-2006, where 28 per cent of women with seven to twelve years of practice, and 58 per cent of women with less than seven years of practice did not renew their practicing certificate (Rajah, 2007). This shows that women drop out from practice at the peak of their career. The president of the Law Society admitted that, *'While no formal survey has been attempted, there is plenty of anecdotal evidence that a significant number of women lawyers find the pressures of the profession incompatible with the societal pressures and expectations vis-a-vis their roles as wives, daughters and mothers; and therefore, suffer a higher attrition rate than men'* (Vijayan, 2015a). A female partner of a law firm wrote, 'The demands of juggling family and career are not peculiar to the legal industry, but perhaps the challenges are more intense for practicing women lawyers. It is eminently possible to build a career and bring up a loving family. Women just have to be reminded that there is no need to score full marks in both' (Vijayan, 2015a). In another article, the co-head of a finance law firm declared, 'I think you grit your teeth, and accept you'll never get enough sleep' (Gray, 2015). Neither article suggests that men should be more involved in family matters.

Despite these numbers, it should be noted that not all women stop working completely; some drop out to become in-house counsel or join the legal services. One law firm explained in an article how they try to adapt to women's situations. They state, 'Our partners can step off the equity track and convert to a salaried partner during the formative years of their children's lives. When things at home are settled and babies grown up, they can opt back onto the escalator' (Vijayan, 2015a). While this is a positive step in many ways, this strategy is based on gender stereotyping and can have negative implications for women. This also seems to be the exception rather than the norm since the literature suggests that most law firms in Singapore allow for part-time employment only on a case-by-case basis (Das, 2015).

3. Advancement opportunities

Promotions. Singapore is well-known for having a corruption-free and efficient judiciary, and promotion opportunities depend on merit (CEDAW, 2015a). But merit-based selection means that men, being overwhelmingly present at the top positions at present, are the ones who define merit, which is often based on subjective criteria. In addition, according to a judge, to become a high court judge a candidate must have been a practicing lawyer, or worked in the governmental legal service, or have been a noted academic for at least ten years. Both experience-based and merit-based systems may be detrimental for women. Indeed, according to this interviewee, to become a judge one needs to impress the Chief Justice who would make recommendations based on the feedback from other senior judges. The Cabinet would then consider the recommendations, and eventually the President would appoint judges based on the

advice of the council of advisors. However, it was anticipated that there would be more women in the High Court in the near future, especially from the judicial side of the legal service, but not from private practice.

Pigeon-holing. Singapore created family justice courts in October 2014 in order to regulate family matters more efficiently. A judge said, *'In [the] division [of family courts], the most senior presiding judge is a lady.'* Interviewees explained that there were more female lawyers in family law practice than men. According to the findings, areas such as corporate or intellectual property tend to be associated more with women over criminal work, shipping, or banking. It was only in 2015 that judicial commissioner Hoo Sheau Peng became the first woman to hear criminal cases (murder, rape, trafficking cases) in the High Court. A lawyer wrote that 'While gender should not affect the outcome of cases, we have come a long way since, with a female Speaker of Parliament now. Having a female judge hear criminal cases should not be a surprise, but a welcome development' (Vijayan, 2015b). In the High Court, criminal cases potentially involve death penalty sentences and women may not have been historically considered 'fit for the job'. A senior director at Global Law Alliance said 'The courts are perhaps sending a message that there are now women judges prepared to hear serious criminal cases involving crimes of a capital nature' (Vijayan, 2015b).



'The system for prosecutors is merit-based because you take exams to advance so I think it is quite fair. However, there are still ingrained gender stereotypes within the system, especially when it comes to the expectations people have of women.'




Thai prosecutor.

I. Introduction

In Thailand, women have been making inroads as justice professionals, with reports of women making up over 40 per cent of law students and lawyers and at least 50 per cent of judges in the lower courts. However, the global phenomenon of women progressing more slowly than men to more senior positions, such as judges in higher courts or as managing partners in law firms, also holds true for Thai women justice professionals. In 1968, a group of female lawyers created the Women Lawyers' Association of Thailand (WLAT) to represent women's demands on legal reform, particularly to include equal rights between men and women in the Constitution (Hemam Karuna, 2014), which was actualized in the 1974 Constitution. Until 1975, the professions of judges and public prosecutors were reserved for men only (Siampukdee, n.d.). The Ministry of Justice abolished this rule in 1975 and 25 per cent of female law graduates were, as a result, recruited into the civil service (Iwanaga & Suriyamongkol, 2008). A few years on, women were allowed as judges only in juvenile and family courts (founded in 1991) because their 'feminine qualities' were thought to be more suitable to work on children's cases. In 2015, despite women comprising 55.3 per cent of all civil service officers, the percentage of women in the justice system was still disproportionately low in comparison with other governmental agencies (OCSC, 2016).

II. What do the numbers tell us?

Table No. 16: Justice makers in Thailand

 Level		Year			Total
Judge	Constitutional Court	2015	0%	100%	7
	Court of justice (court of first instance, appellate court, Supreme Court)	2015	28.4%	71.6%	4,425
	Administrative court	2015	17.3%	82.7%	208
Prosecutor	Prosecutor	2015	23.2%	76.8%	3,513
Lawyer	Lawyer	2010	42%	58%	N/A

Source: see 'Data sources'

Judges. Statistics show that the number of women judges has been steadily increasing since 2000 (Iwanaga & Suriyamongkol, 2008), and in 2014, women comprised around 27.5 per cent of all judges (UNODC, 2017). A judge stated that women now equalled men in the application process to become judges. She explained that in earlier years, 1,000 people would take the judge exam and only two women would get it while nowadays, almost more women pass the test than men. Despite this increase in women passing the judicial exam and being appointed to the lower courts, there are no women in the Constitutional Court, which is the highest court of the land (Buchanan, 2015).

Prosecutors. Data suggests that women comprise less than a quarter of all prosecutors in Thailand in 2015 (OCSC, 2016) although their numbers have been slowly increasing over the years (Iwanaga & Suriyamongkol, 2008). An interviewee confirmed that more women were taking the exam to become prosecutors, *'And that is a very promising trend. Historically speaking, we still have never had a female attorney general but we are close to getting there.'* Nevertheless, it was pointed out that although the proportions had improved, there was still no gender equality in terms of opportunities to break the 'glass-ceiling' or to progress professionally.

Box: Pioneers

In 1927, Khunying Ram Phrommobon Bunyaprasop became the first female student to attend law school. She was later admitted as the first woman barrister in 1930. The first female judge, Ms Chalorjit Jittarutta, was appointed to office in 1965.

Source: Buchanan, 2015

Box: Women in private law firms

In the private sector, a 2012 article explained that women's numbers have progressed towards the top positions. 'Thailand has improved a lot, as well as Malaysia, Hong Kong and the Philippines. Recent studies show that Thailand is ranked in the top three in terms of having women in senior management positions, together with the Philippines. We have many females in the top management level of the law firms and opportunities for female lawyers are open.'

Source: Hussein, 2012

III. The main challenges for women working in the Thai justice system

1. Male-defined standards

Double standards. A number of interviewees admitted that women have to prove themselves more than men in order to reach similar positions and levels of authority in justice institutions. In this regard, the issue of 'unconscious discrimination' featured prominently in findings from Thailand. A former law professor explained that at the law faculty where she taught, the professional culture encouraged long working hours. She revealed that women remained a minority in the teaching faculty, and that they could be indirectly disadvantaged by 'A culture to work and stay late before going home', while men did not have to take care of their children.

Lack of gender sensitivity. Gender sensitivity is still lacking in the courts where justice authorities have yet to get rid of their bias or insensitivity toward female victims of sexual violence. Such biases against women do not create a conducive environment for female justice professionals (Na Ayuthaya, 2016). Most interviewees expressed concerns about this lack of gender sensitivity and urged that justice professionals ought to adopt a more victim-centered approach. It is believed that having more women in the justice system would help the system progress in that direction. In a report on women in the justice professions, an interviewee said, 'When I used to work as the judge, the male colleagues always perceived me as male counterpart. They treated me like male friends. Sometimes we went on the bus trip to attend training at provinces away from Bangkok. Men occupied all the seats and let women hanging on the rail. So, we, women, asked them whether they meant to let the women standing like this. What they responded was they didn't see any woman on the bus but men' (Siampukdee, n.d.).

2. Appointments and promotions

Promotion. Despite awareness of the remaining gender inequalities in Thailand, it was found that the influence of the male-dominated culture was largely overlooked by some interviewees. For instance, it was agreed that the recruitment and promotion processes in the judiciary were relatively fair in Thailand. A Deputy Chief Judge said, '*In my opinion, the Judiciary Commission [equivalent of the Court's Human Resources Department] is very transparent and fair. It promotes people based purely on merit. This is vastly different from other justice institutions like the police. The Judiciary Commission places you and appoints you based on your exam ranking, and if you are free of scandal and perform well, you are fairly promoted regardless of your sex.*' Countering the fairness argument, a study found that the low number

of female judges at the Supreme Court and other top positions may be explained by the seniority system which disadvantages women. The study argues that 'The promotion process of courts proceeds through the results of recruiting test, written and oral exams, at the commencement of employment for judgeship' (Siampukdee, n.d.: 135). Promotions are then considered by the seniority of candidates based on merit. Further research is needed to determine the actual fairness of the promotion procedures. One method is to consider the numbers of women in the top positions of the justice system, which is still fairly low in Thailand. Despite the fact that, in 2007, more than half of the government officials were women, the representation of women in three critical institutions was particularly low: the police (5.84 per cent), public prosecution (17.55 per cent) and the judiciary (22.63 per cent) (Siampukdee, n.d.: 125).

The relocation system. There are other kinds of barriers that justice professionals face later in their career that have different impacts on women and men. One of these is the relocation system. In a study, a judge reported that the Committee in charge of appointing women to the provinces may be concerned for their safety and security (Siampukdee, n.d.). This was confirmed by a public prosecutor, who said, *'After you get in, it is difficult for women to get promoted ... I mean it seems equal but actually for example when you would like to relocate somewhere, it is not as you decide. They say "Ok, this province? Ok you want to go but it is more appropriate for men to be positioned there because it may be dangerous, etc." They create reasons so that it is not good for you. You should stay in a nice location in Bangkok even though you want to explore.'*

In parallel, sometimes, women themselves refuse to be promoted elsewhere because they do not wish to live away from their family. This confuses external observers who argue that it is a choice exercised by women to stay in Bangkok, whereas in reality they may not really have a choice. Familial responsibilities trump the choice of location, although, more rarely, it also happens that women refuse a promotion because they feel more useful at the level that they are (Levinson & Young, 2010; Buranajaroenkij, 2017). One former judge related how she refused a promotion in order to better continue helping children in a juvenile court.

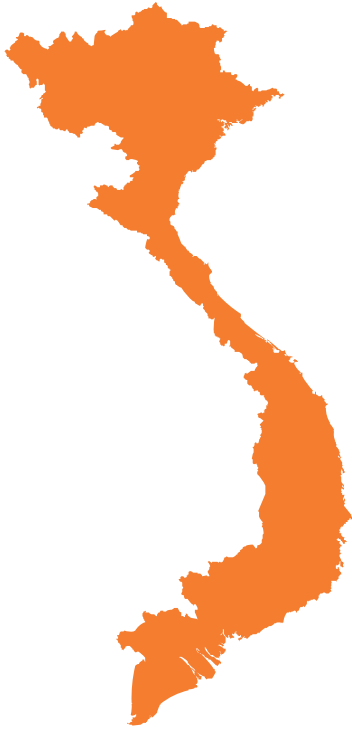
Tokenism. A prosecutor claimed that, *'Nowadays the roles of a woman are equal to the role of a man. Even in careers as the police, the politics or prime minister. The roles of a woman in my profession are the same as the roles of a man ... for example, the deputy attorney general now is a woman.'* While having a female prime minister or a female deputy attorney general may be inspiring for other women, the numbers show that women are still not equal, either in parity or in terms of levels/status in the police, politics or the judiciary. This is an example of tokenism, where a few women in leadership positions give the false appearance of equality (Iwanaga & Suriyamongkol, 2008; Blackburn, 2015). An example of tokenism is given by the first female elected to the Election Commission of Thailand who recalled her experience in 2009. The Election Commission in Thailand is in charge of ensuring fair and clean election processes in the country. Prior to accessing this position, all members of the Commission used to be judges.

Box: Women are 'the garnish'

'Some people say that a female commissioner is only the garnish. It is just something to colour up politics. There are too many male commissioners so it is needed to add a woman in the Commission. These people don't realise my qualifications that persuade the justification of the Commission of Senate and the Council of Supreme Court to appoint me'.

Source: Hussein, 2012

Pigeon-holing. A study on women in the justice system reported that many female lawyers and judges were frustrated with being repeatedly assigned to deal with ‘issues of husband and wife or family’s affairs’ (Siampukdee, n.d.). Similarly, a former judge explained how she did not want to be a lawyer when she studied law because she had heard of the discrimination and pigeon-holing of women to secondary activities. She said, *‘I had heard that women in the law faculty had not fared too well and that they weren’t going to be well received in the private sector and in government by being relegated to administrative roles. I heard about all the discrimination and was disheartened.’* A female lawyer detailed the kind of barriers she faced while working in private practice, which impeded her from achieving a sense of fulfilment. She said, *‘I worked at a law firm but I found that it was true that women were relegated to working on administrative issues. The male bosses wouldn’t want to take women on cases and travel because they didn’t want to be seen as using women to carry their stuff. There was also a lot of travel involved and they needed to be able to work closely with their associates late into the night. They only really sent women when they wanted to buy time in cases. Because the courts were easier towards female lawyers and more lenient. So that’s when I was really used. I found that I wasn’t happy in the corporate setting and I didn’t really see a future there.’* Such statements demonstrate that there are still numerous barriers that women face in the justice professions in Thailand.



I. Viet Nam

'In the law and regulations, it seems that there is no obstacle for women. But in reality, women face a lot of challenges, first, from the recruitment. And in the mindset of the leaders, namely prosecutors and judges, we see that the key persons dealing with important cases are still men. They think that women do not have enough capacity to deal with complicated cases.'

Vietnamese justice advocate.

I. Introduction

In Viet Nam, while women make up more than half of the population and more than 65 per cent of the labour force, they remain underrepresented in the justice professions. Women are making inroads at the lower levels of some of the justice agencies, such as the courts and legal aid centres, but the higher positions in the justice agencies and justice profession remain male-dominated. Viet Nam benefits from a strong gender-equal legal and policy framework as well as a quota system, but the social and cultural status of women continues to influence the situation for Vietnamese women justice professionals. Formal gender equality, a legacy from the Communist era, has been enshrined in the Constitution since 1946. In fact, Viet Nam was one of the first countries in Southeast Asia that issued the Gender Equality Law (UNDP, 2012b). Vietnamese society is rooted in Confucianism²⁷ which strongly influences the roles women and men have in their community and reinforces traditional patriarchal concepts of gender inequality.

Box: Increasing women's presence

The Government had also set a target of having 30 per cent of women in the National Assembly and leadership positions in public sector by 2011, which has not been achieved (UNDP, 2012a). In fact, women's presence has even been declining in the National Assembly (Kwakwa, 2014). In the justice sector, the Committee for the Advancement of Women (CAW) has been established in a number of the justice institutions or agencies. CAW²⁸ is

²⁷ The influence of Confucianism on Viet Nam's gender regime has not always been linear and straightforward. Rather it has been through its rise and fall particularly before the Doi Moi (renovation; 1986) period during which the Communist regime tried to curb the influence of Confucian ideals on gender relations.

²⁸ CAWs are coordinated by the National Committee for the Advancement of Women, the formal state machinery responsible for promoting gender equality reporting directly to the Prime Minister.

tasked to formulate and guide the implementation of the laws and plans of action to promote the advancement of women in their sector at all levels. In this regard, a number of justice agencies have developed their own policies or action plans for promoting the participation of women justice professionals. All key interviewees share similar views that there has been progress in the number of female representatives in the justice system, although this progress has been gradual. Overall, women are still underrepresented and tend to be concentrated at the lower level of the system and in specific divisions such as research.

Despite the hope that the quota system, adopted by the Government, would help increase the amount and quality of women's participation in the justice sector, there is some criticism with regard to this 'generous' act (Froimovich et al., 2013). An interviewee who has worked in Viet Nam's judiciary for fifteen years stressed that 50 per cent, rather than 30, should be the target. She said, *'Ok, now we aim for women at 30 per cent but where are the remaining 20 per cent if we consider the fact that the proportion of men and women are the same?'*

Box: Ensuring gender equality in personnel structures and activities of legal aid

Circular No 07. State management agencies of legal aid shall be responsible:

- To recruit and attract people who have proper ability to ensure that there are both man and women in the leaders, legal aid officials and other legal aid staff of provincial legal aid centres (PLACs) as well as its branches.
- To develop measures to encourage and attract legal aid collaborators for gender balance.

Regarding training:

- There should be annual training on gender equality awareness.
- Men and women are to have equal opportunities and facilities to participate in training courses.
- Female staff, especially ethnic minority women, should have priority in such training courses.
- In cases where men and women are at the same level and the portion of women is lower than men, women shall be assigned to participate in such courses.

Annual reporting of gender equality results:




- Structure of leaders, legal aid officials and legal aid collaborators divided by gender.
- Evaluate the capacity of legal aid providers on providing legal aid cases relating to gender equality.

Source: UNODC & UN Women, 2013: 59

More research is needed to study the implementation of such policies within the state apparatus and justice professions.

II. What do the numbers tell us?

Table No. 17: Justice makers in Viet Nam

 Level			Year			Total
Judge	Supreme People's Court	Leader	2007	0%	100%	N/A
		Judge	2012	27%	73%	N/A
	Provincial court	Chief Justice	2012	6%	94%	N/A
		Vice Chief Justice	2012	16%	84%	N/A
		Judge	2012	18-19%	81-82%	N/A
	District court	Chief Justice	2012	16%	84%	N/A
		Vice Chief Justice	2012	24%	86%	N/A
		Judge	2012	25%	75%	N/A
Prosecutor	Supreme People's Procuracy	Leader	2012	12%	88%	N/A
		Senior prosecutor	2012	10%	90%	N/A
		Staff	2012	30%	70%	N/A
	Provincial court	Prosecutor	2012	10-12%	88-90%	N/A
		Technical/ Professional staff	2012	22-25%	75-78%	N/A
Lawyer	Lawyer	Lawyer	2011	30%	70%	5076
Others	Others	Others	N/A	N/A	N/A	N/A

Source: see 'Data sources'

Underrepresentation of women. Despite legal and policy developments and legislated targets, implementation remains unsatisfactory. Inroads have been made particularly at lower levels, but higher sectors, such as the profession of procurators, remain male-dominated. It was found that there is at present one female vice judge among senior judges at the leadership level in the Supreme Court of Viet Nam. An interviewee involved in the public policy sector said, *'To re-enforce the aim of the 2013*

Constitution, we have voted for 15 judges for the Supreme People's Court and four of them are female, the highest ratio so far. Among the people involved with the court proceeding, we have more female judges and more female vice presidents in the Supreme People's Court. The number of women participating in the court proceeding in the procuracy process is also higher than the number of women in investigation process. Of course, there are more women in the research area.'

III. The main challenges for women working in the Vietnamese justice system

1. Male-defined standards

Women forced to prove themselves. In Viet Nam, a common belief states that women should not work as lawyers because the subject of the law is too complex and *'very hard to grasp'*. A female judge working in research asserted that, while the work of judges is deemed challenging, people in leadership still view men as the key persons dealing with important cases, because women are not regarded as having enough capacity in dealing with complicated cases. This is reflected even more forcefully in the criminal justice system where certain jobs such as those of prosecutors is considered *'too tough'* for women (UNODC & UN Women, 2013). Similarly, in a survey of judges, some interviewees considered that a judicial career was not appropriate for women in terms of work sensitivity, personal sentiment, intermingled relations (social capital), appearance and voice or work pressure (JOPSO et al., 2008). According to some male judges, the current workload was *'too heavy'* for female judges. They suggest the work of judges should be allocated based on gender. This focus away from the actual requirements of the role, such as the ability to gather and analyze evidence, interview victims and witnesses, and interrogate suspects, makes it more difficult for women to prove themselves against male-defined standards. Continued male dominance and an *'old boys' club'* attitude may negatively affect female workers. Indeed, lawyers often rely on personal networks and relationships with investigators and prosecutors to manage their cases, and a 2013 report found that Vietnamese female defence lawyers are at a disadvantage in such a system based on relationships (UNODC & UN Women, 2013).

Women's impact. It was observed that female judges are proven to be more careful about their cases and are reform-oriented. A judge said, *'Another thing we find is that during judicial reform, female judges are trying to reform justice toward more human rights and equality than men would do. Men seem to be much more conservative than women in judicial reform.'* In the same vein, another interviewee who has worked at the court for over ten years urged that *'It is important to raise the awareness of leaders and women themselves that female judges can do their job well or even better than men. We have some studies and find out that when judges are women, they consider the evidence, shape their arguments, and give the verdict in a much more conscientious way than men.'*

2. Gender stereotyping

Historical stereotypes. Vietnamese society is rooted in Confucianism, which strongly influences gender norms and reinforces traditional patriarchal concepts of gender inequality. Confucianism emphasizes the importance of patrilineal descent, patrilocal residence, male privilege and hierarchical relationships (Gardsbane et al., 2010).²⁹ This perpetuates gender stereotypes and dictates the ways that women and

²⁹ *'Women in rural areas (compared with women in urban areas) are more likely to support statements indicating that men were the decision-makers in the family, that women had to obey their husbands and that they could not refuse sex' (United Nations Viet Nam, 2010).*

men are supposed to behave. For example, women are associated with housework, procreation and the nurturing of male offspring to perpetuate the husband's family lineage, whereas men are associated with community and household decision-making. In addition to strict gender roles, the importance of family is emphasized in the culture, laws and policies of Viet Nam. Gender stereotyping has significantly affected attitudes (of the community, men and even some women) towards what is acceptable work for women. This contributes to the disregard for or devaluing of women's capacity and qualifications, which in turn limits women's access to leadership and decision-making positions. The idea that women are 'weak' and require special treatment is widespread and reflects a patriarchal attitude. A lawyer and advocate said, *'It was urged that it is easy to blame everything on the culture and put women in a box. But culture is dynamic and it changes and it can be changed.'*

The importance of additional training. In the justice sector, an interviewee asserted that even though the government tried to increase female participation to 30 per cent, many people were worried about the educational quality of women especially in leadership and in the justice system. *'Because in the past women did not have high education so the general perception of people is still unsure about women. So they are not confident that having women in leadership position or doing highly technical work like in justice work will be a good thing'*, an interviewee concurred. This is indeed a concern found in other countries where it is believed that without appropriate training, women may not be competent enough for their position and the quota may be seen as counterproductive.

3. Childcare/family responsibilities

Women and their double burden. The notion that a woman's primary responsibility lies in childcare and household work is deeply institutionalized in Viet Nam (The World Bank, n.d.: 80). A survey on gender equality in the court system illustrates how household obligations for female judges limit their ability to develop 'social capital' which is needed to advance in the Communist Party of Viet Nam as it parallels advancement in the courts (JOPSO et al., 2008). While female and male judges have the same workload in court, women put in far more unpaid work hours at home. This double duty limits the ability of women to take on jobs that require extensive travel, or to develop 'social capital' through networking during off duty hours. A study by the Institute of Family and Gender Studies notes that women need the support of their family in order to pursue the promotion. Men do not face the same challenges (IFGS et al., 2008). Pertinently, it is emphasized that the difficulties lawyers experience are quite common with other female workers with regard to challenges to balancing work and family lives. The study also noted that there is now less childcare available so mothers have to take time off work until their children are in kindergarten, and this affects their promotion.

The argument of nature. Most interviewees referred to the 'natural function of women' when explaining the challenges of having to take care of children and family. One lawyer, for instance, said, *'After finishing law school and starting their career in justice sector, women will spend 5-10 years to complete their "natural function". During this period, they cannot progress much in their careers. At the same time, men can focus on their career or on further study.'* Instead of viewing motherhood, childcare and family responsibilities as 'choices', the 'natural function' perception embedded in the culture and the working of the organizational structure in Viet Nam has burdened women with more responsibilities and duties.

4. Advancement opportunities

Pigeon-holing. ‘Women tend to be pigeon-holed into particular departments, which is that they are assigned to certain units or jobs based on broad characteristics (such as gender) without paying attention to individual capabilities. For instance, many female prosecutors are apparently assigned to work in logistical work and organizing conferences’ (UNODC & UN Women, 2013: 62). Some viewed this as giving women preferential or special treatment in order to ‘protect women’ from heavier jobs. Pigeon-holing women results in some roles being dominated by men. Prosecutors who visit crime scenes and supervise prisons and rehabilitation centres are usually men. When asked about capacity building and training, an interviewee said that *‘Women are selected for training sessions only if the issue is related to women.’* Consequently, such pigeon-holing could obstruct career and personal progress, as women remain untrained on other issues. Similarly, if gender training does not involve men, the result is not likely to be effective.

Challenges of obtaining promotion. Some criminal justice professionals require one to be a Party member, so their advancement is linked to both performance within their profession as well as party politics. ‘Leading positions in government organizations are largely drawn from membership of the Communist Party. Therefore, how women fare within the Party has important implications for how they fare in leadership positions’ (The World Bank, 2011b: 77). According to a World Bank assessment report, there has been a decline from 27.3 per cent of deputies in the National Assembly in 2002-2007 to 25.76 per cent in 2007-2011, and further to 24.4 per cent deputies in 2011-2016. The percentage of women holding ministerial and equivalent posts also declined over this period from 12 per cent to 4.5 per cent (The World Bank, 2011b). The trends are somewhat more positive in elected bodies in lower levels, although women in leadership positions remain low. The report also notes that women’s education level is generally higher than that of men at lower levels, suggesting that women need higher levels of education to gain support of local political party members.

5. Age of retirement

The retirement age. Women in Viet Nam are required to retire at 55 years of age while the age of retirement for men is 60, but recently it has been proposed to extend it to 60 for women and 65 for men, at least for government officials, public workers and members of the armed forces (Social Protection, 2015), and to 62 for men and 58 or 60 for women in general (Vu, 2017). Such a difference between men and women not only terminates women’s careers at an earlier age than men, but also has consequences on other aspects of their careers such as training and promotion (The World Bank, 2011b).³⁰ Added to the fact that women marry at an earlier age compared to men and their greater responsibilities for family and childcare, such a retirement age gap compresses the period of time that they have to gain experiences and qualification necessary to advance to senior positions. It was found that although the retirement age is the same for men and women at the Supreme Court (60 years), it does not apply to staff of the Ministry of Justice, prosecutors and lawyers.

³⁰ Also discussed in the Shadow Report, for instance, the Decree No. 04/2006/QĐ-BNV dated Jan 2006 stipulates ‘Each person after their overseas training and further education must work for state agencies for at least 10 years’, which means that the permitted age for women to participate in those training courses or education must be below 40, whereas for men, it is below 45 years. This is again because women’s retirement age is five years earlier than that of men’s. As a result, women’s right to equal opportunity in political participation has been violated.



RECOMMENDATIONS AND THE WAY FORWARD

A. Recommendations to governments

Recommendation 1:

Create, or enhance the mandate of, an interagency platform to coordinate gender mainstreaming efforts.

The task of the interagency is to promote gender equality throughout the justice system, institutions and professionals. The interagency membership should include ministries of justice, attorneys-general, public prosecution offices, judicial councils, and legal aid offices. The interagency should also consult with related justice organizations, such as bar associations, law societies, women's judges associations, women's lawyers associations, academics, and CSOs. The objectives of the interagency would be to:

- **Ensure that justice agencies actively and visibly mainstream gender** in all its practices, policies and programmes, understanding that gender mainstreaming is a strategy to achieve substantive gender equality.
- **Designate gender focal points or create gender units in each of the justice agencies** to focus on the task of ensuring that gender is strategically aligned within the agency, including undertaking gender analysis, gathering and collecting gender-sensitive data (i.e. sex-disaggregated data and gender-sensitive indicators), monitoring, evaluating and reporting on progress and making recommendations.
- **Create a platform to facilitate dialogue** between the interagency members, gender focal points and other stakeholders for the purpose of sharing best practices and lessons learned.

Box: Cambodian Gender Mainstreaming Action Group of the Ministry of Justice

In 2009 the Gender Mainstreaming Action Group of the Ministry of Justice in Cambodia published a Gender Mainstreaming Action Plan where disaggregated data showed the discrepancy between the number of women and men in each professional category. The Plan also set specific objectives to increase progressively women's presence and assigned responsibilities for the creation of a complaint mechanism.

Source: Gender Mainstreaming Action Group of the Ministry of Justice & the Cambodia Criminal Justice Assistance Project, 2009

Recommendation 2:

Develop comprehensive legal and policy frameworks to ensure that labour laws address gender discrimination in the workplace and promote equal opportunities for women.

Governmental initiatives are crucial to ensuring that women gain substantive equal rights in the workforce and for expanding women's opportunities in the labour markets. Governments should review their existing legal and policy frameworks to ensure they are comprehensive, effective, and that any regulatory and structural barriers that exist within the legal and policy frameworks are removed. Governments should ensure that the following laws exist and are effectively applied:

- **Equal pay legislation.** Equal pay laws should relate to the full range of payments and benefits, address the existing gender pay gap, ensure easy and accessible procedures to claim legal remedies and promote pay transparency. Women who take action against pay discrimination should be protected from wrongful termination.
- **Flexible work policies.** For justice institutions that are regulated by the state, the Government should consider passing an employment rule requiring such employers to consider flexible work arrangement requests. In addition, the government should promote such labour standards in non-government regulated justice institutions.
- **Parental leave (maternity/paternity leave).** Laws should clearly set out eligibility for both mothers and fathers who are new parents; provide for a sufficient duration of parental leave; and ensure that terms and conditions of employment are protected.

Box: The Philippines Solo Parents Welfare Act

The Solo Parents Welfare Act was passed in the Philippines in 2000. It provides for a comprehensive programme for single parents and the employer should provide the 'Solo Parent employee' with flexible work schedules, parental leave and protect him or her against work discrimination.

Source: Patajo-Kapunan, 2015

- **Provision of childcare.** The laws should provide for availability of and accessibility to a range of quality childcare.
- **Equality in retirement ages.** Laws need to ensure equal treatment and an equal retirement age. This addresses the concerns that women are prevented from being considered for promotion due to earlier retirement.
- **Sexual harassment in the workplace.** Besides appropriate laws prohibiting and criminalizing sexual harassment, legislative provisions should include requiring codes of conduct and ensuring effective grievance procedures.

The ILO and the Vietnamese government are planning on developing and implementing sexual harassment guidelines (ILO-VN, 2016).

Recommendation 3:

Promote change in the ethics of the workforce with a reward system and a ranking project. Encourage agencies and companies that perform well.

Agencies and firms with the best practices could receive an accreditation from the Government for 'conforming to state requirements of gender equality'.

Box: Enhancing gender equality in Malaysia

'Malaysia has responded favourably (...) to take the lead in building a global hub and business centre that forefronts gender equitable policies. To achieve certification by the government under the programme, companies would go through a series of ten steps. These include developing a written commitment to gender equality, training senior management staff on gender equality, and developing and implementing a company-wide policy and plan of action for gender equality. This process would point to specific gaps in employer practices and indicate directions for improvement. For instance, companies might need to formulate and implement policies to explicitly address discrimination on the basis of gender and other characteristics like marital status and sexual orientation, improve hiring and talent-grooming processes to address unconscious biases and ingrained "old boys club" practices, conduct anti-workplace sexual harassment training, and strive for pay transparency.' More research is needed to see if this program has been implemented in law firms, for instance.

Source: Qian, 2016

More specifically, the framework could address issues within the justice agencies and ensure the following:

- **Transparency and accountability of justice agencies in the recruitment, retention and promotion of women.** Legislation should ensure transparency and accountability in employment standards, such as prohibiting asking about marital status during the hiring process. Some countries have legislated quotas to increase the number of women in certain sectors.
- **Allow for strategic litigation.** Allowing for strategic litigation or class action can be effective in addressing discriminatory practices towards women justice professionals by reducing the costs of litigation.
- **Encourage women to return to the workforce after a career break.**

Box: The Career Comeback Grant in Malaysia

In Malaysia, a collaboration between the Ministry of Women, Family and Community Development and TalentCorp, 'Offers initiatives and grants such as the Career Comeback Grants that aim to encourage employers to recruit and retain women on career breaks, enabling them to expand their talent pool and provide career opportunities for women looking to return to work. Businesses can apply a double tax deduction incentive when they hire and train women who are on career breaks and also when they implement or enhance flexible work arrangements and establish a childcare centre and/or support for employees with children.'

Source: Flexworklife, 2014

Recommendation 4:

Enforce gender budgeting plans in the state justice sector and encourage non-state justice institutions to undertake gender budgeting.

Box: Commission on Audit in the Philippines

In the Philippines, the Commission on Audit is tasked to conduct an annual audit on the government offices' use of their gender and development budgets for the purpose of determining its judicious use and the efficiency, and effectiveness of interventions in addressing gender issues. The Program of Action to Mainstream Gender in the Judiciary, approved by the Supreme Court in 2003, was tasked among other things to create a Gender and Development Plan for the Judiciary. Each court is required to report regularly on activities undertaken to mainstream gender.

Source: PCW, 2016 ; PWJA, 2016; Schultz, U. & Shaw, G., 2013

Recommendation 5:

Study the effectiveness of quota systems and other affirmative action measures.

There continues to be debate about the effectiveness of quotas and when and under what conditions they are most effective. Unfortunately, the rhetoric of affirmative action and quota programmes have been used as a means to further denigrate women and to challenge their capabilities. Quotas have also been interpreted as a maximum requirement rather than as a minimum requirement. Such programmes need to be implemented with an understanding of the systemic discrimination enmeshed within the legal culture and society or else these programmes could maintain discriminatory practices against women. In order to strengthen the impact of such quotas, governments should:

- **Monitor effective implementation of quotas in all justice agencies.** This would encourage justice institutions to work towards increasing women's presence at all levels of the justice professions.
- **Encourage the justice agencies to evaluate the impact of such quotas.** The government could also assist them in tackling potential issues that such quotas could lead to.

B. To the justice agencies and institutions

Recommendation 1:

Promote the creation of task forces to assess the situation of women in the justice professions.

It is important to understand the issues, test various theories to determine whether there is a positive impact on women justice professionals, and develop country-specific solutions. Consider the following to ensure effectiveness in task forces:

- **Broad membership in the task force.** Task forces could include bar associations, law societies, government justice institutions, and civil society organizations.
- **Mandatory disclosure of information from justice institutions.** Any study of this issue requires information and it is suggested that disclosure of information about professions, levels of seniority and wages be mandated from law firms and state justice institutions, by law societies and governments, respectively.

Box: Singapore report

In 2005 the Law Gazette published a report assessing the situation of women in the justice professions in Singapore, in both the public and private sector. Ten years later, the paper was updated in order to show how the situation had evolved over time.

Source: Das, 2005; Das, 2015

Recommendation 2:

Promote the acceptance of women as competent and equal professionals.

This requires an engendering cultural shift in all justice agencies and institutions, including in the judiciary, the public prosecution office, the legal professionals, legal aid offices, and bar associations which takes into account female practices and experiences. In order to do this, such agencies could:

- **Enhance a culture of reward and recognition of women's values and contributions.** In the Philippines, rewards are extremely common among members of the judiciary and most interviewees had been rewarded for their outstanding achievements as judges or prosecutors. Such efforts boost the confidence of women and help them building a solid reputation for their career.
- **Advertise women's achievements in strategic and high-profile cases.** This would counter the idea that women are capable and help breaking down stereotypes about their gendered expectations and characteristics.

Recommendation 3:

Redefine 'standards' and ensure transparent criteria for recruitment.

This requires a shift in outlook of all justice agencies away from the valuing of male-defined skills and experiences to a culture which reflects and values the needs and experiences and skills of men and women. This could include:

- **For bar associations and law firms:** promote alternatives to billable hours, e.g., value-based billing.
- **For the judicial appointment committees:** break down the 'merit' principle into professional competencies and personal characteristics. Rather than focusing on the lack of courtroom experience, which can be a barrier to appointment for females, the committees could focus on the personal characteristics for a judicial appointment, such as: an ability to listen, an awareness of racial and gender issues, tact, humility, reliability, tolerance and consideration of others.

Recommendation 4:

Promote strategies regarding recruitment and advancement.

- **Promoting transparency in recruitment and promotion.** Clearly publish the criteria for appointments. Having clearly specified job descriptions, written criteria for recruitment and promotion, rather than more casual, less well-defined and informal job descriptions and criteria are seen to benefit the advancement of women in their careers.
- **Ensuring accessible training.** Training is usually a prerequisite to being considered for promotion. Such prerequisite training should take into account caring commitments of staff as well as any disadvantage for part-time or flexible workers in the assessment methods chosen.

Box: Strategies for recruiting judges

Systematic recruitment by judicial nominating committees and expanding the pool of applicants at the start of the judicial nomination process has been effective in increasing diversity in the judiciary. Research from the Brennan Center for Justice at the New York University Law School regarding judicial appointments provided the basis for their recommendations, which included: nominating committees must acknowledge implicit bias; increase strategic recruitment; be clear about the role of diversity in the nominating process in the law; keep the application and interviewing process transparent; train commissioners to be effective recruiters and nominators; and appoint a diversity compliance officer or ombudsperson.

Source: Torres-Spelliscy et. al, 2010

Recommendation 5:

Create and promote mentoring schemes and networking opportunities for women.

It is crucial that justice institutions and law firms implement mentoring schemes that help integrate work and family commitments, to address reports that female justice professionals feel isolated and less able to network due to family responsibilities. Besides mentoring schemes,

- **Bar associations could be encouraged to promote networking events for women.**
- **Professional organizations of women within the legal and related professions could be created.** These organizations could be women's association of prosecutors, judges or lawyers. These associations help convey concerns to competent authorities, enhance research and provide a gender perspective in the justice institutions.

Box: AWL and PWJA

The Association of Women Lawyers in Malaysia is responsible for the promotion of the rights and professional development of women lawyers and law graduates in Malaysia. The Association also tries to tackle discrimination against women and promote equal participation in the legal and related fields, toward the objective of attaining substantive equality. Similarly, the Philippines Women's Judges Association's purposes and objectives are to: 'Provide a venue for the exchange of views and information among women judges of the Philippines, identify specific problems affecting women judges and to propose solutions to them, promote the welfare of women judges throughout the Philippines, improve the administration of justice and to study ways and means of bringing about efficient management of the courts, provide continuing judicial education for its members, initiate and undertake necessary judicial reforms, maintain professional linkage with women judges of other countries.'

Source: AWL, n.d.; PWJA, 2015: 1

Recommendation 6:

Improve workplace structures so that they are more gender sensitive.

There are a number of ways to improve workplace structures and policies that target women and family needs, but these strategies need to be implemented with an understanding of the systematic discrimination enmeshed within the legal culture and society in order to ensure that these strategies do not maintain discriminatory practices against women. These strategies could include:

- **Assess the situation.** Justice agencies and law firms could regularly conduct surveys of female employees in order to understand how to improve the workplace, where possible and in accordance with their need.
- **Allow for flexible work, parental leave, childcare provision, and flexible partnership.**
- **Reconsider billable working hours and presenteeism criteria.**³¹ Shift away from practices such as the punch card system and allow both male and female employees to work from home when presence is not necessary at the office and promote merit-based and result-oriented schemes of remuneration.
- **Provide incentives for men to use care leave** in order to attend to the needs of their children or other dependent relatives.

Box: Tripartite Alliance for Fair and Progressive Employment Practices

In Singapore, the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) system is designed to encourage employers to treat employees fairly. However, according to a Singaporean lawyer, it could be improved as there is no legal enforcement of such practices, and employers do not feel obliged to tackle the issue on their own accord.

Source: Soin & Thomas, 2015

- **Provide for an anonymous grievance mechanism** in case of sexual harassment and disparaging treatment.

³¹ See more at ILO, 2011b.

C. To law schools

Recommendation 1:

Improve the environment in law schools.

- **Put in place a safe grievance mechanism for female students** to report sexual harassment, sexist comments, or other related issues.
- **Create safe and secure environments for women to pursue higher studies.** If women are to be encouraged to leave their homes in distant provinces to study law in cities, they (and their families) must be assured of a certain quality of life in these educational environments. This could be done, for example, through the creation of dormitories/hostels for women. This would require government funding.

Recommendation 2:

Expand opportunities for women to study law.

- **Promote distant learning in law studies.** This could be helpful for students from remote areas and could reduce the cost of learning.

Box: Distant education

According to an online article, in Myanmar in 2014, Yangon University of Distance Education offered approximately 50 courses online, mainly in law. More research is needed to assess if such a solution is viable for female and male students who cannot afford to live in urban centres.

Source: Bates, 2014

- **Develop curriculums on women and the law.** This could include: Gender and the law, Gender sensitivity in the criminal justice sector.
- **Encourage female students to take up the study of law, to network, and to gain experience early.**
- **Create early platforms of mentorship systems and networking events** between students and justice professionals.

D. To academics

Recommendation 1:

Promote the creation of task forces to connect scholars with justice agencies and women's groups.

The importance of understanding the issues and testing theories through research is highlighted in a number of studies and by many scholars. (See recommendation B1)

Box: The Committee on Gender Responsiveness in the Judiciary

In the Philippines, the Committee on Gender Responsiveness in the Judiciary was created in 2003 to ensure that gender and development principles are integrated in the judiciary's policies, programmes and structures. It is composed of members of the courts, the Philippines judges association and academics, and its seven sub-committees are covering various aspects of the concept of gender: training and capability building, gender audit of policies, programs, and practices, a gender-responsiveness database in the judicial system, gender-responsiveness welfare services, partnership and networking with other gender and development advocates, organization of regular family courts, and resource mobilization.

Source: CEDAW, 2006

Recommendation 2:

Encourage transdisciplinary work among law professors with other fields such as sociologists and gender experts.

Their research could include:

- **Expose women's difficulties in the justice professions.** Break down the idea that parity in number is substantive gender equality and so on.
- **Help discredit harmful theories** such as the 'pipeline' or 'trickle-up' theories, the benefits of the 'mommy track solution' and so on.
- **Examine the intersectionality of women's discrimination.** This will help unveil hidden and subtle discrimination that women face, the sense of exclusion, the social dilemmas and the double standards. Study the sense of fear, guilt and shame that women may face at work or towards their family/career choices.

- **Study the impact of 'gender-neutral' legislation.** It is important to study the effects of the laws on women and how it affects them differently than men, e.g., the effects of progressive laws in favour of women such as the increase of paternity and parental leave.

E. To CSOs

Recommendation 1:

Partner with justice agencies in their training and research.

- **Train women justice professionals.** Such training could include: leadership, the impact of laws on women, substantive equality, mechanisms against sexual harassment at work and so on.
- **Help reveal discrimination against women** and propose avenues for raising awareness on their issues.

F. To the next generations of justice makers

Recommendation 1:

Encourage young women to follow their dream career and to deal with issues they encounter.

- **Speak up about issues.**
- **Form alliances with other women and men** in order to challenge the status quo.
- **Seek out solutions and ask for help** from gender-sensitive persons around you such as law professors, mentors, professional alliances of women and women's groups.

Recommendation 2:

Encourage men and boys to facilitate women's progress in the justice professions.

- **Engage men and raise awareness** about issues you and/or other women face.
- **Encourage male partners or husbands to share responsibilities in the household.**

Annex



ANNEX

Annex No. 1: Overview of relevant international instruments

International instrument	Type	Key provisions
International Covenant on Civil and Political Rights (ICCPR)	Hard law	Promotion of gender equality Prohibition of discrimination
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Hard law	Promotion of gender equality Prohibition of discrimination
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Hard law	<p>Art 2: legal protection of the rights of women on an equal basis with men</p> <p>Art 3: full development and advancement of women to ensure rights on equal basis to men</p> <p>Art 4: temporary special measures aimed at accelerating de facto equality between men and women is not considered discrimination</p> <p>Art 7: elimination of discrimination against women in public and political life</p> <p>Art 11: eliminate discrimination against women in the field of employment in order to ensure the same rights to employment opportunities, advancement, remuneration, on an equal basis</p>
CEDAW G.R. No. 33 on Women's Access to Justice	Soft law	<p>Expose and remove the underlying social and cultural barriers, including gender stereotypes</p> <p>Confront and remove barriers to women's participation as justice professionals</p> <p>Ensure women are equally represented in the judiciary and other law implementation mechanism</p> <p>Gather and analyze data on the number of men and women in justice institutions and justice profession</p>
Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice	Soft law	<p>Art 16(k): Ensure gender equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels</p> <p>Art 16(l): Provide victims of violence, where possible, with the right to speak to a female officer, whether it be the police or any other criminal justice official</p>

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Table No. 6: Female representation in justice professions (as per latest data available in each country)

Judges

Supreme Court

Cambodia 2013: This information was provided by a participant (lawyer), according to whom the statistics date from February 2013, and were published in Deum Tnot News. The authors of this report were unable to verify this information.

Lao PDR 2017: This information was provided by a participant (judge at the Supreme Court), according to whom the statistics date from 2017, and were part of an internal document from the Supreme Court.

Malaysia 2017: This information was provided by the Federal Court of Malaysia.

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Myanmar 2012: Justice Base (2016). *Voices from the Intersection: Women's Access to Justice in the Plural Legal System in Myanmar*. Justice Base. UN Women. UN Women Asia and Pacific. Retrieved from <http://asiapacific.unwomen.org/en/digital-library/publications/2016/04/womens-access-to-justice-in-the-plural-legal-systems#view>

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Prosecutors

Cambodia 2013: This information was provided by a participant (lawyer) according to whom the statistics date from February 2013, and were published in Deum Tnot News. The authors of this report were unable to verify this information.

Indonesia 2015: This information was provided by a participant (academic) according to whom the statistics were published in the Annual Report 2015 of the Indonesian Supreme Court. The authors of this report were unable to verify this information.

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Lawyers

Lawyer 2013: MoWA, (2014a). *Leaders Women in Public Decision-Making and Politics. Cambodia Gender Assessment*. Policy Brief 8. Retrieved from http://www.undp.org/content/dam/cambodia/docs/DemoGov/NearyRattanak4/Neary%20Rattanak%204%20-%20Women%20in%20Public%20Decision-Making%20and%20Politics_Eng.pdf

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Table No. 8: Justice makers in Cambodia

Judge

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Supreme Court 2013: This information was provided by a participant (lawyer) according to whom the statistics date from February 2013, and were published in Deum Tnot News. The authors of this report were unable to verify this information.

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Appellate court 2013: This information was provided by a participant according to whom the statistics date from February 2013, and were published in Deum Tnot News. The authors of this report were unable to verify this information.

Provincial court 2013: This information was provided by a participant (lawyer) according to whom the statistics date from February 2013, and were published in Deum Tnot News. The authors of this report were unable to verify this information.

Prosecutor

Supreme Court 2013: This information was provided by a participant (lawyer) according to whom the statistics date from February 2013, and were published in Deum Tnot News. The authors of this report were unable to verify this information.

Appellate court 2013: This information was provided by a participant (lawyer) according to whom the statistics date from February 2013, and were published in Deum Tnot News. The authors of this report were unable to verify this information.

Phnom Penh municipal court 2013: This information was provided by a participant (lawyer) according to whom the statistics date from February 2013, and were published in Deum Tnot News. The authors of this report were unable to verify this information.

Provincial court 2013: This information was provided by a participant (lawyer) according to whom the statistics date from February 2013, and were published in Deum Tnot News. The authors of this report were unable to verify this information.

Lawyer

Lawyer 2013: MoWA. (2014a). *Leaders Women in Public Decision-Making and Politics*. Cambodia Gender Assessment. Policy Brief 8. Retrieved from http://www.undp.org/content/dam/cambodia/docs/DemoGov/NearyRattanak4/Neary%20Rattanak%204%20-%20Women%20in%20Public%20Decision-Making%20and%20Politics_Eng.pdf

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Table No. 9: Justice makers in Indonesia

Judge

National civil court 2010: UNDP (2010). *Women's Participation in Politics and Government in Indonesia*. United Nations Development Programme Indonesia. Retrieved from http://www.peacewomen.org/assets/file/Resources/UN/partpol_womensparticipationpoliticsgovernmentindonesia_undp_may2010.pdf

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Total Indonesian judges 2015: This information was provided by a participant (academic) according to whom the statistics were published in the Annual Report 2015 of the Indonesian Supreme Court. The authors of this report were unable to verify this information.

Constitutional court 2015: The World Bank Group (2015). *Women, Business and the Law 2016*. The World Bank Group. Retrieved from: http://wbl.worldbank.org/~/_media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf

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Prosecutor

Prosecutor 2015: This information was provided by a participant (academic) according to whom the statistics were published in the Annual Report 2015 of the Indonesian Supreme Court. The authors of this report were unable to verify this information.

Lawyer

Lawyer 2015: Wiwoho, J. (2016). *Pendidikan Khusus Profesi Advokat (PKPA) Dalam Standar Nasional Pendidikan Tinggi (SNPT)* [PowerPoint slides]. Retrieved from <http://jamalwiwoho.com/wp-content/uploads/2016/09/Keynote-Speaker-Final.pptx>

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Other

Law student: Faculty of Law (University of Indonesia) 2016: This information was provided by a participant (academic). The authors of this report were unable to verify this information.

Law professor: Faculty of Law (University of Indonesia) 2016: This information was provided by a participant (academic). The authors of this report were unable to verify this information.

Table No. 10: Justice makers in Lao PDR

Judge

People's Supreme Court 2017: This information was provided by a participant (judge at the Supreme Court), according to whom the statistics date from 2017, and were part of an internal document from the Supreme Court.

Total 2017: This information was provided by a participant (judge at the Supreme Court) according to whom the statistics date from 2017 and were part of an internal document from the Supreme Court.

Assistant judge 2017: This information was provided by a participant (judge at the Supreme Court) according to whom the statistics date from 2017 and were part of an internal document from the Supreme Court.

Lawyer

Lawyer 2015: This information was provided by a participant (justice advocate) according to whom the statistics date from 2015. The authors of this report were unable to verify this information.

Intern 2015: This information was provided by a participant (justice advocate) according to whom the statistics date from 2015. The authors of this report were unable to verify this information.

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Total court staff 2009: The Ministry of Justice, Office of the Supreme People's Prosecutor, People's Supreme Court, Ministry of Security (2009). *Master Plan on Development of the Rule of Law in the Lao P.D.R Toward the Year 2020*. Retrieved from http://www.poweringprogress.org/new/images/PDF/Lao%20laws%202013/data/lsmplsmpl/002-EnglishTranslation-LSMP_2009_.pdf

Clerk 2017: This information was provided by a participant (judge at the Supreme Court) according to whom the statistics date from 2017 and were part of an internal document from the Supreme Court.

Table No. 11: Justice makers in Malaysia

Judge

Federal Court 2017: This information was provided by the Federal Court of Malaysia.

Chief Justice of the Federal Court 2016: Federal Court of Malaysia (2016). *Women and Civil Judiciary, 2015-2016*. In Statistics on Women, Family and Community (2016). 87. In print at the TIJ.

Court of appeal 2017: This information was provided by the Federal Court of Malaysia.

President of the court of appeal 2016: Federal Court of Malaysia (2016). *Women and Civil Judiciary, 2015-2016*. In Statistics on Women, Family and Community (2016). 87. In print at the TIJ.

High Court 2017: This information was provided by the Federal Court of Malaysia.

Judicial commissioner of the High Court 2017: This information was provided by the Federal Court of Malaysia.

High Court deputy registrar/research officer 2017: This information was provided by the Federal Court of Malaysia.

High Court senior assistant registrar 2017: This information was provided by the Federal Court of Malaysia.

Chief judge of Malaya 2016: Federal Court of Malaysia (2016). *Women and Civil Judiciary, 2015-2016*. In Statistics on Women, Family and Community (2016). 87. In print at the TIJ.

Chief judge of Sabah and Sarawak 2016: Federal Court of Malaysia (2016). *Women and Civil Judiciary, 2015-2016*. In Statistics on Women, Family and Community (2016). 87. In print at the TIJ.

Session court 2017: This information was provided by the Federal Court of Malaysia.

Session court registrar 2017: This information was provided by the Federal Court of Malaysia.

Sharia chief judge 2016: Federal Court of Malaysia (2016). *Women and Syariah' Judiciary, 2015-2016*. In Statistics on Women, Family and Community (2016). 88. In print at the TIJ.

Judge of the Sharia court of appeal 2016: Federal Court of Malaysia (2016). *Women and Syariah' Judiciary, 2015-2016*. In Statistics on Women, Family and Community (2016). 88. In print at the TIJ.

State Sharia chief judge 2016: Federal Court of Malaysia (2016). *Women and Syariah' Judiciary, 2015-2016*. In Statistics on Women, Family and Community (2016). 88. In print at the TIJ.

State registrar of the State Sharia court 2016: Federal Court of Malaysia (2016). *Women and Syariah' Judiciary, 2015-2016*. In Statistics on Women, Family and Community (2016). 88. In print at the TIJ.

Sharia court judge 2016: Federal Court of Malaysia (2016). *Women and Syariah' Judiciary, 2015-2016*. In Statistics on Women, Family and Community (2016). 88. In print at the TIJ.

Sharia officer 2016: Federal Court of Malaysia (2016). *Women and Syariah' Judiciary, 2015-2016*. In Statistics on Women, Family and Community (2016). 88. In print at the TIJ.

Sulh officer 2016: Federal Court of Malaysia (2016). *Women and Syariah' Judiciary, 2015-2016*. In Statistics on Women, Family and Community (2016). 88. In print at the TIJ.

Sharia court 2017: This information was provided by the Federal Court of Malaysia.

Lawyer

Bar 2016: The Malaysian Bar (2017). *General Statistics*. The Malaysian Bar. Retrieved from http://www.malaysianbar.org.my/general_notices/bc_general_statistics_2013.html

Legal assistant 2014: Kosai, A. (2014). *51pc of the Malaysian Bar are Women so why won't they Speak up?* Malay Mail Online. Retrieved from <http://www.themalaymailonline.com/malaysia/article/51pc-of-the-malaysian-bar-are-women-so-why-wont-they-speak-up>

Partner 2014: Kosai, A. (2014). *51pc of the Malaysian Bar are Women so why won't they Speak up?* Malay Mail Online. Retrieved from <http://www.themalaymailonline.com/malaysia/article/51pc-of-the-malaysian-bar-are-women-so-why-wont-they-speak-up>

Consultant (experienced judge or lawyer) 2014: Kosai, A. (2014). *51pc of the Malaysian Bar are Women so why won't they Speak up?* Malay Mail Online. Retrieved from <http://www.themalaymailonline.com/malaysia/article/51pc-of-the-malaysian-bar-are-women-so-why-wont-they-speak-up>

Mentor 2013: Kosai, A. (2014). *51pc of the Malaysian Bar are Women so why won't they Speak up?* Malay Mail Online. Retrieved from <http://www.themalaymailonline.com/malaysia/article/51pc-of-the-malaysian-bar-are-women-so-why-wont-they-speak-up>

Table No. 12: Justice makers in Myanmar

Judge

National 2012: Justice Base (2016). *Voices from the Intersection: Women's Access to Justice in the Plural Legal System in Myanmar*. Justice Base. UN Women. UN Women Asia and Pacific. Retrieved from <http://asiapacific.unwomen.org/en/digital-library/publications/2016/04/womens-access-to-justice-in-the-plural-legal-systems#view>

Supreme Court 2016: Justice Base (2016). *Voices from the Intersection: Women's Access to Justice in the Plural Legal System in Myanmar*. Justice Base. UN Women. UN Women Asia and Pacific. Retrieved from http://www.burmalibrary.org/docs22/Justice_Base-2016-04-22-Women_in%20Myanmar-Plural_legal_systems.pdf

Constitutional Court 2015: The World Bank Group (2015). *Women, Business and the Law 2016*. The World Bank Group. Retrieved from <http://wbl.worldbank.org/~media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf>

High court of the region and the state 2013: U Sein Than (2013). *Structure and Functions of Courts in Myanmar*. Keio Law Journal, 27, 39-46. Retrieved from http://koara.lib.keio.ac.jp/xoonips/modules/xoonips/download.php/AA1203413X-20131025-0039.pdf?file_id=76180

District level 2013: U Sein Than (2013). *Structure and Functions of Courts in Myanmar*. Keio Law Journal, 27, 39-46. Retrieved from: http://koara.lib.keio.ac.jp/xoonips/modules/xoonips/download.php/AA1203413X-20131025-0039.pdf?file_id=76180

Township court 2013: U Sein Than (2013). *Structure and Functions of Courts in Myanmar*. Keio Law Journal, 27, 39-46. Retrieved from: http://koara.lib.keio.ac.jp/xoonips/modules/xoonips/download.php/AA1203413X-20131025-0039.pdf?file_id=76180

Lawyers

Barrister advocate 2013: New Perimeter, Perseus Strategies & the Jacob Blaustein Institute for the Advancement of Human Rights (2013). *Myanmar Rule of Law Assessment*. Burma Library. Retrieved from <http://www.burmalibrary.org/docs15/Myanmar-Rule-of-Law-Assessment-3-5-13.pdf>

Lawyer 2010: Michelson, E. (2013). *Women in the Legal Profession, 1970-2010: A Study of the Global Supply of Lawyers*. Indiana Journal of Global Legal Studies, 20 (2). Retrieved from <http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1531&context=ijgls>

Table No. 13: Justice makers in the Philippines

Judge

Total judges in the 1st and 2nd level court including Sharia court 2010: PCW (2014). *Women Participation in Politics and Governance*. Philippine Commission on Women. Retrieved from <http://www.pcw.gov.ph/statistics/201405/women-participation-politics-and-governance>

Total seats at the judicial level 2015: PWJA (2015). *The Philippines Women Judges Association. Overview*. International Association of Women Judges. The Philippines Women Judges Association. Retrieved from http://www.iawj.org/The_Philippine_Women_Judges_Association_2015_Overview.pdf

Supreme Court 2016: OCA (2016). *Judiciary Book*. Office of the Court Administrator. Retrieved from <http://oca.judiciary.gov.ph/wp-content/uploads/2017/06/JBOOK-June-14-2017-CMO.pdf>

Constitutional Court 2015: The World Bank Group (2015). *Women, Business and the Law 2016*. The World Bank Group. Retrieved from http://wbl.worldbank.org/~/_media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf

Court of appeal 2016: OCA (2016). *Judiciary Book*. Office of the Court Administrator. Retrieved from <http://oca.judiciary.gov.ph/wp-content/uploads/2017/06/JBOOK-June-14-2017-CMO.pdf>

Court of tax appeal 2015: OCA (2016). *Judiciary Book*. Office of the Court Administrator. Retrieved from <http://oca.judiciary.gov.ph/wp-content/uploads/2017/06/JBOOK-June-14-2017-CMO.pdf>

Family court judge 2015: Office of the Court Administrator OCA (2016). *Judiciary Book*. OCA. Retrieved from <http://oca.judiciary.gov.ph/wp-content/uploads/2017/06/JBOOK-June-14-2017-CMO.pdf>

Sandiganbayan 2016: OCA (2016). *Judiciary Book*. Office of the Court Administrator. Retrieved from <http://oca.judiciary.gov.ph/wp-content/uploads/2017/06/JBOOK-June-14-2017-CMO.pdf>

Prosecutor

Main office 2016: Department of Justice, Philippines, as of October 2016.

National capital region 2016: Department of Justice, Philippines, as of October 2016.

Lawyer

2010: Michelson, E. (2013). *Women in the Legal Profession, 1970-2010: A Study of the Global Supply of Lawyers*. Indiana Journal of Global Legal Studies, 20 (2). Retrieved from <http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1531&context=ijgls>

Others

Law professor: University of the Philippines College of Law - Regular faculty members 2016: University of the Philippines College of Law (n.d.). *University of the Philippines College of Law Regular Faculty*. Retrieved from <http://law.upd.edu.ph/faculty/>

Law student: University of the Philippines College of Law 2016-2017: This information was provided by the Office of the Associate Dean, University of the Philippines-Diliman, as of Academic Year 2016-2017.

Table No. 14: Justice makers in Singapore

Judge

Supreme Court 2014: CEDAW (2015). *Consideration of Reports Submitted by States Parties under Article 18 of the Convention*. Committee on the Elimination of Discrimination against Women. UN Treaty Body Database. Retrieved from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/CEDAW_C_SGP_5_6007_E.pdf

Judicial officer in the Supreme Court 2014: CEDAW (2015). *Consideration of Reports Submitted by States Parties under Article 18 of the Convention*. Committee on the Elimination of Discrimination against Women. UN Treaty Body Database. Retrieved from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/CEDAW_C_SGP_5_6007_E.pdf

Judicial officer in the state court 2014: CEDAW (2015). *Consideration of Reports Submitted by States Parties under Article 18 of the Convention*. Committee on the Elimination of Discrimination against Women. UN Treaty Body Database. Retrieved from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/CEDAW_C_SGP_5_6007_E.pdf

Judicial officers in the family justice court 2014: CEDAW (2015). *Consideration of Reports Submitted by States Parties under Article 18 of the Convention*. Committee on the Elimination of Discrimination against Women. UN Treaty Body Database. Retrieved from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/CEDAW_C_SGP_5_6007_E.pdf

Lawyer

Practitioner 2015: The Law Society of Singapore (2016). *General Statistics*. The Law Society of Singapore. Retrieved from <http://www.lawsociety.org.sg/About-Us/General-Statistics>

Director or partner in a law firm 2015: Das, M. (2015). *Gender in Justice - Women in the Law in Singapore*. Law Gazette Singapore. Retrieved from <http://www.lawgazette.com.sg/2015-10/1407.htm>

Associate 2015: Das, M. (2015). *Gender in Justice - Women in the Law in Singapore*. Law Gazette Singapore. Retrieved from <http://www.lawgazette.com.sg/2015-10/1407.htm>

Other

Law school intake 2014: CEDAW (n.d.). *The Progress of Women in Singapore*. Committee on the Elimination of Discrimination against Women. UN Treaty Body Database. Retrieved from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/INT_CEDAW_ADR_SGP_22239_E.pdf

Law school enrolment 2014: CEDAW (n.d.). *The Progress of Women in Singapore*. Committee on the Elimination of Discrimination against Women. UN Treaty Body Database. Retrieved from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/INT_CEDAW_ADR_SGP_22239_E.pdf

Law graduate 2014: CEDAW (n.d.). *The Progress of Women in Singapore*. Committee on the Elimination of Discrimination against Women. UN Treaty Body Database. Retrieved from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/INT_CEDAW_ADR_SGP_22239_E.pdf

Table No. 15: Law professor at the National University of Singapore: This information was provided by a participant (lawyer) in 2016. The authors of this report were unable to access this document or verify this information.

Table No. 16: Justice makers in Thailand

Judges

Constitutional Court 2015: OCSC (2016) *The Personals of Civil Service 2015*. System Development Department. Retrieved from <http://www.ocsc.go.th/sites/default/files/attachment/article/book-isbn-9786165481786-thai-gov-manpower-2558-p.pdf>

Court of justice (court of first instance, appellate court, Supreme Court) 2015: OCSC (2016). *The Personals of Civil Service 2015*. System Development Department. Retrieved from <http://www.ocsc.go.th/sites/default/files/attachment/article/book-isbn-9786165481786-thai-gov-manpower-2558-p.pdf>

Prosecutor

2015: OCSC (2016). *The Personals of Civil Service 2015*. System Development Department. Retrieved from <http://www.ocsc.go.th/sites/default/files/attachment/article/book-isbn-9786165481786-thai-gov-manpower-2558-p.pdf>

Lawyer

2010: Michelson, E. (2013). *Women in the Legal Profession, 1970-2010: A Study of the Global Supply of Lawyers*. Indiana Journal of Global Legal Studies, 20 (2). Retrieved from <http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1531&context=ijgls>

Table No. 17: Justice makers in Viet Nam

Judge

Supreme People's Court leader 2007: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

Supreme People's Court judge 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

Provincial court Chief Justice 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

Provincial court Vice Chief Justice 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

Provincial court judge 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

District court Chief Justice 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

District court Vice Chief Justice 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

District court judge 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

Prosecutor

Supreme People's Procuracy leader 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

Supreme People's Procuracy senior prosecutor 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

Supreme People's Procuracy staff 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

Provincial court prosecutor 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf

Provincial court technical/professional staff 2012: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice._English.pdf

Lawyers

2011: UNODC & UN Women (2013). *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam*. United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice._English.pdf



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