



# HIGH-LEVEL SUMMARY

## Women in Law & Leadership

Kenya, Nigeria, Senegal, South Africa



PATTERNS | PROGRESS | PROSPECTS

# **WOMEN IN LAW AND LEADERSHIP: KENYA, NIGERIA, SENEGAL AND SOUTH AFRICA**

Patterns, Progress, and Prospects



**Institute for African Women in Law**  
**African Women in Law and Leadership Initiative**



**The Institute for African Women in Law (IAWL)** is a nonprofit, non-governmental organization established in 2015. It is committed to supporting the formidable works of women in law across the continent of Africa and the Diaspora. Our mission is to be a focal point for addressing issues across the legal and judicial professions. The institute is headquartered in Washington, DC, USA.

This report is a part of IAWL's African Women in Law and Leadership Initiative.

This report is based on research funded by the Bill & Melinda Gates Foundation. The findings and conclusions contained within are those of the authors and do not necessarily reflect the positions or policies of the Bill & Melinda Gates Foundation.

**Disclaimer:** Every effort was made to ensure the accuracy of data received from the field research. IAWL has no control over publicly available data on professional, government or institutional websites. All attempts were made to validate the data through multiple rounds of peer review and editing. All data sources received at the time of publication have been duly cited.

**Fair use and global access:** The information and findings in this report are free and publicly accessible. Any part of this publication may be used and reproduced by acknowledging the source.

**The Institute for African Women in Law**

16192 Coastal Hwy  
Lewes, DE, 19958  
USA

**Copyright © 2023**

Institute for African Women in Law  
All Rights Reserved.

# TABLE OF CONTENTS

ACKNOWLEDGMENTS	vi
FOREWORD	vii
LIST OF ACRONYMS	ix
LIST OF FIGURES	x
LIST OF TABLES	xi
EXECUTIVE SUMMARY	xii

---

<b>1.</b>	<b>INTRODUCTION</b>	<b>1</b>
-----------	---------------------	----------

---

<b>2.</b>	<b>BACKGROUND AND FRAMEWORK</b>	<b>5</b>
2.1.	Modeling leadership pathways	6
2.2.	Focal sectors	6
2.3.	Study countries	6
2.4.	Conceptualization	7
2.5.	Nonessentialism	7
2.6.	Theory	8
2.7.	Methodology	9
2.8.	Analysis and measurement	10
2.9.	Limitations	10

---

<b>3.</b>	<b>VISUAL REPRESENTATION OF THE KEY FINDINGS</b>	<b>12</b>
-----------	--	-----------

---

<b>4.</b>	<b>WOMEN IN THE LEGAL ACADEMY</b>	<b>13</b>
4.1.	Entry and promotion	14
4.2.	Challenges, barriers, and points of attrition	16
4.3.	Facilitators of promotion	18



<b>5.</b>	<b>WOMEN AT THE BAR</b>	<b>21</b>
<b>5.1.</b>	Entry and promotion	<b>22</b>
<b>5.2.</b>	Barriers and points of attrition	<b>23</b>
<b>5.3.</b>	Facilitators of promotion	<b>25</b>
<hr/>		
<b>6.</b>	<b>WOMEN AT THE BENCH</b>	<b>28</b>
<b>6.1.</b>	Entry and promotion	<b>29</b>
<b>6.2.</b>	Barriers and points of attrition	<b>31</b>
<b>6.3.</b>	Facilitators of promotion	<b>33</b>
<hr/>		
<b>7.</b>	<b>GENERAL TRENDS AND PATTERNS</b>	<b>35</b>
<hr/>		
<b>8.</b>	<b>IMPACT OF COVID-19 ON WOMEN IN LAW</b>	<b>40</b>
<hr/>		
<b>9.</b>	<b>RECOMMENDATIONS AND PRACTICAL STEPS FOR SYSTEMS CHANGE</b>	<b>44</b>
<hr/>		
<b>10.</b>	<b>PROJECTION ON WOMEN IN LAW AND LEADERSHIP</b>	<b>46</b>
<hr/>		
<b>11.</b>	<b>CONCLUSION</b>	<b>52</b>
<hr/>		

# ACKNOWLEDGMENTS

---

This high-level summary (policy brief) output summarizes a four-nation study. The research was designed by the lead investigator, J. Jarpa Dawuni, Ph.D. We would like to acknowledge the tireless contributions of the Institute for African Women in Law (IAWL) research team of Nonhlanhla Hlazo, Ph.D., Maame Efua Addadzi-Koom, Esq., and Stephen Muthoka Mutie, Ph.D.

This summary would not have been possible without the contributions of dedicated in-country consultants and supported by the collaborative engagement with women's associations in the study countries. We acknowledge the work done by the anonymous peer reviewers who provided input throughout the multiple rounds of editing and peer review.

We extend our special thanks to the female legal professionals who gave us their time and talent for our survey questionnaires and in-depth interviews. Your willingness to share your time and insights from your lived experience made this report possible. We are thankful for the support from all the government officials, institutional heads, and statisticians who helped us with our data sourcing.

We are forever indebted to the women in law who keep pushing forward, against all odds, to be heard, seen, and acknowledged for their contributions to their institutions, even if they are not rewarded with the leadership roles they deserve.

# FOREWORD

When I started researching African women in law in 2015, I was frustrated by what I have consistently characterized as the arid desert of information on the topic. As my research continued, I likened seeking literature to the proverbial search for a needle in a haystack. The challenge was enormous, but rather than give up, I decided to make it my mission to build this field of knowledge. This mission led to my coedited book, *Gender and the Judiciary in Africa: From Obscurity to Parity?* (Routledge, 2016), the first book to cover the topic of gender and judging in the African context. Its success spurred me on and inspired the second book, *International Courts and the African Woman Judge: Unveiled Narratives* (Routledge, 2018), which used the power of oral narratives to center the experiences, achievements, and challenges of African women who had served on international courts and tribunals. Other books followed, which included the World Bank project *Gender and Judging in Africa: Selected Studies* (Routledge, 2021) and *Intersectionality and Women's Access to Justice in Africa* (Rowman and Littlefield, 2022).

The first two books brought two major findings to my attention –the paucity of research on African women in law, and the challenges they face in accessing training and leadership skills, which contributes to their underrepresentation in leadership. These two findings led me to merge my scholarship with activism to address these challenges. The Institute for African Women in Law (IAWL) was born out of my passion for women's empowerment and for research. By concentrating on its four main goals, IAWL has positioned itself as a leader in promoting women's development through research, training, mentoring, and advocacy. Today, IAWL is a leading hub for research on African women in law through an exhaustive digital archive that includes research reports, women's narratives, and a Legacy Project on the subject.

This summary forms part of the four-nation priority countries of Nigeria, Kenya, Senegal, and South Africa, a series of reports under the IAWL-commissioned Women's Excellence in Law and Leadership (WELL) Initiative. The overarching goals of these reports are to examine women's access to positions of leadership in the legal professions; review their retention and intersectional challenges and barriers that lead to attrition from the profession; and provide recommendations on interventions that can promote and facilitate their representation in leadership roles, with the goal of meeting UN SDG #5 on gender equality. The initiative provides a blueprint and recommendations for interventions by policymakers, gatekeepers within the profession, civil society organizations, bar associations, judicial authorities, funding agencies, and other bodies interested in promoting women's leadership in law.

# FOREWORD

This summary highlights the need for more research on several questions about women in law in Africa. I am hopeful that more investments will be directed toward providing empirically rich and theoretically grounded research, as seen in this summary. Beyond research, what is needed is a comprehensive portal of current data on women in the legal professions across Africa—a project that IAWL is already spearheading. I hope this research provides some glimpses of hope that the problems women in law face can be addressed by adopting the multipronged approaches provided here. To borrow from popular parlance—*you cannot fix a problem if you cannot measure it*. I invite you to support our continued efforts in amplifying women's voices in law and enhancing their capacity for positive societal change and development. Thank you.

**J. Jarpa Dawuni, Esq., Ph.D.**  
**Executive Director**  
**Institute for African Women in Law**

# LIST OF ACRONYMS

<b>IAWL</b>	Institute for African Women in Law
<b>SDG</b>	Sustainable Development Goals

# LIST OF FIGURES

<b>Figure 1:</b>	Level of Analysis	<b>3</b>
<b>Figure 2:</b>	Three Stages of Analysis	<b>3</b>
<b>Figure 3:</b>	Model Leadership Pathways	<b>6</b>
<b>Figure 4:</b>	The Three Focal Sectors of the Study	<b>6</b>
<b>Figure 5:</b>	Intersectional Challenges Women in Law Face	<b>8</b>
<b>Figure 6:</b>	The Matrix of Marginalization of Women in Law	<b>12</b>
<b>Figure 7:</b>	Women in Law: Trends and Patterns	<b>36</b>
<b>Figure 8:</b>	Impact of COVID-19 on Women in Law	<b>41</b>
<b>Figure 9:</b>	Systems Change Approach to Women's Leadership	<b>47</b>

# LIST OF TABLES

<b>Table 1:</b> Characteristics of Countries	7
--	---

# EXECUTIVE SUMMARY

This high level summary (policy brief) sums up the empirical findings on women in law and leadership in four African countries: South Africa, Nigeria, Kenya, and Senegal. Apart from Senegal, which has a consolidated report, three reports were generated from each country across three sectors of the legal profession: the bar (lawyers), the bench (judges), and the legal academy (professors). The Women in Law and Leadership initiative by the Institute for African Women in Law (IAWL) is crucial because of the legal system's unique role in addressing gender-based discrimination. Women's unique perspectives, participation, and leadership in the justice system can be valuable in achieving #5 of the United Nations Sustainable Development Goals (SDG) on gender equality by ensuring the specific interests and priorities of women are represented in decision-making processes. The initiative explored the points of attrition in the pipeline, barriers to retention, facilitators of promotion, and progress and trends regarding women's representation in the legal profession through an intersectional feminist lens.

Data for the 10 reports were collected using both qualitative and quantitative methods, including semi-structured interviews and a survey questionnaire. However, analytic emphasis was placed on the qualitative data to center women's voices and experiences; the quantitative data augmented qualitative observations. Across the three sectors in the four nations, barriers to women's entry and rise to leadership and points of attrition for retention can be categorized at three levels: institutional, structural, and individual. Institutional barriers are those norms, practices, and rules at legal institutions that hinder women's leadership, including biased hiring and promotion policies, unequal pay, sexual harassment, lack of mentors, and gender biases and stereotypes. Structural barriers are sociocultural norms, practices, and stereotypes, such as systemic patriarchy, gendered norms, societal perceptions of women's leadership, systemic infrastructural challenges, pervasive sexism, bullying and harassment. Individual barriers include age, gender, marital status, religion, ethnicity, and caregiving.

This brief also highlights COVID-19's impact on women's leadership pursuits, a mix of positive and negative implications largely based on individual personalities and circumstances.

## Multiple facilitators of promotion emerged that inform the recommendations made to advance women in law and leadership:



Creating policies to dismantle the multiple axes of gender-based discriminatory practices in the professions;



Conducting gender audits to address gender gaps in hiring, promotion, and pay;



Revising male-centered work policies and practices to accommodate the intersectional needs of women;



Cultivating male allies dedicated to promoting gender equity and inclusion;



## Multiple facilitators of promotion emerged that inform the recommendations made to advance women in law and leadership:

	Conducting continuous training on unconscious bias and microaggressions;
	Building strong multination networks/strengthening existing ones;
	Globalizing women's voices through tangible programs to meet SDGs 5 and 16;
	Women's leadership organizations advocating to break the cycle of gender-based discrimination in the professions;
	Men's role in dismantling patriarchy—allyship;
	Intentional feminist approaches, emphasizing the role of knowledge and consciousness-raising among women;
	Intentional and increased investment in capacity-building programs for women;
	Investment in expanding, formal, and intentional mentoring programs/bootcamps/sponsorship and leadership coaching;
	Investment in research to provide baseline evidence for country-specific interventions;
	Investment in data gathering (quantitative and qualitative) to allow for longitudinal studies; and
	Sustainable and robust investment in capacity-building, skill development, and support for research.

The four nations show a growing feminization of the legal profession, but existing barriers have slowed women in their upward mobility. However, with an increased focus on the recommended changes in the relevant institutions, systems, and philanthropy, women in law in South Africa, Senegal, Nigeria, and Kenya will move closer to the higher echelons of the profession.

# 1

## INTRODUCTION

In the first exploratory study on female judges in Africa in 2015, Dawuni and Kang<sup>1</sup> noted the steady increase in women occupying judicial leadership positions across the continent. Since 2015, more women have been appointed as heads of judiciaries (chief justices or presidents of constitutional courts). Africa leads globally with the highest number of women as heads of judiciaries. These statistics notwithstanding, the absence of consistent research on women in law in Africa poses a challenge to understanding where they are as lawyers, judges, and legal academics. Despite some emergent scholarship on women's leadership in some countries, a data deficit remains, with no consistently collected regional comparative data on women in the legal sector across Africa (see exceptions on the female chief justices database at IAWL).

A diversified legal profession improves the quality of the law through the diversity of thought, provides role models for younger female professionals, signals the inclusion of ethnically marginalized groups, creates opportunities for women's leadership, and expands entry points for access to justice for women and girls. Women in leadership send a strong signal to women and other marginalized groups that they too can achieve their leadership goals. Women's symbolic presence provides a gateway and inspiration for other marginalized groups to overcome their intersectional challenges.

However, having women in leadership is not enough to end intersectional biases. The symbolic and numerical representation of women must be followed by targeted interventions to support these few women through feminist consciousness-raising and promoting feminist thought leadership. Female leaders must be supported in their leadership journeys to prevent them from assimilating into masculinist institutional practices, norms, and mechanisms.

---

<sup>1</sup> Dawuni, J., & Kang, A. (2015). Her ladyship chief justice: The rise of female leaders in the judiciary in Africa. *Africa Today*, 62, 45–69. <https://doi.org/10.2979/africatoday.62.2.45>

Advancing women's leadership in law is an incredibly important objective in and of itself. Representation of women in the legal sector, in particular, is important because of the unique role the legal system has in supporting gender-based discrimination and could have in addressing it. Over 2.5 billion women and girls are affected by discriminatory laws and lack of legal protections. In many countries, women are subject to laws that impact their economic, property, and reproductive rights, including their ability to apply for a passport, travel outside their home, inherit property, and pursue certain jobs, as well as criminal laws that impact female autonomy and reproductive rights.<sup>2</sup> Based on their unique perspective, women's participation and leadership in the justice system can play a valuable role in achieving the SDG by ensuring their specific interests and priorities are represented. The mere presence of women in a legal decision-making role can counteract both real and perceived gender bias.<sup>3</sup>

In view of these disparities and SDG #5 on achieving gender equality, a key objective of the Women in Law and Leadership Initiative of the IAWL is to consider what impediments women in law face in achieving “*full and effective participation and equal opportunities for leadership*.” The initiative undertook a four-nation study (Kenya, Nigeria, Senegal and South Africa) to understand the representation and experiences of women in law and leadership. The focus was on the factors that explain women's entry into the legal sector, challenges and barriers that lead to their attrition in the pipeline, and factors that can promote women into leadership. Each report focused on three key levels: institutional, structural, and individual.

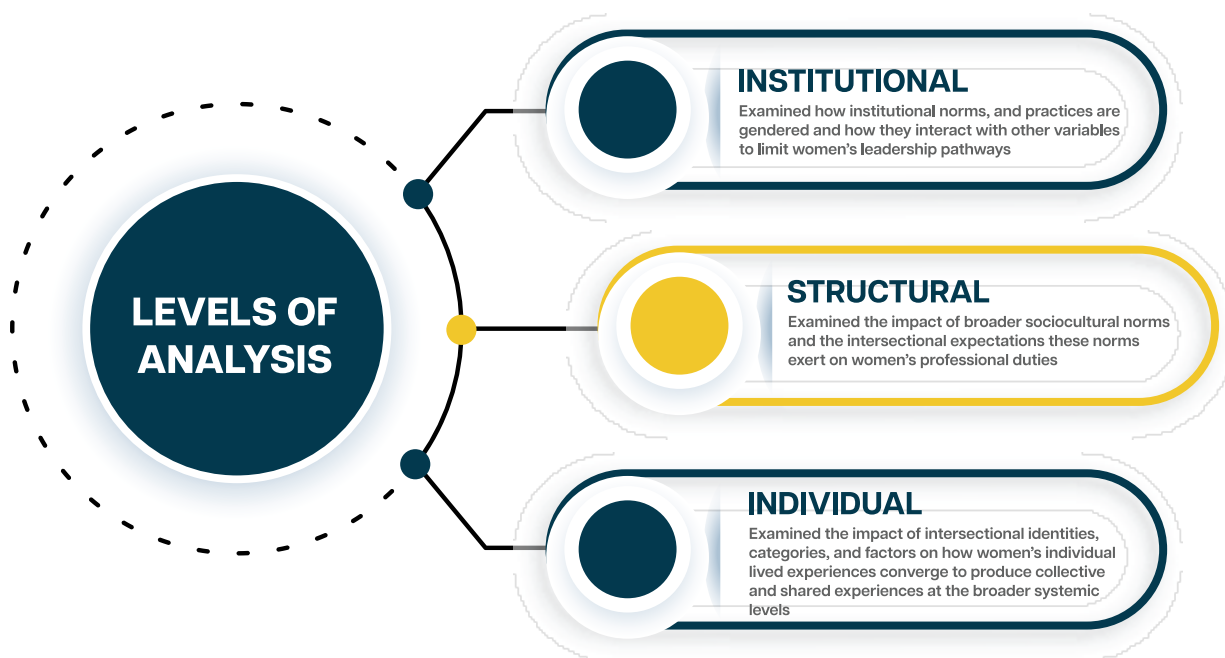
---

<sup>2</sup> UN Women. (2019). *Equality in law for women and girls by 2030: A multistakeholder strategy for accelerated action*, 28: 15–16.

<sup>3</sup> Dawuni, J. (2016). To “mother” or not to “mother”: The representative roles of women judges in Ghana. *Journal of African Law*, 60(3): 419–440. <https://doi.org/10.1017/S0021855316000115>.

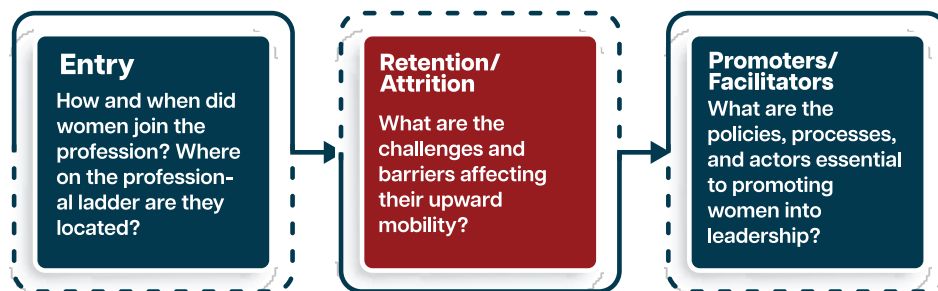
The reports focused on three levels of intersecting challenges, barriers, and points of attrition. These were chosen as arenas where women in law operate—the institutional arena is where rules, norms and practices are created, the structural level includes the wider social sphere they live in, and the individual arena is affected by their personal lives and circumstances.

**Figure 1 | Levels of Analysis**



For each level of analysis (Figure 2), the research analyzed women's pathways to leadership at three stages, entry into the profession, factors that lead to their attrition or stagnation, and factors that can promote and expand their opportunities.

**Figure 2 | Three Stages of Analysis**



For each country (except Senegal), three reports were produced, examining women at the bar (lawyers), bench (judges), and legal academy (professors). The 10 reports relied on extensive fieldwork and empirical data gathering, a review of existing scholarship on women in law across Africa, and analyses of the findings through an intersectional feminist lens.

This policy brief summarizes the evidence base and findings from the 10 country reports by providing a comprehensive overview of the specific contextual factors that affect women's advancement to leadership positions in law. This initiative is important because of the roles that legal professionals play in the justice sector in their symbolic representation as role models and their substantive representation through the enforcement of gender-sensitive laws and the protection of the rights of women, children, and other minorities.

# 2

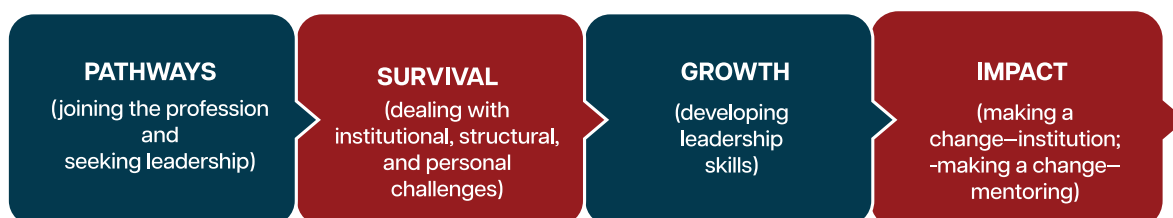
## BACKGROUND AND FRAMEWORK



## 2.1. Modeling Leadership Pathways

The following steps were identified, keeping in mind that the pathway to leadership is not linear and people's experiences differ. Figure 3 synthesizes the findings from the research.

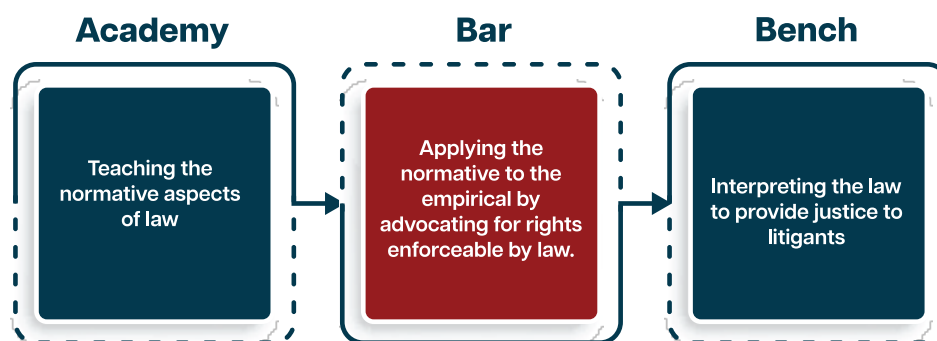
**Figure 3 | Model Leadership Pathways**



## 2.2. Focal Sectors

The research focused on three sectors of the legal profession—academy, bar, and bench. These three areas were chosen as pilot sites to test the hypothesis of women's underrepresentation in leadership. More research will be conducted into other areas of the legal profession.

**Figure 4 | The Three Focal Sectors of the Study**



## 2.3. Study Countries

This summary synthesizes the findings from the four-nation exploratory study on women in law and leadership. The countries represent diversity in the continent's regions, type of legal tradition or predominant system, and type of legal practice. Across Africa, legal traditions are a relic of the colonial imposition of transplanted legal systems: common law from the British, civil law from the French, and hybrid systems combining elements of both. The inherited systems coexist with pre-colonial legal systems, so most are pluralistic. The legal practice explains whether the bar is split between attorneys/solicitors and advocates or whether a single uniform system permits all lawyers to practice as both.

**Table 1: | Country Characteristics**

COUNTRY	REGION	LEGAL TRADITION	LEGAL PRACTICE
KENYA	East Africa	Common law	Fused bar
NIGERIA	WestAfrica	Common law	Fused bar
SENEGAL	West Africa	Civil law	Fused bar
SOUTH AFRICA	Southern Africa	Hybrid	Split bar

## 2.4. Conceptualization

In this study, leadership is defined as a role or position with decision-making power that can affect systems operations, goals, and outcomes. Each of the three sectors has its rules for leadership hierarchies and policies and procedures for accessing leadership roles. These factors vary by country and sector. For example, leadership at the bar could mean in the bar association or law society, government agencies, such as the Office of the Attorney General, or a law firm as a managing partner. Leadership in the judiciary could mean as head of the judiciary (chief justice or president of the Constitutional Court) or chief judge within a state or provincial court. Leadership in the academy could mean the dean of a law school or the head of the law department. The findings from these reports highlight similarities in the challenges in the pipelines of the three sectors and how they affect women's ascension.

## 2.5. Nonessentialism

The reports center the feminist concept of nonessentialism, emphasizing that women are not a monolith. In these reports, the words "woman" or "women" are not meant to attribute a common set of characteristics to all the women in the study. Through the feminist framing of nonessentialism, the research acknowledges the differences and nuances between women as individuals and within groups and categories of women.

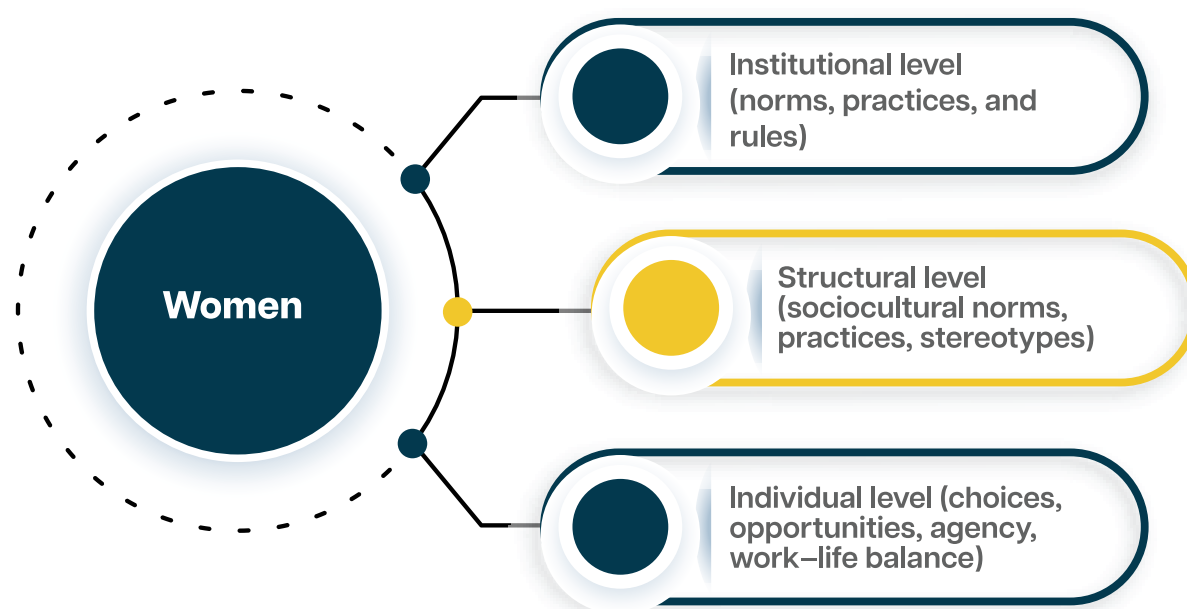


## 2.6. Theory

Theory is essential in understanding and explaining observed phenomena. The study adopted two theories to understand and explain women's lived experiences as legal professionals.

First, **intersectionality theory**<sup>4</sup> seeks to explain experiences of discrimination due to the convergence of different identities and categories of being and how they affect women in their pathways to leadership. The reports highlight how multiple identities and positionalities can converge to produce different outcomes for different women. Through an intersectional lens, the reports demonstrate how both extrinsic and intrinsic factors explain women's presence and mobility. Figure 5 provides a graphic representation of some of these intersecting factors.

**Figure 5: | Intersectional Challenges Women in Law Face**



<sup>4</sup> See Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, 1(8). <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>; Davis, K. (2008). Intersectionality as buzzword: A sociology of science perspective on what makes a feminist theory successful. *Feminist Theory*, 9(1), 67–85. <https://doi.org/10.1177/1464700108086364>; Else-Quest, N. M., & Hyde, J. S. (2016). Intersectionality in quantitative psychological research: I. Theoretical and epistemological issues. *Psychology of Women Quarterly*, 40(2) 155–170. <https://doi.org/10.1177/0361684316629797>; Dawuni, J. (2022). *Intersectionality and women's access to justice in Africa*. Rowman and Littlefield.

A second theoretical paradigm adopted by some of the reports is **matri-legal feminism**,<sup>5</sup> which holds that experiences of subjugation are different and women experience multiple intersections of subordination. It recognizes that African women's experiences are embedded in practices of feminist ideals and a centuries-old system of patriarchy and patrilineal cultures that position women as equals. An exploration of the data through the lens of matri-legal feminism is apposite because it acknowledges specific and intersectional forms of engaging with professional challenges borne out of an agency rooted in historical notions of mutuality that acknowledges African women's leadership and contributions to their communities.

## 2.7. Methodology

---

The research used mixed methodological approaches, combining qualitative and quantitative data sources to analyze the research questions. To center women's voices in law, the qualitative method was prioritized through in-depth interviews, focus groups, and key informant discussions. Secondary data were obtained from official documents, newspapers, archival materials, websites, and content analysis of existing literature that address the rise of women to leadership positions in the legal profession in each selected country. The research teams paid close attention to the ethical responsibility of not exacerbating interview participants' vulnerability. The following practices were adopted in the studies:

- Informed consent was received from each participant before an interview or survey. No deception was used. Participation was voluntary. At any time during the interview, a participant had the right to decline to continue or decline to answer a question.
- All respondents remained anonymous to everyone except the principal researchers, who coded the data for anonymity.
- Principles of confidentiality were observed. Limited identifying information was used. To ensure anonymity and respondents' safety, participants were not identified by name in the reports. Each report used deidentified codes for participants. Explanations and descriptions did not use identifying information in a manner or combination that could jeopardize anonymity. All identifying information was removed from the final reports.
- The project refrained from identifying participants' institutions when using the data generated from them to prevent participant tracing.

---

<sup>5</sup> Dawuni, J. J. (2019). Matri-legal feminism: An African feminist response to international law. In *Research Handbook on Feminist Engagement with International Law* (pp. 445–462). Edward Elgar Publishing. <http://works.bepress.com/josephine-dawuni/9/>.

## 2.8. Analysis and Measurement

---

Each report used quantitative data on the numbers of women compared to men in each sector. Simple quantitative analyses compared the numbers. The limited access to comprehensive historical data and records made it impossible to run regression analyses on the numeric data. To broaden the scope of experiences, survey data collected through Google Forms were used to bolster the quantitative patterns and provide broader perspectives from various respondents. Qualitative data were collected through the rich personal narratives and life histories of interview participants. The three data points were thematically analyzed to produce rich and nuanced findings presented in each report.

## 2.9. Limitations

---

This was a four-nation project, which required knowledge of the legal system in a country, familiarity with qualitative data approaches, and substantial patience. A few limitations and challenges were encountered. First, the qualitative data collection occurred during the COVID-19 pandemic, so researchers resorted to technology, such as Zoom and WhatsApp, to conduct interviews. This approach was helpful in reaching people located in different parts of the country but also affected participant observation. The interpersonal nature of Zoom interviews impacted the extent to which participants could freely share some of their challenges. Poor internet connectivity affected some interviews, and participants had pay data charges. Second, the time allocated for the research was a barrier, given the challenge of collecting or gaining access to quantitative data in African countries. Writing letters to officials to get data was time consuming. Third, the scant research on women lawyers and legal academics in African countries was a challenge in the attempt to contextualize this study from an African-centered perspective.



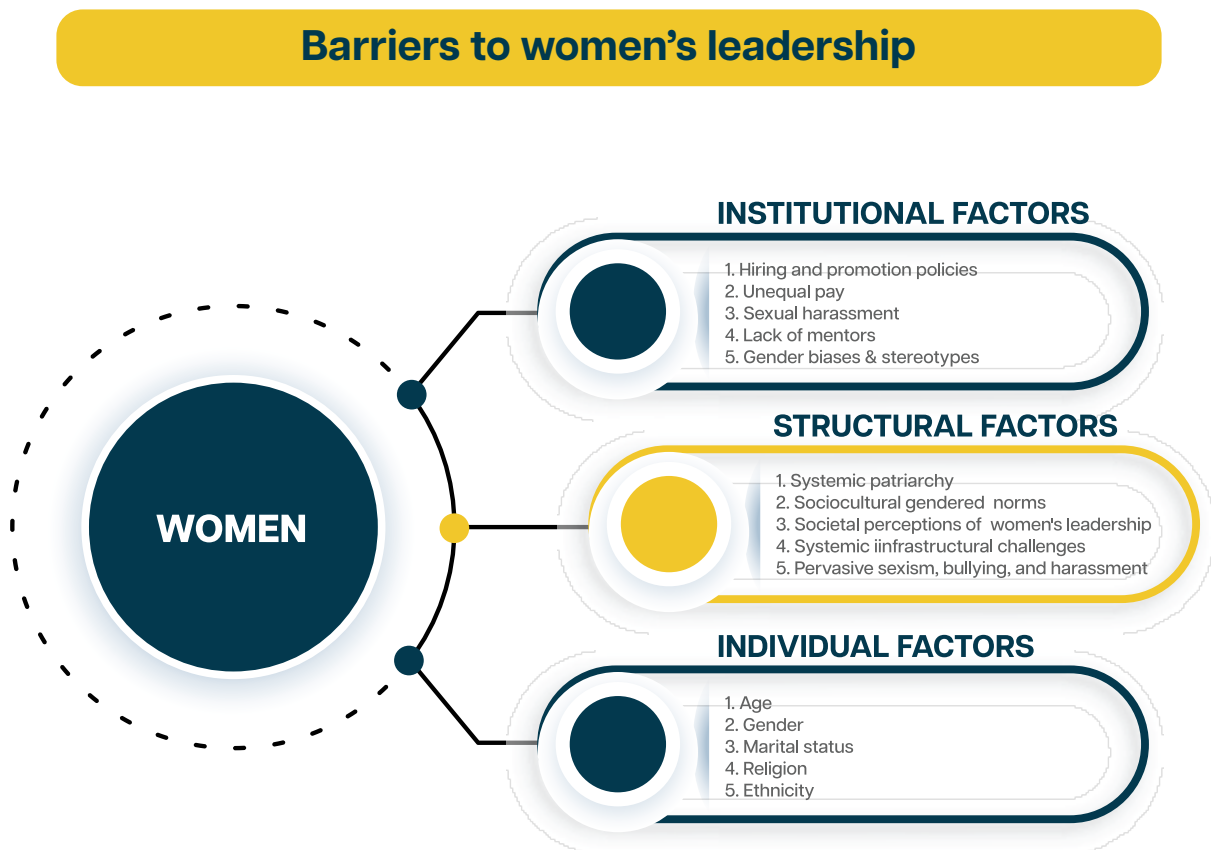
# FINDINGS



### 3 | VISUAL REPRESENTATION OF THE KEY FINDINGS

Figure 6 captures the findings from the research on the barriers and challenges. The barriers are not mutually exclusive but intersect and morph at different levels depending on the intersectional identities, categories, and positionalities of each person.









**Figure 6: | The Matrix of Marginalization of Women in Law**



## 4 | WOMEN IN THE LEGAL ACADEMY



## 4.1. ENTRY AND PROMOTION

	1. Women had a late start in joining the legal academy.
	2. The rules of entry changed, and a doctorate is required.
	3. Men are predominant at the top and women at the bottom.
	4. False gender neutrality is applied in the recruitment and promotion of women.
	5. Women's experiences in the academy are affected by caregiving roles, resulting in having to work harder to achieve the same results as men.
	6. An untransformed pool of recruits with men as the norm is a challenge.
	7. The role of intersectionality and intersectional identities and categories means that women struggle differently.
	8. Ageism versus godfatherism as pathways to promotion and leadership.

## The Women Speak

“

The major issue is the issue of degrees. Many women come into the academia probably straight at the lower level. For those who come in at the lower level, you have to get your masters and PhD, then this family obligations, they are so heavy on some people that they cannot see their way forward. For me I was a full time student, I wasn't working and I wasn't married but it is very rare to see women in full time master's, she has some kind of work or family issues, so all those things hold them back. Ladies are now feeling more entitled, they feel they should be given things on a platter of gold although for me I will help, but do make some kind of effort, we are dashing these things so I need to see that you are capable not that you come and lazy around using your baby as an excuse. The issue of stagnation is going from one lectureship level to another, the qualifications and papers written. So you might start hearing that there are conflicts between work and family obligations. They have a baby they can't write and things like that. The advice is for women to make an effort.

– Academic, Nigeria

”

“

[The] role of mentorship and role models have contributed to seeing more women in the legal academy. The composition of classes in the 1990s is different from what it is now. There has been an increase of women academics and even [female] students. In some classes where I teach females are more than males and generally the ratio should be 50:50

– Academic, Kenya

”



**I wouldn't say that women do better or worse in terms of the competencies...but there is always a gender penalty for...having kids and having to slow down to raise a family.**

**– Academic, South Africa**

**The social factor is a big part of it. Women's education is taken less seriously in the family in some communities. This makes access to universities materially impossible for women facing this problem. Another category of social constraint can also be targeted, such as life in marriage, which constitutes a real obstacle to the advancement of women and, by extension, their integration into certain sectors, such as the university.**

**– Academic, Senegal**

## 4.2. CHALLENGES, BARRIERS, AND POINTS OF ATTRITION

LEVEL	FACTORS
INSTITUTIONAL	<ol style="list-style-type: none"> <li>1. Intersectional discrimination in hiring practices.</li> <li>2. Intersectional discrimination in the workplace.</li> <li>3. Low representation in leadership positions.</li> <li>4. Triple jeopardy: compulsory assimilation, performativity, and extra labor.</li> <li>5. Need to produce scholarship and the challenge of teaching biases.</li> <li>6. Patriarchal institutional cultures and the lingering old boy club.</li> <li>7. The high context of legal academia: women and the need to learn to play the game.</li> </ol>
STRUCTURAL	<ol style="list-style-type: none"> <li>1. Negative stereotypes about women's leadership abilities.</li> <li>2. Persisting gender stereotypes and bias about women's leadership abilities.</li> <li>3. Intersection of gender, race, and ethnicity (women's struggles are individual, but Black and ethnic minority women struggle differently).</li> <li>4. Prevalent gender-based discrimination and sexual harassment.</li> </ol>
INDIVIDUAL	<ol style="list-style-type: none"> <li>1. Poor negotiation skills and limited capacity to engage.</li> <li>2. Family demands, motherhood, caregiving, and work–life balance.</li> <li>3. Lack of mentoring opportunities.</li> <li>4. The challenge of building a research profile.</li> <li>5. A mixed view of leadership from some women.</li> </ol>

## According to the Women

“  
So, she is single and not married! They are going to say she will get married and go on maternity leave. She comes for an interview pregnant, the first thought would be that she would soon put to bed and be unavailable. So you find that there are issues at the entry level. I have overhead things like that and I imagine that it is probably more widespread... It's like “we have four females in the department and if we employ another female now... the last time two of them at the same time were pregnant.” I have seen at interviews how it forms an unspoken prejudice and it may not be aired out at the point of selection but you see how it weighs on the decision. So yes, there are access barriers.

– Academic, Nigeria

“  
No single woman has ever been elected to serve in Congress from the faculty.

– Academic, Kenya

“  
A very prominent scholar...sexually harassed me for a long time ... it is not uncommon for women in academia to deal with sexual harassment, and that's why I sought out relationships with people who don't want anything of that nature from me.

– Academic, South Africa

“  
For me, it didn't work out; I couldn't reconcile my work life with my married life. Leaving your home for two weeks or even three weeks in some cases is problematic, especially for a young couple; it does not work, and it did not work for me. ... Right now, as far as my daughter is concerned, that's my big handicap. As an academic, I have to travel, and my schedule does not always fit with hers. When I travel, I have to leave her with someone. I have tried twice to bring her to live with me, but it did not work out. It is hard because she is so young and does not see her mother. It is also hard for me to go a month without seeing my daughter. All this makes me think about exploring other possibilities.

– Academic, Senegal

#### 4.3. FACILITATORS OF PROMOTION

LEVEL	FACILITATORS
INSTITUTIONAL	<ol style="list-style-type: none"> <li>1. Create and enforce transparent and equal opportunities for hiring and promotion.</li> <li>2. Conduct regular and transparent promotion policy reviews, and offer equitable pay and workload.</li> <li>3. Create mechanisms to enforce disciplinary measures against gender-based harassment.</li> <li>4. Create robust and meaningful induction, formal mentoring, support, and professional networks for women.</li> <li>5. Provide institutional support for early-career academics—funding for research and conferences.</li> <li>6. Provide formal guidance and advice on publication.</li> <li>7. Enforce gender equality regulations and legislation.</li> </ol>
STRUCTURAL	<ol style="list-style-type: none"> <li>1. Address institutionalized sociocultural gender biases and discrimination.</li> <li>2. Build a strong pipeline, and invest in early start to women's leadership capabilities.</li> <li>3. Create opportunities for leadership development skills, training, and support.</li> <li>4. Create inclusive and supportive work environments that support work-life balance,</li> <li>5. Create support systems for women and staff with family responsibilities and those living with disabilities.</li> </ol>
INDIVIDUAL	<ol style="list-style-type: none"> <li>1. Women continue to exhibit personal agency and the will to succeed.</li> <li>2. Overcome the research barrier with collaborative practices.</li> <li>3. Seek internal and external opportunities to push the limits of institutional barriers and limitations.</li> </ol>

## As the Women Put It...

I was the first female Head of Department (HOD) in my faculty... Just when I got promoted to the level of HOD, I got pregnant with a surprise baby. I wasn't expecting to have a third child and thought I was done with childbirth. It was so shocking... My male colleagues thought I wouldn't be able to handle the job and some told me that they would help me handle it but I had to stand my ground and I insisted that the fact that I was pregnant was not a disease so whenever I had meetings and I needed to see to my baby even if it was with the vice chancellor, I would request some time and tell the VC that I needed to go and breastfeed my baby. I never covered up with any excuse like I want to go to the toilet or something else to erase my agency as a mother. I demanded my right to express my reproductive health rights without apology because it is a part of me and even if I would come back again to this life I would still come as a woman. Even now that I traveled to take care of my grandchild, during a lot of the meetings that I held or that I had to be in, I would back the baby [carry the baby on her back] and others would just laugh on the Zoom meeting and say "Ha! Grandma!!" But that is also part of demanding my right to be a grandmother at the same time and still be at the top of my career.

– Academic, Nigeria

“

Kenya has laws such as the Constitution prohibiting discrimination based on gender and encouraging education for both girls and boys. Policies such as the National Policy on Gender and Development are in place. The policy seeks to achieve gender equality and women's empowerment. There is, however, a failure to implement the said laws and policies. Some of the laws and policies are also gender neutral. They do not, for instance, provide for positive discrimination in favor of women, which would deal with historical violations. Without specific affirmative action provisions, the number of women will remain low in leadership positions in academia and elsewhere.

– Academic, Kenya

”

“

...you need somebody to check up on you in your sort of emotional well-being and all of that. But, importantly, you need somebody to actually guide you on how to do the actual job. You need someone to be like “Okay, so I'm writing an article, let's coauthor. Let me show how, my process in which it's done. Let me help you get your name out there.” You need someone who's going to be like, “I'm going to a conference, come let me show you.”







– Academic, South Africa

”

## 5 | WOMEN AT THE BAR



## 5.1. ENTRY AND PROMOTION

	1. Women had a late start in joining the legal profession.
	2. Men are predominant at the top and women at the associate levels in law firms.
	3. False gender neutrality is pervasive in the promotion of women to leadership. Women still have to prove themselves over and above what men must do.
	4. Women's experiences at the bar are affected by caregiving roles, resulting in having to work harder to achieve the same results as men.
	5. The role of intersectionality and intersectional identities and categories means that different women struggle differently.
	6. Fewer women are in prestigious rankings, such as senior advocate or senior counsel.

### According to the Women

**It took a long time for the courts, clients and the public to accept that I am a lawyer. This is because people were not used to having women in the profession. I remember attending a magistrate's court to represent a client. I took a seat on one of the benches reserved for advocates. The magistrates looked at me and told me that bench was reserved for counsels. He did not think I was one. In the office, when clients were referred to me, they would tell me that they came to see a lawyer. In their minds, I could not possibly be a lawyer. Even male colleagues in courts keep completing sentences for women like they would forget what to say. This goes on all the time. It does not matter how smart a lawyer you are. This happens to women advocates all the time.**

**– Pioneer Female Lawyer, Kenya**

**Fortunately, there is no obstacle to the entry of women to the bar. It is moreover paradoxical to note that while at the university women are numerous and are among the most brilliant, at the bar and in the bench, there are fewer women.”**

**–Lawyer, Senegal**

## 5.2. BARRIERS AND POINTS OF ATTRITION

LEVEL	FACTORS
INSTITUTIONAL	<ol style="list-style-type: none"> <li>1. Lack of support for families in the legal workplace– noninclusive working conditions in law firms.</li> <li>2. Lack of mentorship and organizational support for young female lawyers.</li> <li>3. Low salaries and gender pay gap.</li> <li>4. Opaque promotion policies.</li> <li>5. Stagnation in women's ascension to leadership positions.</li> </ol>
STRUCTURAL	<ol style="list-style-type: none"> <li>1. Gender-based discrimination, sexual harassment, intimidation, and physical, verbal, and emotional abuse.</li> <li>2. Unspoken gender biases and stereotypes.</li> <li>3. Women's underrepresentation and lack of representation in the national bar associations and law society leadership.</li> <li>4. Impact of debilitating patriarchal cultures in workplace practices and procedures.</li> <li>5. The old boy club phenomenon and “lonely woman at the top” for women who achieve leadership positions.</li> <li>6. Negative perceptions of competence and clients' demands for male lawyers.</li> </ol>
INDIVIDUAL	<ol style="list-style-type: none"> <li>1. Family demands and work balance–caregiving and the burden of childcare.</li> <li>2. Limited capacity and self-imposed barriers.</li> <li>3. Intersectional existence and differential treatment.</li> <li>4. The burden to overperform.</li> </ol>



## The Women Speak...

“

Someone prominent was to help me with the job of becoming a magistrate several years ago but I turned it down because the deal was to be his girlfriend.

–Female Lawyer, Nigeria

”

“

In order to survive in law firms, women tend to conceal their family pressures by working within the expected hours like all is fine. I personally used to postpone taking a sick child to the hospital during working hours and waited for night time to do so in order not to give any reason for my employer to think I am a liability to the firm. Today, I regret having done that because I do not think I gave the best to my children. Yet there was not much choice for me because I did not want to lose my job and therefore my source of livelihood for both myself and the children. I am a divorced mother.

–Female Lawyer, Kenya

”

“

It is ingrained in society that to be a professional worth anything you must be an old white male.

–Female Lawyer, South Africa

”

**The low percentage of success of women in [bar exams] compared to men is due to the fact that women are held back in their studies by personal occupations or that they are afraid to participate in certain competitions and refrain from registering. There is a lack of ambition that must be revived among female lawyers.**

**–Female Lawyer, Senegal**

### 5.3. FACILITATORS OF PROMOTION

LEVEL	FACILITATORS
INSTITUTIONAL	<ol style="list-style-type: none"> <li>1. Create mentoring opportunities and support networks.</li> <li>2. Create conducive work environments, by engaging in gender audits to understand women's specific needs.</li> <li>3. Enable supportive work conditions and practices that support family structures and work-life balance.</li> <li>4. Provide constant leadership training opportunities and negotiating skills.</li> <li>5. Create and enforce policies that protect female lawyers against gender-based discrimination.</li> <li>6. Provide organizational support and an unbiased work environment.</li> <li>7. Develop institutionalized mentoring opportunities.</li> </ol>
STRUCTURAL	<ol style="list-style-type: none"> <li>1. Provide public awareness and sensitization of clients and the public on women's leadership capabilities.</li> <li>2. Address institutionalized sociocultural gender stereotypes and negative perceptions about women's leadership capacities.</li> <li>3. Undertake funding and data gathering to support evidence-base interventions.</li> <li>4. Cultivate gender equity by turning gatekeepers into male allies.</li> </ol>
INDIVIDUAL	<ol style="list-style-type: none"> <li>1. Understand women's specific and intersectional needs.</li> <li>2. Build and draw from supportive family structures.</li> </ol>

## As the Women Put It ...

“

For me, I will talk from experience. I worked in a law firm that actually gives women a lot of concessions when it comes to practice. In fact, once you are pregnant in my law firm and you complained that you are pregnant, you have this morning sickness that will keep you away from work and everything, nobody forces you to come to work. Okay you have your cases. Every one of us have cases assigned to us the cases that has been assigned to me most times, if they are for minor, minor things like moving of motions or just adopting of written addresses or something that is not tedious like trial and they are already in my diary, I can just pick the file and go home. The next day, if my case is done, I just return the file and go home and rest.

–Female Lawyer, Nigeria

”

“

Sexual harassment is hushed up because female lawyers fear victimization and stigma if they report or speak out. We talk about it among ourselves and then we get on with our lives. We are not guaranteed any form of support if we come out. In any event, we do not think that anyone will believe us. That may even spell doom to our careers because nobody would want to employ a person who is going to talk about sexual harassment that would embarrass them. We have to open up but with the LSK assurance that we shall continue to practice law.

–Female Lawyer, Nigeria

”

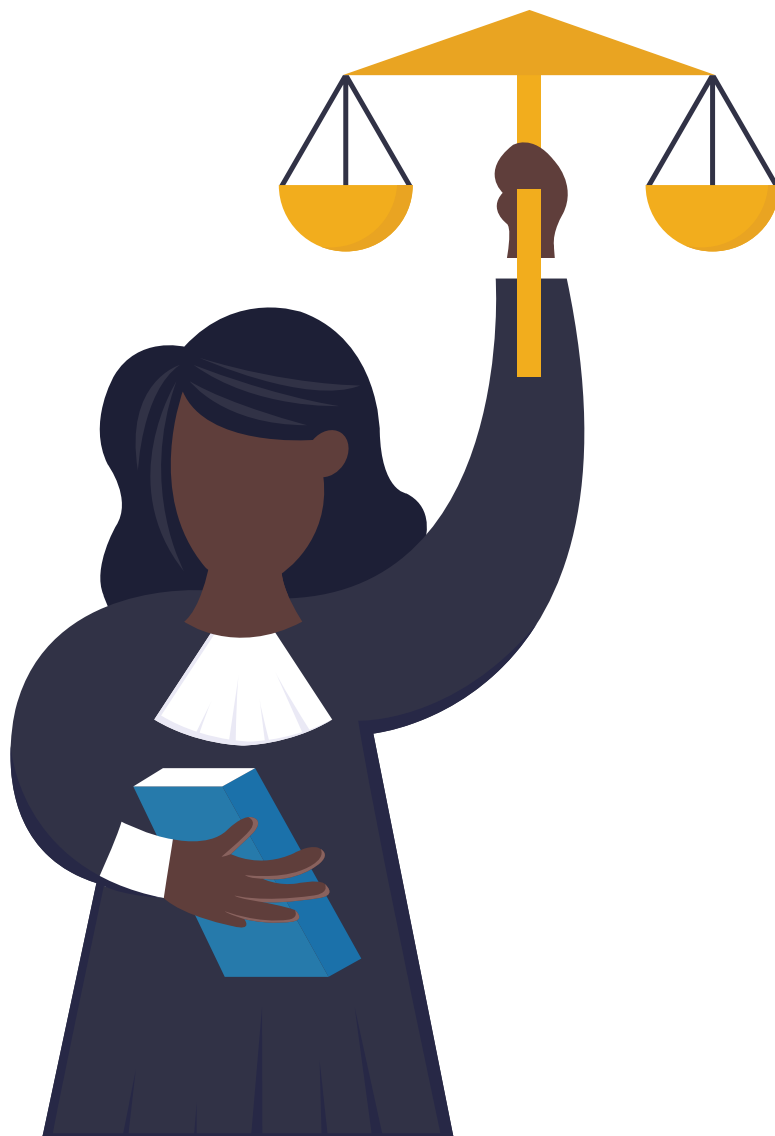
“

**Form a buddy system to pair junior lawyers with senior lawyers.**








**–Female Lawyer, South Africa**

”

## 6 | WOMEN ON THE BENCH



## 6.1. ENTRY AND PROMOTION

	1. Gatekeepers control entry processes for women joining the bench.
	2. Entry into the profession is dependent on personal agency.
	3. Transparent entry requirements must include civil society and women's rights organizations.
	4. Promotion processes remain opaque and inconsistent in some cases.
	5. Leadership pathways are limited, and opportunities are uneven.
	6. Women stagnate at the lower courts.
	7. Constitutional frameworks advance women's entry into the judiciary.

### According to the Women ...

**My colleague at some point did not have a house help and she had to sit on a case. She had to carry her baby to the court, with nobody to look after the baby. So she will just take the baby to the Chambers, she will be sitting in the court, if she hears him [baby crying], she will say the court will rise very briefly, go into the Chambers and attend to her baby then goes back and resume her sitting.**

**—Judge, Nigeria**

“

Once they were elevated to the High Court after long years in the magistracy, they stagnated for a long, long time. Their male colleagues, even those who were their juniors, were promoted to the Court of Appeal as they were left behind. No explanation was ever given as the whole process of appointment and promotion was shrouded in secrecy. All people could hear were lunchtime announcements on radio or TV that so and so has been appointed a judge or Court of Appeal judge by the president.

–Judge, Kenya

”

“

The whole process starts with acting appointments. In SA there is no statute that regulates how the acting positions in the High court/Lower court should be filled. This hinders women’s empowerment and succession plan. I say this because, even though it is not a requirement to act in the High Court before one gets appointed full time, the JSC only considers those who have acted and recommend them for permanent positions. For as long as the criteria for acting positions remain unclear as it is right now, most women will suffer. The system that we have right now is very prejudicial, especially for those who come from disadvantaged spaces.

–Judge, South Africa

”

**The low representation of female judges in Senegal is to be found in the social and cultural constraints that limit women's access to education, especially higher education. These constraints are linked to early marriages, family environment, and poverty, which affects women more than men, especially in rural areas.**

**– Judge, Senegal**

## 6.2. BARRIERS AND POINTS OF ATTRITION

LEVEL	FACTORS
INSTITUTIONAL	<ol style="list-style-type: none"> <li>1. Systemic barriers in selection processes (reform the role of judicial selection bodies and the executive).</li> <li>2. Sexist practices and sexual harassment.</li> <li>3. Gender-neutral work policies and work-family balance.</li> <li>4. Gender stereotyping bias in promotion criteria.</li> <li>5. Stereotypes and sexism in disciplinary and firing processes.</li> <li>6. Judicial hierarchies and the negative impact on mentorship and social networks within judiciaries.</li> </ol>
STRUCTURAL	<ol style="list-style-type: none"> <li>1. Work-life balance and lack of support for addressing women's intersectional needs.</li> <li>2. Persistent sociocultural gender-based discrimination, stereotypes, and biases.</li> <li>3. Lack of mentorship and support systems for female judges.</li> <li>4. Patriarchal attitudes (on and off the bench).</li> <li>5. Myths and perceptions of women's capabilities as judges.</li> <li>6. Debilitating patriarchal cultures in workplace practices and procedures.</li> <li>7. Intersectional challenges of sociocultural gendered expectations, geographic location, ethnicity, disability, motherhood, and religion.</li> </ol>
INDIVIDUAL	<ol style="list-style-type: none"> <li>1. Quest for perfection—burnout due to masculinized caseload management demands</li> <li>2. The personal leadership traits of women (identify areas that need improvement)</li> <li>3. Self-imposed barriers and impostor syndrome</li> <li>4. A possible backlash against women for rising up the ranks.</li> </ol>



## As the Women Put It ...

When you are married and doing this job...husbands can use emotional blackmail and abuse ...to bring you down, because that power you have, that confidence that you must have in court, you really can't take it home. You can't! I was in Sokoto for 14 years, you won't believe that I will come home from Court with my orderly and everybody and I will go into the kitchen, because up there you feed communally.....you are feeding 40 to 50 people, and I will cook with firewood and begin to dish out food to serve drivers and security that use to follow me around. ....I have had some judges here, the week they are sworn in, their husbands are marrying another wife. There are millions of ways in which you can put a woman in her place because of that confidence, because of those powers she has. She may not exercise it, but she can exercise it in court. She can't take it home. But they still have that idea of, before she thinks she can come and order me around, before she thinks let me put her in her place, she is a woman after all, they are very good at it! Every husband knows where the emotional buttons of their wife are.

—Judge, Nigeria

I recall an incident when we were invited to a conference of judges and magistrates in Cape Town. The organizers of the conference booked us in a high-class hotel. Some of us were put on the same floor with a senior Court of Appeal judge. When he realized that we were sharing rooms on the same floor, he asked the organizers to either transfer him to another hotel or he leaves the conference. When they did not comply, he booked a flight back to Nairobi and left in a huff.

—Judge, Kenya

**Lack of criteria rather than criteria is [the] problem.**

**– Judge, South Africa**

### 6.3. FACILITATORS OF PROMOTION

LEVEL	FACILITATORS
INSTITUTIONAL	<ol style="list-style-type: none"><li>1. Enforce constitutional and legal frameworks advancing women's right to public office.</li><li>2. Revise and/or abolish gender-insensitive selection criteria.</li><li>3. Adopt inclusive sexual harassment and workplace policies.</li><li>4. Conduct regular unconscious biases training.</li><li>5. Create and sustain judicial mentoring networks.</li></ol>
STRUCTURAL	<ol style="list-style-type: none"><li>1. Civil society and women's rights organizations can support women's judicial bids.</li><li>2. Change gender-based stereotypes about women's competence and merit.</li><li>3. Adopt intersectional approaches in addressing gender stereotypes.</li><li>4. Intentional investment by funding agencies and organizations can accelerate systems changes to promote women's leadership.</li></ol>
INDIVIDUAL	<ol style="list-style-type: none"><li>1. Seek family support to address work–life balance challenges.</li><li>2. Seek opportunities for targeted skills development, training, and support.</li><li>3. Provide programs to increase collegiality among female judges across court ranks.</li><li>4. Seek professional development opportunities and training sessions to address female judges' confidence.</li><li>5. Female judges' associations should support women seeking leadership positions.</li></ol>

## The Women Speak ...

“

The Kenyan Women Judges Association should assist in preparing female judges for interviews for entry and promotion. For me, my background in the women's movement enabled me to mingle and interact with people from all over the world and opened up opportunities. The constitution-making process also enabled me to appreciate the tenets of rule of law and when I sit down to write my judgments, I am inspired by all this.

–Judge, Kenya

”

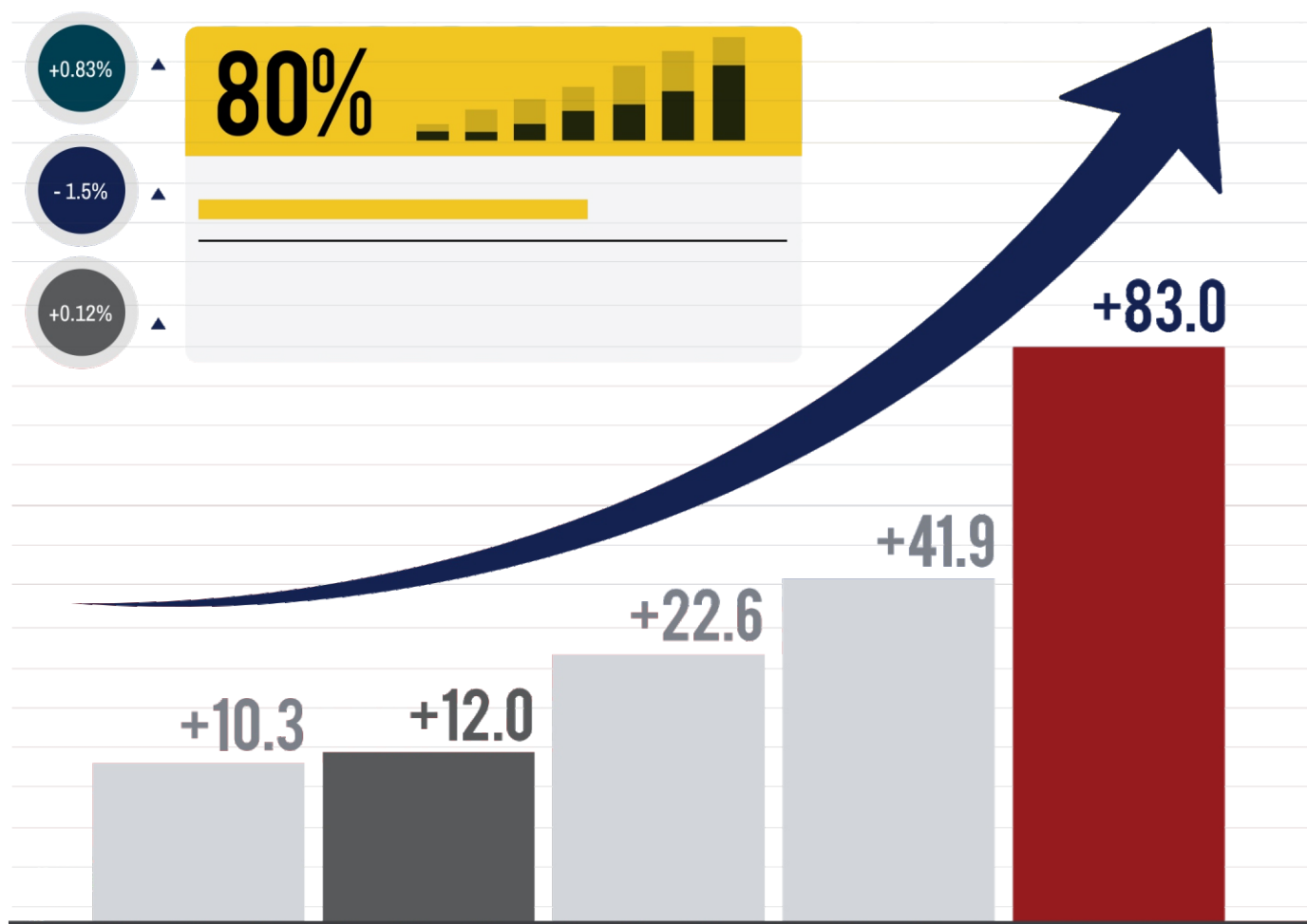
“

Women, as a class, do not require gender solidarity for individual women to have their leadership qualities recognized. What is critical is that an individual woman manifests leadership attributes; this is partly innate and partly acquired. A judge who has had extensive litigation experience as a practitioner has a huge advantage in being perceived as a leader.

–Judge, South Africa

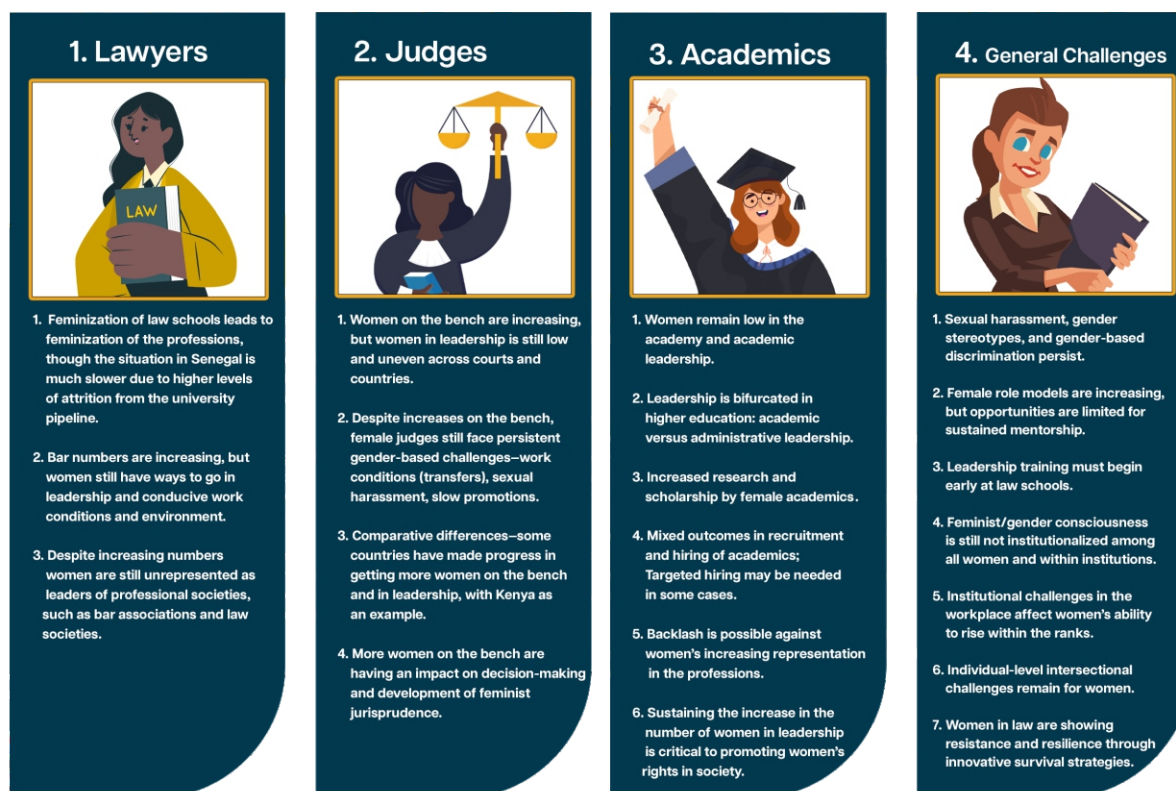
”

## 7 | GENERAL TRENDS AND PATTERNS



This section presents the general trends and patterns that emerged from the studies. These patterns need to be evaluated against the backdrop of the four countries studied and the three focal areas (academy, bar, and bench). Some of these patterns are exclusive to the focal area or country, so it is vital to read the individual reports to appreciate their specific contexts.

**Figure 7: | Women in Law: Trends and Patterns**



## According to the Women ...

**Women in academia are doing quite well. There are more female professors, heads of departments and deans. In some institutions, the vice chancellors are female. This serves as motivations for younger women to aim for the sky. However, years of male leadership means that the numbers are still skewed in favor of men. This calls for consistency by women to even this out.**

**– Academic, Nigeria**

“

**You know, it's strange, but I have never had a sense in academia, that women were held back. I've never had that sense. We're quite a female strong faculty, generally. Certainly, in the sort of younger ranks of lecturers, we have a lot more women...and even among the professorial group...look...there's still major strides to be made in terms of transformation at the professorial level but certainly in terms of gender, I think professorial as well as associate professorial level...there are lots of women**

**– Academic, South Africa**

”

“

**More women have left big firms to start their own law firms, and run [parallel] side businesses.**

**–Lawyer, South Africa**

”

“ This [the appointment of Martha Koome] is commendable because women have served on the bench and in the judiciary diligently, yet they had been relegated despite their numbers and merit. Hence getting a woman CJ is a confirmation that all is not lost and there is an opportunity for all to rise to the top. This encourages others to aspire and work toward achieving leadership positions. There is a downside to this though. Some of the naysayers ask if the judiciary has leadership because the CJ is not constantly in the news like the past male CJs. She is not issuing threats and talking tough like them, and this is due to her own stated approach to leadership, that she will talk through judgments as a judge and also she is not going to be confrontational for the sake of it. She would rather focus on how best, without compromising the independence of the judiciary, she will work with the other arms of government to deliver justice. She understands the principle of interdependence of the arms of government. Yet, this may be seen as a weakness because people are used to men in power “sounding tough.” In her new leadership, she is more consultative and more approachable, marking a paradigm shift from the males. Communication from her office is not abstract and not through memoranda. Workload is being addressed in a consultative manner. Hard decisions are being made but not in talk down manner but rather in a consultative and consensus building manner. This approach has been received very well by judiciary staff and judges. I believe part of this is a value system of being a woman. But it is still a man’s world and every move she makes, every word she utters is closely watched and there are many reactions which are unpleasant. If she keeps quiet, there are complaints that there is no leadership in the judiciary. She is being judged harshly even for things that the male CJ did or did not do. She will require institutional support. She needs a team around her, and not a one-woman show: continuous engagement with others in the judiciary is important.

–Judge, Kenya

“

**At present all but one wom[a]n in leadership positions, deputize men. In Gauteng Division, no woman [is] in leadership position and this position will remain the same in the foreseeable future which, is of grave concern.**

**–Judge, South Africa**

”

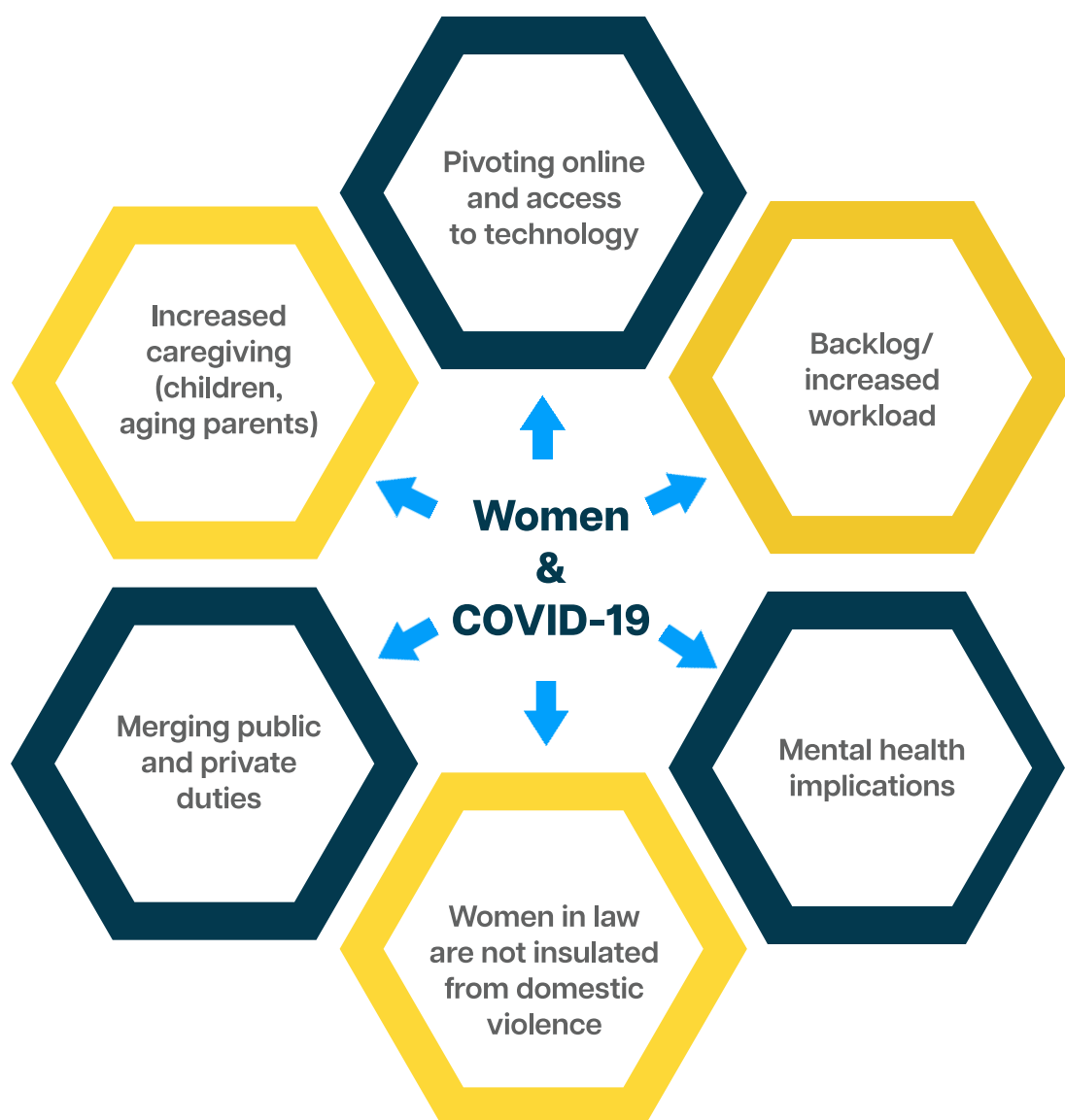


## 8 | IMPACT OF COVID-19 ON WOMEN IN LAW



Women in law have not been insulated from the scourge of the Covid-19 pandemic. Although the mortality rate has not been as catastrophic in Africa compared to other world regions, the effects have nonetheless been disruptive. Each report provides a discussion of the context-specific effects on women in law (Figure 8).

**Figure 8: | Impact of COVID-19 on Women in Law**



## The Women Speak ...

“

The lockdown affected my work negatively as being cooped up at home affected my zeal to work on my research. It was a struggle getting myself in the right frame of mind to work. Online meetings/webinars were also a struggle because it wasn't conducive enough for me, being at home with the kids, juggling their online classes with my online classes/webinars was difficult. The background noise from the kids and neighbors' generators made it difficult especially when recording a lecture, I had to resort to recording at night when everywhere was quiet. However, it was also positive because, though challenging, it forced me to adapt and hone my IT skills. It opened up more possibilities to acquire knowledge from a distance. I discovered websites that offered online courses and that was really helpful.

– Academic, Nigeria

”

“

There was no work coming through and the profession suffered. Yet another stated, work levels have dropped, the economy is struggling, cannot market....

– Lawyer, South Africa

”

“

**The pandemic, though tragic, has had some positive impact. We have had to embrace technology which has eluded the judiciary for years, and this has impacted negatively on the delivery of justice. Now it is more expeditious because delays can be eliminated. Advocates and litigants do not have to travel, so this is good. We have been able to do more than before. Because we now rely on written submissions, it is easier to write judgments. Women judges have been able to multitask with ease, tending to their wifely and motherly and caregiving jobs as well as attend courts and write judgments. Those who have been living separately from their spouses have now been able to stay together as a family, which was difficult for most in the past.**

**– Judge, Kenya**

”

“

**As much as it was debilitating, it forced the legal field to progress into the digital era.**

**– Judge, South Africa**

”

## 9 | RECOMMENDATIONS AND PRACTICAL STEPS FOR SYSTEMS CHANGE



The findings from the research informed the leadership manual and toolkit accompanying the research outputs. The table captures some of the general recommendations for facilitators of women's promotion in law and leadership. The three focal areas covered are targeted at 1) institutional change, 2) systems change, and 3) the role of philanthropy.

ARENA	RECOMMENDATIONS
CHANGING INSTITUTIONS	<ol style="list-style-type: none"> <li>1. Create policies to dismantle the multiple axes of gender-based discriminatory practices in the professions.</li> <li>2. Conduct gender audits to address gender gaps in hiring, promotion, and pay.</li> <li>3. Revise male-centered work policies and practices to accommodate the intersectional needs of women.</li> <li>4. Cultivate male allies dedicated to promoting gender equity and inclusion.</li> <li>5. Conduct continuous training on unconscious bias and microaggressions.</li> </ol>
CHANGING STRUCTURAL SYSTEMS	<ol style="list-style-type: none"> <li>1. Build/strengthen multinational networks for women in law.</li> <li>2. Globalize women's voices through tangible programs to meet SDGs 5 and 16.</li> <li>3. Women's leadership organizations advocate to break the cycle of gender-based discrimination in the professions.</li> <li>4. Men become allies to dismantle patriarchy.</li> <li>5. Adopt intentional feminist approaches, emphasizing the role of knowledge and consciousness-raising among women.</li> </ol>
CHANGING PHILANTHROPY	<ol style="list-style-type: none"> <li>1. Undertake intentional and increased investment in capacity-building programs for women.</li> <li>2. Invest in expanding formal and intentional mentoring programs/ bootcamps/sponsorship and leadership coaching.</li> <li>3. Invest in research to provide baseline evidence to support country-specific interventions.</li> <li>4. Invest in data gathering (quantitative and qualitative) to allow for longitudinal studies.</li> <li>5. Provide sustainable and robust investment in capacity-building, skill development, and support for research.</li> </ol>

# 10 | PROJECTIONS ON WOMEN IN LAW AND LEADERSHIP



The future of women's leadership requires multipronged, ongoing, and sustainable strategies, actors, and investments to accelerate systems change (Figure 9).

**Figure 9: | Systems Change Approach to Women's Leadership**



**1.** The increasing feminization of legal education means that more women will join the legal professions. Female lawyers, judges and legal academics will continue to increase. However, these increases will not be uniform; for example, the findings from Senegal indicate that the high levels of attrition in the pipeline begin at the university level.



“

**We had a faculty board meeting and I think probably at a guess, at least half of the staff members at the law faculty are female. Yeah so the idea that women are not represented is rubbish and it's the same everywhere in fact, among law graduates at least 75% are female.**

**– Academic, South Africa**

”

“

**Progress has been made but it is not satisfactory. Although section 174(2) of our Constitution expressly states that the need for the judiciary to reflect broadly the racial and gender composition of the South African population must be taken into account when vacancies are filled (and section 2 stipulates that constitutional obligations must be fulfilled), the gender representation does not match the population demographics despite the fact that competent women have been nominated for positions in appellate courts [and] that South Africa has been a constitutional democracy for 28 years. One gets the feeling that there is no commitment to see to it that gender transformation is achieved.**

**– Judge, South Africa**

”

**2.** Discriminatory institutional norms and practices are linked to structural societal systems. These will change if feminist consciousness and intersectionality are centered in all interventions directed at increasing women's leadership in law.

**The program adopted by the Kenya Magistrates and Judges Association to educate both men and women on feminist and human rights approaches to judging did help those who underwent it to be more gender-sensitive in their judgments in respect of matrimonial property and land cases. Before this, even female judges were indifferent and hostile to women litigants.**

**– Judge, Kenya**

**3.** As long as women remain primary caregivers, the challenges of balancing their caregiving roles against their professional obligations will continue. The communal and extended family systems in Africa means that women will always have at least one caregiving role. Women will have to adopt their individual strategies to strike a balance. Institutions (law firms, universities and judiciaries) will become sensitive to women's caregiving roles if they invest in retaining talent and create working conditions conducive for work–life balance.

**I personally had to resign from a reasonably well-paying job in a law firm to set up my own law firm so that I get the chance to attend to my family. It came with its own challenges, such as not making enough money but at least I could spare some time for my family.**

**– Lawyer, Kenya**

For some women, the challenges they face pushes them to a state of resignation:

**We are seen as not doing sufficiently enough to merit promotion. In fact most women hardly expect any promotions.**

**– Lawyer, Kenya**

4. Women are strategic about their future. They are aware of their intersectional challenges and adopt strategies of survival, which include how they organize their lives and when they decide to start a family:

**I'll tell you a funny story. So I realized probably a year into finishing my PhD, I realized, you know, what, if I don't do something, I'm never going to finish. Reason being I'm teaching. I've got kids. And I decided, I'm actually going to have another baby. And then I'll have four months to actually finish the thing. Otherwise, it's never going to finish. And I actually did. And I prayed...he'll be quiet...And I promise you that is exactly what I had. I had this quiet baby who woke up every two hours so I could work. And I got to finish...and I knew if I hadn't done that, there was absolutely no way that I would have finished.**

**– Academic, South Africa**

5. A backlash against women's rise to leadership may occur. Their advancement challenges existing gender power hierarchies and could dismantle or weaken the old boy networks. Patriarchally steeped individuals who believe that only men must be in leadership and control the corridors of authority may object. A potential backlash should be monitored closely. Male allies for gender equality will be crucial actors to forestall systemic backlash.

“  
We will hear everything, but we should not let ourselves be overpowered. When we express certain points of view, some of my men colleagues tell me “you women are so hard.” In relation to this, it is up to each woman to realize that we do not do something to please or displease. I think we just do what we have to do. Temperament is just a person's personality, it's natural in itself....It is necessary to accept whatever the space where women evolve, that they have a place, a role, a word. It does not matter whether men accept it or not, but women must assume it. There is necessarily a cost to pay, but women have to assume their identity completely. Some people have a natural authority that their background will reinforce while others tend to let themselves go. Not everyone is cut out to be a leader....You have to live with that and not hide from it, not be ashamed, not feel guilty, not try to be someone else. An entity, whatever it is, needs rules. If we live the lack of respect toward us, it is because at home, we did not teach these boys to respect their elders, to respect their parents. To change mentalities, it starts at home, it takes a lot of time. It will come because there are men who accept to help women with household tasks..

– Academic, Senegal

6. Sustaining the gains made so far in women's representation in leadership is essential to achieving SDG 5. Doing so and increasing the opportunity structures and pathways to leadership for women in law requires an increase in philanthropic investments and funding to fuel systems change as scale through intentional and targeted programs.

“  
Philanthropic investment in women's organizations is the oxygen mask needed to drive gender equality and promote at-scale systems change. When women have their oxygen masks (resources) on, they can in turn support other vulnerable women and girls in society..

– J. Jarpa Dawuni  
Executive Director, IAWL

# 11

## CONCLUSION

This policy summary and the findings from the four-nation study have shown that despite the increasing feminization of the legal profession, many challenges exist for women's upward mobility. The numbers are increasing in some jurisdictions, but attention needs to be paid to the levels within the leadership hierarchy. Persistent gender-insensitive institutional norms and practices need to be addressed.

But all is not lost; the current progress and trends show that with increased focus and intentionality in investing in organizations and programs that foster women's leadership and capacity, women can make a difference in changing institutional structures and cultures, promote and expand equal opportunities for women and other vulnerable groups to access justice, and create new norms on inclusive and equitable leadership outcomes for all.

The studies show that women are ascending the leadership chain gradually—as managing partners, deans of law faculties, and chief justices. But gender justice and women's equal representation cannot wait. The world must act faster to close the gender equality gap. A McKinsey<sup>6</sup> report showed that it will take [140 years to close the gap given the rate of gender inequity](#) across the continent. Women cannot wait that long.

Despite the low numbers in leadership, women are acquiring higher education, developing niches in legal practice, and branching out to international positions and bringing back the knowledge and experience acquired to support and mentor other women. Systems change is possible if investments are directed at supporting women and women-led organizations across Africa and the African diaspora.

This summary highlights some of the interventions that have worked so far and the individual strategies women have used to navigate, challenge, and break down gendered power hierarchies. These interventions have occurred at the individual level but also through institutional arrangements, such as female judges' associations, lawyers' associations, law professors' networks, and student organizations.

---

<sup>6</sup> McKinsey, 2019. The power of parity: Advancing women's equality in Africa.  
<https://www.mckinsey.com/featured-insights/gender-equality/the-power-of-parity-advancing-womens-equality-in-africa>

This exploratory research has highlighted the data and knowledge gaps concerning the representation of women in the pipeline of the legal professions in the four selected countries. It has also highlighted the need for feminist consciousness, grounded in a deep and nuanced understanding of intersectionality to address context-specific experiences. The role of further research, data accessibility and capacity development interventions will prove crucial to igniting systems change that will lead to an increase in the number and impact of women in law and leadership.

Visit our website at:  
[www.africanwomeninlaw.com](http://www.africanwomeninlaw.com)

Email us at:  
[info@africanwomeninlaw.com](mailto:info@africanwomeninlaw.com)

Follow us on:  
Facebook | Institute for African Women in Law  
LinkedIn | IAWL – Institute for African Women in Law  
Instagram | @AfricanWomenInLaw  
Twitter | @AfricaWomenLaw

Copyright © 2023  
Institute for African Women in Law  
All Rights Reserved.



# **Women in Law & Leadership**

## High Level Summary