

June 2021

Measuring Peace, Justice and Inclusion

UNDP Oslo Governance Centre – SDG 16 Policy Brief

Advancing Inclusive Decision-Making for Sustainable Development: Representation in the Judiciary through SDG 16.7.1c

This brief focuses on how to promote the inclusion and participation of underrepresented groups in courts through SDG 16.7.1c, which measures representation in the judiciary. Data on judicial personnel will help to better understand the composition of the judiciary and can inform strategies to promote diversity and inclusion in the justice system. A representative judiciary is an essential step in both ensuring a more effective and responsive justice system and increasing access to justice for all, particularly population groups who are marginalized and disadvantaged. The challenges of ensuring representative decision-making – whether for women, racial or ethnic minorities, indigenous peoples, or persons with disabilities – is a universal challenge across all contexts, and with better data countries can identify entry points to better respond to increasing calls for justice and inclusion.

Representation in the judiciary

Understanding the composition of the judiciary – who is represented and more significantly who is not – is critical to promoting inclusive and participatory governance systems. Recognizing that representation in the judiciary is vital for inclusive and sustainable development, indicator 16.7.1c was adopted as part of the monitoring framework of the 2030 Agenda for Sustainable Development, and Member States are encouraged to report on it.¹

Various international normative frameworks promote the right to participate in “public

affairs”/“public life” in the context of the judiciary (see Box 1). For instance, the Committee on the Elimination of Discrimination against Women specifies that, “The political and public life of a country is a broad concept. It refers to the exercise of political power, in particular the exercise of legislative, judicial, executive and administrative powers.”² Similarly, the OSCE High Commissioner on National Minorities urges States to ensure that the composition of courts, tribunals, prosecution offices, law-enforcement agencies, correctional services, enforcement agencies and human

rights institutions ... reflect the diversity of the population at all levels.”³

However, unlike in the executive or legislative branches, promoting representation in the judiciary, particularly among judges, has only recently gained more traction.⁴ It is increasingly recognized that there are many structural factors that prevent different population groups from being represented in the judiciary, which can significantly impact judicial outcomes. A judiciary that is not reflective of the population, especially excluded and marginalized populations groups, is less likely to be able to effectively protect and promote fundamental values of “social justice” and “equality”.⁵

The composition of the judiciary often reflects where decision-making power lies in a society. Promoting change in the socio-economic demographics of who is represented in the judiciary so that it reflects the national population can be one way to spur broader justice sector reform and uphold legal and judicial principles. For instance, according to the [Bangalore Principles of Judicial Conduct](#), the principle of equality obliges a judge “to be aware of, and understand, diversity in society and differences arising from various sources, including race, colour, sex, religion, national origin, disability, age”, etc.⁶ The immense value of diversity on the bench was emphasized in 2020 by the United Nations Human Rights Council, which encourages “promoting diversity in the composition of the members of the judiciary by ... actively promoting the balanced representation of women, men ... persons belonging to minorities and other disadvantaged groups”.⁷ As for the impartiality principle, it rests on the idea that a judge shall perform his or her judicial duties without favour, bias, or prejudice.⁸ However, this principle shall not be seen as “some stance above the fray, but the characteristics of judgement made by taking into account the perspective of others”.⁹ Adding judges with a variety of backgrounds and experiences in the judiciary brings diverse perspectives into adjudication processes, allows traditionally overlooked interests to be

considered, and diminishes the possibility that only one perspective dominates.¹⁰ Thus, judges belonging to historically underrepresented groups build on their unique perspectives and life experiences shaped by their race, gender, sexual orientation, religion, or other characteristics. Even more importantly, they can share this knowledge with other members of the judiciary, thereby contributing to the realization of both individual and structural impartiality.¹¹

Box 1. Key international standards on the right to participate in public affairs and equality in the judiciary

Universal Declaration of Human Rights (Art. 2) - “Everyone has the right to equal access to public service in his country.”

Convention on the Elimination of All Forms of Discrimination against Women (Art. 7) – “State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country.”

UN Convention on the Rights of Persons with Disabilities (Art. 29) – “State parties shall ... promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs.”

International Convention on the Elimination of All Forms of Racial Discrimination (Art. 5) – “State parties undertake to ... guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... (c) Political rights, in particular the right ... to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.”

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Art. 2) – “Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.” (Art. 4) “States shall take measures ... to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.”

The Framework Convention for the Protection of National Minorities (Art. 15) – “The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.”

Basic Principles on the Independent of Judiciary (Principle 10) – “In the selection of judges, there shall be no discrimination against a person on the grounds of race, color, sex, religion, political or other opinion, national or social origin, property, birth or status”.

Bangalore Principles of Judicial Conduct (Para. 5.1) – “A judge shall be aware of, and understand, diversity in society and differences arising from various sources, including but not limited to race, color, sex, religion, national origin, caste, disability, age, marital status, sexual orientation, social and economic status and other like causes (‘irrelevant grounds’).”

This argument is backed up by a growing body of research that analyses the influence of judges’ demographics on judicial decision-making. Evidence suggests that a judge’s individual characteristics may have an effect both on individual decision-making (“individual effect”) and also on the substantive interests of the group they represent (*active/substantial representation*), since they are better positioned to understand and take seriously the views held within their own community.

For instance, in harassment or gender-based violence cases, female judges may draw from their own experience of harassment and discrimination, among other factors to better understand the context; this can lead to a more informed decision affecting women specifically. Studies have also found that female judges are more likely than their male counterparts to rule in favour of plaintiffs in sexual harassment and employment discrimination cases.¹² The judge’s background may also impact the behaviour of other judges and thereby create a “panel

effect”.¹³ For example, some studies show that the random assignment of minority judges to a three-judge panel in affirmative action cases enhances the quality of judicial deliberations,¹⁴ increasing the chances for approving the affirmative action (see Box 2).

Diversity on the bench not only benefits the quality of judicial adjudication, but it is also **fundamental for sustaining public trust in a judicial system**. According to the European Court of Human Rights, courts not only need to be impartial, they “must also be seen to be impartial”.¹⁵ The evidence suggests that lack of diversity in the judiciary may significantly impact the public’s confidence and trust in the administration of justice and negatively affect the overall legitimacy of the judiciary.¹⁶ So, with increased diversity on the bench, the society or various groups may feel that they are represented more fairly and their unique

concerns are better understood (*symbolic representation*).

Inclusion of various underrepresented groups in the courts also **reaps important benefits for the accessibility of justice by signalling that justice is not the prerogative of one particular group**,¹⁷ which is particularly important in conflict-affected environments.¹⁸ The presence of judges from various backgrounds helps to improve the courtroom experience for litigants and lawyers and encourages the various underrepresented groups to seek and access justice services. For example, research has shown that in proceedings chaired by a female judge, judge at the International Criminal Tribunal for the Former Yugoslavia, defence lawyers have been more respectful when questioning female witnesses, resulting in female witnesses speaking more freely.¹⁹ Similarly, female judges in Rwanda’s Gacaca courts encouraged women

Box 2. Studies on the benefits of building a representative judiciary

- The probability of a female judge deciding in favor of the party alleging sex discrimination is about 10% higher than it is for the male judge in the **United States**. A female presence on a panel increases the chances of voting in favor of plaintiffs alleging discrimination.
- As compared to male judges, female judges with prior experience in women’s rights had a higher average grant rate for asylum seekers in **Canada**, particularly in cases involving female claimants and in relation to gender-based persecution.
- Adding a black judge to the all-non-black three-judge panel of the Court of Appeals increased the chance of voting in favor of affirmative action in the **United States**. Diversity in a panel also improved the quality of the panel’s deliberations.
- Women judges were found more likely to rule statutes unconstitutional if they violate the equal protection, due process, or freedom of association rights of people who identify as LGBTQ in the **United States**.
- Participation of women judges in the Gacaca courts of **Rwanda** has assisted female victims to overcome resistance and report gender-based violence cases.
- The *Nari Adalats* in **India** were established as grassroots mechanisms to address increasing violence against women and respond to women’s reluctance to go to the formal judicial mechanism. With a panel of female judges, it provides women with an accessible alternative dispute resolution method that creates a safe and respectful environment for women.

Sources: J. P. Kestelce, *Racial Diversity and Judicial Influence on Appellate Courts*, (2012); C. Boyd, L. Epstein, A. Martin, *Untangling the Causal Effects of Sex on Judging*, (2010); R. Sean, *Do Women Refugee Judges Really Make a Difference?*, (2011); F. O. Smith, *Gendered Justice: Do Male and Female Judges Rule Differently on Questions of Gay Rights?*, (2005); UNDP, UNWOMEN, UNICEF, *Informal justice systems charting a course for human rights-based engagement*, (2013); The Fund for [Global Human Rights](#), *Justice for Women, by Women: How Women-Run Courts are Changing the Game in India*, (2018); Namita Rajee, *Nari Adalat - Case Study*, (2017).

to report gender-based violence, which is frequently not reported because of the stigma associated with being a victim (*see Box 2*).²⁰

Furthermore, it is essential to consider intersectionality when discussing representation in the judiciary.²¹ Marginalization of specific groups can be cumulative, aggregating different factors of exclusion. Alongside sex and gender, for example, it is important to also consider factors such as race, ethnicity, religion and disability status. For example, while Black women have been shortlisted for the US Supreme Court, they have not yet been appointed to the bench.²²

Employing underrepresented groups in the judiciary does not automatically eliminate discriminatory practices and guarantee equal participation in judicial decision-making. However, increasing diversity among judges and registrars is a first key step towards promoting diversity and inclusion in the court system and increasing access to justice for the most disadvantaged groups.

Thus, a more diverse and representative judiciary may:

- Improve the quality of judicial decision-making by building on the diverse voices, perspectives, and worldviews of judicial personnel.
- Have a powerful symbolic value and increase the level of public confidence in impartiality, the rule of law, and the fairness of the judiciary.
- Allow for a better understanding of the needs and concerns of particular groups in cases related to discrimination, sexual harassment, and affirmative action.
- Signal equality of opportunities and increase access to the judicial and legal profession.

Judges and registrars

SDG 16.7.1c defines two key decision-making positions in the judiciary – judges and registrars. Despite diverse judicial systems across the world, in any jurisdiction judges have immense

power to interpret and uphold the law to protect the population's fundamental rights, livelihoods, and well-being. By interpreting constitutional or legal provisions, judges play a crucial role in protecting the rights of the most vulnerable groups that are easily susceptible to discrimination or marginalization. However, judges also considerably impact the law-making process in a manner that promotes the enjoyment of fundamental rights in the society. Considering the time judges serve on the bench, the impact judicial decisions have may last for generations (*see Box 3*).²³

Another position playing a decision-making role in the judiciary is the registrar (*also called a “clerk”, “judicial officer”, “Rechtspfleger”, “secretario de estudio y cuenta”*). A registrar assists by performing administrative duties, preparing court files, conducting legal research, and drafting and executing decisions. The position of a registrar is often a first step towards pursuing a legal career. While the duties of a registrar vary from jurisdiction to jurisdiction, all judicial systems employ these professionals. In some jurisdictions they can perform judicial or quasi-judicial functions themselves, including making decisions on interlocutory applications, on damage assessments, and on applications for the entry of default judgments. Thus, depending on the extent of these duties, the registrar may have a far-reaching impact on a judicial decision, as judges heavily rely on their knowledge, expertise, and recommendations. For instance, law clerks in the Supreme Courts in the Netherlands prepare memos for judges that summarize the case facts and contain recommendations.²⁴ Registrars can also serve as liaisons or ambassadors to the other chambers

or courts, helping judges to collect information on a given issue.²⁵ Thus, registrars, on the one hand, contribute to the efficiency and quality of the judicial process, but, on the other hand, they often are a direct point of contact for litigants, lawyers, and other groups involved in the administration of justice. Therefore, the role and benefits of having diverse representation among registrars should not be underestimated. One study suggests that law clerks' ideology exercises a separate and independent influence on how judges vote on the merits of cases (“*clerk effect*”).²⁶ For example, according to a study of US Supreme Court clerks from 1882 to 2004, only 15% were female and only 6% were from racial and ethnic minorities, with the liberal judges tending to have more diverse groups of clerks.²⁷ Another study argues that the presence of LGBT individuals among the clerks changed the way the judges approached rights cases related to sexual orientation and gender identity.²⁸

Diversity in the Common and Civil Law Systems

Countries around the world typically follow common law or civil law, or in some cases, a combination of the two. Depending on the judicial system, countries may consider different approaches and tools for addressing underrepresentation in the courts.

Traditionally, the common and civil law systems differ in many ways, including the appointment of judges and their role in proceedings.

In countries with common a law tradition, the judiciary is vested with the power to interpret legal provisions expansively and thereby broaden and create the law. Thus, their decisions are an important source of law. In contrast, in civil law systems, where the law is codified to a greater extent, judges are responsible primarily for applying and interpreting the law.²⁹ Throughout the legal proceedings, a judge in civil law systems has an active role and controls both

Box 3. Judicial interpretation of gender parity laws in Costa Rica

The Amendment of 1996 to the Electoral Code of Costa Rica required political parties to ensure that at least 40% of their lists of candidates for national and provincial elections were women. However, the Code did not specify how this was to be implemented until 1998, when, based on the National Women’s Institute application, the [Supreme Electoral Tribunal](#) issued a resolution clarifying the procedures. The Resolution stated that women must be listed in electable positions on all ballots, that the 40% quota must be met in each district, cantonal, and provincial assembly, and that it shall not to be calculated as an overall total. This Resolution was drafted by the first woman judge appointed to the Supreme Electoral Tribunal, Magistrada Anabelle Leon Feoli. Her opinion cited Costa Rican constitutional provisions on gender equality as well as international treaties and held that affirmative action was necessary to address the unequal participation of women and men in political life. Later resolutions issued by the Tribunal provided additional interpretations on how parties should determine “electable positions” on the ballot. Subsequently, gender parity in elections has been supported in several other court decisions. For instance, Costa Rica’s Supreme Court held that a political party violated the quota law when it relegated women candidates to low positions in their list. Similarly, in 2012, the Supreme Court held that alternating between women and men did not violate men’s rights to equal treatment. In 2016, the Supreme Elections Tribunal held that parties must meet “horizontal parity” by alternating between women and men as their first listed candidate on each of the seven provincial ballots. Thus, the interpretation of the constitutional and legislative provisions in a gender-responsive way by the Supreme Electoral Tribunal facilitated the gender-responsive implementation by political officials, executives, and political parties.

Source: International IDEA, *From paper to lived reality: gender-responsive constitutional implementation*, Discussion Paper (2016).

pre-trial and trial processes. (See Box 3 on *judicial interpretation*)

Civil and common law countries also have different appointment procedures for judges and registrars and different career advancements paths within the judiciary.³⁰ Typically, in civil law systems, a person becomes a judge after attending a training school for judges, passing exams, and being appointed by a Judicial Council or similar agency overseeing judicial appointments. In common law systems, judges generally do not undertake the same extensive training: in most common law systems, judges are appointed either by the executive or by a judicial appointment commission.³¹ Unlike the civil law system, in common law countries judges are traditionally drawn from senior lawyers with previous experience in practicing the law or in academia.³² Thus, in this sense, the common law judiciary is not a "career judiciary", as compared to civil law systems where career advancement opportunities are more available. The appointment of registrars also differs. In some jurisdictions, registrars are assigned to a particular judge, while in others they serve as assistants to the entire court.

All these differences impact the path towards a more diverse judiciary, and, considering national legal systems, countries may choose different approaches to promote diversity in their courts. For instance, in civil law systems, the intake of underrepresented groups among new judges can be completed relatively quicker once candidates complete the basic legal education and judicial training. As a result, the proportion of women judges has gone up more quickly in countries with a civil law tradition than in common law countries in the recent decade.³³ In common law systems, diversification in the judiciary may be delayed for an extended period of time due both to judicial appointments requiring far more years of experience and to a lack of minority representation in law schools or among the legal professions.³⁴

The state of underrepresentation in the judiciary

Today the judiciary is often not reflective of the diversity of populations, and there is an alarming lack of members of historically underrepresented groups, such as women, ethnic and racial minorities, persons with disabilities and other minority population groups among judges. For instance, by 2018 while the percentage of female professional judges in first instance courts increased to 57%, resulting in a slight overrepresentation in the Council of Europe member countries, female representation still significantly varies per country and is typically lower in the higher-level courts. For instance, the ratio of women in higher courts is below 40% in Armenia, Azerbaijan, Iceland, Ireland, as well as in the United Kingdom. And women continue to be significantly underrepresented as court presidents at all levels in the Council of Europe member countries.³⁵

This challenge is pertinent to other regions and countries where the proportion of female judges and especially senior female judges also varies widely. For instance, in 39 countries of Latin America, the Caribbean and the Iberian Peninsula, the average representation of female judges in the highest courts is just 32% (See *Map*).

Many countries in the region have also recorded an increase in women judges at the highest court level (including **Jamaica, Barbados and Trinidad and Tobago** in the Caribbean and **Cuba, Chile and Dominican Republic** in Latin America in

Percentage of Female Judges in Supreme Courts/Highest Courts in Latin America



Source: Gender Equality Observatory for Latin America and the Caribbean. Data presented is the most recent available as of 2018

• Created with Datawrapper

2018 compared to the previous year).³⁶ In other regions, **Kuwait** appointed their first women judges in 2020,³⁷ 43% of supreme court judges are women in **Rwanda**,³⁸ and female participation on the bench remains low in **Iraq** and **Nepal** with just 7.6% and 3.8%, respectively.

Other groups, such as persons with disabilities and ethnic or racial minorities, are either strikingly underrepresented or no data on the representation is available. For instance, for all levels of courts of the **United States**, African-

Americans comprise 10% of sitting judges and 13% of active judges, while Hispanic judges make up about 7% and 9% of sitting and active judges, respectively.³⁹ However, there is a broadening recognition that diverse representation on the bench is vital for the effective and fair delivery of justice on both international and national levels.⁴⁰ Social movements such as *Black Lives Matter* are putting a particular spotlight on the inequities of the criminal justice system, including the role that implicit bias plays in judicial outcomes⁴¹.

The underrepresentation of certain groups is also a challenge among registrars. For example, in 2015 Asian-Americans represented 6.4% of the US working-age population but made up only 4.6% of the state clerks. Furthermore, African-Americans made up 12.6% of the US working-age population but only 4.2% of federal clerks and 6.4% of state clerks.⁴² ⁴³ The failure of the judiciary at the national level to reflect the population's makeup may also impact representation on international courts. For instance, in the majority of international or regional courts, female judges are not equally represented (*see Table 1*). Initiatives to re-evaluate appointment practices in international courts have been gradually increasing for the past decade.⁴⁴ In March 2021, the International Criminal Court appointed their first Focal Point for Gender Equality, tasked with addressing issues related to the employment conditions of women in the institution, including the gender balance at all levels of employment.⁴⁵

Measuring representation in the judiciary

The 2030 Agenda for Sustainable Development recognizes that responsive, inclusive, participatory, and representative decision-making at all levels (SDG target 16.7) is necessary to achieve more peaceful, just, and inclusive societies. Indicator 16.7.1 aims to measure progress towards this target by examining the representation of different population groups in

three areas of public life: a) parliaments, b) public service, and c) the judiciary. SDG 16.7.1c compares the representation of 1) women, 2) youthⁱ, 3) disabled people, and 4) other nationally relevant population groups in the judiciary with the proportion of those groups in the general population. More specifically, the newly established international methodology for this indicator measures the representation across two key decision-making positions in the judiciary – judges and registrars – and across the three levels of courts – supreme/constitutional courts, higher-level courts, and lower-level courts (see Box 4).

The indicator focuses on the formal court system and does not include any informal mechanism such as religious, tribal, or traditional dispute resolution mechanisms. It is developed in such a way as to incorporate the diversity of judicial systems across different legal systems and different types of governments (unitary, federal, etc.). This typology of courts reflects the way in

which courts are used. Courts at the lower-level commonly handle local issues, such as disputes involving family, land, and government benefits and services, while courts at the constitutional/supreme level and higher-level commonly handle national and constitutional issues.

- Supreme and/or constitutional courts are considered the highest courts in a country. In federal court systems, the highest courts include supreme courts and constitutional courts at the national level, but exclude any supreme courts that may exist at sub-national levels, as these should be included within the category of higher-level courts.
- The second category, higher-level courts, usually represents high courts and courts of appeal. In federal systems, they include high-level courts at both national and sub-national level and, as noted before, also encompass supreme courts at the sub-national levels.
- Finally, the third category includes first-instance (low-level) courts, local courts, district courts, magisterial courts, and magistrate courts, while in the federal court system it includes lower-level courts at national and sub-national levels.⁴⁶

Box 4. SDG Indicator 16.7.1c - Disaggregation of judicial positions

SDG 16.7.1c requires data on the judiciary to be disaggregated by:

1. **Type of position:** Judges and registrars
2. **Level of courts:**
 - Supreme/constitutional courts
 - Higher-level courts
 - Lower-level courts
3. **Demographic characteristics:**
 - Sex (male; female)
 - Age group (below 45 years; 45-54; 55-64; 65 and above)
 - Disability status (disability; no disability)
 - Population subgroup (country-specific)

Source: SDG Indicators [Metadata Repository](#).

ⁱ Defined as 44 years old or below, because positions in the judiciary require training and experience.

When reporting on this indicator, countries have the flexibility to determine the level (higher/lower) of specialized courts or tribunals (e.g. war crime courts, commercial courts, juvenile courts). Courts that cover the same subject matter might be aggregated in different levels depending on the country. In many jurisdictions, specialized courts are considered higher-level courts. In such jurisdictions, these specialized courts might have exclusive or original jurisdiction over certain claims, and therefore act in the first instance for those claims, but are nevertheless considered higher-level courts. In other jurisdictions, specialized courts might be considered lower-level courts or supreme courts. Some jurisdictions might categorize a subset of specialized courts as higher-level courts and another subset as lower-level courts.

The indicator focuses on only two types of decision-making positions – judges and registrars. A “judge” is defined as a person entitled to interpret laws and adjudicate upon the case within the formal court system whether full-time or part-time, whereas a “registrar” is a judicial officer who assists judges in performing their functions (e.g. registers documents, prepares case files, schedules hearing dates, drafts decisions, etc.).

In 2018/19, the piloting of this new methodology in 21 countriesⁱⁱ from all regions of the world confirmed its applicability across a diversity of contexts:

- The two decision-making positions covered by 16.7.1c – namely “judges” and “registrars” – can be easily identified in national classifications of jobs in the judiciary.
- The various types of courts operating in any given country can be easily classified into the three levels of courts used to report on 16.7.1c – namely, supreme/constitutional courts, higher-level courts, and lower-level courts.

ⁱⁱ Afghanistan, Argentina, Brazil, Burkina Faso, Colombia, El Salvador, England and Wales, France, Germany, Indonesia, Iraq,

INTERLINKAGES BETWEEN SDG 16.7.1C AND OTHER SDG INDICATORS

Other Related SDGs	Women	Youth	Disabled
5.2.2 Women in managerial positions	✓		
8.5.1 Average hourly earnings	✓	✓	✓
8.B.1 National Strategy for youth employment		✓	
5.1.1 Legal Frameworks (Equality and Non-discrimination)	✓		
16.b.1 Population having felt discriminated/harassed	✓	✓	✓
16.3.3 Population who accessed a formal/informal dispute resolution mechanism	✓	✓	✓
16.3.1 Higher reporting rates of vulnerable groups	✓	✓	✓

- Most countries are able to provide data on judges and registrars disaggregated by sex and age, while data disaggregated by disability status and population groups is less available. Several pilot countries were nonetheless able to provide data disaggregated by population groups and disability status, or mentioned they were developing systems to be able to do so in the near future.
- The necessary data can be obtained from available administrative records maintained in Human Resource Management Information Systems (HRMIS) of specialized judicial entities.⁴⁷ Disaggregated data collected for SDG 16.7.1c can also be used as a part of reporting to international or regional human rights instruments. For example, General Recommendation No. 33 adopted by the UN Committee on the Elimination of Discrimination against Women provides that State parties are recommended to have data on the number of men and women in judicial and quasi-judicial institutions at all levels.⁴⁸

Promoting the inclusion of disadvantaged groups in performing judicial or quasi-judicial functions and providing access to justice for all can also

Italy, Jamaica, Japan, Kuwait, Mexico, Mozambique, Nepal, South Africa, Spain, and the United States.

complement or contribute to progress on several other SDG indicators (see *Table*).

Data availability on representation in the judiciary

In most countries, administrative records related to representation in the judiciary are maintained by Judicial Services Commissions or similar entities with oversight responsibility over the judiciary. In some settings, individual ministries such as the Ministry of Justice may also maintain information on appointments of judges or registrars. While some global databases compile data on judges disaggregated mainly by sex, internationally comparable statistics aligned with the newly adopted methodology for SDG 16.7.1c are not yet available (see *Box 4*).

Some of the main challenges in compiling and reporting on SDG 16.7.1c include the following:

- Significant variation in the way countries define judicial structures (from geographical and institutional perspectives), approach the court organization, or classify different categories of judges or other positions in a court.
- There is no international standard for collecting, archiving, processing, and analysing disaggregated data on judges or registrars.
- Judiciary personnel data is not always systematically collected to enable the production of statistics.
- While there is broad consensus on the definition of judges and their role, the functions and categories of registrars significantly vary across countries. Data on registrars is available but might not be classified as “registrars”.
- In some countries, information on part-time judges is not available, which according to SDG 16.7.1c metadata also falls under the category of “professional judges”.

Box 5. Databases of judiciary data

CEPEJ-STAT (Database on European Judicial Systems, CEPEJ) – collects data on the judicial systems of 47 countries of the Council for Europe collected by the European Commission of the Efficiency of Justice (CEPEJ). It covers statistics on professional judges across three court instances, as well as a total number of part-time judges and non-judge staff (disaggregated by sex). Data coverage: 2010-2018 (updated every two years).

DATAUNODC (Survey on Crime Trends and Operation of Criminal Justice Systems, UNODC) – collects statistics on professional judges and magistrates of the UN countries disaggregated by sex (however, data does not cover all UN countries). Data available since 2013, last updated in 2018.

UNECE Statistical Database (United Nations Economic Commission for Europe) – the data is compiled from different official national and international sources. It includes data on the share of women among judges in the CIS region and central and eastern European countries. Data coverage: 2010-2019.

Gender Statistics Database (EIGE) – collects statistics on the representation of men and women in decision-making positions across various domains, including the judiciary. It includes data on 27 EU member states, the UK, EEA countries, and EU candidates/potential candidates. Covers data on supreme courts (presidents and members), administrative and constitutional courts (presidents), all disaggregated by sex. Data coverage: 2013-2020.

CEPALSTAT (Economic Commission for Latin America and the Caribbean) – collects statistics on the representation of women in power and decision-making, including on women judges in the highest courts or supreme courts in Latin America and the Caribbean. Data coverage: 42 countries; 1998-2018.

- The availability of data on persons with disabilities, indigenous peoples, ethnic, or other nationally relevant population groups in the judiciary is limited.

Official reporting on SDG indicator 16.7.1c will start from 2021 and will proceed in three steps:

1. First, national institutions will need to compile disaggregated data as requested by the 16.7.1c methodology (by two key positions, three levels of court).
2. The second step will require computing proportions of women, youth, persons with a disability, and nationally relevant population groups across each position and court level.
3. Finally, countries will generate representation ratios by comparing the proportion of various demographic groups in the judiciary with the proportion of the same groups in the national population. Countries are also encouraged to report representation across two positions and each court level.

Policy implications of data on representation in the judiciary

The next section provides examples of how countries can use judiciary data for building pathways for promoting the employment of underrepresented groups in the judiciary, across different court levels.

I. Women's representation

The availability of gender-disaggregated data on the representation of women in the judiciary is critical to understanding structural barriers hindering their entrance and advancement in the judicial sector. This information is also key in developing strategic programmatic and policy support that effectively addresses the complexities behind women's meaningful participation in the judiciary. General Recommendation No. 23 of the Committee on the Elimination of Discrimination against

Box 6. The 115 years walk to the Supreme Court of Kenya

Since 1906 the highest position in the judiciary in **Kenya** of *Chief Justice and President of Supreme Court* has been held exclusively by men. While overall female representation in the judicial system has improved in recent decades, large gaps still remain. In 2018, for example, women represented 39.6% of judges and approximately 50% of registrars.

In 2021, the glass ceiling was finally broken and out of a pool that included 3 female candidates, Judge Martha Koome was elected as the first female Chief Justice. For the first time in Kenya, the Chief Justice and the Chief Registrar are both women, inspiring future generations of women leaders.

Source: IDLO, *The Judiciary Gender Audit*, (2019)

Women encourages States to remove formal and cultural barriers and take positive actions to ensure that women have equal opportunities to participate in the judiciary. The availability of gender-disaggregated data on the judicial personnel is a critical starting point for implementing these policy initiatives. Publication of data on women's representation can facilitate the introduction of quotas, targets, and similar accountability mechanisms.

In 2021, the conclusion adopted by the ***Commission on the Status of Women*** at its 65th session urges States both to set specific targets and timelines to achieve gender balance in the judicial branches at all levels and to implement affirmative measures, including quotas.⁴⁹ The adoption of quotas among judges is still quite rare compared to the use of this mechanism in the legislative and executive branches.

However, the number of countries starting to explore the potential advantage of carefully structured quotas or target systems in the

Box 7. Women's representation in Tanzania's Specialized Land Courts

Limited land rights and access to land for women is a matter of concern for many sub-Saharan countries. The right to land holistically encompasses the right to own, use, access, control, transfer, or inherit the land, to meaningfully participate in any decision-making on land, and to access formal or informal judicial processes. Thus, in the recent decade, many governments carried out comprehensive legal and institutional reforms to address existing gender imbalances (Uganda, Malawi, Mali, South Africa, Zambia, Kenya, Rwanda, and Mozambique). Tanzania has also been making efforts to revise its normative and policy frameworks and promote women's right to land. For instance, the Land Act of 1999 explicitly affirms women's and men's equal rights. A 2004 amendment to the Land Act recognized equal rights and access to land, loans, and credit for women.

To further eliminate discriminatory customary practices connected with women's right to land and increase their access to justice, Tanzania has adopted gender quotas in its dispute settlement structure. In particular, the jurisdiction to deal with land disputes is vested to the Village Land Councils, the Ward Tribunals, the District Land and Housing Tribunals, and the Land Division of the High Court. The Land's Dispute Court Act provides that each Ward Tribunal shall consist of not less than four nor more than eight members, of whom three shall be women. The Act also sets a quota for District Land and Housing Tribunals and Village Councils. Namely, three out of seven members of the District Land and Housing Tribunal shall be women, whereas a Village Land Council shall consist of seven members, of whom three shall be women. Thus, these changes guarantee the direct participation of women in judicial decision-making bodies and also promote women's effective and equal enjoyment of land rights.

Source: UN Women, *Realizing Women's Rights to Land and Other Productive Resources*, (2013); International Commission of Jurists, *Women and the Judiciary*, Geneva Forum Series no 1 (2014).

judiciary is gradually increasing. For instance, the Constitution of **Kenya** requires that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. Kenya's Judicial Service Commission is responsible for ensuring that judicial appointments meet this constitutional requirement (See Box 6).⁵⁰ **Belgium** has also introduced a gender quota in the composition of the Constitutional Court, requiring it to be composed of at least a third of judges of each sex. In **Australia**, women have had to make up 50% of all new appointments to courts in all Victorian courts since 2015. The Constitution of **Morocco** sets a quota for women at the Supreme Council, which in 2015 resulted in the appointment of three female judges.⁵¹ **Tanzania** has introduced a quota system in land courts which should consist of not less than four and no more than eight members, of whom three should be women (see Box 7).⁵²

Information on underrepresentation can lead to changes in laws regulating the organization of the courts. For example, the Law "On the Organization and Functioning of the Constitutional Court of the Republic of **Albania**" requires *gender equality* to be guaranteed in the appointment of a candidate to the Constitutional Court. Gender equality commitments embedded in relevant national strategies can also strongly contribute to gender-balanced representation in courts. For example, the National Strategy for the Women of **Jordan** for 2013-2017 aimed at increasing the percentage of women working as judges and prosecutors to 25%.⁵³ Similarly, **Chile** has adopted the Action Plan on gender mainstreaming in the judiciary to establish a judiciary that is increasingly inclusive and respectful of diversity.⁵⁴ In 2015, the **Armenian** Council of Court (a judicial self-governance body) adopted an action plan promoting gender equality and gender balance in the judiciary.⁵⁵ Furthermore, In 2016, as part of its government-wide gender mainstreaming agenda, **Sweden** adopted an "Action Plan for the Integration of Gender Equality in the Courts of 2016-2018". Collecting and analysing demographic data on

the judiciary may detect the incomplete implementation of these laws and strategies and, as a result, influence policy makers to plan more proactive government policies to increase women's presence in judicial institutions.

Gender-disaggregated data may inspire political officials, legislatures, and judiciaries to establish new institutional mechanisms, such as specialized gender offices, units, or task forces, to promote gender equality in the judiciary. For example, the Supreme Court of **Chile** has created the Technical Secretariat for Gender Equality and Non-discrimination, which is responsible for fostering a working environment free from violence and discrimination across the judiciary. In Korea, the Judges' Community on Gender and Law was created in 2008 at the Supreme Court to promote gender equality, develop female talents in the judiciary, and protect the rights of underrepresented groups in society.⁵⁶ Similarly, **Argentina** has created the Office for Women within the Supreme Court of Justice structure. Its mission is to promote the incorporation of the gender perspective into the justice system.⁵⁷ In **Jordan**, UN Women worked with the Judicial Institute of to empower women judges, develop gender-sensitive curricula, and strengthen judges' and court staff's capacities in handling gender-based violence cases.⁵⁸ In **Mexico**, UN Women also supported the development of Gender Equality Protocols for Magistrates and Judges aimed at equipping judicial professionals with knowledge about gender identities and to better respond to cases involving gender-based violence, trafficking, etc.

Data can also have transformative power in eliminating existing barriers in the selection and appointment of judicial personnel's selections and appointments. While judicial structures, responsibilities, appointment procedures, and terminology vary from country to country, ensuring full and equal access to judicial posts is critical in any system. In civil law jurisdictions, judges' appointments often require passing national examinations and completing training at a national judicial institute. Therefore, data on women's overall representation in training

institutions can be utilized to plan policies supporting women's entry into judicial training institutions. For instance, after introducing a minimum quota of 15% for admission of female candidates in **Jordan**, the number of women studying at the Judicial Institute reached 54% in 2017.⁵⁹ The **United Kingdom** developed a Judicial Mentorship Scheme for barristers, solicitors, and other legal academics who are either female, representative of ethnic minorities, or from low socioeconomic backgrounds. The scheme allows candidates to observe the daily work of a judge, receive advice and guidance from a mentor judge, and improve the skills needed to apply for a judicial office. Such mentorship programmes have proved effective around the world. Judges in **Ghana** have highlighted the positive impact of mentoring women on the aspirations of female law students.⁶⁰ Most women judges interviewed for a study in **Pakistan** noted that the opportunity to speak to seniors at different stages of their career could increase their confidence as junior women judges.⁶¹ In **Kenya**, the lack of informal networks for mentoring women lawyers has led to them missing out on events that could offer professional opportunities and skills development. Relative to men, women lawyers do not have large networks, which, in turn, can inhibit career advancement.⁶²

In common law countries, where judges are often appointed based on their extensive experience in academia or legal firms, a different set of initiatives can be used to reform selection and appointment processes. This may include the creation of diverse and inclusive recruitment committees or defining clear and holistic selection standards. For instance, in 2016, **Canada** enhanced the structure of its Judicial Advisory Committees (JACs) to make them more representative of Canadian society. These changes included the establishment of a new mechanism for selecting JAC members from the general public through an open application process and also the introduction of a standardized diversity-oriented assessment

process. Following the example of Canada and other countries, **Ireland** is now establishing a judicial appointments commission which, among other goals, will focus on building a diverse judiciary. The selection panels in **France** are obliged to respect gender parity in their composition, thereby promoting the same level of diversity as courts. A representational quota was also introduced in **Belgium's** High Council of Justice, requiring equal representation of men and women.⁶³

Administrative data can reveal the need to attract a diverse pool of candidates for judicial posts. Consequently, countries may decide to disseminate judicial vacancy announcements more actively, plan public information campaigns, and conduct more diverse outreach activities among the underrepresented groups. For example, to attract professionals from outside the traditional legal office in **Canada**, the Attorney General of Ontario wrote to all the province's women lawyers who had been at the bar for ten years and encouraged them to consider applying for the judiciary.⁶⁴

Collecting data on women's representation in the judiciary is essential to detect glass ceilings (i.e. barriers that block women from moving up the ranks in the judiciary) and glass walls (i.e. barriers that keep men and women separated in different courts, levels of courts, departments, and occupations). Based on the collected data (by the court or decision-making levels), countries may address any disproportionate concentrations by improving procedural guarantees for fairness throughout the professional development, appraisal, transfer, or promotion of judicial personnel. For instance, new legislative safeguards against the arbitrary transfer of judges in **Tunisia** aim to strengthen the independence of judges and *inter alia* contribute to the elimination of any potential structural gender bias during transfers.

Furthermore, improving working conditions and implementing gender-sensitive and inclusive human resource management policies can

ensure a better balance between men and women. For instance, the right to salaried part-time work was extended to judges of the High Court level in the **United Kingdom**. The Gender Equality Unit of the Federal Electoral Tribunal of **Mexico** introduced shorter working hours and the implementation of paternity leave.⁶⁵ In **Honduras**, the capacities of the Supreme Court of Justice for formulating gender-sensitive budgets have been improved.⁶⁶

Creating and increasing the capacity of women's associations is seen as another tool for advancing their representation in the judiciary. For instance, the **Tunisian** Association of Women Judges aims to ensure women's equal representation in the judiciary. In **Iraq**, a woman was elected as a vice-president of the Iraqi Judicial Association, a civil society organization that seeks to promote the status of judges and the judiciary.⁶⁷ The National Association of Women Judges of the **United States** has been involved in establishing and implementing gender bias task forces in federal and state courts. The **Kyrgyz** Association of Women Judges specifically works on advancing the role of women in the judiciary.⁶⁸ Associations of Female Judges in **Jordan** and **Morocco** are also actively engaged in advocating gender-sensitive judicial systems in their respective countries.⁶⁹

It is insightful to link diversity and inclusion objectives with training programmes to reduce gender-bias and the adoption of sexual harassment regulations in judicial institutions. Ensuring that judicial personnel have enough expertise on gender issues may decrease implicit gender bias, increase understanding of the importance and benefits of diversity, and tackle stereotypes in the administration of justice. For instance, all members of **Canada's** Judicial Advisory Committees undergo training on diversity, unconscious bias, and the assessment of merit. **Bosnia and Herzegovina** developed a comprehensive gender bias curriculum for law students to raise awareness of gender stereotypes, bias, and gender identity and expression in law schools. In 2016, **Chile** incorporated modules on stereotypes in

compulsory judicial training and developed a practical manual for judges to apply gender perspectives in their work. In addition, the Judicial Academy designed two training courses, one entitled “Gender Roles and Stereotypes” for candidates in the junior levels of the judiciary and another for active members of the judiciary - “Gender and Sexuality”.

Data is essential to detect female underrepresentation in the legal profession in general. This data can lead to affirmative action programmes and similar initiatives aiming to contribute to the feminization of law schools and thereby increase female representation among justice professionals. Countries may particularly focus on increasing the accessibility of legal education, creating postgraduate legal opportunities, and supporting the entry of women into the judiciary. For instance, **Jordan’s** authorities established funds to support women judges’ participation in training and research visits as well as to benefit female judicial students.⁷⁰

II. Representation of other nationally relevant population groups

The notion of representation goes far beyond sex, age, or disability status, and its boundaries have been continuously expanding over the years, with encouragement for the inclusion of other relevant population groups. The methodology for SDG 16.7.1c encourages countries to identify the specific population groups relevant in their context based on the individual history and local socio-cultural context. For instance, **South Africa’s** Constitution requires judicial officers to “reflect the racial and gender composition broadly”. **Montenegro’s** Law on the Constitutional Court states that nominating bodies shall take into account the proportionate representation of members of minorities and other minority ethnic communities, and a balanced gender representation. However, building greater diversity in the judiciary may go beyond racial,

religious, or ethnic characteristics and recognize a need for linguistic and even professional representation. For example, in **Belgium**, the composition of the Constitutional Court shall comply with linguistic and “professional” quotas: six judges should be Dutch-speaking, three of whom should be former MPs, and six judges should be French-speaking, again, three of whom should be former MPs.

National judicial institutions are often reluctant to generate data on the ethnic or other backgrounds of individuals, citing regulatory constraints and/or the sensitivity of such data. However, to acquire up-to-date information on ethnic, religious, sexual, or other affiliations of judges and other legal professionals, countries often use voluntary disclosure methods. For instance, **Canada**, the **United States**, and the **United Kingdom** apply a “self-identification” approach to collect data on their legal professionals’ ethnicity. Often drawing on census categories, judiciary bodies and professional organizations in these countries, including lawyers’ professional bodies, ask their members and staff to indicate which ethnic group they belong to.⁷¹ In its recent Judicial Diversity Strategy, the **United Kingdom** committed itself to diversity characteristics and to widening the scope of data by creating new sub-categories for the Black, Asian and Minority Ethnic group (BAME), including information on the socioeconomic background of judiciary professionals. In **Canada**, in line with the **Employment Equity Act**, each agency, including the Office of the Commissioner for Federal Judicial Affairs, shall report on the state of employment equity across four designated groups: women, Aboriginal peoples, people with disabilities, and members of visible minorities.

Countries can use data on judicial personnel to plan diverse outreach activities and attract ethnic minority candidates to the judiciary. In **Canada**, for instance, law schools initiated a special programme to encourage indigenous and Black students to join the legal profession. In response to the overconcentration of judges

from continental **France** in the overseas *départements* and territories (DOM-TOM), the French Council for Justice started awarding scholarships and preparing students from minority groups for the competitive examinations for judicial positions.

Considering the close relationship between the composition of the legal profession and of the judiciary, reaffirming commitment to diversity in the courts may encourage professional associations also to collect data on their composition and to diversify their membership. For example, the Canadian Bar Association (CBA) has been actively working on policies to promote diversity in the legal profession and monitoring the progress. Similarly, the American Bar Association of the **United States** facilitates diversity and inclusion within the association and legal profession in general through its [Diversity and Inclusion Center](#).

By promoting diversity, public agencies and professional bodies can serve as role models for legal firms, inhouse law departments, and academic institutions. Today representatives of the private sector and academia are also becoming increasingly active in improving their diversity and inclusion efforts, including establishing diversity targets, integrating diversity principles in operations, promoting awareness of unconscious bias and diversity, etc.⁷² It is noteworthy that members of ethnic minorities are often self-organizing within the legal profession, for example, the Society for Black Lawyers, the Society of Asian Lawyers and the Association of Muslim Lawyers in the **United Kingdom**.⁷³ Thus, supporting these associations may help better understand the barriers experienced by representatives of minority groups and assist in advancing their legal careers.

In some cases, a critical analysis of underrepresentation in courts combined with broader data on court services may indicate that the same minority groups who are reluctant to access justice are underrepresented among court staff. For instance, to address the

estrangement of indigenous peoples from the justice system and to bring indigenous customs and traditions into the administration of justice, **Australia's** Magistrates Courts have engaged indigenous communities in the collaborative design of special indigenous sentencing courts. Similarly, specialized courts working with indigenous people were established in Canada. Legal professionals in these courts are either from indigenous communities or have experience in indigenous restorative justice (see *Box 8*).

III. Representation of persons with disabilities

Regrettably, publicly available data on judges and other judicial personnel with disabilities is limited. In the absence of such information, understanding the barriers and supporting the integration of persons with disabilities into a legal profession can be challenging.

According to the [International Principles and Guidelines on Access to Justice for Persons with Disabilities](#) and the Guidelines on Access to Justice for Persons with Disabilities, the right to equal access to justice requires that persons with disabilities have the opportunity to be involved in various roles in the administration of justice on an equal basis with others. States should ensure that persons with disabilities can access justice and act as judges, lawyers, prosecutors, witnesses, jurors, experts, and court officials in the justice system without discrimination.

A first step towards facilitating the effective participation of all persons with disabilities is removing all disability-related legal barriers, preventing persons with disabilities from being judges, lawyers, or jurors, or serving in any other justice-related positions. For instance, **Chile** has repealed the prohibition against blind and deaf persons being eligible to be magistrates. In **Spain**, according to the Organic Law of the Jury Court, persons with disabilities can be part of a

jury, and they must be provided with the necessary support during judicial proceedings. Removing legal provisions prohibiting the employment of disabled judges and prosecutors in **Turkey** was one of the recommendations of the Committee on the Right of Persons with Disabilities.⁷⁴

Building on available data, countries may remove obstacles that prevent or discourage persons with disabilities from entering professionals related to the justice system-related professions. For example, according to the Committee on the Right of Persons with Disabilities, **Algeria's** standards requiring physical and psychological fitness in order to access various judicial professions *may prevent* persons with disabilities from entering the justice system.⁷⁵

Improving educational institutions' physical infrastructure and providing reasonable accommodation during the certification process can make the admission process fairer and more accessible. For example, in **Bangladesh**, persons with disabilities can take the Bar exam, and accommodation in the form of scribes is provided to them.⁷⁶ In 2019, the **United Kingdom** launched the Pre-Application Judicial Education programme to support lawyers from underrepresented groups, including persons with disabilities, in applying for a future judicial role.

International standards require countries to create facilities, structures, and processes in the justice system that would increase access to justice for persons with disabilities. **Mexico's** Supreme Court of Justice adopted a National Protocol of action for those who provide justice in cases involving the rights of persons with disabilities. It allows legal professionals to plan procedural adjustments to accommodate persons with disabilities in the courtroom. However, accessibility requirements should target not only the public spaces of courts, but also ensure the relevant physical structures are

Box 8. Indigenous courts of Canada

Calgary Indigenous Court of Alberta in **Canada** was established in 2019 in response to the challenges and unique circumstances of the indigenous people and emerged out of the recommendations from the Truth and Reconciliation Commission (TRC) as well as the Missing and Murdered Indigenous Woman and Girls National Inquiry (MMIWG) Report.

The court provides justice for representatives of indigenous communities, including offenders, victims, and other members harmed by an offender's actions. The court deals with criminal offences, mainly bail and sentencing. While applying Canadian law, the court incorporates indigenous cultural practices and understandings of justice. The court has a dedicated judge who is either indigenous or experienced in indigenous restorative justice as well as indigenous legal professionals including indigenous prosecutors, legal counsel and indigenous court workers and community support agencies. Additionally, dedicated staff working as Restorative Justice Peacemakers and Traditional Knowledge Keepers are also part of the court. The primary goal is to provide cultural support and peacemaking and to connect indigenous peoples with their communities, with a focus on restorative justice.

Recognizing the under-representation of indigenous peoples in the justice system and the systemic challenges faced by indigenous communities, the court was established with the aim of bringing justice closer to the community, providing holistic services and improving access to justice for indigenous peoples.

Source: Provincial [Court](#) of Alberta.

accessible to all staff members of the judicial institution.

Linking official data on the representation of disabled persons in the judiciary with employee perception surveys may contribute to planning the targeted awareness-raising programmes and media campaigns. By integrating topics on the rights of persons with disabilities and related biases into the professional development programmes of court staff, judicial training agencies can try to reduce prejudice and promote rights recognition in the judiciary system. For example, the Judicial Training Centre in **Slovenia** provides continuous professional development to judges, state prosecutors, state attorneys, judicial advisers, judicial assistants, and other personnel employed in courts on legal protection mechanisms and issues faced by persons with disabilities. In **Sweden**, the Court Academy created an e-learning platform to disseminate a module called “The court is for everyone” to all court personnel.

Diversifying educational opportunities and increasing awareness among law students can bridge representation gaps. For example, the Centre for Human Rights of **South Africa** developed a training curriculum on disability for undergraduate students in African countries, which includes a module on “Access to Justice”. Law schools across nine African countries use this curriculum.

IV. Representation of young people

The methodology for SDG 16.7.1c encourages countries to collect age-disaggregated data on the judiciary and increase youth representation in courts. Considering the necessary education and professional experience needed to deal with complex legal issues, for the purpose of this indicator “youth” is defined as 44 years old or below.

Traditionally, policymakers, judicial officials, and academic representatives have suggested that some characteristics and qualities critical for judicial posts develop over time and can be

shaped only through life experience. And while all judicial candidates should still meet the established qualifications, nevertheless, diversifying the bench by engaging younger judicial professionals significantly increases the chances for having a more inclusive and diverse judiciary in the long run. This is particularly true when considering that most younger cohorts of judges in many countries are women and other representatives from disadvantaged groups. For example, the recent report on the **United Kingdom**’s judicial statistics indicates that there is a lower proportion of judges with a minority background at older ages (60 or above). Besides, having relatively young judges in the judiciary can bring a different set of skills and fresh perspectives to the administration of justice.

Today greater attention is being given to attracting young people of different genders, races, ethnicities, or sexual orientations and supporting them in pursuing a career in law. For example, in 2018, in its Opinion on the reform of the High Judicial Council of **Kazakhstan**, the European Commission For Democracy through Law (Venice Commission) advised the government to revise the system of recruitment of judges to make a judicial career more attractive for young lawyers. Similarly, the Venice Commission stated that the requirement of 15 years of professional experience for the Constitutional Court of **Romania** “risks completely excluding younger judges from the Court which may be detrimental, especially in a new democracy”.

Additionally, the Supreme Judicial Council in **Jordan** launched the “Future Judges” training programme to attract and support legal researchers and graduates from the law faculties.⁷⁷ In 2014, the Supreme Judicial Council in partnership with the University of **Bahrain** started the “Judges of the Future” programme. The goal is to train young legal professionals and prepare them for judicial positions. The National Association for Law Placement of the **United States** created a “Legal Diversity Pipeline Program” designed to help high school students

get information about the law and the legal profession.

What is next for measuring SDG 16.7.1c

The examples above illustrate the great potential of how systematically collecting data on the representation of various groups in the judiciary can help inform policies to promote diversity and inclusion. However, to capitalize on this potential, countries will need to strengthen their data collection practices and expand the range of information captured on the composition of the judiciary.

With reporting on SDG indicator 16.7.1c starting in 2021, countries can begin to set up their administrative data collection systems to fully align with the methodologies and approaches recommended for the 16.7.1c indicator, including new classifications and reporting requirements and utilizing a human rights-based approach to data collection.

As the custodian agency for this indicator, UNDP is committed to advocating for data collection as well as using the data for evidence-based policy making to promote a more inclusive and representative judiciary. Broadly speaking, three types of measures need to be taken by countries to reap the full benefits of collecting data on the composition of the judiciary (see Box 9 for examples of UNDP support at the country level):

1. **Improve data collection on judicial personnel**, by incorporating global reporting requirements from indicator 16.7.1c into national data collection systems used for the judiciary, and by building the capacities of staff involved in the management of such systems across judicial institutions.
2. **Enhance the public availability of such data and build data literacy skills of potential users**, including policy makers as well as judicial oversight institutions, civil society, and the media, to analyse the data on judicial employment and draw attention to imbalances in representation where needed.

3. **Ensure that 16.7.1c data feeds into the design of inclusive human resources policies for the judiciary** by ensuring that statistical analysis and key findings lead to concrete actions that inform recruitment strategies and support career development.

Box 9. Examples of UNDP support on promoting inclusion in the judiciary

- **Improve data collection policies, tools and platforms used by the judiciary**
 - A Gender Map of [Argentina's](#) Justice System was developed reflecting the distribution of men and women working in each jurisdiction and their positions to better understand the state of representation in the judiciary.
- **Support the design and implementation of inclusive human resource management practices and tools**
 - In [Honduras](#), the Supreme Court of Justice was supported to formulate gender-sensitive budgets.
- **Conduct proactive measures to attract underrepresented groups to legal professions**
 - In [Timor-Leste](#), UNDP implemented a gender equality grant for female trainees in the Legal Training Centre and conducted a gender awareness campaign to increase the number of female justice actors.
 - In [Nepal](#), to promote participation of women and different marginalized groups in the legal arena, UNDP in partnership with the Nepal Bar Association supported scholarships, clinical education, and an internship programme for young lawyers.
- **Engage underrepresented groups on the front line of justice service delivery**
 - The “Solidarity Bus”, a mobile legal aid initiative, provides access to justice to the rural population of [Kyrgyzstan](#), with the active engagement of female legal professionals.
- **Advocacy on gender justice and representation in the judiciary**
 - In [Uzbekistan](#), to address gender justice, UNDP is working with the Government to prioritize gender parity in the judiciary.
 - In the [Arab States](#), a joint study by UNDP with UN Women, UNFPA, and ESCWA examined Gender Justice & the Law, including by looking at women’s participation in the judiciary.

Acknowledgements

This brief was prepared by Natalia Baratashvili, UNDP Georgia in cooperation with Mariana Neves, Marie Laberge, and Aparna Basnyat of the UNDP Oslo Governance Center with support from Alina Karlsen and Alexandra Long. It benefited from review by Arvinn Gadgil, Joanna Hill, Lorena Mellado and Sarah Lister. Bruce Hamm was the editor.

UNDP Oslo Governance Center leads on UNDP's custodian role on four SDG 16 indicators including methodological development and refinement of the indicators, as well as technical support for global reporting. For more information, please contact sdg16indicators@undp.org

Cover Photo: © UN, Logan Abassi, Haiti

¹ UN General Assembly (2015). *Transforming our world: the 2030 Agenda for Sustainable Development* (A/RES/70/1).

² Committee on the Elimination of Discrimination against Women (1997). *General Recommendations No 23: Political and public life*. Available at: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4736_E.pdf

³ OSCE High Commissioner on National Minorities (2017). *The Graz Recommendations on Access to Justice and National Minorities & Explanatory Note*. Available at: <https://www.osce.org/files/f/documents/a/c/340066.pdf>

⁴ R. Hunder (2015). More than Just a Different Face? Judicial Diversity and Decision-making. *Current Legal Problems*, Volume 68, Issue 1.

⁵ C. Thomas (2005). *Judicial Diversity in the United Kingdom and other jurisdictions, A review of research, policies and practices*.

⁶ Judicial Group on Strengthening Judicial Integrity (2002). *Bangalore Principles of Judicial Conduct*. Available at: https://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf

⁷ United Nations Human Rights Council (2020). *Resolution on Independence and Impartiality of the Judiciary, Jurors, Assessors and the Independence of Lawyers* (A/HRC/RES/44/9).

⁸ Judicial Group on Strengthening Judicial Integrity (2002). *Bangalore Principles of Judicial Conduct*. Available at: https://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf

⁹ J. Nedelsky (1997). "Embodied Diversity and the Challenges to Law". *McGill Law Journal*, Volume 42.

¹⁰ S. A. Ifill (1998). "Judging the Judges: Racial Diversity, Impartiality and Representation on State Trial Courts". *Boston College Law Review*, Volume 39.

¹¹ *Ibid.*

¹² D. Root, J. Faleschini, G. Oyenubi (2019). *Building a More Inclusive Federal Judiciary*. Center for American Progress. Available at: <https://www.americanprogress.org/issues/courts/reports/2019/10/03/475359/building-inclusive-federal-judiciary/>

¹³ J. P. Kastellec (2012). "Racial Diversity and Judicial Influence on Appellate Courts". *American Journal of Political Science*, Volume 57.

¹⁴ *Ibid.*

¹⁵ L. Wildhaber, President of the European Court of Human Rights. *Judicial Impartiality Under the European Convention on Human*

Rights. Available at: <https://www.concourt.am/hr/ccl/vestnik/2.12-2001/wildhaber-eng.htm>

¹⁶ UNODC (2011). *Resource Guide on Strengthening Judicial Integrity and Capacity*. Available at: https://www.unodc.org/documents/treaties/UNCAC/Publications/ResourceGuideonStrengtheningJudicialIntegrityandCapacity/11-85709_ebook.pdf

¹⁷ *The Judiciary Quarterly* (2007). *Ethnic minority representation in the judiciary: diversity among judges in old and new countries*. Available at: <https://www.rechtspraak.nl/SiteCollectionDocuments/Ethnic-representation-in-the-judiciary.pdf>

¹⁸ World Bank (2018). *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*. Available at: <https://openknowledge.worldbank.org/handle/10986/28337>

¹⁹ OSCE, DCAF, UN Women (2019). *Gender and Security Toolkit: Justice and Gender*. Available at: <https://www.osce.org/files/f/documents/8/9/442525.pdf>

²⁰ *Ibid.*

²¹ See for example: T. Collins, L. Moyer (2008). "Gender, Race, and Intersectionality on the Federal Appellate Bench". *Political Research Quarterly*, Vol. 61, No. 2. Sage Publications. Available at: <https://core.ac.uk/download/pdf/143830279.pdf>

²² H. Johnson, R. Jefferson (2020). *Shortlisted - Women in the Shadows of the Supreme Court*. NYU Press. Available at: <https://nyupress.org/9781479895915/shortlisted/>

²³ Democracy and Government Reform Team, Center for American Progress (2020). *Examining the Demographic Composition of U.S. Circuit and District Courts*. Available at: <https://www.americanprogress.org/issues/courts/reports/2020/02/13/480112/examining-demographic-compositions-u-s-circuit-district-courts/>

²⁴ N. Holvast (2016). "The Power of The Judicial Assistant/Law Clerk: Looking Behind the Scenes at Courts in The United States, England And Wales, and The Netherlands". *International Journal for Court Administration*, Volume 7.

²⁵ M. C. Miller (2014). "Law Clerks and Their Influence at the US Supreme Court: Comments on Recent Works by Peppers and Ward". *Journal of the American Bar Foundation*, Volume 39.

²⁶ T. C. Peppers, C. Zorn (2008). "Law Clerk Influence on Supreme Court Decision Making: An Empirical Assessment". *DePaul Law Review*, Volume 58.

²⁷ M. C. Miller (2014). "Law Clerks and Their Influence at the US Supreme Court: Comments on Recent Works by Peppers and Ward". *Journal of the American Bar Foundation*, Volume 39.

²⁸ *Ibid.*

²⁹ C. Pejovic (2001). "Civil Law and Common Law: Two Different Paths Leading to the Same Goal". *Victoria University of Wellington Law Review*, Volume 42.

³⁰ N. Holvast (2016). "The Power of The Judicial Assistant/Law Clerk: Looking Behind the Scenes at Courts in The United States, England and Wales, and The Netherlands". *International Journal for Court Administration*, Volume 7.

³¹ International Network to Promote Rule of Law (2012). *Practitioner's Guide: Common Law and Civil Law*. Available at: <https://www.fic.gov/sites/default/files/2015/Common%20and%20Civil%20Law%20Traditions.pdf>

³² T. Ginsburg, N. Garoupa (2008). "The Comparative Law and Economics of Judicial Councils". *University of Chicago Law School*, Volume 53.

³³ *The Judiciary Quarterly* (2007). "Ethnic minority representation in the judiciary: diversity among judges in old and new countries". Available at: <https://www.rechtspraak.nl/SiteCollectionDocuments/Ethnic-representation-in-the-judiciary.pdf>

³⁴ OECD (2019). *Government at a Glance: Public Employment, Gender Equality in the Judiciary*. Available at: https://www.oecd-ilibrary.org/governance/government-at-a-glance-2019_54c10a5e-en

³⁵ CEPEJ (2020). *Evaluation Report on European Judicial Systems*. Available at: <https://rm.coe.int/evaluation-report-part-1-english/16809fc058>

³⁶ CEPAL. (2018). *Judicial power: Percentage of women judges in the highest court or Supreme Court*. Available at: <https://oig.cepal.org/en/indicators/judicial-power-percentage-women-judges-highest-court-or-supreme-court>

³⁷ *The Arab Weekly* (2020). Available at: <https://theArabweekly.com/kuwait-expands-womens-rights-swears-first-women-judges-its-history>

³⁸ UN Women (2018). *Country Portfolio Evaluation Draft Report Rwanda Strategic Note 2014 – 2018*. Available at: <http://gate.unwomen.org/EvaluationDocument/Download?evaluationDocumentID=9193>

³⁹ Center for American Progress (2020). *Examining the Demographic Composition of U.S. Circuit and District Courts*. Democracy and Government Reform Team. Available at: <https://www.americanprogress.org/issues/courts/reports/2020/02/13/480112/examining-demographic-compositions-u-s-circuit-district-courts/>

⁴⁰ N. Grossman (2017). "Achieving Sex-Representative International Court Benches". *AJIL Unbound*, Volume 110.

⁴¹ D. Steffensmeier, S. Demuth (2000). "Ethnicity And Sentencing Outcomes in U.S. Federal Courts: Who Is Punished More Harshly?" *American Sociological Review*, Volume 65, No. 5, p. 705.

N. Ghandnoosh (2015). *Black Lives Matter: Eliminating Racial Inequity in the Criminal Justice System*. The sentencing project.

⁴² Yale Law School (2017). *A Portrait of Asian-Americans in the Law*. National Asian Pacific American Bar Association.

⁴³ US Bureau of Labor Statistics (2020) *Labor Force Statistics from the Current Population Survey*.

⁴⁴ Gqual Campaign for Gender Parity in International Representation. Available at: <http://www.gqualcampaign.org/home/>

⁴⁵ International Criminal Court (2021). *International Women's Day: ICC appoints Focal Point for Gender Equality*. Available at: <https://www.icc-cpi.int/Pages/item.aspx?name=pr1573>

⁴⁶ UNDP (2020). Metadata for SDG 16.7.1c. Available at: <https://unstats.un.org/sdgs/metadata/files/Metadata-16-07-01c.pdf>

⁴⁷ A Human Resource Information System (HRIS), also known as a Human Resource Management System (HRMS), is a form of software used to facilitate the management of human resources (HR). It combines necessary HR functions, such as storing employee data, managing payroll, recruitment, benefits administration, time and attendance, employee performance management, and tracking competency and training records.

⁴⁸ Committee on the Elimination of Discrimination against Women (2015). *General recommendation NO 33. Women's access to justice*. Available at: <https://www.ohchr.org/en/hrbodies/cedaw/pages/recommendations.aspx>

⁴⁹ CSW65 Agreed Conclusions (2021). *Women's full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls (E/CN.6/2021/L.3)*.

⁵⁰ IDLO (2019). *Women's Professional Participation in Kenya's Justice Sector: Barriers and Pathways*. Available at: https://www.idlo.int/sites/default/files/pdfs/publications/idlo-kenya-womens-professional-participation-low-res_march2020.pdf

⁵¹ United Nations Economic and Social Commission for Western Asia (2019). *Women in the Judiciary in the Arab States: Removing Barriers, Increasing Numbers*. Available at: <https://www.unescwa.org/publications/women-judiciary-arab-states>

⁵² International Commission of Jurists (2014). *Geneva Forum Series No 1: Women and the Judiciary*. Available at: <https://www.icj.org/geneva-forum-series-no-1-women-and-the-judiciary/>

⁵³ United Nations Economic and Social Commission for Western Asia (2019). *Women in the Judiciary in the Arab States: Removing Barriers, Increasing Numbers*. Available at: <https://digitalibrary.un.org/record/3880358>

⁵⁴ OECD (2018). *Toolkit for Mainstreaming and Implementing Gender Equality*. Implementing the 2015 OECD Recommendation on Gender Equality in Public Life. Available at: <https://www.oecd.org/gov/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf>

⁵⁵ Council of Europe (2017). *Improving Women's Access to Justice in the five Eastern Partnership Countries: Armenia, Azerbaijan, Georgia, Republic of Moldova, and Ukraine*.

⁵⁶ OECD (2018). *Toolkit for Mainstreaming and Implementing Gender Equality*. Implementing the 2015 OECD Recommendation on Gender Equality in Public Life. Available at: <https://www.oecd.org/gov/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf>

⁵⁷ UNDP (2015). *Towards Gender Equality, UNDP Argentina's Contribution*.

⁵⁸ Information available at:

<https://jordan.unwomen.org/en/news/stories/2020/january/judicial-institute-and-un-women-sign-memorandum-of-understanding>

⁵⁹ *Ibid.*

⁶⁰ Dawuni (2016). "To Mother or not to Mother: The Representative Role of Women Judges in Africa". *Journal of African Law*, Volume 60, No. 3, p. 426.

⁶¹ L. Holden (2017). *Women Judges and Women's Rights in Pakistan*. *Onati Socio-Legal Series*. Volume 7, No. 4, p. 764.

⁶² IDLO. (2020). *Women's professional participation in Kenya's justice sector: Barriers and pathways*. Available at: https://www.idlo.int/sites/default/files/pdfs/publications/idlo-kenya-womens-professional-participation-low-res_march2020.pdf

⁶³ EU Parliament (2017). *Mapping the Representation of Women and Men in Legal Professions across the EU, Legal and Parliamentary Affairs*. Policy Department for Citizens' Rights and Constitutional Affairs. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf)

⁶⁴ *Ibid.*

⁶⁵ OECD (2018). *Toolkit for Mainstreaming and Implementing Gender Equality*. Implementing the 2015 OECD Recommendation on Gender Equality in Public Life. Available at: <https://www.oecd.org/gov/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf>

⁶⁶ UNDP (2015). *Towards Gender Equality, UNDP Argentina's Contribution*.

⁶⁷ United Nations Economic and Social Commission for Western Asia (2019). *Women in the Judiciary in the Arab States: Removing Barriers, Increasing Numbers*. Available at: <https://digitallibrary.un.org/record/3880358>

⁶⁸ IDLO (2016). *Advancing the role of women in the Kyrgyz judiciary*. Available at:

<https://www.idlo.int/news/highlights/advancing-role-women-kyrgyz-judiciary>

⁶⁹ Economic and Social Commission for Western Asia (2018). *Women in the Judiciary, A Stepping Stone towards Gender Justice*. Available at: <https://www.unescwa.org/publications/women-judiciary-gender-justice-arab-countries>

⁷⁰ EBRD-IDLO (2019). *Research Study on Women Entrepreneurs' Access to Justice, Study Finding, Jordan*. Available at: <https://www.idlo.int/publications/women-entrepreneurs-access-justice-study-findings-jordan>

⁷¹ *The Judiciary Quarterly* (2007). *Ethnic minority representation in the judiciary: Diversity among judges in old and new countries*. Available at: <https://www.rechtspraak.nl/SiteCollectionDocuments/Ethnic-representation-in-the-judiciary.pdf>

⁷² D. O'Connor (2020). *Increasing Law Firm Diversity*. American Bar Association. Available at: https://www.americanbar.org/groups/tort_trial_insurance_practice/publications/committee-newsletters/increasing_law_firm_diversity/

⁷³ *The Judiciary Quarterly* (2007). *Ethnic minority representation in the judiciary: diversity among judges in old and new countries*. Available at: <https://www.rechtspraak.nl/SiteCollectionDocuments/Ethnic-representation-in-the-judiciary.pdf>

⁷⁴ Committee on the Rights of Persons with Disabilities (2019). *Concluding observations on the initial report of Turkey (CRPD/C/TUR/CO/1)*.

⁷⁵ Committee on the Rights of Persons with Disabilities (2019). *Concluding observations on the initial report of Algeria (CRPD/C/DZA/CO/1)*.

⁷⁶ Center for Disability Law and Policy (2019). *Final Report, Access to Justice of Persons with Disabilities*.

⁷⁷ Economic and Social Commission for Western Asia (2018). *Women in the Judiciary, A Stepping Stone towards Gender Justice*. Available at: <https://www.unescwa.org/publications/women-judiciary-gender-justice-arab-countries>