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# Gender on the International Bench Conference

11-12 January 2018, The Hague

## Press Release

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Currently women judges make up on average 17% of international courts and tribunals (ICs), demonstrating significant disparity regarding the participation of women on the bench across different international legal regimes. Such lack of representativeness can affect the legitimacy of the international dispute settlement process and its outcomes. The aim of the [Gender on the International Bench conference](#) was to analyze the causes and effects of the dearth of women judges, and the resulting implications for the legitimacy of international adjudicatory institutions and the judicial decisions rendered.

Various steps (expertise requirements, nomination and election process, etc.) on the path to the international bench may prove to be stumble blocks for women – particularly from developing countries. At the conference, a specific panel with African women judges addressed their route towards appointment to IC benches. For instance, as of January 2017, African women account for five out of eleven judges on the African Court on Human and Peoples' rights, the most gender balanced international court. What can we learn from their experiences? One suggested way to promote women judges would be to increase transparency and monitor the nomination processes. The discussion also focused on specific factors affecting the accessibility of the international judiciary for African women.

The panel examining the composition of ICs highlighted more specifically the gender gap in investment arbitration. Women might be more likely to appear in roles with more formalized appointment procedures and less prestige, while some informal norms might inhibit women from being appointed as arbitrators. The discussion also turned towards the lack of gender diversity at the International Court of Justice (ICJ), the primary judicial organ of the UN. The first permanent ICJ female judge (Dame Rosalyn Higgins) was appointed in 1995, followed by three other female judges in a permanent – compared to a much larger number of male judges.

Conference participants debated the potential causes and impacts of such a significant disparity. Do women judges really make a difference? The European Court of Human Rights was also examined more particularly: does the gender of the victims play a role in the determination of damages? How could the impact of woman judges on the judgments at the European Court of Human Rights be measured?

The participants in the conference debate highlighted the need for gender awareness in the international judiciary and in legal practice to create conscious and active effort to improve equal opportunities for women in appointment processes.



One major concern raised was that although women are well represented among graduate students, the balance shifts towards the more senior levels of the profession. How can this be addressed?

In addition to the historical neglect for gender representation in the international judiciary, the contribution of women judges to the development of international law was another aspect of the debate on gender on the international bench. More specifically, issues such as the impact of women judges in international criminal law, when adjudicating international trade cases in the World Trade Organization (WTO), as well as when addressing human rights issues in the context of international investment arbitration were further explored.

The conference concluded by addressing the specific legacy of female adjudicators, seeking to establish a higher level of understanding of current challenges and best practices in terms of promoting women on the path towards the international bench. The underlying assumption was that an increased gender balance would enhance the normative and social legitimacy of the international judicial process.

The proceedings of the conference will be published in an edited volume in 2019, for more information contact [Prof. Freya Baetens](#).