Towards gender balance and equality in Pacific judiciaries

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ACRONYMS

FSM	Federated States of Micronesia
IAWJ	The International Association of Women Judges
LEN	The Legal Empowerment Network
PNG	Papua New Guinea
PNGJWA	Papua New Guinea Judicial Women's
RMI	Association Republic of the Marshall Islands

Cover page: Presiding Magistrate Tabou Boua and Magistrate Bwebwe Kamoriki, North Tarawa, Kiribati, travelling for work. Photo: By author.



Chief Magistrate Loupua Pahulu-Kuli
Kingdom of Tonga.

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Note regarding October 2026 update:
This report was originally released in May 2024 and can be accessed at: Gender Balance and Equality in Pacific Judiciaries - International Association of Women Judges. This version from October 2026 includes updated data and analysis, which can be compared to the baseline data in the original version of this report.

EXECUTIVE SUMMARY

In the words of Judge Nazhat Shameem, Fiji's first female judge, a 'gender competent bench' is one in which all judges – male and female – recognise and actively address, their own assumptions about gender.

> Gender competence is about recognising our own perceptions about male and female roles in society and understanding how these culturally driven perceptions prevent judges and magistrates from an objective analysis of the evidence. [1]

A gender competent bench is therefore much more than simply 'a numbers game' to achieve gender diversity or balance in its composition. Rather, it requires that all judicial actors have strong awareness of their own subconscious gender biases and actively work to counter these and are also knowledgeable regarding the continuing impacts of the gendered history and development of systems of law. Being well-versed in these historical facts and their continuing effects on laws and procedures is integral to the task of impartially performing judging roles and demonstrating 'gender competence' in the exercise of judicial power.

While 'numbers' of women in judiciaries are not the only issue, they are important. So too is the creation of enabling environments absent gender discrimination so that women judicial officers can make their contributions to build stronger judiciaries without hindrance. This study examines both aspects. It documents how the inclusion of women in Pacific judiciaries is quietly moving ahead. The numbers and seniority of women in judiciaries is gradually rising and the exercise of judicial power and authority by women is increasingly accepted and normalised amongst Pacific communities, court users, court leaderships and legal professions. This progress has accelerated in the past ten years and stands in stark contrast to the persistent, limited gains for women as elected representatives in Pacific parliaments over the same period.[2]

This is the main headline and is a good news story indeed. However, there is still some way to go. This study found that women comprise only 21% of judges in superior courts across the region and 6.8% of lay magistrates and lay justices. However, women already comprise some 44% of law-trained magistrates and district court judges, which is an impressive achievement. It is important to note that due to the low overall numbers of Pacific magistrates and judges and the long-term nature of judicial appointments, even small numbers of lost opportunities to increase gender balance in judiciaries could see a backslide in progress made, especially in senior leadership roles.

Gender balance in Pacific judiciaries is advancing most rapidly and sustainably in magistrate courts. Women already form a majority of (law-trained) magistrates in several medium or large jurisdictions[3] and occupy a sizable number of ongoing leadership positions, despite the continuing power of patriarchal cultural norms in those countries, which limit women's public leadership roles in other spheres.

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[1] Shameem, N., *Gender, Justice, and Judges*. Speech to the Fiji Judiciary Criminal Law Workshop for Judges and Magistrates. 14 June 2012.

[2] Representation of women in Pacific parliaments remains the lowest in the world, at only 9%, compared to 26% globally. See Pacific Women in Politics, PACWIP - National Women MPs - PACWIP . Several Pacific parliaments currently have no women members, such as Papua New Guinea and Tuvalu, however some such as Niue, have made strong progress. As of May 2026, Niue has 35% women MPs, surpassing the 30% 'critical mass' proportion often cited by the United Nations.

[3] Solomon Islands, Vanuatu and Kiribati.

Given the high volume and fast pace of cases in magistrate courts, women magistrates count amongst the hardest working judicial officers in the region. Notably, magistrate courts are also the major drivers of reform and improvements to increase access to justice for Pacific communities, including regarding enhanced implementation of family protection laws across the region.

Judicial appointment processes in superior courts remain opaque, as in many other parts of the world, providing more space for gender bias to foster. This may go some way to explaining the slow rate of progress in appointment of women judges in most jurisdictions, especially in courts of appeal, given that the pool of qualified eligible women candidates has already been plentiful in most Pacific jurisdictions for some time. Lack of transparency in processes and criteria for judicial appointment, as well as the male-dominated composition of Pacific judicial appointment bodies and gendered notions of what constitutes 'merit', may contribute to the slower than 'natural' growth of merit-based appointments of women in Pacific superior courts. Women judicial officers also shared that women's lack of confidence or concern about balancing professional and family roles, may also contribute to women's hesitation to proactively seek appointment. Further study of these or other causes of the slow advancement of women in Pacific superior courts would be helpful.

The most acute gender barriers in Pacific judiciaries are faced by women lay justices and magistrates working in local level courts, where they remain a very small minority of total decision makers, (with some notable exceptions).[4] They face significant social and cultural gendered barriers to their appointment and retention and gender discrimination in performance of their roles, including from colleagues within their courts and gendered risks relating to their personal security and other work conditions. The needs of local courts are often overlooked by court leaderships and administrations despite their strategic positioning in rural and remote locations where community justice needs are the most urgent and the least served, especially regarding gender-based violence. The feedback received from women lay justices in this research highlights how despite their crucial roles, including in increasing women's access to justice at a local level, the contribution they make to providing justice to Pacific communities, is not well recognised or supported by court leaderships.

Based on the study survey, focus groups and interviews with Pacific women judicial officers, most feel that their court leaderships equally respect and value the contributions of women judiciary members. However, almost half of the study respondents still identified gender barriers in their judiciaries, including gendered stereotyping and cultural barriers such as assumptions being made that they were better or less suited to hearing certain case types. Women judicial officers strongly support robust gender training and guidance for both male and female judicial officers to ensure all members of the bench are equally equipped and competent to decide all types of cases, including those involving gender-based violence and family law.

While respondents overwhelmingly feel their court leaderships support women judicial officers, this does not preclude the need for court leaderships to proactively address the discriminatory treatment women judicial officers still experience by colleagues, court staff, members of the public or members of the legal profession, especially senior male lawyers who were identified as a group more likely to demonstrate gender bias in their attitudes towards women judicial officers.

Pacific women judicial officers support increased gender balance in judiciaries on grounds they strengthen judiciaries in a range of ways including through: increasing their legitimacy; keeping in check biases, prejudices and privileged views within judiciaries; stimulating cultural and legal change; increasing the quality and depth of decision making by incorporating the experiences of both genders in the dispensation of justice; increasing community access to justice, especially for women and girls; and conveying positive messages about the roles of women exercising public power in Pacific societies.

[4] Such as the Cook Islands where women make up 80% of the Justices of the Peace.

In relation to steps needed to create greater gender equality and support, Pacific women judicial Officers identified several areas of need revolving around: (in order of priority)

- Professional development, both when newly appointed and ongoing, involving a range of methods including opportunities for further education and training, mentoring, coaching, and programs to equip women for promotion to higher courts and more senior roles.
- Workload reduction and management, including through increased administrative and legal research support.
- More flexible and varied work conditions to enable better balancing of work and family commitments and to support sustainable work practices.
- Increased physical and cultural safety in the work environment, taking account of gendered differences regarding: decisions on postings involving relocation and impacts on family separation; physical safety of places of work including access to safe transportation for all work-related travel; safety from threats or violence related to the judicial function; as well as safety from sexual harassment, bullying, aggressive or other forms of 'bad behaviour' in the workplace including by other judicial officers and court leaders.
- Improved physical work environments to enable greater efficiency and amenity in performing their roles, including through increased access to technologies, privacy and noise reduction in common workspaces, areas for breastfeeding and better equipped bathroom facilities.

Actioning these and other recommendations[5] requires strong court leadership, including by way of leading by example, inclusive change processes that will benefit all judicial actors, and improved technical support and increased equity in resource allocations to magistrate and local level courts. Women judicial officers across all levels of courts are keen to provide support and leadership to this process, including through establishment of a regional association of women judicial officers. Guided by court leaderships and women judicial officers, court development partners can provide targeted assistance to address both technical and resource deficits to support Pacific judiciaries as they each chart their own course towards gender balanced and gender competent judiciaries.

[5] See Part E of this report.



Single Magistrate Kataraina Ratieta
Kiritimati, Kiribati. Photo: By author

KEY FINDINGS

- **Pacific judiciaries remain heavily male dominated, and women comprise less than a fifth of Pacific judicial officers.** However, there is significant variation in the gender composition of different levels of courts. They comprise 21% of judges across the region, 44% of magistrates and district court judges but only 6.8% of lay magistrates and lay justices.

- **Increasing gender balance of judiciaries strengthens their function in several ways**. It:
  - Increases the breadth and depth of knowledge and experience that the bench can draw upon in judging.
  - Increases legitimacy by better reflecting the composition of communities served.
  - Increases public confidence in the integrity of justice.
  - Increases societal fairness as courts become more approachable and useable to groups historically facing barriers in accessing justice, including women and girls.
  - Changes internal dynamics and culture of male privilege in judiciaries and supports increased self-awareness gendered assumptions and intellectual rigour.
  - Creates role models for women exercising public power in public life, translatable across other fields to challenge gendered norms and roles in Pacific societies.
  - Provides an opportunity for more women to participate as judicial officers interpreting and shaping laws, which is especially important given women's limited representation in Pacific parliaments. The participation of more women judicial officers in judiciaries often sparks fresh and necessary legal debates and accelerates awareness of the differential impacts of law upon varied social groups.

- **Women have made major recent gains in judicial leadership roles:** In 2019 there was only one female Chief Justice of a Pacific judiciary out of fifteen, whereas there are currently three, one of them holding an acting role already for several years. Several current Chief Magistrates are women and women Magistrates occupy several other senior roles in magistracies across the region also.

- **Gender balance in Pacific judiciaries is advancing most rapidly and sustainably in magistrate courts.** Women already form a majority of magistrates in several medium or large jurisdictions (Samoa (75%), Kiribati (67%), Vanuatu (63%). Fiji (52%), Tonga (50%) where they also occupy a sizable number of ongoing leadership positions. This is despite strong patriarchal cultural norms in these countries limiting women's public leadership in other spheres. In other countries with magistrate courts, rates of women magistrates remain lower but are increasing Solomon Islands (44%), FSM (25%) and PNG (36%).

- **Most women judicial officers** (87%) feel that their court leaderships equally respect and value the contributions of women judiciary members and even more, (93%), feel that court users accept women's competence and authority performing judicial roles, as they do men.

- **Women are also under-represented in judicial appointment bodies.** While a more detailed mapping process is necessary, preliminary findings indicate that women comprise less than a quarter of judicial appointment bodies, (24%).
- **Judicial appointment processes in Pacific superior courts remain opaque, (as they do globally), providing more space for gender bias to foster,** as likely indicated by the slower rate of progress in appointment of women judges to superior courts in most jurisdictions, especially courts of appeal, where they comprise only 16% of judges. While the 'pipeline' or pool of qualified eligible women candidates is already plentiful in many, if not most, Pacific jurisdictions, lack of transparency in processes and criteria for judicial appointment, gendered notions of what constitutes 'merit' and the male dominated composition of Pacific

judicial appointment bodies, are factors likely contributing to the slower than 'natural' growth of gender balance in Pacific judiciaries and are areas requiring further focused examination.

- **Women judicial officers reject quotas and other affirmative action measures to increase the number of women in judiciaries** and strongly support the notion that all judicial officers must be appointed based exclusively on merit.

- **However there remains a need for greater awareness of subconscious gender bias regarding the content of 'merit'; greater gender balance in judicial appointment bodies; and greater overall transparency in the criteria and processes for appointment and promotion of judicial officers** across all levels of courts to help protect judiciaries from gender bias in appointment processes.

- **There is a lack of pathways for women judicial officers to be promoted within and between levels of courts** and a lack of opportunities to prepare women for promotion through further education or other processes to nurture talent.

- **Around half of all women judicial officers lack security of tenure**. By actor-type, 56% of judges lacked secure tenure until retirement, whereas 38% of magistrates lacked secure tenure and 33% of justices lacked secure tenure, potentially raising serious implications for regional judicial independence. This is another area requiring focused examination.

- **While women justices form the lowest proportion of judicial officers by level of court (6.7%), numerically, they outnumber the sum of women judges and magistrates by more than 10:1**: 1083 women justices and lay magistrates were identified in this study compared to only women judges and magistrates across the region. In many senses, women justices and lay magistrates are 'the elephant in the room', the largest group of women in Pacific judiciaries by far but the least understood and supported in their work.

- **The most acute gender barriers in Pacific judiciaries are faced by women justices and lay magistrates working in local level courts**, who face significant social and cultural gendered barriers to their appointment and retention, gender discrimination in performance of their roles, including from colleagues within their courts and gendered risks relating to their personal security and other work conditions.

- **However, around half of women judicial officers overall face gender stereotypes and cultural barriers of various kinds.** These include double-edged typecasting, such as being considered best suited to 'women's cases' or alternatively, less qualified to hear 'women's cases' due to gendered perceptions that women decision makers are biased in favour of women parties. Other examples include where women feel they do not enjoy the same status or power within the court as male peers or due to men dominating more senior positions within courts which can translate into gendered impacts such as being deprioritised in access to administrative support; being allocated less attractive postings requiring relocation and family separation; or being allocated heavier or more difficult workloads. Women judicial officers also reported experiencing discriminatory treatment by members of the legal profession, especially senior male lawyers.

- **Women judicial officers agree that women parties often feel more comfortable and therefore provide more comprehensive evidence before women decision makers but strongly reject any 'pigeon-holing' of their roles regarding case types.** They support robust gender training and guidance for both male and female judicial officers to ensure all

members of the bench are equally equipped and gender competent to decide all case types, including those involving gender-based violence and family law.

- **Many women judicial officers report they face not only a double-work burden, at work and at home, but also feel pressure to perform both roles to an exceptional level**: feeling they had to work harder to get ahead in the court and had to continuously demonstrate they could manage home and carer responsibilities to maintain family support, sometimes a need for permission from husbands, to continue in their judicial roles. In 'walking this line' of trying to compensate for gendered impacts faced in work and home spheres of life, many women judicial officers constantly battle with exhaustion.

- **Women judicial officers seek greater flexibility around times and places of work outside of hearing times to help them better juggle work and carer/home responsibilities** however most think it would be impossible or very difficult for them to achieve their preferred employment type in their court due to the lack of flexible work arrangements available in their court.

- **Most women judicial officers (84%) said their workplaces were safe and respectful**, with most respondents saying they had not experienced or observed others experiencing harassment, bullying or other bad behaviours within the court environment.

- **Courts are yet to identify and respond to gendered differences regarding women judicial officers' physical and cultural safety in their work environments** including the physical safety of places of work, means of transportation for work-related travel, safety from threats or violence related to the judicial function, as well as safety from sexual harassment, bullying, aggressive or other forms of 'bad behaviour' in the workplace, all of which can have a disproportionate impact upon women especially in patriarchal societies and male dominated workplaces.

- **Courts are yet to provide overall 'gender competence' in judiciaries** whereby all judicial officers bring to their roles an awareness and ability to counterbalance their own gender assumptions and knowledge of the continuing effects of historical gender bias in the development and processes of law and how these factors can impact on their roles as impartial decision makers.

- **Women judicial officers' key unmet needs and priorities revolve around:**
  - **Professional development, both when newly appointed and ongoing**, including opportunities for further education and training, mentoring, coaching and programs to equip women for promotion to higher courts and more senior roles.
  - **Workload reduction and management,** including through increased administrative and legal research support and wellbeing support.
  - **More flexible and varied work conditions** to enable better balancing of work and family commitments and to support sustainable work practices
  - **Increased physical and cultural safety in the work environment taking account of gendered differences** regarding decisions on postings involving relocation and family separation; physical safety of places of work and access to safe transportation for all work-related travel; safety from threats or violence related to the judicial function; as well as safety from sexual harassment, bullying, aggressive or other forms of 'bad behaviour' in the workplace.
  - **Improved physical work environments** to enable greater efficiency and amenity in performing their roles including through increased access to technologies, privacy and noise reduction in common workspaces, areas for breastfeeding and better equipped

bathroom facilities.

- **Achieving the changes sought requires strong leadership from court leaders and women judicial officers through inclusive change processes that benefit all members of judiciaries** and supported by court development partners with targeted technical assistance and resources for activities.

- **Women judicial officers support the establishment of a Pacific network or association for women judicial officers,** supported where needed by court leaderships and court development partners.



Court Clerk Temoti Tebaai Maiana, Kiribati. Photo: By author

PART A: BACKGROUND TO THE STUDY

1.Context of the study

This study explores issues around gender balance and equality in the composition and functioning of Pacific judiciaries. These themes are examined through analysis of available literature, original research mapping the gender composition of all levels of Pacific judiciaries, and by surveying and consulting women judicial officers from courts across the region. The results of this study aim to equip Pacific women judicial officers, Chief Justices and court development partners with foundational knowledge to inform their future actions to progress gender balance and gender equality in Pacific judiciaries. More specifically, this study's two-fold aims are to:

> Identify and analyse any barriers to women's participation as leaders and decision makers on an equal basis to men, across all levels of state courts. Provide recommended actions to address these barriers and for creating enabling, supportive environments for women judges, magistrates and lay justices in Pacific judiciaries.[6]

The study was undertaken with the support of Pacific Chief Justices. It is the first component of several studies commissioned by the New Zealand Ministry of Foreign Affairs and Trade (MFAT) exploring women's roles in Pacific justice systems from varied vantage points: as providers of justice services - in this report, as judicial officers - and as consumers of justice services, addressed in accompanying reports. Together, these studies aim to provide a holistic picture of women's contributions to Pacific justice systems and women's struggles and needs in accessing protection and justice within plural Pacific legal environments. Bringing these interdependent perspectives into focus will provide new and relevant insights to inform strategies for change and advancement of gender equality in the performance of Pacific justice systems and access to justice for Pacific women.

This study builds on existing initiatives and ongoing work of Pacific women judicial officers to promote gender balance in Pacific judiciaries and to advance the interests of women judicial officers in the region. The *PNG Judicial Women's Association* (PNGJWA) was established in 2010 and was the first women's judicial organisation in the region with stated aims to: support appointment of women to the courts; provide opportunities for professional development of women judicial officers; promote the welfare and interests of women judicial officers; and support gender equality, fairness and the rule of law.[7]

Throughout the two years between the first (May 2024) and second (October 2026) versions of this Study, some important developments have taken place. These include further shifts towards gender balance in Pacific judiciaries, as discussed in relevant sections below. The other key development has been the establishment of the Pacific Association of Women Judicial Officers (PAWJO) in February 2026.

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[6] In fulfilment of Objective 2 of the research project document.

[7] Summarised purposes from the *PNG Judicial Women's Association* (PNGJWA) Constitution. Copy on file.

The Executive Committee has established a strategic plan encompassing five key pillars to:

- Promote culturally competent and gender-responsive judicial leadership across Pacific judiciaries.
- Strengthen inclusive, supportive, and empowering environments within judiciaries to enable women judicial officers across all levels and sizes of Pacific courts to thrive and advance.
- Promote and support Court leaderships to increase access to and coherence of justice for remote communities and vulnerable social groups in Pacific societies.
- Promote the diverse voices of women judicial officers and support networking and two-way knowledge exchange between all levels of courts, including smaller jurisdictions and in regional and international platforms.
- Ensure the long-term sustainability of PAWJO as a resilient and effective regional association.

These positive developments of the past two years, reflect the commitment of Pacific women judicial officers and court leaderships to bring greater focus to issues of gender balance and gender equality in the composition and functioning of Pacific judiciaries. These efforts require support and underpinning of foundational knowledge – both facts and analysis capturing the varied experiences and needs of women judicial officers themselves - so that those leading changing efforts can do so from an informed position This Study has made a modest yet important contribution to demonstrating the need for the establishment of PAWJO and will hopefully continue to provide a relevant baseline to support the ongoing work of the Association and Pacific judicial leaderships towards gender balanced and gender competent courts.

3. Significance of study

Limited research has been undertaken regarding the participation of women in Pacific judiciaries, including their numbers, roles, pathways to appointment and promotion.[9] This is the first study to include women working in magistrate courts and local level Pacific courts, as well as the first to capture some of their experiences and views, thus making important contributions to addressing both quantitative and qualitative knowledge gaps. This is significant given women's strong representation as leaders and as regular magistrates in magistrate courts, which are also notably the courts driving many of the reform efforts in the region to expand access to justice to rural communities and to better serve the justice needs of women and children. Magistrate courts deal with the bulk of community justice needs that come to state courts. They are the high-volume 'workhorse' courts of the Pacific, dealing with most criminal and civil law cases, including providing protection and justice for victims of family violence and those in need of family law remedies, as well as some land cases. Women magistrates must therefore be counted amongst the hardest working judicial officers in the Pacific, who also receive much lower remuneration, poorer work conditions and less administrative support than judicial officers working in superior courts. Through its focuses on the experiences and needs of women magistrates, this study places the work of magistrate courts in a spotlight, in contrast to other research that focuses exclusively on superior courts.

This is also the first ever research focusing on the role of women lay (non-law trained) justices and magistrates working as the main judicial actors, as Justices of the Peace in small island countries or in local level courts[9] in larger island countries, right across the Pacific. These judicial officers, who are typically mandated to apply a mix of state and customary law and procedure, are arguably the most important courts of all: they are closest to the people; they reach remote and rural populations that other courts cannot; and they bridge the often ignored, yet crucial reality gap between Pacific state

[8] The exception is Dziedzic (A.) who has published two important articles regarding the lack of women representation in pacific judiciaries in 2019 and 2021, (2019) *Pacific Courts Need More Women Judges*, Lowly Institute, available at: https://www.lowyinstitute.org/the-interpreter/pacific-courts-need-more-women- judges. Dziedzic, A. (2021) *To Join the Bench and be Decision-Makers': Women Judges in Pacific Island Judiciaries,* in Crouch, M. (Ed.) (2021) *Women and the Judiciary in the Asia Pacific*, Cambridge University Press.

[9] Such as Island Courts (Vanuatu), Community Courts (Marshall Islands) or Village Courts (PNG)

and customary justice systems. Yet, despite their importance for community access to justice, they are also typically the most neglected and poorly resourced courts in the hierarchy.

The women working within these local courts are at the frontline of community justice, working in environments where their roles may be seen as highly controversial within strongly patriarchal community norms. In many jurisdictions they are appointed to sit on panels of three or five, alongside more socially powerful men who 'double hat' as village chiefs or in other customary authority roles, placing them under unique pressures, both within their communities and within their courts. It is impossible to overstate both the difficulty and importance of these women's roles in creating more accessible pathways for women and girls in communities to overcome the considerable barriers they face in accessing state justice, especially relating to family and sexual violence. However, in most jurisdictions these lay women judicial officers receive minimal investment in capacity building or operational support for their work as they are often in remote locations 'out of mind and out of sight' from highly centralised judiciaries. The risks and challenges they face as women performing their roles, are rarely identified or addressed.

In short, this research report covers a range of 'firsts' to expand the limited knowledge base regarding women's contributions to all levels of Pacific judiciaries. It is hoped it will provide a useful point of departure for those deciding what and how to best tackle the interconnected issues of gender balance and gender equality in the functioning of Pacific judiciaries. Sharing the findings across the region, has already supported women judicial officers to establish PAWJO, which has adopted an inclusive approach aimed at serving the needs of all levels of women judicial officers. It has also highlighted to court leaderships the benefits for strengthening their judiciaries to advance issues of gender representation and gender competence. It has also engaged women judicial officers, court leaderships and court development partners in dialogue regarding what actions are needed to advance gender balance and create enabling environments for women judicial officers in Pacific judiciaries.

The study findings also provide an ongoing opportunity to reflect more generally on the contribution that women judicial officers make to strengthening judiciaries and increasing access to justice for Pacific communities, especially for women and girls. Strengthening judiciaries is crucial to addressing some of the most intransient social problems in the Pacific, many of which relate to lack of access to justice and entrenched gender inequality in social roles, norms and practices. Finally, the approaches used to achieve greater gender balance and equality in Pacific judiciaries may also produce important lessons and transferable methods for tackling the persistent lack of progress in other settings where women's representation remains low, including in Pacific national parliaments and in local governance bodies, also impeding progress in Pacific nations.

3. *Overview of methodology*

This study draws on a combination of qualitative and quantitative research methods:

- **A literature review**: confirming knowledge gaps and providing relevant legal theory framing of issues regarding gender balance and equality in Pacific judiciaries.
- **A mapping exercise** to ascertain the number, role-types[10] and distribution of women judicial officers, compared to men, across the 15 Pacific judiciaries included in this study.[11]
- **An online survey** of Pacific women judicial officers from diverse jurisdictions to document their pathways and perspectives on multiple themes concerning their experiences and observations as judicial officers, combining both short and long answer formats to generate both quantitative and qualitative data.
- **In-person individual and focus group discussions** with judges, magistrates and lay justices where in-country visits were possible (in Kiribati and Vanuatu) to enhance the qualitative data sources for the research, enabling a wider selection of examples, stories and better understanding of gender dynamics within Pacific judiciaries.
- **Validation of results and opportunity for further feedback:** The findings and recommendations from the study will be presented for validation at a forum of women judicial officers, Chief Justices and court development partners in Samoa in February 2024. Copies of this report will also be provided to all who participated in the study, providing an opportunity for feedback and suggestions as to proposed next steps from a wider group of women judicial officers. These suggestions will be included in a final version of this report, which will then be re-shared so that the totality of participant inputs can be considered by those driving next steps for change, including women judicial officers, Chief Justices and court development partners.

4. *Literature Review*

A targeted literature review was undertaken for this study using usual research methods to identify and analyse any relevant studies of women's representation in Pacific judiciaries and in judiciaries globally.[12] It confirmed that the representation of women in Pacific judiciaries is an under-studied area within an under-studied field of global scholarship regarding women's representation in judiciaries, as well as the impacts of women's inclusion upon the work of judiciaries.

Global and Pacific data on women's representation in judiciaries is patchy and limited to superior courts. Regarding the impacts of women's greater inclusion in judiciaries, there is significant qualitative evidence globally demonstrating that gender balance strengthens judiciaries by: driving cultural change and creating intellectual dynamism within judiciaries; increasing the breadth and depth of knowledge and life experience brought to the task of judicial decision making, thus improving the quality of judicial decision making; increasing the public legitimacy of judiciaries and confidence in their integrity; driving efforts to identify and remove gender discrimination in laws and policies; and increasing access to justice for social groups known to face particular barriers, including women and girls. Many of these benefits are highly relevant to Pacific contexts. The review also confirmed the difficulty of applying methodologies capable of empirically measuring the impact of the inclusion of women in judiciaries, including in the Pacific, although some studies have measured

[10] Broken down by chief justice, superior court judge, magistrate or district court judge or lay justice or magistrate.
[11] Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Tokelau, Tonga, Tuvalu, Samoa, Solomon Islands and Vanuatu.
[12] See also a comprehensive literature review undertaken for the research project as whole. Available upon request.

differences in the kinds of outcomes achieved by parties in different case types involving women versus male decision makers.

4.1 Review of literature on representation of women judicial officers in courts: global and the Pacific

The *Women on High Courts*[13] research project provides the largest global dataset tracking the number of women serving on the highest judicial courts across the world. The dataset includes the number and percentage of women on constitutional, supreme, and high-appellate courts each year in 175 countries from 1970 to 2013. It found that in 1970, women comprised 0.6% of justices in 84 countries and that commonly, high courts in all the major world regions had no women justices. By 1990, the presence of women was more than five times higher, but still very low, constituting only 3.1% of justices on 91 high courts. In 2010, the average percentage of women judges was 19.3%, and by 2014 - the most recent data – had increased to 22%. This study highlights how women judges have continued to steadily increase in number but remain a small minority, less than one fifth of the total superior court judges globally.[14]

However, this global data set already reflects a ten-year time lag and leaves many gaps, especially regarding Pacific courts. It is limited to the highest national courts and to countries with populations over 200,000 people in 2010, including many Pacific countries. In addition, the data examined for the Pacific does not appear to be accurate. For example, according to the data set no women judges were appointed to superior courts between 1970-2013 in Papua New Guinea, Solomon Islands, Fiji and Vanuatu, whereas other research has found that during this period there were four women judges in PNG, one in Solomon Islands, seven in Fiji and one in Vanuatu.[15] In relation to a focus on women's participation in Pacific judiciaries, the main body of scholarly work has been undertaken by Anna Dziedzic, an academic at the University of Melbourne, who undertook two studies in 2019 and in 2021.[16] According to the 2019 study, at that time there was a total of 11 women judges, six of them expatriate judges, serving on the benches of superior courts[17] in Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu, alongside 127 men, comprising 8.7%.[18]

[13] A collaborative project for where women have served on constitutional courts and supreme courts worldwide. See https://womenonhighcourts.com/ for further information. This research has also led to a book, Escobar-Lemmon, M.C, Hoekstra, V.J., Kang, A.J, and Caul Kittilson, M., 2021. *Reimagining the Judiciary: Women's Representation on High Courts Worldwide.* Oxford: Oxford University Press.

[14] To provide some further context, in the United Kingdom, 26% of High Court and above judges are women. See *Diversity of the Judiciary 2020 statistics:* https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2020-statistics/diversity-of-the-judiciary-legal-professions-new-appointments-and-current-post-holders. In New Zealand half of the Court of Appeal (3/6) judges are women and on the High Court there are 17 women out of a total of 40, including the female Chief Justice. In Australia the High Court is comprised of 3 women out of a total of 7 judges. Until November 2023, it was 4 women out of seven, the first time in Australian history that women formed a majority.

[15] Loc. cit., n 8.

[16] Ibid, Dziedzic, A. (2019).

[17] Supreme, High, National or Courts of Appeal.

[18] Loc. cit., Dziedzic, A. (2019), p.2.

The study published in 2021 undertook a longitudinal examination of female appointments to Pacific courts between 2000 to 2019. During this period, 28 women judges served alongside 274 male judges, meaning they comprised 9% of all judges across the region, including in 2019, the last year of the study.[19] Dziedzic highlights that this is lower than the global average of women on high courts, which, as noted above, stood at 22% in 2014.[20] She also highlights periods in Fiji and Samoa where the proportion of women judges reached as high as 27% in Fiji in 2006 and 50% in Samoa in 2016. She also

notes in relation to PNG, that there has been a slow gradual increase in women National Court judges between 2010 to 2019.[21]

Dziedzic puts forward several reasons why women are underrepresented in Pacific judiciaries, primarily due to 'historical and continuing gendered stereotyping preventing women from being regarded as of equal ability – or 'merit' – to men.'[22] Stereotypes that cast women as inconsistent, emotional and weak stand in direct contrast to the ideal qualities of a judge, such as impartiality, rationality and authority.[23] Thornton provides an excellent discussion regarding how the concept of 'merit', as the key selection criterion for judging, 'has been masculinised to militate against the acceptance of women as judges.'[24]

> Despite the fact that the image of justice is feminised, the judge is invariably masculinised. He, not she, is the paradigmatic embodiment of wisdom and rationality in the Western legal tradition. This idealised figure is miraculously able to leave the particularity of his sex and other characteristics of identity, together with his life experiences, at the courtroom door in order to carry out the adjudicative role with impartiality.[25]

She also highlights how;

> … 'merit' of a particular judge is expressly raised only when the appointee is a woman: 'Every time a woman gets appointed there is noisy talk about the "merit" of the appointment, but whenever a man is appointed, there is silence on the question of merit.[26] And:
>
> It is noteworthy that the higher one ascends in a hierarchy of prestigious positions in the public sphere, the greater is the emphasis on merit but, paradoxically, the more elusive and the less transparent the criteria.[27]

Dziedzic picks up on this point and highlights how judicial appointment processes in the Pacific (as elsewhere) often lack transparency and rely on informal recommendations by other judges, more often men recommending men, and how this also contributes to continued gender imbalance on Pacific benches.[28]

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[19] Notably, according to the counting method used in the study, many judges are double counted who sit on both the High Supreme/National Court and the Court of Appeal. Whereas in this study, these judges are only counted once.

[20] Loc. cit., Dziedzic, A. (2021) n 8, p. 8. referring to (Escobar-Lemmon et al 2019, 201).

[21] Ibid, p.10.

[22] Ibid, p 2-3.

[23] Rackley, E. *Women, Judging and the Judiciary: From Difference to Diversity*. Abingdon: Routledge, Ch 4.

[24] Thornton, M. '*Otherness' on the Bench: How Merit is Gendered,* Sydney Law Review, Vol. 29, No. 3, p. 391, 2007,ANU College of Law Research Paper No. 08-16 available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1136545.

[25] Ibid.

[26] Ibid, p 402.

[27] Ibid, at p 405.

[28] Dziedzic, A. (2021), loc. cit. n 8, p 17.

A further reason more specific to the Pacific is the appointment of foreign judges, often retired judges, reflecting the historical underrepresentation of women on source courts in Australia, New Zealand and Sri Lanka, also negatively impacting on the representation of women in Pacific superior courts.[29]

Based on analysis of global data and series of case studies covering diverse country contexts,[30] Escobar-Lemmon et al[31] identify three key factors they consider most determinative of women's appointments to high courts globally:

> It is the confluence of judicial pipelines, domestic institutions including selection mechanisms, and international influences that explain the appointment of women.[32]

Regarding judicial 'pipelines', (or the supply of eligible candidates), in three of the five case studies, the numbers of women appointed were less than the ratio of available eligible women candidates. Conversely, in South Africa and Canada, more women were appointed to high courts than the ratio of eligible women in the 'pipeline', with both scenarios therefore suggesting that other factors beyond supply of eligible candidates were also at play, including the agency of those sitting on appointment bodies, also explain the likelihood of female appointments. While pipelines and institutional structures play an important role, so too does the agency of the actors who elect high court judges, and the ideas those selectors hold about who can and should serve on the high court. Electors operate within contexts that differentially incentivise appointing women.

Part of that context is shaped by their domestic support base, as well as international norms, which can exert influence as well. [33] This observation highlights an important area for future research to map the representation of women and the 'outlooks' held by those sitting in authorities responsible for selecting High Court and other judges. Other experience shows how the inclusion of women in these bodies can not only help to address gender bias in appointment and promotion decisions but also in how judiciaries operate, as highlighted by the experience of Judge Elisa Samuel Boerekamp, a High Court Judge and General Director of the Centre for Judicial and Legal Training of Mozambique.

> As a member of the Superior Council of the Judiciary, she managed to ensure that regulations governing the deployment and transfer of judges were adapted to apply a gender lens and consider specific challenges women judges may face when they have to work in certain regions. This was a shift driven by a women's perspective and by having a woman in a decision-making role.[34]

However, in the Pacific context a key difficulty including more women in judicial appointment bodies is that judicial appointment bodies established under Pacific Constitutions comprise of defined office bearers, such as the President, Privy Council or members of a judicial council, whose occupants are often male. This in turn highlights the challenge that women's participation in judicial appointment processes remains dependent on their ability to push through other 'glass ceilings' as state office bearers as Presidents, Privy Council members, Ministers of Justice or Chief Justices.

[29] Ibid, p 16.
[30] Columbia, Canada, Ireland, South Africa and the United States.
[31] Escobar-Lemmon et al Loc. cit. n 13.
[32] Ibid, p 8.
[33] Ibid, p 10.
[34] UNDP *Justice for All: Why having more women judges benefits all of society*, March 2023, available at: here.

Beyond study of the metrics of women's representation in judiciaries, scholars have sought to identify any relevant differences in performance of judiciaries that involve more women, including regarding differences in: access to justice for some social groups; procedures and outcomes achieved in different case types; accelerated change in laws, policies and cultural practices involving gender discrimination, as interpreted through case law; as well as changes within judiciary cultures and work environments.

From the outset, it is impossible to address these issues without acknowledging the contributions made by feminist legal discourse, which identifies how law itself is imbued with gender bias due to historical male dominance in lawmaking and interpreting processes. While 'law' is presented and assumed to be impartial and neutral, in reality legal structures reflect principles and normalised standards influenced by patriarchal, masculinist norms and specific to male experience.[35] This underscores an important starting point: that achieving gender equality in law requires much more than simply rebalancing the numbers of women versus men in judiciaries, but also requires longer-term processes of redressing historical gender bias entrenched in existing legal structures and laws, continually reinforced through the systems of justice including the doctrine of legal precedent.[36]

Nonetheless, there is significant evidence showing why striving for greater gender balance in judiciaries is an important aspect of this journey. Gender balance in the composition of judiciaries makes judiciaries stronger and increases their legitimacy as they better reflect the composition of the societies they judge and adjudicate.[37] The composition of judiciaries is crucial as it also goes to the power to make and shape the law - as judiciaries do through case law - which according to basic democratic tenet, should not be a privilege limited to the preserve of only half the population. This is particularly relevant in the Pacific where women's political representation in national parliaments remains the lowest in the world, at only 8.4% as of 2021,[38] with several Pacific parliaments containing no women at all.[39]

The integrity of courts is strengthened when the community sees that the courts themselves practice and embody the principles they are entrusted to protect and guard, including impartiality and lack of bias, equality before the law, gender equality and other basic human rights. Moreover, principles of democratic governance are not foreign concepts in the context of the law and the right to judge others. Some analogy can be drawn from the rationale for trial by jury: the idea a person has the right to be judged by their peers, like the right to be judged by a judiciary that reflects the broad composition of society, rather than an identifiable narrow group. Based on the experience of courts in other parts of the world, increased numbers of women judges can bring other strengths to courts:

> Women's leadership in justice can enhance public trust and confidence, empower the less privileged and make the court environment accessible to the marginalized. "Women are often considered to have more integrity and are difficult to corrupt," says Judge Mujinga Bimansha Marie Josée. "A high number of women in the judiciary can help humanize justice."[40]

[35] MacKinnon, C. *Toward a Feminist Theory of the State*, 1986, Cambridge, MA, Harvard University Press.
[36] Ibid.
[37] Leitch, L. *Strengthening Judicial Integrity through Inclusiveness and Diversity: A Canadian Perspective*, UNODC.
[38] See Pacific Women Lead, https://www.pacwip.org/women-mps/national-women-mps/. And women candidates make up only around 9%.
[39] Papua New Guinea and Tuvalu, as of June 2026. See Pacific Women in Politics, PACWIP - National Women MPs - PACWIP
[40] UNDP, loc. cit. n 34.

In most societies globally – historically or currently patriarchal and male-dominated - the appointment of women judges conveys a wider social meaning that women are equally competent, capable and able to exercise public power, overcoming strong gendered stereotypes that these are male exclusive domains. [41] The presence of female jurists can also strengthen access to justice for all by providing encouragement and reassurance to women in need of help from courts. It is well established that women parties or clients often feel more comfortable disclosing details of their experiences, especially relating to sexual and other forms of gender-based violence, to women lawyers, investigators and judges.[42] The presence of women decision makers can therefore help reduce barriers women face in accessing justice and can also support greater willingness of women to use courts to achieve their legal goals.

Many women judges share their hope that their appointments will act as role models because 'seeing is believing' and thus may inspire girls to fulfil their ambitions to pursue careers and goals of their choosing, including in the law.

> Yet, few girls here are dreaming of becoming a judge or a lawyer. "They do not see the role models and rarely have access to information about these professions," says Judge Boerekamp, calling on fellow judges to engage in more awareness activities, organize open door days in courts and school visits.[43]

Over time, the presence of women jurists generates family and community acceptance for women exercising public power, creating a more enabling environment for women to also exercise public power in other roles, and contributing to gender equality in societies more generally.

The literature also establishes it is wrong to assume that women decision makers will automatically bring a different voice to judiciaries due to their gender or that they will support greater gender equality or seek to use their authority to interpret the law to challenge embedded gendered attitudes in law and society. Women judicial officers across the Pacific are diverse and not defined by their gender. In exercising their agency as judicial officers, they negotiate multiple intersectional identities around gender, class, professional hierarchy, religion, ethnicity and other aspects of their identities. It is both essentialising and fanciful to expect that women judicial officers would apply themselves to their roles in accordance with a common set of 'women's interests'.[44] Women judicial officers each bring their own, different, perspectives and experiences to the bench, just as men do.

> What we want is an acknowledgement of the subjectivity of women judges and a movement away from the notion that women are a homogeneous and undifferentiated mass, an assumption with which male judges rarely have to deal.[45]

The point many scholars make is that the greater inclusion of women expands the breadth of life experience and knowledge brought by members of the bench to the task of making decisions. The presence of a wider range of perspectives and experiences of women from within the bench can create cultural changes and productive tension where assumptions of male privilege are challenged,

[41] Dziedzic, A. (2019), loc. cit. n 8.
[42] This was unanimously confirmed in consultations with 104 women from rural and remote communities in Kiribati (50) and Vanuatu (54), who all agreed they would be much more likely to go to court to seek help for family violence if they knew that women were involved in decision making roles. See also UNDP, loc. cit. n 34.
[43] UNDP, loc. cit. n 34
[44] O'Neil, T. and P. Domingo (2015). *The Power to Decide: Women, decision-making and gender equality.* London: Overseas Development Institute, p5.
[45] Thornton, loc. cit., n 24, p 412.

expanding the knowledge and experience the court can draw upon for more neutral and balanced decision making.[46] Judge Nazhat Shameem, Fiji's first female judge, describes this process as providing a 'gender competent bench', in which all judges – male and female – recognise their own culturally driven assumptions about gender.[47] This may then be reflected in gender-sensitive judicial decisions to address discriminatory laws and practices or to amend court procedures that cause harm to litigants and witnesses due to their gender.

These issues are all further discussed in relation to Pacific judiciaries based on the evidence elicited through the survey and consultation process with women judicial officers and, where relevant, as confirmed by women community members consulted for the forthcoming study focusing on women's access to justice.

5. Engagement with Chief Justices

The researcher wrote to each of the 15 Chief Justices to seek their support and feedback on the proposed conduct of a survey and dialogues with women judges and magistrates in their jurisdictions to better identify issues relevant to women judges and magistrates across their courts.

Responses to these communications were received from eleven Chief Justices or their delegates, all of them highly supportive of the consultation process, with many also offering to assist by authorising and encouraging women judiciary members to participate in the research if they wished and for allowing court staff to provide requested information to support the mapping aspect of the research or facilitate the participation of women judiciary members in the survey who lacked access to internet, digital devices or literacy.

6. Mapping Exercise

The data for mapping the presence and roles of women judicial officers across 15 Pacific courts was sourced from making inquiries directly with individual court staff and some judges from the 15 courts. This information was supplemented by information from court websites, court annual reports, court judgments, media reports and other publicly available sources where gender was not otherwise apparent. All courts participated in this 'fact finding' part of the mapping.[48] The differing structures of judiciaries mean that the data generated may not always be directly comparable. In general, it does not include allied court personnel such as judicial registrars and masters but could be readily adjusted to include these categories, especially in light of the now known responses provided by women judicial officers supportive of an inclusive approach to be taken to the definition of women eligible for inclusion in any network for Pacific women judicial officers.

The largest difficulties arose in relation to capturing data regarding lay justices/magistrates, as court lists of women justices/lay magistrates were often not available in an updated form or did not distinguish between those who, while appointed, may no longer be active for a significant period. In some jurisdictions there remained significant flux regarding who were duly appointed decision makers or not.[49]

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[46] This principle not only applies to diversity with regards to gender but also applies to other relevant dimensions of societal composition, including ethnic and religious diversity as exists in Pacific communities.

[47] Shameem, N., *Gender, Justice, and Judges*. Speech to the Fiji Judiciary Criminal Law Workshop for Judges and Magistrates. 14 June 2012. http://www.leadershipforwomen.com.au/nazhat-shameem-2. Dziedzic, A. (2019), loc. cit., n 8.

[48] Data for Fiji was received after the first version of this Study was published and has now been included in this updated version in June 2026.

[49] Such as the Samoan Land and Titles Court, whose leadership and composition were only recently settled despite legislative changes coming into effect in March 2023. The Court now has 2 women judges appointed, including a woman Deputy President of the Court.

7. Online Survey of Women Judicial Officers

7.1 Survey development

A survey tool was drafted and then shared with several Pacific women judges and magistrates to seek their feedback regarding its language and coverage, and changes were made based on the feedback received.

The survey covered a multitude of topics including: pathways to appointment; time served in role; security of tenure in appointment; views on gender equality in appointment and promotion processes and access to support and learning opportunities; perceived acceptance of female authority, respect and value in performing judicial roles by members of the public, court users, court leaders and colleagues; views on level of support for gender equality by court leaderships; views on the importance and impacts of women's inclusion in judiciaries; views on conditions of work focusing on gendered aspects relating to safety of work environments including access to transportation, flexibility to meet work and family life commitments, management of workloads and work/life balance; observations regarding presence and handling of sexual harassment, bullying or other 'bad behaviours' within judiciaries; most pressing challenges and needs in performing judicial roles; support for establishing a Pacific network or IAWJ chapter and key focuses; and recommended next steps and actions.

The survey tool provided to respondents explained the purposes of the survey, underscoring its entirely voluntary nature and providing respondents with assurances of confidentiality. The survey response form was anonymous and then further de-identification of responses was undertaken, including based on jurisdiction, to preserve anonymity. This was necessary given the small numbers of women judicial officers in many jurisdictions. While this level of de-identification of responses does limit some aspects of the analysis, it was necessary to ensure preservation of the higher ethical consideration: protecting respondents from exposure to any disadvantage or backlash due to their participation in the study. The survey responses were securely stored in multiple password-protected locations.

Respondents were provided with the opportunity to reach out to the researcher if they had any questions or if the survey raised issues for them requiring the support of a professional counsellor or other de-briefing service. No requests for assistance or support were received. Conversely, several respondents shared they found completing the survey to be beneficial as it had prompted them to think about issues they had not considered before or it had given them new ways of understanding their experiences or interpreting the judiciary environments they worked within.

7.2 Survey format, language and logistics

The survey was conducted online using a SurveyMonkey software format, allowing respondents to complete their responses online and to anonymously submit their survey responses. The survey included a range of yes/no answers for quantitative data collection and ratings of certain given factors as well as open field responses for respondents to add other information to enrich the qualitative data generated from the survey tool.

Recognising that many potential respondents did not have access to reliable internet or a computer or other support, the researcher also provided the survey to court staff in pdf and word formats so that respondents could potentially print and complete typed or hand-written forms of the survey in remote locations, which could then be scanned and emailed back. Nine surveys were manually entered into the survey tool following submission of responses through email of scanned survey pages. This was made possible by the assistance of court clerks who helped lay justices to complete their responses to the survey and then scanned each page of the survey and emailed them back, indicating a very high level of commitment to participating in the survey. The issue of formatting

surveys to make them as readily accessible as possible is a major issue for future research including lay justices or magistrates in remote or rural locations.

Unfortunately, it was not possible to provide the survey in all 15 or more national Pacific languages and to then translate all responses back to English. Therefore, the survey was provided only in English, which did not prove a barrier for law-trained judges and magistrates but may have limited participation of some lay justices in some locations. However, when these language barriers were identified, most respondents were able to receive assistance from court clerks. Contacting lay magistrates and justices, who typically live in remote locations and who may have limited access to internet, devices and digital literacy requires multiple options for contact or response and makes administering any kind of survey or research logistically challenging. Due to time and cost limitations, it will always remain difficult to include lay justices and magistrates from all Pacific countries in judicial development activities. However, it is hoped that through further engagement with courts regarding their support to facilitate activities for actors in their lower courts, this will become increasingly possible.

It is hoped that by continuing to develop contacts with the Village Courts and Land Mediation Secretariat in PNG, it may become possible to undertake a separate survey process with the estimated 900 women village court justices in PNG. If that were to eventuate it would be essential (and given the large numbers of respondents, also cost effective) to translate the research tools into Tok Pisin to make it easier for women to participate and to ensure either a bi-lingual researcher or resources for translation of responses.

7.3 Identifying survey respondents

Identifying and contacting potential respondents for the survey - women judges, magistrates and justices from across 15 Pacific courts - was a major enterprise. Some contacts had already been made due to pre-existing PJSP partnerships with courts and ongoing work with women judicial officers across the region. Many of these then kindly assisted by sharing names and contact details for other potential respondents creating a 'snowballing' approach. By liaising back and forth with judicial officers and court staff in different jurisdictions, a contact list was gradually assembled. A total of 100 women judicial officers were identified and invited by email to participate in the survey. While the final list compiled of Pacific women judicial officers is far from exhaustive, it provides a starting point and should continue to be expanded and updated over time.

7.4 Survey response

In total, 47 responses were received to the survey tool from the total of 100 women judicial officers invited to participate, a response rate of almost half (47%). Respondents' responses were received from women judicial officers in 13 out of the 15 Pacific countries. [50] The breakdown of responses by role-type was: 34% judges, 51% magistrates and 13% justices/lay magistrates.[51]

While the survey software estimated it would take 20 minutes to complete only the short answers and around 40 minutes to include long-form responses, the average time taken for respondents to complete the survey was 56 minutes. Some respondents spent significantly more time than this (up to 3-4 hours) completing the survey, indicating that some respondents were highly motivated to participate and provide detailed responses to the study. The researcher is very grateful to all respondents for making the time to complete the survey despite their heavy professional and family workloads.

[50] Only two countries with no women participating were Fiji and Tokelau.
[51] And 1 registrar.

It is important to acknowledge the wide variation in both the English language skills and educational levels of respondents in the survey, which may impact on interpretation of some responses. The responses of some respondents revealed highly developed understandings of relevant concepts of gender equality and discrimination, which respondents were able to articulate and use this knowledge to contextualise their experiences and observations. For example, some respondents were able to draw upon distinctions between gender and sex, or between different forms of gender discrimination, such as direct versus indirect (or systemic) discrimination.[52] Other respondents lacked knowledge of these concepts and for them it was clearly more difficult for them to identify and articulate their experiences and perspectives as related to gender discrimination, especially as indirect discrimination is normalised and not obvious, as while the same standard appears to apply equally, it is only through analysis of its differential effects that the mask of gender-neutral universals are revealed to be grounded in gender bias.

A further issue with interpreting responses relates to the tendency noted for some respondents to state as current reality, their views on how things should be or how they would like them to be. Others, in expressing deserved pride in what they did as women judicial officers, likely understated the level of difficulty or the gendered barriers they faced in performing their roles. These issues are inevitable in a study of this type, especially one encompassing educationally diverse respondents and themes of gender equality, which typically generates a rich multitude of views even amongst those with similarly high levels of education and knowledge. Distortions in analysis caused by these factors have been mitigated where the author has become aware of them, by conservatively characterising responses. However, in many questions the survey offered respondents only a yes/no answer option, and thus the tallied outcomes reflect responses limited to whether respondents had observed direct forms of gender discrimination in their court environments.

8. In-person focus group discussions and individual interviews

In-person focus group discussions and individual interviews were conducted to deepen the qualitative data available for analysis. The researcher was able to travel to two countries within the relevant time frame (Vanuatu and Kiribati) and conducted two focus group discussions with women judicial officers in each country. These activities involved a total of 34 women judicial officers comprised of:

- Focus group discussion Kiribati: 13 judicial officers (including single Magistrates and lay Magistrates, who sit with the High Court on land appeal cases).
- Focus group discussion Vanuatu: 8 judicial officers (covering court personnel from lower and superior courts.)
- Individual interviews: 13 women justices/lay magistrates: five in Vanuatu (in Efate, Tanna, Ambrym and Malekula) and eight in Kiribati (in Outer Islands, Abaiang, North Tarawa and Maiana.

Participation in focus group discussions and individual interviews was entirely voluntary and based on informed consent. Assurances were provided regarding confidentiality and de-identification of results to ensure the anonymity of respondents in the discussions, including by mixing responses from respondents from the two countries where focus groups discussions and interviews were conducted, with survey responses by women judicial officers from 13 Pacific courts. Those present at focus group discussions also agreed to keep information confidential shared by others during the discussion.

[52] Direct gender discrimination occurs when people are treated to their disadvantage, due to their gender, whereas indirect or systemic gender discrimination occurs when a rule, policy or practice that is the same for everyone unfairly disadvantages people due to their gender.

Aside from contributing to the data for this research, these activities had several other positive benefits. Respondents in the focus group discussions expressed their strong appreciation for the opportunity to come together to talk about the contributions and challenges faced by women judicial officers in each jurisdiction. In both instances, it was the first-time women judicial officers had specifically met. Respondents shared feedback that the focus group discussions helped some respondents feel less isolated in their experiences, helped to build camaraderie, deepen understanding of some of the common and less common challenges they face and generated ideas and solutions that could help benefit them, as well as their male colleagues.

In both Kiribati and Vanuatu, respondents emphasised the importance of clearly communicating the purpose of the women-only meetings to male colleagues to avoid any risk of being seen to divide the judiciary on gender lines and to mitigate risks male colleagues might feel excluded or alienated by the process. This was particularly important in Kiribati where women already form the majority of judicial officers in that Court.

To ensure full transparency and to pre-empt these concerns, prior to each focus group discussion the researcher explained in meetings where both men and women judicial officers were present, the purpose and reason for the focus group discussions and provided opportunity to ask questions or raise concerns. No questions or concerns were raised by anyone attending those meetings, nor at any time since the focus group discussions were conducted.



Presiding Magistrate Tabou Boua North Tarawa, Kiribati. Photo: By author

PART B: MAIN FINDINGS AND ANALYSIS: MAPPING OF WOMEN JUDICIAL OFFICERS ACROSS PACIFIC COURTS

9. Overview of data from mapping

This study undertook a mapping of women judicial officers across 15 countries broken down by their current roles as:

- Chief Justices: leaders of judiciaries and often also members of courts of appeal and national courts;
- Other superior court judges: appointed to national/supreme courts dealing with defined high-level primary instance criminal and civil matters and courts of appeal, and sometimes appointed to both;
- Law-trained magistrates or district court judges, dealing with defined mid-level primary instance criminal and civil matters based on state law; and
- Lay justices and magistrates, sitting either as Justices of the Peace or Commissioners as the primary dispensers of justice in small island countries or sitting in panels in local-level courts in larger island countries that may apply a mix of state and customary law, in defined lower-level primary instance criminal and civil matters, including customary land cases of various levels.

These somewhat imprecise descriptions reflect some of the methodological challenges involved in arriving at valid comparative categories of judicial actors across diverse forms of Pacific courts which vary in their hierarchies, criteria for decision makers across different court levels and jurisdictions, and which may vary in the constitutional hierarchy or weight given to the role of custom in law or community decision making.

As set out in the methodology section, this data was collected through direct contact with members of the courts, with figures updated in June 2026 through ongoing monitoring of judicial appointments in Pacific courts and through public media sources. While the data collected does not currently distinguish between local and foreign women judges, it may be useful to provide this breakdown in the future, especially as foreign women judges may form a significant proportion or the only women judges in the jurisdiction.

The key regional and national data collected is set out below, along with some brief analysis.

9.1 Regional snapshot women judges, magistrates and justices

Judicial Officer Type*	Women /Total Judicial Officers	%
Chief Justices	3/15	20
National/Supreme/High Court Judges	40/156	26
Courts of Appeal Judges	22/139	16
Total Judges superior courts	62/295	21
Magistrates and District Court level Judges	78/178	44
TOTAL (excluding lay Justices & Magistrates)	**140/473**	**30**
Lay Justices & Lay Magistrates	1083/15,813	6.8
TOTAL (including lay justices and Magistrates)	**1223/16,286**	**7.5**

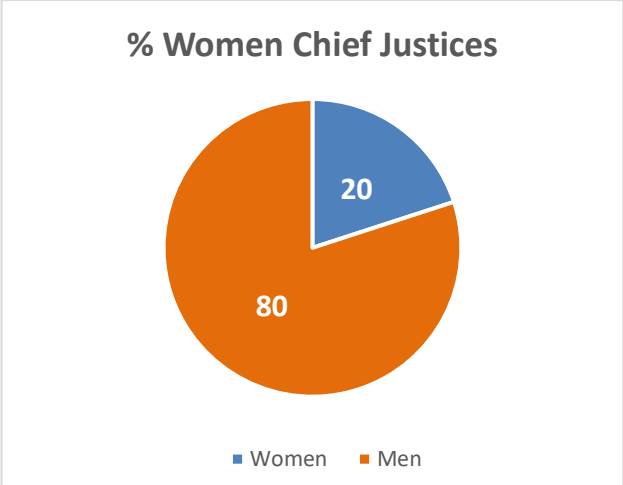
*Acting positions included.

9.2 National snapshot women judges, magistrates and justices

Country	Judicial Appointment Bodies		Justices (Superior Courts)				Total Superior Courts Combined		Magistrates & District level Judges		Lay Justices or Magistrates	
			High/Supreme Court		Court of Appeal							
	No	**%**	**No.**	**%**	**No**	**%**	**No**	**%**	**No**	**%**	**No**	**%**
Cook Is.	**0/2**	0	**1/7**	14	**0/4**	0	**1/11**	9	**N/A**	N/A	**7/20**	35
FSM	**0/1**	0	**1/3**	33	**1/6**	17	**2/9**	22	**3/12**	25	**2/8**	25
Fiji	**2/6**	33	**9/42**	21	**2/14**	14	**11/56**	20	**15/29**	52	**N/A**	N/A
Kiribati	**2/4**	50	**1/2**	50	**2/7**	29	**3/9**	40	**8/12**	67	**66/158**	44
RMI	**1/3**	33	**3/7**	43	**0/3**	0	**3/10**	30	**1/3**	33	**1/19**	5
Nauru	**1/3**	33	**0/2**	0	**0/5**	0	**0/7**	0	**0/2**	0	**2/3**	66
Niue	**0/2**	0	**1/4**	25	**N/A Sits 3 yearly**		**1/4**	25	**1/2**	50	**6/13**	46
Palau	**1/7**	14	**3/8**	38	**1/7**	14	**4/15**	27	**2/2**	100	**N/A**	N/A
PNG	**0/5**	0	**11/48**	23	**11/48**	23	**11/48**	23	**27/75**	36	**900/15 000**	6
Samoa	**2/3**	66	**2/5**	40	**0/9**	0	**2/14**	14	**3/4**	75	**2/25**	8
Solomon Islands	**1/5**	20	**3/14**	21	**1/7**	14	**4/21**	19	**7/16**	44	**4/221**	2
Tokelau*	**NZ**	N/A	**NZ**	N/A	**NZ**	N/A	**N/A**	N/A	**1/3**	33	**No data**	No data
Tonga	**2/4**	50	**2/5**	40	**1/7**	14	**3/12**	25	**4/8**	50	**N/A**	N/A
Tuvalu	**0/1**	0	**0/1**	0	**0/2**	0	**0/3**	0	**1/2**	50	**No data**	No data
Vanuatu	**0/4**	0	**3/7**	43	**3/10**	30	**6/17**	35	**5/8**	63	**93/346**	27
TOTAL	**12/50**	**24**	**40/156**	**26**	**22/139**	**16%**	**62/295**	**21%**	**78/178**	**44%**	**1083/ 15,813**	**7%**
GRAND TOTAL	**1223/ 16,286**	**7.5%**	**Excluding lay Justices**		**140/473**	**30%**						

Total Superior Court Justices 62/295, 21%
Total District Court Judges/Magistrates 78/178, 44%
Total Superior Court and District Court Judges/Magistrates: 140/473 30%
*Excluded is the NZ judicial appointment body, High Court and Court of Appeal data due to their distortive effect on overall data.

10. *Analysis by role category*

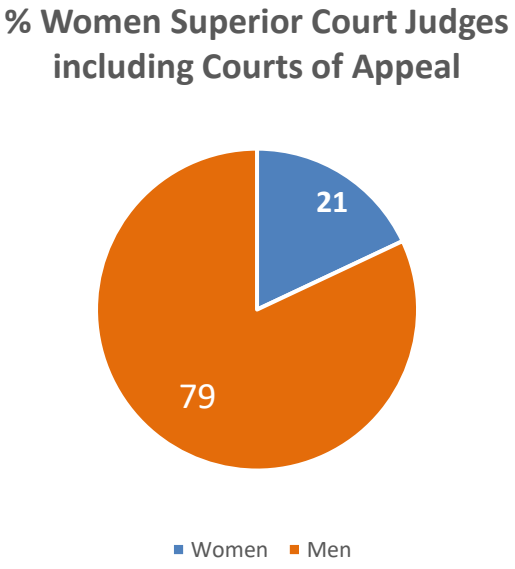


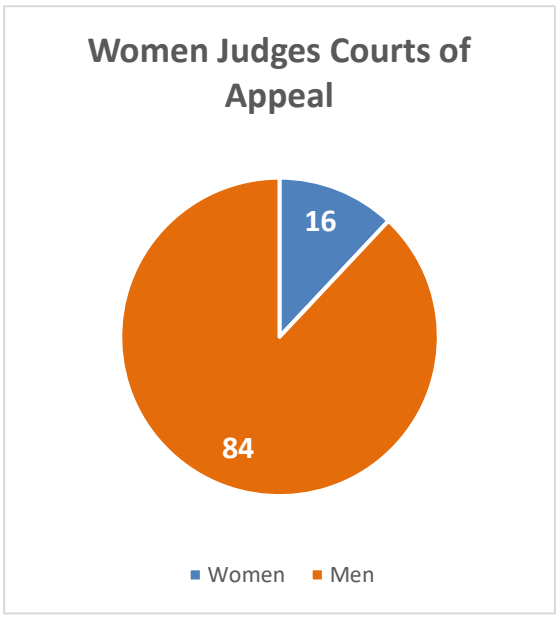
Women Chief Justices: Tokelau, FSM and Kiribati. Includes acting Chief Justice

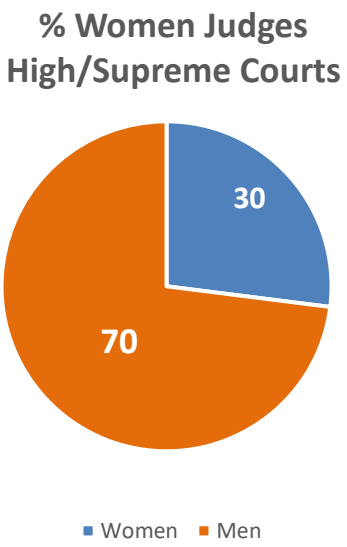
10.1 Chief Justices: Discussion of data

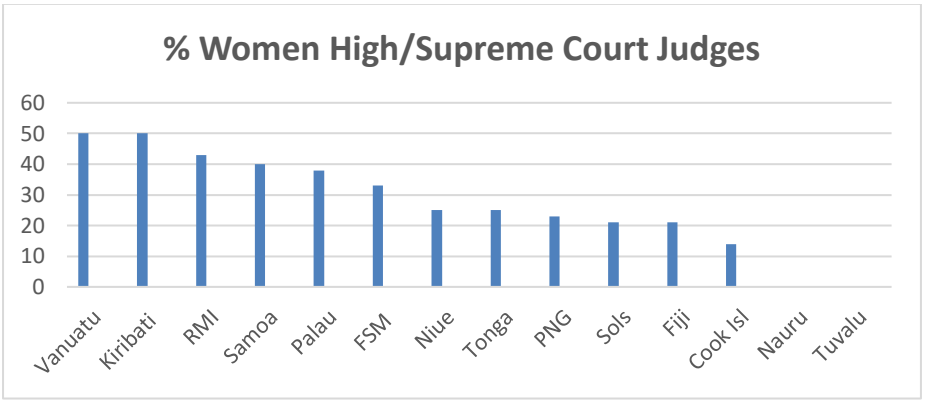
Until 2019 there was only one female Chief Justice in the Pacific, being the Chief Justice of Tokelau, Dame Helen Winkelmann, also the Chief Justice of New Zealand. Yet as of June 2026, three Pacific courts are currently led by women, who now comprise 20% of Chief Justices, including two women Pacific appointees.

Just briefly tracking these changes, in 2019, Justice Beauleen Carl-Worswick was appointed acting Chief Justice of the Federated States of Micronesia (FSM), as she remains. In 2022, Chief Justice Tetiro Semilota was appointed as acting Chief Justice in Kiribati and then in 2024 as the ongoing Chief Justice. In September 2023, Justice Tupou KC was appointed acting Lord Chief Justice in Tonga increasing the number of women Chief Justices to four, until September 2024 when Malcolm Bishop KC was appointed to the role. These appointments over the past four years represent an unprecedented increase in women's leadership of Pacific Courts. Whether it heralds the start of a lasting era of more women-led Pacific courts may depend upon acting roles becoming permanent appointments.









10.2 Superior Court Judges: Discussion of data

Women currently comprise 21% of judges in Pacific superior courts, combining the data for high and supreme courts with data for courts of appeal. This total is slightly below the global average (22%) but still a significant increase since 2019, up from just 9% and an increase of 3% since the first version of this study in 2024 when it was 18%. Yet despite this positive trend, this figure still reflects major gender imbalance amongst judges on Pacific courts at the current time, with only around one in five superior court justices being a woman.

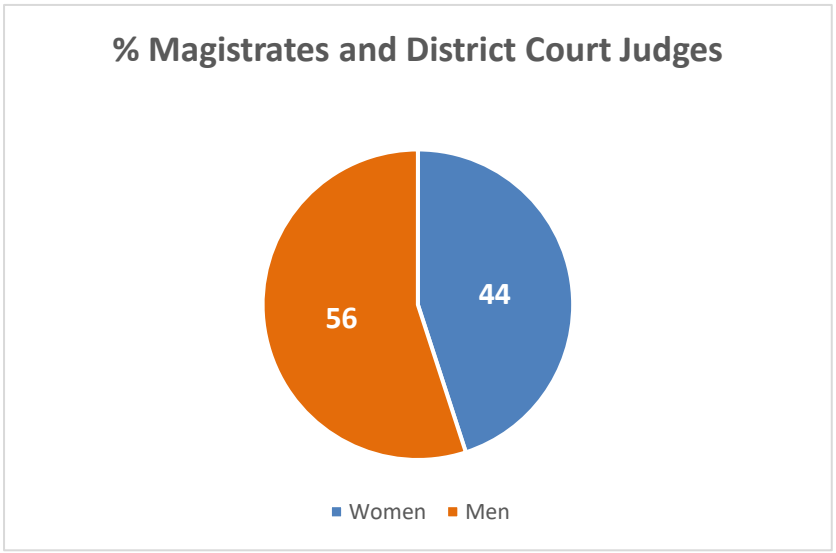
It is important to note some caveats to the data collected in this study. While this data was updated in October 2026, it will not remain accurate for long due to the frequency of changes in judiciaries as judges leave or join the bench and fluctuations in acting roles in some jurisdictions. It is also necessary to clarify how judges are 'counted' in this study, especially in superior courts given differences between jurisdictions and the need to ensure equivalent comparisons. In some jurisdictions judges may sit on both the High (or equivalent National or Supreme Courts), and from time to time, also on panels in Courts of Appeal (or equivalent courts). To clarify, in this study, all judges have only been counted once.

Court of Appeal judges have been included in the count, despite the distortive effect the inclusion of non-resident, part-time judges may have on the overall data for judges. However, a decision was taken to exclude the superior courts of Tokelau from the count, being the New Zealand High Court and Court of Appeal, given how rarely these superior courts are invoked by Tokelau appellants and the clearly distortive impact their inclusion would have had upon the overall data.

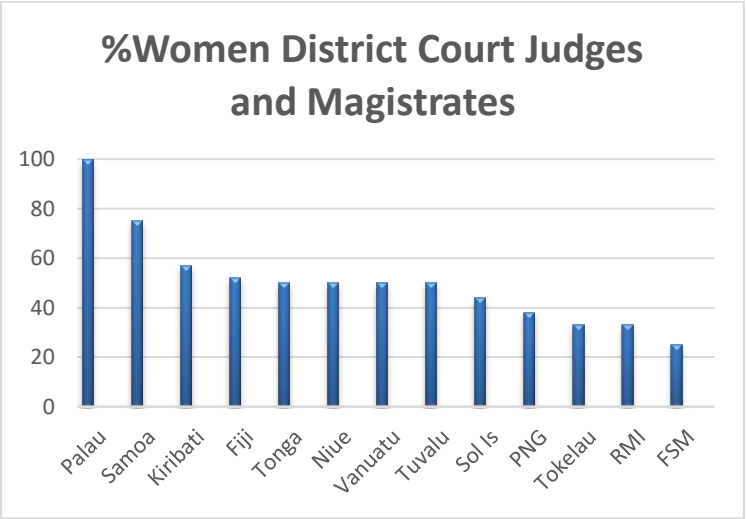
Given the diversity in court structures across the Pacific, it will always be difficult to compare accurately and meaningfully 'like with like', however the breakdown between superior courts of first instance and appellate courts is useful as it reveals a majority disparity with women judges comprising some 26% of high or supreme superior courts yet only 12% of appellate courts. Nonetheless, overall, the proportion of women judges across Pacific superior courts continues to slowly rise, although as to be expected, not evenly across all jurisdictions. It is also important to observe that due to the small numbers of Pacific judges overall and of women judges in particular, small changes to those numbers can have a large effect and chang may therefore not occur in a linear fashion.

One general issue presenting a concerning threat to the stability of many Pacific judiciaries, is the physical health of judges. The PNG National Court was tragically reminded of this in recent years, having lost three immensely talented sitting women judges: the first-ever woman PNG judge, Justice Catherine Davani (2016), Justice Leka Nama Nablu (2019) and Justice Regina Sagu (2021). Together, their passing represented a loss of half the women judges in the PNG National Court during this period. In July 2021, six women (out of a total of nine positions), were appointed as acting Judges to the National Court for a two-year period, (2021-2023). This took the total number of women National Court judges to ten, out of a total of 41 judges, or 24%.

Then in July 2023, only one of these six women acting Judges received ongoing appointment, with the three other ongoing appointments filled by expatriate judges, two men and one woman, while two new acting Judge appointments (for two-year periods) were made to other PNG candidates, one man and one woman. Thus, at that time, the number of women judges on the National Court slipped from ten to seven, out of a total of 41 judges.[54] A further pressure facing the Court had been a statutory cap on the number of National Court judges,[55] which was raised from 40 to 60 in December 2023. Since then, a further eight judges have been appointed, including four women, bringing the total number of women National Court judges to 11 out of a total of 48, or 23%, with six of these eleven being foreign women judges. This discussion is illustrative of some of the factors which may impact the pace and direction of change in the gender balance of Pacific courts.



[54] Including two acting judge roles.
[55] *National Court (Number of Judges) Act* 1984. See also 'Judicial commission appoints 5 new judges', The National, 8 February 2024.



10.3 Magistrates: Discussion of data

This is the first known study to include the representation of women as magistrates and district court judges in Pacific courts. We see from the initial data in this research that women make up an impressive 44% of law-trained magistrates and district court-level judges across the region, up from 40% in 2024 when the first version of this study was finalised. Notably, in seven Pacific jurisdictions, women already make up 50% or more of the Magistracy/District level courts, with 100% in Palau, 75% in Samoa, 67% in Kiribati, 63% in Vanuatu, 52% in Fiji and 50% in each of Tonga Tuvalu and Niue.

These achievements are even more notable as most of these countries remain heavily influenced by dominant patriarchal cultural norms and practices, which typically limit women's roles in public life. Furthermore, the current Chief Magistrates in both Vanuatu and Tonga are women and four of the twelve Principal Magistrates in the Solomon Islands are women, as is one of the two Principal Magistrates in Kiribati.[56] In Palau, both the Court of Common Pleas and the Land Court are headed by women, as are two of the District Courts in Samoa. Also of note have been the leadership roles performed by women in the PNG Magistracy, where Magistrate Court leaders carry particularly heavy responsibilities with the Court being nearly double the size of the National Court with 75 sitting magistrates serving more than ten million people. In 2013, Justice Nerrie Eliakim (now a National Court judge) was appointed as its first woman Chief Magistrate and performed the role for seven years until 2020 and is followed by current Deputy Chief Magistrate Josephine Kilage.

In relation to the high proportion of women magistrates in Kiribati, this is likely directly related to the method used by the court to professionalise its magistracy. In 2016, the Court offered experienced court staff,[57] who were mainly women, the opportunity and some paid work time to study to upgrade their qualifications. Those awarded undergraduate law degrees became eligible to apply for appointments as Single Magistrates and significant numbers of these former court staff were successful. This is an interesting example of a non-traditional entry point to the judiciary, which has also provided opportunities for the advancement of women into the judiciary.[58]

[56] With several other Magistrate Court leadership roles also held by women.

[57] Minimum of five years working in the courts.

[58] Much in the same way that pleader programs in Nauru have provided non-traditional entry points for experienced court staff to enter the legal profession, also reportedly resulting in strong representation of women.

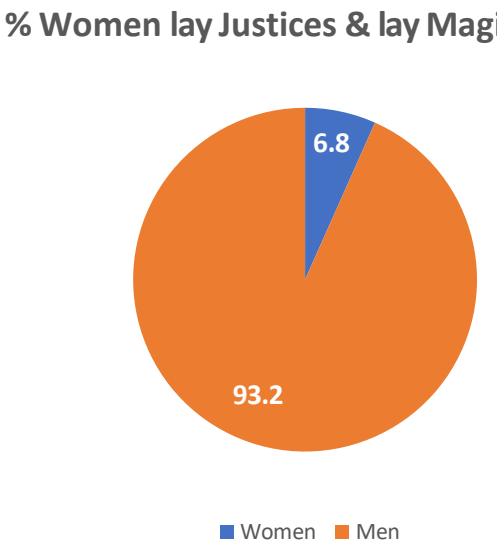
Vanuatu's magistracy is now comprised of 63% women Magistrates, including the Chief Magistrate and three Senior Magistrates, down from 67% women magistrates in 2024. This reduction is due to the promotion of Senior Magistrate (now Justice Beverley Kanas Joshua) to the Supreme Court in November 2024 and the creation of a further Magistrate position, filled by a male appointee. Since the last version of this study, the female composition of the Vanuatu Supreme Court bench has increased from one to three women judges, increasing the percentage of women judges from 33% to 50%, who also sit on the Court of Appeal. This is a highly significant change for any country, especially for Vanuatu with a history of only five women parliamentarians since independence with just one-woman MP sitting in the current Parliament. A similar pattern of women progressing in the judiciary has occurred in the intervening two years in the Solomon Islands, with former Chief Magistrate Emma Garo appointed to the High Court in September 2025, and a further woman judge also appointed in July 2025, increasing the percentage of women judges from 13% in 2024 to 20% in 2026. More than half of the remaining women magistrates are already Principal Magistrates, boding well for potential promotions within the Magistrate's Court or appointments to the High Court. Like in Vanuatu, women in the Solomon Islands are also severely under-represented in the National Parliament,[59] underlining the significance of this change in the judiciary.

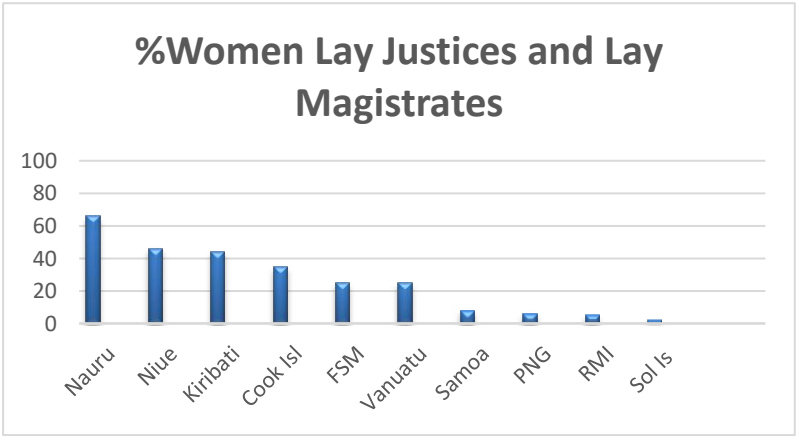
The appointment of an equal or larger number of women as Magistrates in several mid to larger Pacific jurisdictions, including in leadership roles, is a notable change and development over the past decade. Based on the changes since data regarding Magistrates was first collected in 2024, this appears to be a continuing trend. It highlights how magistrate courts are a part of judiciaries where women have been able to gain access and anchorage as judicial officers, securing both numbers and achieving seniority, which is proving to be a valuable springboard to appointment to superior courts, as has occurred in the past two years in both Vanuatu and the Solomon Islands. Notably, these appointments of women magistrates to superior courts have also been accompanied by the appointment of two women foreign judges, one in each of Vanuatu and the Solomon Islands, further boosting women's representation as judges in these jurisdictions.

It may also be no coincidence that women are best represented in magistrate and district courts, being the busiest 'workhorse' courts, where magistrates and district court judges manage enormous workloads and challenging physical conditions, yet receive only fraction of the remuneration, conditions and administrative support received by judges serving in superior courts. The heavy but undervalued workload of women magistrates in many magistrate courts may be seen to mirror experiences in other female-dominated sectors known for being comparatively poorly paid and undervalued, such as nursing and teaching. While 91% of survey respondents in this research said they received 'equal pay for equal work,' it is important to note that respondents were not asked their views on any underlying systemic factors that may tend to confine them to lower paid categories of judicial officers.[60]

[59] As of the most recent national elections held in April 2024, three seats out of 50 are held by women in the Solomon Islands Parliament, a drop from four women MPs elected in the 2022 elections, which was the highest number ever. See The Solomon Times, 'Women's Political Representation in Solomon Islands', 1 July 2024.

[60] Some respondents highlighted that expatriate judges performing the same role as them received higher pay for equal work.





10.4 Lay Justices and Magistrates: Discussion of data

Lay Justices and lay Magistrates appointments are usually based on relevant qualifications and experience including being highly respected and trusted in the community, rather than based on holding law degrees and legal practice experience. Women lay justices and lay magistrates work as Justices of the Peace or Commissioners often as the primary judicial actors in small island countries. The data above indicates that several small island countries have amongst the highest levels of women participating as lay judicial officers, indicates women's centrality to the delivery of justice services in these countries. In several larger island countries, women lay justices and lay magistrates sit on panels in local courts, at the lowest rung of Pacific judicial hierarchies, variably known as Village, Island, Community or Local Courts, that typically apply a mix of state and customary law and hear summary criminal, civil and land matters. In some jurisdictions, lay justices and lay magistrates also sit within regular magistrates' courts or as part of panels in superior courts as assessors, often in customary land appeal cases. Lay justices and lay magistrates are arguably the most important judicial actors in the Pacific, as they are closest to the people and deliver justice at the most accessible level.

Numerically, lay judicial officers are the largest Pacific judicial actor type by far. The actual number of women justices and lay magistrates across the Pacific, far outstrips the total sum of women judges and law-trained magistrates by a factor of more than tenfold: 1083 women lay justices and lay magistrates were identified in this study, compared to only 140 women judges and magistrates across the region. Even if the PNG data is removed from the total due to its potentially distortive effect, the Pacific still has significantly more women lay judiciary members than women judges and magistrates combined. While the proportion of women justices is the lowest of any court category at only 6.8%,

excluding the data for PNG as per above, the percentage of women lay justices and lay magistrates in the region is 21%: around the same proportion as women judges in superior courts, and around half the proportion of women Magistrates in the region.

Yet women lay judiciary members remain the least recognised and least supported in their work. This is despite women lay justices and lay magistrates being strategically positioned to help overcome the single largest obstacle women community members face in accessing justice: getting there. Lay judiciary members often live in remote and rural locations: the same locations where women community members are in greatest need of protection and justice yet least able to access services from other courts. Trust in a local person and access to information in the local community, also enable women community members seeking help, both areas in which lay judiciaries are well placed to address.

The generally low levels of women representation in lower-level courts, likely reflects several factors, including the continuing strength of Pacific patriarchal normative systems at the community level in many Pacific countries, where opportunities for women to exercise public decision-making roles may be limited and highly contested. Lack of resources and investment by court leaderships in building the capacities of these levels of courts, and lack of focus on addressing the specifically gendered challenges that women lay justices and lay magistrates experience, contribute to the difficulties. This is concerning given the enormous unmet community legal needs in remote and rural locations across the Pacific and the well documented deficit in access to justice. This is especially for women and girls, many of whom are victims of family violence and sexual violence but unable to access any forms of state or local protection or justice to prevent or address these crimes.

A better understanding of the needs and experiences of women lay justices and lay magistrates will enable Pacific judiciaries to recruit, retain and support the women performing crucial 'frontline' community justice roles more effectively. Asking women who are appointed what support they need, as this study has done to some degree, would be a good place to start in finding out how judiciaries could better support their work, as set out in the analysis section below. [61] Another important factor in boosting the participation of women in lay judiciaries including by adopting more inclusive recruitment processes that proactively encourage women to apply.

Since adopting an inclusive recruitment process to proactively inform women community members about the opportunity to nominate for appointment to the Island Courts and by also encouraging women to apply, the Court in Vanuatu has seen staggering results. In Tongoa, where the Island Court had never previously had a single woman justice, use of the inclusive recruitment process resulted in around 50% of nominations from women. Most of these women completed the induction program and were then appointed to the Island Court. Thus, the Island Court composition in Tongoa went from no women to almost 50% women in one go, illustrating how change need not always be slow and incremental. A similar result occurred in a recent recruitment process in Espiritu Santo using the same inclusive recruitment process, with almost 50% of the Santo Island Court now comprising women.

Induction training presenters also noted a noticeably high level of active participation by women in the induction sessions, explaining this as an indication of the importance of achieving a critical mass of women and not just a small minority. Contrary to common assumptions, male participants were accepting and acknowledged the value of women's contributions to the role. There was no backlash or any indication that men were unwilling to share judicial power with women. By the Court conducting orientation sessions for family members of women appointees, families were more likely to back women to take the role: a very significant factor in sustaining participation of women in these roles. These experiences indicate that given the chance, women are ready to step up, and men are often more ready to accept their roles than assumed. They also highlight how courts can achieve significant changes in gender balance in lay judiciaries, through relatively small and inexpensive changes, such as those outlined above.

[61] Discussed at 16.5, p 52.



Court executive team members Atanrubeieta Yeeting Riakaina and Beiare Betero, South Tarawa, Kiribati.

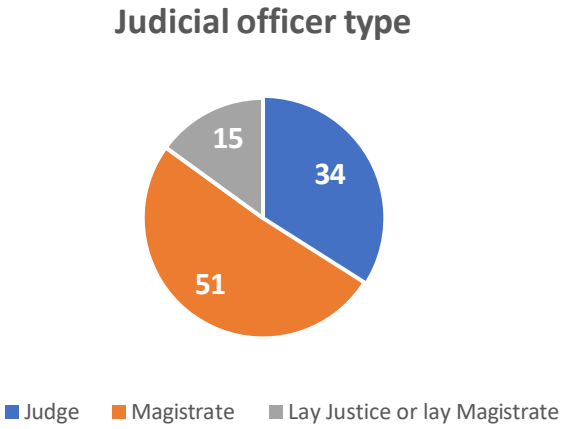
PART C: FINDINGS AND ANALYSIS OF ONLINE SURVEY RESULTS, FOCUS GROUP DISCUSSIONS AND INDIVIDUAL INTERVIEWS WITH PACIFIC WOMEN JUDICIAL OFFICERS

This section sets out key findings from the combined data obtained through the online survey involving respondents from 13 Pacific countries, as well as from the two focus group discussions and individual interviews conducted in Vanuatu and Kiribati. An integrated approach to reporting on findings and analysis across these three methodologies was used to further de-identify and protect the confidentiality of respondents, as in-person focus group discussions and individual interviews could only be undertaken in two countries (Kiribati and Vanuatu).

11. Profile of respondents in the survey

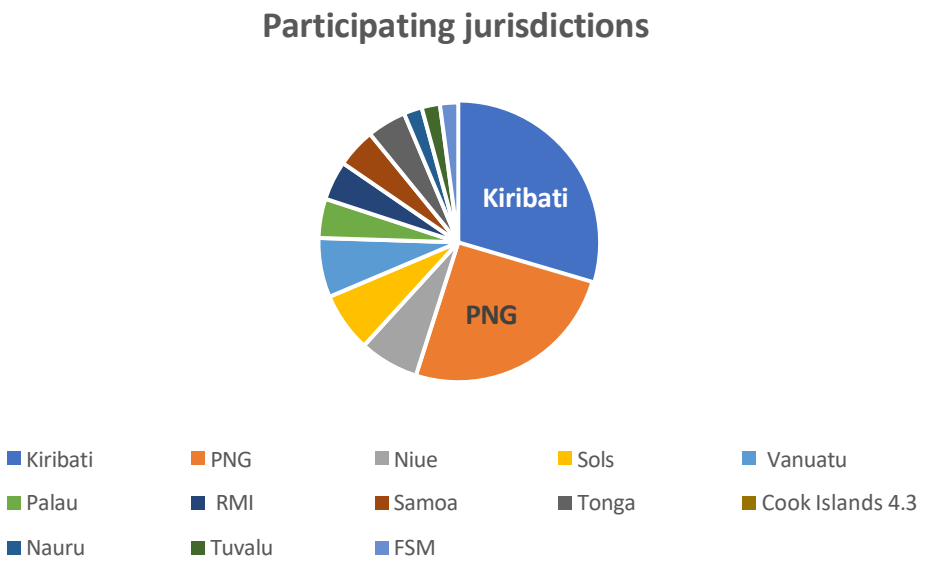
11.1 Judicial officer types

Magistrates formed a majority of respondents in the survey, followed by judges and then justices. (51% Magistrates; 34% Judges and 15% Justices or lay Magistrates.)

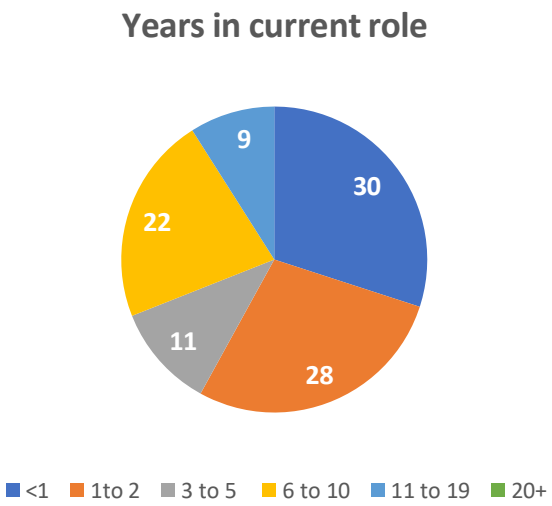


11.2 Survey Respondents

The survey received particularly high response rates in Kiribati, including amongst both Magistrates and lay Magistrates. This was likely due to the timing of the survey coinciding with the researcher visiting Kiribati (and Vanuatu). In relation to PNG, the high participation rate was due to court leaders encouraging women Magistrates to participate. Women judicial officers from Niue, Solomon Islands and Vanuatu formed a second-tier band of respondents, with smaller numbers from Marshall Islands, Palau, Cook Islands, Samoa and Tonga, Tuvalu and FSM, and no respondents from Fiji or Tokelau.



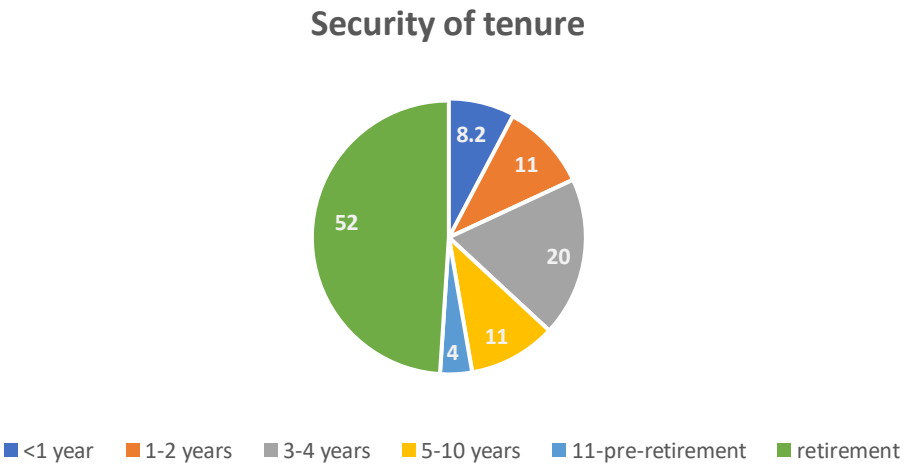
11.3 Experience in current and previous judicial roles



Sixty-five percent of respondents said that this was their first judicial appointment, whereas 35% had previously held a judicial position. Almost one third of respondents were appointed less than one year ago, and a total of 58% less than two years ago, indicating that the majority of respondents were relatively new to their roles.

In terms of legal experience prior to judicial appointment, many had worked for lengthy periods as lawyers in state prosecution, legal aid services or as court staff members who upgraded their qualifications. Others had spent long periods in private legal practice, working as civil servants in teaching and community sectors or working in private business sectors.

11.4 Security of tenure



Just over half of respondents held secure tenure until retirement in their judicial positions. The other half of respondents depended on processes of reappointment to retain their positions, with the most common fixed-term appointment being in the 'three to four' year bracket. This was followed by the 'one to two' and 'five to ten' years appointment brackets, then the 'less than one year' bracket and finally, the 'more than ten years but less than retirement age' bracket.

In relation to comparing security of tenure across different actor-types, the results indicate that 56% of judges lacked secure tenure until retirement, whereas only 38% of magistrates lacked secure tenure and only 33% of lay justices lacked secure tenure. These results are surprising (and given the small sample sizes, may not be more broadly representative) but suggest that judges have the least security of tenure out of the three categories of judicial officers.

Assuming these results do accurately reflect the broader picture across Pacific judiciaries, this raises serious implications for judicial independence across the region. This is especially as members of superior courts are those most likely to be dealing with cases relating to boundaries of executive, legislative or corporate power, involving parties with the greatest access to power to dispense with or pressure any judges whose views are considered inconvenient or obstructive. There are several high-profile examples in recent years across the Pacific where members of the executive have pointedly removed judges from their roles and in so doing, have undermined the authority of courts to independently perform their role based on principles of separation of power. Some respondents holding probationary or fixed term appointments also reported experiencing direct interference in their decisions by senior court leaders but feeling they could not speak out about this without jeopardising the prospects of receiving ongoing appointment.

Given these concerning preliminary findings, it may be important to conduct a dedicated study on this topic to examine the impact of security of tenure in judicial appointments across Pacific courts in greater detail to assess its impact on judicial independence.

12. Experiences and views on transparency and fairness in appointment and promotion processes

Survey respondents were invited to respond to questions regarding gender equality in judicial appointment and promotion processes. Eighty-seven percent of respondents felt that the appointment process they went through for their current position provided equal opportunities for men and women based on their merit, whereas only 80% felt that promotion processes were free

of gender bias.[64] Several respondents shared views that nepotism was also a factor in judicial appointments and promotion and one respondent candidly attributed her appointment to favoritism by relatives in senior government positions.

Factors that increased respondents' confidence in the fairness and transparency of appointment and promotion processes, included publicly advertising positions; wording in advertisements stating 'equal opportunity employer'; words of encouragement by other senior judicial officers to apply; and observation of how those ultimately appointed were people suitably experienced and well qualified for the roles. Some respondents noted that recruitment processes were inconsistent within their jurisdictions and that transparency features applied during their recruitment had not been similarly applied to more recent appointments to the same position. Not all respondents were successful on their first application, with some securing appointment after their second or third applications. Positive comments regarding transparent selection and appointment processes related mainly to magistrate appointments.

12.1 Appointments to superior courts

Regarding appointments to superior courts, respondents felt these processes were less transparent and therefore it was more difficult to know whether gender or other bias was a factor in appointment decisions. Some observed that the lower numbers of women appointed to superior courts provided of itself clear evidence of gender bias, given the pool of qualified and eligible women available. Others noted the higher the court position, the less transparent the process and the criteria for roles, creating more space for superior courts to be more susceptible to gender bias, where men in male dominated selection processes were prone to automatically assuming the best candidates would be other men, similar to them. Respondents felt this biased view of 'merit' has historically and continues to prevent equally or more talented and experienced women being fairly considered for judicial appointment or promotion. Related to issues of 'merit', respondents emphasised they did not want to be appointed or promoted based on gender quotas or any other criteria other than their true merit – without distortion by gender or other bias — based on their qualifications, experience and what they could offer the court.

> I believe everyone must become a judicial officer on their own merits and not based on a gender quota. I believe in men and women both getting the same equal employment opportunity. I don't promote or demote based on gender, but on their own conduct in the job…as a woman, I was overlooked many times. I used to say that when I can do so, I will change the narrative. I am changing the narrative. Everyone is of equal worth. I am facing pressure from my male counterparts in leadership but I won't stop until the work culture changes.

Across several countries, most women judges said they were appointed via 'the traditional method' of being 'tapped on the shoulder' by the Chief Justice and then endorsed or interviewed by the relevant judicial appointment body. Some respondents said they were first 'sounded out' by other senior judges on behalf of the Chief Justice. Others described having gone through 'try out' processes, where several candidates were appointed for short rotating periods to help the Chief Justice decide, based on performance, who to recommend for ongoing appointment. Some respondents added that individuals wishing to be considered for judicial appointment could also proactively reach out to the Chief Justice to express their interest in appointment and suggested that more women candidates should do so, rather than waiting to be invited. Several respondents suggested that superior courts should demonstrate greater transparency in appointment processes through either advertising vacancies or at minimum alerting those in the pool of legal professions with sufficient experience to the opening, such as those working in magistrate courts, prosecution

[64] As noted in the methodology section, this response reflects views relating only to issues of direct and not indirect gender discrimination, such as underlying masculinised construction of the content of the term 'merit'.

and legal aid services, the Law Society/Bar Association, to give a wider group of potential candidates the opportunity to express their interest.

12.2 The roles of judicial appointment bodies

There was consensus amongst participants that the Chief Justice holds wide discretions and large influence in judicial appointments to superior courts, however there is variation between countries and the views of Chief Justices are not the only factor. Other authorities holding specified executive or legislature positions form the majority of judicial appointment bodies and influence selections. Respondents noted that those occupying positions on judicial appointment bodies were more likely to be men and more likely to hold conversative views on women exercising public power. Others said the main issue was that members of judicial appointment bodies used their influence to shape political considerations in appointment decisions, such as whether a candidate was from a particular island, area or ethnic group, to achieve a different kind of 'balance' on the bench. Some respondents felt this presented a key obstacle to the meritorious appointment of women judges. Participants in some jurisdictions highlighted the pro-active approach to appointing foreign judges, which also reduced the availability of opportunities for Pacific women to be appointed to their judiciaries.

Judicial appointment bodies are an important focus for addressing gender bias in judicial appointments. This is why key international bodies recommend three safeguarding measures to ensure gender neutrality in judicial appointment bodies, including scrutiny of selection processes, inclusion of gender balance requirements and gender bias training for appointment bodies themselves.[65] A dedicated mapping and analysis is needed of the impact of Pacific judicial appointment bodies on the gender composition of Pacific judiciaries. However, this is also challenging due to the varied and fluctuating composition of Pacific judicial appointment bodies, which are typically comprised of a mix of fixed 'office-bearer' positions and often executive or other nominee positions, the holders of which may change annually and whose nominations are not readily publicly available. This lack of transparency regarding who sits on judicial appointment bodies at any given time, is itself an issue.

Based on the available information, women are heavily unrepresented in judicial appointment bodies. Only 12 women could be identified out of a total of 50 positions (24%) across the 15 Pacific judicial appointment bodies. Not only is composition and therefore gender imbalance in judicial appointment bodies difficult to accurately determine, as discussed above, but any gender imbalance is also difficult to address as most judicial appointment bodies are established under Pacific constitutions and have defined composition based on specified roles, which continue predominantly to be held by men. Aside from Chief Justices, these include roles of Presidents, members of Privy Councils, Attorney Generals, Ministers of Justice, Public Service Commissioners, members of legislatures, bar associations, amongst others.[67] Thus, for women to be better represented on judicial appointment bodies, they first need to secure appointment to these specified state executive or legislature roles, which has often historically proven difficult for them.

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[65] See OECD Toolkit *for Mainstreaming and Implementing Gender Equality*, available at: https://www.oecd.org/gender/governance/toolkit/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf.

[66] In 2016.

[67] For example, the Kiribati and FSM Constitutions provide that the Chief Justice and other judges are appointed by the President with 2/3 of the Congress or on the advice of the Cabinet tendered after consultation with the Public Service Commission. Under s 183 of the PNG Constitution the Judicial and Legal Services Commission comprises of five permanent members: The Minister for Justice; the Chief Justice; the Deputy Chief Justice; the Chief Ombudsman; and a member of Parliament appointed by the Parliament. Similarly, s 48 of the Vanuatu Constitution establishes the Judicial Services Commission comprising the Minister for Justice, the Chief Justice, the Chairman of the Public Service Commission, and a representative of the National Council of Chiefs appointed by the Council. Under s 50 of the Tongan Constitution, the Chief Justice and other judges are appointed by the King with the consent of the Privy Council.

Nonetheless, it is important to note that the inclusion of women in judicial appointment bodies does not guarantee judicial appointment bodies will more impartially consider the merits of women candidates for judicial appointment or that men will not, with several examples when men on judicial appointment bodies have supported greater gender balance in appointments, resulting in appointment of more women where male and female candidates were considered equally meritorious.[68] Engagement and awareness raising with judicial appointment body members to highlight how unconscious gender bias can infect their assessment of 'merit' and the benefits to society of gender balanced judiciaries - seems an important area of future focus in the Pacific, whatever the gender composition of the appointment body.

13. Views on promotion opportunities

Promotion opportunities may arise for more senior positions within a court or may relate to opportunities to move from judicial roles in lower to higher courts in the court hierarchy: from lay justice or lay magistrate to magistrate, or from magistrate to judge. Respondents' views on promotion opportunities within and between courts are discussed below.

13.1 Promotion opportunities within courts

Several magistrates mentioned that their magistracies advertise or openly promote internal higher-duty vacancies and that competitive recruitment processes amongst magistrates are used to fill more senior roles, including for senior, principal or even chief magistrate positions. Respondents saw this as a positive feature of these processes. Several respondents in superior courts challenged the idea of judiciaries offering any promotion process as such, suggesting that the sole basis for advancement within the court should be judges' seniority based on their years of judicial experience, except for specific positions such as Chief Justice. While additional responsibilities given to judges to administer a particular aspect of the court's caseload may be seen as a promotion involving a higher responsibility, this was not always the case, especially where those roles required residence in provincial courts, often considered to be less attractive postings.

13.2 Career development opportunities for appointments between courts

Several lay justice respondents requested opportunities to undertake legal qualifications, including undergraduate law degrees, to make them eligible to apply for regular magistrate positions. Several justices shared they had already undertaken Certificates or Diplomas of Justice, providing them with useful knowledge for their judicial roles, including for increasing legal awareness in their communities. They highlighted that women justices are well positioned to be a good conduit of legal knowledge for women in their communities to reduce the gap in legal literacy between men and women.

The approach taken in Kiribati to professionalising its magistracy, by offering experienced court and registry staff educational advancement opportunities so they could become eligible for appointment as magistrates, proved effective for bringing into the Magistrate's court magistrates with strong court experience. Due to the high representation of women as court clerks and in senior registry roles, this also provided a pathway for significant numbers of women to move into judicial roles. It is not uncommon for court staff to concurrently undertake law degrees while maintaining their court roles, creating opportunities for them to then rapidly progress to judicial roles, like in the Marshall Islands in October 2025, when the longstanding Chief of Clerks, Ingrid Kabua, completed her law degree and was soon after appointed as the country's first woman judge of the District Court.

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[68] For example, Victorian Attorney-General, Rob Hulls, (Australia) appointed more women to the bench where 'all merits were equal' to 'obliterate the so-called blokey culture of the courts.' Between 1999-2010 he appointed 37 women to Victorian courts, including as Magistrates, County and Supreme Court judges, including the former Chief Justice Anne Ferguson. See Thornton, loc. cit. n 22, p 398.

While there are no promotional pathways to appointment to superior courts, senior magistrates clearly fall within the potential pool of qualified candidates. In recent years, this has been the pathway by which some senior women magistrates have been appointed to superior courts, including in PNG, Solomon Islands, Vanuatu and Tonga. Given the increasingly strong representation and ever-increasing seniority of women in magistrate courts, it will be interesting to track whether promotion from the magistracy becomes a more regular pathway for women's appointment to superior courts, as has occurred in both Vanuatu and the Solomon Islands during the two years between the first and second versions of this report.

13.3 Respondents' views on acting roles and temporary higher-duty positions

In a related issue, some respondents felt that discriminatory processes more likely apply to women appointed to acting positions, than to men, noting that while acting roles can offer opportunities and pathways for women to 'try out' performing higher duties and possibly lead to permanent appointment, some had observed women colleagues being left stuck in acting positions for longer periods than male colleagues. In some cases, acting roles stretched to three, even six years and respondents described their frustration at being left in limbo for so long as it had eroded their confidence and denied them the security, recognition, authority and confidence of the court to perform the role to the best of their ability.

In some instances, women appointed to acting roles were not appointed to the ongoing role but then returned to their former roles, sometimes without notice and without feedback provided as to why they had not been extended or offered ongoing appointment. Respondents found these experiences to be demoralising and felt publicly humiliated, especially when their non-reappointment had been reported in local press, which was how they had found out their appointment had not been extended. Some respondents shared having been appointed to the same acting position multiple times but another candidate then ultimately being selected. They felt this was unfair or 'being used', as they had already been tested and proven themselves in the role to a standard where they were considered suitable for it several times.

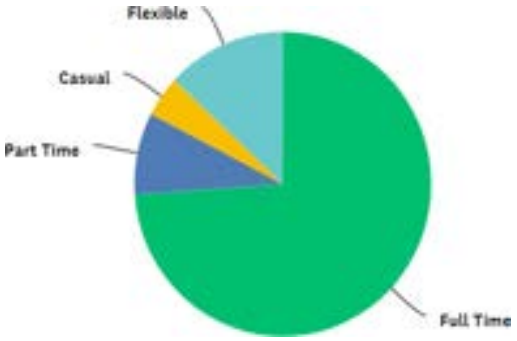
At the same time, respondents recognised that being appointed to acting or higher duty roles provided them with valuable opportunities to gain experience, while also assisting their court to temporarily backfill vacancies. Respondents' main demand was that they received ongoing feedback on their performance throughout their acting role and that when such roles were coming towards their end, court leaders communicate their decisions with sensitivity and with clarity, including by providing concrete feedback on their performance and prospects for future appointment. These efforts would help maintain or improve the morale of women (and men) who agree to assist their courts in times of need by stepping up into acting roles.

Overall, respondents felt that there was a lack of clear pathways or opportunities for promotion within courts or appointment between courts. Developing programs to prepare women judicial officers for roles in higher courts, would help to accelerate gender balance in courts where they remain particularly underrepresented, such as in courts of appeal and lay judiciaries.

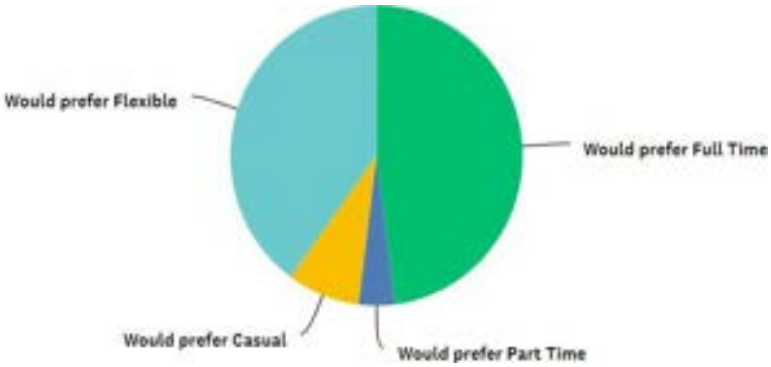
14. Current and preferred employment type and conditions

Greater flexibility in hours and locations of work is a core demand of women workers across the globe to help them manage the juggle of work and more onerous family commitments than many of their male colleagues. The same demand exists within Pacific judiciaries. During the COVID-19 pandemic period, movement restrictions necessitated court to put into place more flexible approaches to the provision of court services and created greater acceptance of arrangements where some judicial work could by arrangement be performed from home or other locations. Judiciaries globally are gradually offering greater flexibility in work arrangements, while still meeting requirements for in-person court hearings and teamwork with court staff and other colleagues. This study was an opportunity to hear from women judicial officers their thoughts on the work arrangements offered in their judiciaries.

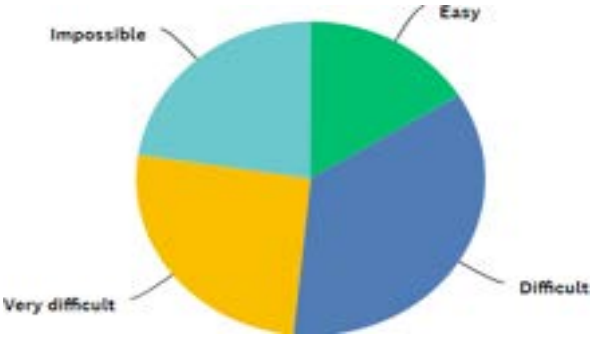
Current employment type



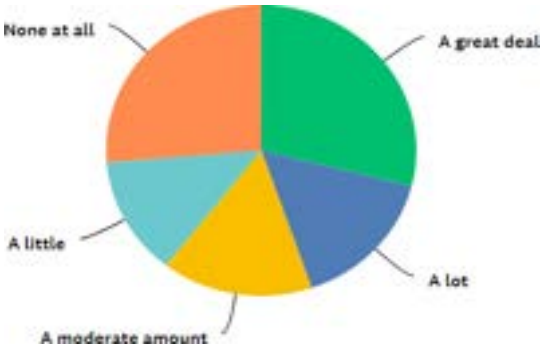
Employment type preference



Difficulty in achieving preferred employment type



Perceived impact on career prospects not working full time



14.1 Views on flexibility of work conditions

All the respondents who were judges and magistrates reported that they worked on a full-time basis from the court premises, some with 'on call' duty rosters for urgent cases on weekends and public holidays. Most women lay justices and lay magistrates worked on an occasional basis, determined by the timing, schedules and rosters of local court sitting days.

While close to half of all respondents preferred full-time hours of work, many clarified in their written comments they would prefer more flexibility regarding when and from where they work. Several noted that judges and magistrates do have greater control than in some other professions, to determine the timing of hearings, but they seek greater flexibility around times and places of work outside of hearing times, to help them better juggle work and carer/home responsibilities.

More than three quarters of respondents thought it would be impossible, very difficult or difficult for them to achieve their preferred employment type and work arrangements in their court, due to the lack of flexible work arrangements available. More than half feared it would negatively impact on their career prospects to ask for more flexible work arrangements, including if they were granted, highlighting the related issues of both availability and perceptions regarding flexible work arrangements. Respondents noted that:

- The sheer workload of courts makes it difficult for court leaderships to agree to accommodate different hours of work and more flexible work arrangements.
- At the same time several respondents provided examples of where court leaders had been flexible and provided them with extended periods of leave when requested to enable

them to study or to attend to family responsibilities, despite the difficulties this created for court leaders to reassign cases and responsibilities to others.

- Many respondents said they frequently work out-of-hours from home in evenings and at weekends to keep up with their workload.
- Sometimes they also need to attend court for urgent out-of-hours hearings in evenings, weekends or public holiday periods. They typically do not receive overtime payments or time-off-in-lieu for this work, however it was at least often rostered to share the load equitably between judicial officers. Flexible hours of work are clearly needed so that the court remains capable of providing out-of-hour services for urgent application types.
- More flexible work arrangements are important for maintaining sustainability and well-being of judicial officers who often work in highly pressured, stressful environments.
- Judicial officers are often required to travel to other provinces, islands or remote locations and the forms of transportation and hours of travel can be gruelling and even unsafe. Respondents felt strongly that courts should take greater responsibility for operational impacts of their work.
- Several respondents commented that women in their courts were more likely to be allocated less attractive provincial postings than male colleagues and that addressing both the gendered and equity aspects of these decisions should be addressed in carefully thought-out policies.
- Postings to provincial courts, including rotational posting policies were thought to have a larger impact on women judicial officers than men as women often had less say within their marriages about whether their spouse and children would accompany them to their provincial posting, or not. Time spent away from children, especially young children, also from spouses, put strain on their marriages and added to the challenges they faced in maintaining a stable family life and meeting home life responsibilities.
- Many respondents mentioned they faced pressure from spouses or extended family to resign from their judicial roles and find less demanding or more local work or reported that they found it a major strain to continue in their roles when they lacked family support to do so.
- More flexible work conditions are needed to ensure judiciaries are attracting and retaining 'the best' and are also inclusive and diverse.

> I believe that in order to achieve a more diverse and inclusive judiciary, more flexible working arrangements should be available such as part time and job sharing, for instance. Work needs to adapt to allow me to be a mum and have breaks to recover from the stress of the job.

Greater flexibility regarding the times and places of work and access to leave to meet carer obligations, are all key for enabling women judicial officers to give their best to their judicial work, while maintaining commitments to their families. The challenge remains in identifying what specific forms of additional support might help to make this 'stretch' more sustainable, so that women judicial officers can contribute peak performance while maintaining their family roles and well-being.

15. Gender stereotypes and cultural barriers

Women judicial officers were asked in the survey and in focus group discussions and interviews whether they had faced or observed gendered barriers to women's participation in their judiciary, including regarding gender stereotypes, cultural barriers. They were also asked whether they felt equally respected and supported by colleagues and leaderships in their courts. Respondents were largely split in their views on whether women in their judiciary faced challenges or barriers because of their gender. Fifty-four percent said that gendered barriers did not exist in their courts and 46% said they did, raising questions regarding how to interpret these results. Some long-form responses accompanying this question suggested that some respondents were not familiar with the different forms that 'gender barriers' might take and may have mis-interpreted the question to be asking

whether they thought women judicial officers were less capable than men in doing their job. This may have distorted the responses, possibly lowering the number who identified they did face gender barriers. Conversely, respondent versus non-respondent bias in those who chose to answer this question may have inflated this number, assuming that self-selecting participants may be more likely to identify gender barriers.

Notably, a significant proportion of women who did not identify gender barriers worked in jurisdictions or courts where women were already well-represented or even formed a majority of their judicial officer type. Those most likely to identify gendered barriers correlated with those judiciaries or courts where women formed a smaller minority of judicial officers. This trend confirms an intuitive logic that those women who lack 'safety in numbers' within their jurisdictions are more likely to report issues with gender barriers and discrimination, than those where women's presence has already become more normalised. This conclusion in turn, suggests that the presence of a critical mass of women may help to change the culture of the judiciary to become a more comfortable and enabling environment for women to perform their roles without feeling they face gendered barriers.

Some respondents pointed to the imbalance and underrepresentation of women as clear evidence that gender barriers continue to exist. Others referred to underlying causes for numerical imbalance, highlighting a wider range of behavioural and attitudinal issues that respondents said hindered them being treated equally.

> These are cultural barriers including challenges from male colleagues, workplace sexual harassment and the general view that women are home makers. Women must work harder and smarter, putting in more time and effort to be recognised and promoted. We always need to stand up and remind them, but in a respectful way, that we have talent, knowledge and decision-making skills.

Some respondents highlighted the continuing currency of gendered stereotypes within some judiciaries, including regarding women's roles in family and society and expectations that women judicial officers would maintain a quieter demeanor and not challenge men, as is expected of them in the home.

> Culturally, women are expected to make decisions quietly and behind the scenes…As a woman on the bench I am conscious that my decisions as matters of law have direct impact on my family life as a daughter, sister, wife and mother. There are subtle efforts to sideline the voices of women judges. Due to the culture and tradition paid work is done by the men. Routinely the cases I see state that women are homemakers and few have professional standing in the community and they only hold a position based on lineage.

Others shared their perceptions that women magistrates and judges did not enjoy the same status and power within the court as their male counterparts, translating into work allocations, such as increased likelihood that women would receive less attractive postings outside of urban areas, due to them having less power to refuse or influence the decisions of senior court leaders on these issues.

> Male judicial officers get away with serving in urban areas, but it is the women who cannot say no and are posted to rural areas….it is mostly the female judicial officers who must serve in rural areas.

Postings to rural areas often had disproportionate consequences for women judicial officers, who were more likely to attend their posting unaccompanied, facing separation from their spouses and children. Whereas male judicial officers, had greater authority within their families to decide that the whole family would relocate together for the posting.

> In my previous employment my employer considered the attitude of my husband in making decisions whether to transfer me. As a magistrate we have no say on our postings or the views of our spouses and so if our spouses don't agree to move, we must make hard decisions to

> resign or leave our families behind. I went through that experience, and it was heartbreaking and a difficult time for my family.

These issues highlight differential gendered impacts that women judicial officers can experience in both home and professional life. Several respondents highlighted they felt not only a double-work burden — acquitting work and home life responsibilities — but also a need to perform both roles to an exceptional level to be able to continue in both roles, contributing significantly to their constant battle with exhaustion. Several respondents said they felt they must work harder to get ahead in the court, while feeling constant pressure to maintain essential family support for them to continue in the role by demonstrating to their husbands and families they could still manage their carer and home responsibilities.

> As a female you must be mentally strong and completely independent. If you are married, then your spouse must be 110% supportive. Only with his support will you be able to properly focus on your work…The last thing you need is unnecessary distractions from the relatives and the home front. Also, you will face many challenges in your work but knowing that you have a supportive spouse and family and friends behind you, will make a whole lot of difference in how you react to challenges in the workplace.

Respondents acknowledged that patriarchal customs and norms were also 'normal' to them and that they sometimes did not recognise aspects of their daily lives as gender discrimination, however noted the strength of patriarchal norms to be gradually lessening over time. Respondents also observed that men dominated more of the senior positions within their courts, whereas women were more likely to be kept in more junior roles as they were 'useful' to churn through the cases. Some respondents felt that cultural barriers such as socialising in the evening or weekends, reduced women's access to social networking opportunities, especially at the highest levels, also adversely impacting on their opportunities to be appointed to senior positions.[69]

Some observed that gender bias impacted the types of cases women were allocated, including less likelihood of being constituted high-profile cases or cases that involved higher security risks or exposure to strong violence. Others highlighted examples where they felt they were deliberately given complex cases or heavier caseloads, to test them. One participant shared there was a minority of male judges in her court who had:

> …strong views about a female taking on the same role as them. If given an opportunity, they will not hesitate to give more work to the female judge, or the most complex cases to her. However, I see this as a challenge and an opportunity to show that I can do the job better.

Some magistrates highlighted instances where they feared for their personal safety, especially customary land cases conducted on site. They described situations where male community members arrived at court hearings armed with knives, machetes or other weapons and already drunk or agitated. They felt unsafe to preside in these cases but also felt that police accompaniment could escalate tensions and that the better option was to 'swallow' their fear and intervene between the men, using their authority and communication skills to exercise a calming influence over the parties. In such instances, they observed that being a female judicial officer had proven helpful and demonstrated how gender diversity strengthens the work of courts.

Other experiences of gender discrimination shared by respondents included an occasion when defence counsel had sought the recusal of a woman judge from a rape case, alleging her sex would create inherent gender bias against fair judgement of the defendant - along with her previous role in prosecuting sexual offences and her role in compiling family violence statistics, as requested by the court. She refused the application for recusal, (which was not appealed), but found it frustrating and

[69] Although few respondents thought women were denied access to social networking opportunities, 91% responding they felt included in social networking opportunities.

undermining that her professionalism should be challenged in open court on clearly discriminatory grounds by lawyers 'who should know better.'

16. Challenges raised by women lay justices and magistrates

The experiences of women lay justices and magistrate respondents highlight a raft of issues courts need to grapple with to address gender barriers and risks faced by women judicial officers. While these may not apply to all women judicial officers, especially those working in jurisdictions where women already comprise a majority of judicial officers, it is important to recall that women justices and lay magistrates comprise less than 7% of their peers. Yet many lay justices were also at pains to highlight the positive support they had receive from male colleagues, some of whom had championed the participation of women in court panels, providing a strong basis to build further actions upon.

Women lay justices typically live in remote locations, often far away from courts and police, working at the frontier of community justice. They often work within strongly patriarchal normative environments, where it may be contentious for women to perform public leadership roles, especially in relation to dispute resolution processes considered the preserve of male customary leaders. In addition, major social power disparities often exist between men and women justices who sit together on panels, as many male appointees also hold positions as village chiefs or as other customary authorities, providing them with sources of social power and protection that women justices usually lack.

This can expose women justices to risks and gender discrimination from all sources: fellow justices and members of the public, sometimes translating into higher security risks from those who perceive women justices to be 'soft targets.' These risks are exacerbated by the lack of operational support received from their judiciaries for local level courts, including to support the needs of women justices, including relating to transportation and security. Courts can and should prioritise these issues as most of these can be addressed through proper planning and modest increases in resources: a small price to pay for the massive value of women's increased participation as decision makers in local-level courts.

16.1 Challenges recruiting women lay justices

Respondents suggested that the low numbers of women appointed as lay justices did not reflect a lack of interest by women in the role but rather was due to lack of knowledge and support, including by courts not 'casting the net' wide enough to reach and encourage women, including in churches, health, education, NGOs and business roles, to nominate. They also highlighted that women typically need the support of their families to perform the role, including permission from spouses, which may not be readily forthcoming for a range of reasons. This may include cultural norms that women avoid public decision-making roles or travel unaccompanied overnight; concerns the role may entail their families becoming involved in 'other people's business', creating security or other negative impacts for family life; or concern the role may detract from the time available for wives to run households and care for children and other family members. Widowed and otherwise single respondents reported feeling freer to take on appointments as justices as they often live in households without men, however then felt more vulnerable to personal security risks involved in the role.

The new inclusive recruitment process adopted by the Vanuatu Court (since 2024 when the first version of this study was completed), has started to demonstrate how Courts can address these issues without needing to expend major resources. In Vanuatu, advertisements for nominations for appointment to the Island Court simply stated that women were also encouraged to apply. Court clerks in Vanuatu were tasked to distribute the advertisements widely, including with women's organisations, schools, health clinics and churches, and to conduct 'women's only' information sessions so that women could find out more about the role and ask any questions they had, without men present. These simple methods resulted in around half of all nominations coming from women.

Once engaged in the induction program, some separate sessions were held for women nominees, to provide them the opportunity to build their confidence together before them being rejoined with the men. Due to a critical mass of women involved, women participants were highly active participants in the induction, at least to the same degree as men, also providing the men with the opportunity to observe the valued contributions being made by women, underscoring their relevance and readiness to take on the role. The Court also conducted meetings with family members of women participants to provide them with further information about the role, highlighting the importance of women joining the court and encouraging them to support their woman family member in the role. Through this combination of approaches, the Vanuatu Court has been able to more rapidly tilt towards achieving greater gender balance in some of its Island Courts.

16.2 Gender barriers faced by women lay justices within their courts

Women lay justices raised several issues in the context of working alongside male justices in local court panels. Several women respondents highlighted gendered allocations of roles within panel settings.

> There is only ever one woman on a panel, and never several, unlike men. This makes me feel like women are seen as a token. It is also assumed that their primary job is to take care of 'women's cases', rather than being responsible for all the roles and case types before the court.
>
> Being the only woman every time, makes me feel I am there somehow to represent all of womankind.
>
> I am only given a bigger role in family violence and child support cases and never any others.
>
> I feel I must constantly hold the men on the panel accountable for their gender discriminatory views. For example, when they describe domestic violence as 'just a touch' and a 'private issue' between husband and wife and she 'deserved' it as she was the one who left him etc. I'm always arguing with them, and they have come to see me as biased towards women, when in fact, I'm just doing my job impartially and applying the law, as they should be doing.

Women justices also highlighted allocations of traditional gendered roles within panels. For example, women justices were always allocated responsibility to take the case minutes; women justices had less opportunities to be the presiding member of panels, or to lead asking questions. Sometimes they were even asked by male justices to make them refreshments or to clean the court.

Providing initial and ongoing education to the male justices about the equal roles of women justices, including by clearly articulating the expectation that they will equally respect women in their roles, is one way the Court can actively address gender barriers and create a more enabling environment for women justices. Putting in place clearly identified processes where women justices or court clerks can safely raise and have addressed any issues they face, or have observed, with the behaviour of male justices, is another step Courts can take to address gender barriers.

In Vanuatu, the Court also added new selection criteria to the Island Court Justice position description that justices must be willing to work based on gender equality with colleagues. They also added clarification that is relevant to criteria regarding being of good character, this included modelling peaceful behaviour within their own families. As regular police checks were not sufficient for checking candidates' family violence record due to severe under reporting, the Vanuatu Court created a community consultation or vetting process, to ensure that the justices selected were not known in the community to be family violence perpetrators.

Impacts of social and cultural power disparities between men and women justices

Many women justices cited the major social and cultural power disparities commonly existing between men and women panelists, as the underlying cause of these kinds of discriminatory

experiences. Many male justices also hold senior roles as chiefly, customary, or religious authorities, whereas fewer women have socially and culturally powerful second 'hats' to wear when they sit in local courts as part of a panel. In many Pacific cultures, men are culturally assigned and practice public speaking and family representation roles from a young age, whereas women are inculcated to be silent and are not culturally sanctioned to speak publicly. They also, therefore, have less experience than men in doing so. It is not uncommon for these gendered cultural values and experiences to translate directly into local court settings.

For example, one woman justice shared how another male justice had sought to silence her when she had tried to provide her input to a discussion deciding a case. The male justice - a paramount chief in his regular daily role - stated she had no authority or relevant knowledge to express a view on customary issues in the case. The other male justice present did not stand up for her. She withdrew from the panel and complained against her discriminatory treatment to the court clerk. She felt heard and taken seriously when she was told by the clerk that the court would not include that male justice in future hearings and that she would counsel all justices that women justices were to be included in all discussions and treated equally. However, it is not known whether the male justice's exclusion from future hearings was based on an official position taken by the court or whether the court clerk decided to handle it herself by simply not allocating further cases to him and through counselling other male justices.

This discretion court clerks (or presiding justices) often must decide who is appointed to sit on each panel hearing, can also work the other way. Another woman justice shared that when she disagreed with the majority decision taken by the two other male justices - who had earlier openly expressed views that women should not be permitted to be justices - she was subsequently excluded from inclusion in any future panels, a situation which had continued for more than six months.

Several other women justices shared they had experienced similar discriminatory and hostile attitudes by male justices who fail to clearly demarcate their own court role from their wider community leadership roles and did not understand or accept that women justices are entitled to sit as equals alongside male panel members, irrespective of their chiefly status. This conflation of roles can be very challenging for male chiefs to understand, especially for those who lack the ability or self-awareness to even imagine themselves as being equal to a woman or treating a woman as an equal. As noted above, some male justices (also village chiefs) are openly opposed to having women sitting alongside them as justices, raising serious questions as to their suitability for appointment.

16.3 Diverse outlooks regarding the value of women's participation amongst male justices

These anecdotes serve as a reminder of the challenging environments women may face in male dominated local courts. At the same time, there were also women justices who shared those male justices sitting in their panels, (also chiefs), held very inclusive and progressive views regarding the participation of women. In fact, women court clerks and justices said the majority of male justices, including those who are chiefs, valued and welcomed the participation of women justices. These are important observations to build upon. Many male justices do already recognise the value of women justices in strengthening the court's work, especially in relation to making local courts more accessible to women. There was wide consensus that women feel re-assured and more confident to approach the court, share their circumstances and be taken seriously, when they can see women justices are included in the panel.

These many and diverse experiences of women justices working within local courts serve as a reminder of the importance that court leaderships take active steps to address instances of discrimination against women judicial officers across all court levels. This includes engaging all levels of courts in dialogue reinforcing the right of women to be treated equally, within courts and throughout society, and to acknowledge the valuable contributions women judicial officers make to providing justice for communities. It is also incumbent on courts in selection processes to ensure that

the men selected can perform the role, which includes treating all colleagues as equals and respecting their roles. Thus, questions regarding the views of candidates on the participation of women as decisions makers in local courts should always be included in interview and selection processes.

16.4 Women lay justice suggestions for supporting their work

Finally, women lay justices consulted suggested several practical actions courts can consider, subject to cost and capacity constraints, to effectively recruit, retain and support the work of women justices and lay magistrates, including by mitigating the specific gendered risks and challenges they face. These included:

- Ensuring that advertised vacancies reach women including those working in churches, schools and other employers and ensuring advertisements state that women are encouraged to apply.
- Better pay.
- Access to safe transport to and from court and while on mobile court circuits.
- Court to offer Court to offer to discuss with women recruits and (if they wish) their husbands. other family members, details of the role and support available to women justices.
- Court community awareness campaigns so that people know about the role and protected status of justices, including women justices.
- Briefings for police and village chiefs to provide security to women justices as needed.
- Additional training to women justices on conducting hearings to increase their confidence and experience in these roles.
- Standardised processes to empower women in their roles including ensuring at least one woman sits on each panel sitting and rotating panel chairs.
- Support for women to chair panel hearings across all matter types and not only family or child-related cases; and
- Designated women justices maintain close communication with other women justices regarding any concerns they have for their personal security, access to safe transportation, gender discrimination faced or any other needs in the role.

These suggestions offer a very helpful starting point for courts to consider how they can take action to address gender barriers women justices may face in performing roles in their jurisdictions.

17. Views on court leaderships equally valuing and respecting the contributions of women

Respondents strongly agreed (87%) that their court leaderships equally respect and value the contributions of women judiciary members. This positive finding suggests that most women judicial officers feel their court leaderships 'have their back' and do not see court leaderships as a source of gender barriers in judiciaries.[70] Respondents cited as evidence for the positive roles of court leaderships their stated support for increases in women appointments to lower and higher courts. Respondents also highlighted their observation that court leaderships allocated responsibilities and opportunities for professional development equally between men and women judicial officers.

> I think that court leadership has high respect for women in our judiciary, as they are given the same responsibilities and duties as their male counterparts. This shows that they are seen as equally capable and competent to carry out their duties, similar to those of men.
>
> I would say that the court leadership supports women judges continuously. While the recruitment process is not transparent, once women are recruited, they are equally promoted, given positions of responsibility and given equal access to training opportunities.
>
> I feel the Court leadership respects the contributions of women, but the problem lies with the judicial panel, where appointment decisions are made, which appears to lack confidence in appointing women.

Some respondents cited particular appointments of women in senior roles or other moments which they felt represented a paradigm shift or turning point within their court which had created positive experiences of women in judicial roles and pathways for other women judges to follow.

> There is a gradual change in their mindset. The change came here when our first female Chief Magistrate was appointed. She was our champion. She appointed more female magistrates and promoted several into leadership positions in the provinces. This directly challenged the society's mindset to accept female magistrates as the head of judiciary in their provinces. She was our champion. She appointed me into leadership. She helped me become who I am today. I intend to be a leader who promotes both genders and treats everyone equally.

Respondents who had been 'a first' for women in their jurisdictions said that initially there was significant curiosity about their performance following their appointment, but that colleagues and communities quickly adjusted when they observed how they conducted hearings and the decisions they made and their presence was quickly normalised and became unremarkable. Respondents considered this normalisation to be the goal so that the gender of judicial officers is not even noticed or considered relevant.

While respondents overwhelmingly felt their court leaderships supported women judicial officers, this does not however preclude the need for court leaderships to proactively address the discriminatory treatment women judicial officers may face by court staff, members of the public or members of the legal profession. Some respondents said that women judicial officers were 'last in line' to receive any help or support from the court and that women judges were less likely to receive assistance requested from court staff than men.

> Overwhelmingly, support staff and others are very respectful, but that does not mean that some are not more responsive to the demands of male judges. That can be very frustrating.

Several respondents noted how acceptance of, and respect for, women's leadership in the judiciary had incrementally increased over time but that there was no room for complacency as women remained only a small portion of superior court judges.

> People respect and accept leadership of women in the judiciary. I do not face many hurdles in this area. It is different to when I began my career. There were more hurdles than now. Although there are still many areas that need improvement.

[70] Although this also needs to be read alongside some respondents' feedback regarding judicial appointment and promotion practices.

18. Acceptance of women judicial officers' competence and authority by court users and the public

Ninety three percent of respondents said that they felt court users accept women's competence and authority performing judicial roles, as they do men, although only 79% thought that court users judged women decisionmakers by the same standards they judged men. Nine percent felt the public judged women judicial officers by a higher standard and 11% felt they were judged by a lower standard, with variations sometimes explained by culture, ethnicity or nepotism:

> My observation generally is it will seem to be the same standard is used or applied. However, it is very much dependent on other factors like cultures where one comes from, and relationships amongst others. Nepotism and ethnicity are consideration or factors applied.

Almost 70% of respondents said they had observed positive changes over time in the attitudes of court users towards accepting women's authority as judicial decision makers.

> When I started off as a lawyer, people in my county thought only men were lawyers…. Over time with the visibility of women in all roles and with the advance of media and social media, people in all areas of our society have accepted that women are lawyers, magistrates and judges. A lot of people are in awe of women who have entered these positions, and they respect their decisions. Times are changing.
>
> We do the hard work. We are respected because our decisions are fair and just. The general public and court users are now getting used to seeing women judges and magistrates.

Several respondents referred to discriminatory attitudes and treatment they had experienced with lawyers, including senior male lawyers, who appeared not to accept the authority of recently appointed women judicial officers.

> It happens that a few senior lawyers send their junior colleagues to appear before a female magistrate in court for whatever reason. I feel that is very disrespectful. The same courtesy they show to male magistrates should be extended to female magistrates.

Other respondents highlighted examples where male senior counsel had begrudgingly acknowledged that women magistrates had 'taught them some things they had not known before', highlighting how women magistrates may have to work harder than men to receive basic respect and overcome the gendered bias of some male legal practitioners.

Experiences in other parts of the world indicate that it is not unusual for senior male lawyers to harbour discriminatory attitudes towards women judicial officers, feeling slighted that they were not appointed or directly threatened by the inclusion of more women in judiciaries and attributing this to discriminatory approaches taken by appointing bodies against male candidates.

> The appointment of 'so many' women has resulted in an undercurrent of disaffection and resentment on the part of male lawyers. One former member of the Bar Council is quoted as saying, 'there is scope for criticism of the way in which some senior and eminently qualified people [read "men"] have been overlooked'. The most notorious comment is attributed to Robert Richter QC, who is reported to have said that it was an advantage for an appointee *not* to have testicles. Other male lawyers described the appointments as 'queue jumping' and a divergence 'too far from merit', which is 'undermining the intellectual rigour of the state judiciary'.[71]

Thus, the kinds of pushback experienced by some Pacific women judicial officers by male lawyers is not unusual but should not be tolerated and can potentially constitute unprofessional, even defamatory, conduct, which should be challenged and those responsible held to account by legal

professional associations. More education opportunities for lawyers on gendered aspects of the law may help to alleviate these views, which may be largely borne out of ignorance.

19. Views on any differential impact of women decision makers in different case types

Respondents were asked whether there were any case types or party-types where they felt being a woman judicial officers offered either an advantage or a disadvantage over male decision makers. Regarding advantages, respondents were almost evenly split, (51%/49%) with a tiny majority being of the view that there were some case types where the gender of a decision maker could be an advantage.

The most common kinds of cases where respondents felt that being a woman decision maker could be an advantage for delivering fair justice, were cases involving women or child parties who were victims of family or sexual violence. Most respondents felt the main difference lay not in the judging of the case, but the impact of the decision maker's gender upon the confidence of victims or parties to provide more open accounts of their experiences in evidence.

> In sexual offences cases, the victims are more comfortable to give evidence in front of a female judicial officer.

However, some respondents also felt that women decision makers lived experience can also enhance judicial decision making.

> At the outset, I say this. Decisions are made based solely on facts, the evidence and the law. But I also wanted to say that it is true that judicial officers may bring their lived experience to the bench, and together with the facts, the evidence and the law, better judicial actions and decisions can be made.

Some respondents highlighted that women judicial offices are more likely to have had greater exposure to the victim side of situations of gender-based violence arising from their own personal experiences or those disclosed to them by family members or friends. They felt that those decision makers who have had this greater exposure may be more sensitive to using their court manner or court procedures to reduce the likely impact of re-traumatisation upon victims. As stated by one respondent:

> Cases of family domestic violence we have greater empathy for the victim to ensure they are not put in a position to be re-victimised or traumatised.

Other respondents suggested that differences lie in women decision makers tending to ask more questions of complainants, regarding the history or patterns of previous violence or controlling behaviours experienced by complainants, thus drawing out less immediately obvious aspects of a case. Adducing more comprehensive evidence then provides the court with more behaviours or factors relevant to assessing culpability, as reflected in sentencing decisions commensurate with the evidence as put fulsomely before the court. Some respondents also felt that women decision makers may be more likely to challenge perpetrators' gendered justifications for their violence, such as suspicion of infidelity, their 'right' to wifely obedience, domestic service or their use of alcohol, which may also ultimately impact on culpability and sentencing decisions.

The relevance of women's lived experience as primary carers of children, elderly parents or other vulnerable people in their cultures was also highlighted as an area where judicial decision making in family law cases could be enhanced. This especially arose in respondents' views on cases relating to the care of children.

[71] See Thornton, M loc. cit. n 23. p 398.

> For instance, in family law cases, women judicial officers in the Pacific Judiciaries traditionally are carers, support persons and nurturers of children and are also home keepers. These roles are essential for development of the child and a harmonious happy and healthy family. Because of that, women judicial officers can understand better the issue involved in deciding on parental care, custody, maintenance and customary adoption etc. This is an advantage for women judicial officers in Pacific judiciaries.

However overall, respondents felt very conflicted by this question. On one hand respondents felt that in the current reality, women and child parties often feel more comfortable expressing themselves before women decision makers and this made the process work better as a whole. They also felt that women decision makers were more likely to have deeper understanding of the nature and impacts of gender-based violence upon victims and the needs and best interests of children.

At the same time, respondents did not want to 'pigeon-hole' women judicial officers into specialising in 'women's cases' and nor did they want to limit the expectation that male colleagues should be equally well versed and competent to provide appropriate procedural adaptations, suitable court manner and fair decision making not infected by gender bias, including in sentencing or outcomes in family law cases. Some also acknowledged there is an increasing proportion of male decision makers who have become equally, if not more, effective in providing sensitised decisions reflecting the gendered dynamics and harms done to victims of gender-based violence.

> I feel that in family law cases such as custody or domestic violence and sexual assault cases in general, it may be advantageous to have a woman judge. However, over the years, I've come to feel it is mainly the lack of training of judges because there have been cases where male judges were more sensitive and provided more effective decisions than the women judges. From a court-user perspective, in the family law cases, maybe the parties especially if they are women victims, may be more comfortable if it is a woman judge than a male judge.
>
> Women bring different experiences and perspective from men, including with respect to cultural and gender stereotypes and the impact of those for different persons. This may be relevant where women and children are complainants and /or witnesses, including but not limited to sexual and domestic violence, including homicide. Having said that, women should not be confined to these types of cases. They should be able to deal with any matter, albeit that most will have their own areas of expertise whether it be criminal, commercial or civil law etc.'
>
> For many years prior to my present assignment there was a presumption that rape, incest, sexual assault and domestic violence cases were better suited to my docket, as I was a woman. I don't believe that is so, and it is stereotyping.

Some respondents felt that women decision makers were better equipped to decide all case types due to qualities or perspectives women bring to their decision making.

> All cases – we have the ability to see more easily both sides of the story in a case and also to provide logical and innovative approaches to a decision.
>
> The natural traits of women to organise, pay attention to detail and multi-task, should assist with management of all caseloads and in dispensing justice.
>
> Women give more attention to long-term details rather than a quick fix with no follow up.
>
> We are equally competent but smarter than men and are proving ourselves. But because we are women, we will still be challenged. Challenges are healthy as they give us the opportunity to break more cultural barriers.

As noted earlier, women magistrates highlighted their gendered abilities to de-escalate tense situations between male parties and felt these were enhanced by the fact that they were women. Demonstrating the diversity of participant perspectives, other women magistrates in the same country considered it may be more advantageous to be a male decision maker in such cases, on the basis they would be better able to exercise authority to deter bad behaviour by aggressive male parties.

Respondents as a whole were much less divided when it came to identifying any case types where being a woman decision maker could be a disadvantage, with 73% rejecting this proposition and 27% agreeing, with the most common case type cited for the latter being criminal cases, however most respondents did not further explain their response. One participated stated: 'I have observed that in big mining, landowner cases and commercial cases, parties including lawyers are most comfortable with male judges', however this appears to be based more on it being more usual or common to them that men would hear these cases, rather than any more specific reasons why it would be more difficult for a party in these case types to give their evidence before a female decision maker.

Several respondents also identified domestic violence and gender-based violence cases as cases where, as women judicial officers, they felt an additional burden to demonstrate they were not swayed or prejudiced in favour of victims by their gender, revealing a more complex dynamic regarding the role of gender in these case types. As stated by one participant:

> I cannot think of a personal case experience. But generally, in cases of family and sexual violence, if women judicial officers are not so careful in separating, well their biases and prejudices in decisions, I feel this may be a disadvantage. I hope I am understanding this question correctly, so, for example, if I wrote my reasoning for believing the survivor in the acquaintance rape case I mentioned above, and I said, 'I believe you because I come from the highlands and I know how these men behave,' even though I meant well, I have just allowed my statement to be open for misinterpretations and to be misunderstood. It is a disadvantage when I have caused people to be entitled to perceive that I am biased or have been prejudicial when I am not careful. I guess this will require good judgement-writing skills, which is another subject matter.

This view that women decision makers feel pressure to demonstrate they are not biased in favour of women parties was also reflected in the earlier example where a lawyer applied for a female judge to recuse herself from a rape case involving a female victim, on grounds of her gender. This complexity arises out of historical gender-blindness in both law and judicial decision-making regarding cases involving gender-based violence, conflated with the fact that historically, almost all decision makers were male and that this one-side gendered composition of benches was considered 'normal'. The increasing numbers of women decision makers in judiciaries can in effect become 'caught up' in the separate efforts to bring about greater legal protection from gender-based violence as well as efforts to remove gender bias from laws and legal processes for handling cases of gender-based violence.

20. Views on importance of gender balance in Pacific judiciaries

A resounding 89% of respondents felt that gender balance is important in Pacific judiciaries. The comments of those who did not, tended to reflect a grappling between how things should be, (i.e. that the gender of decision makers should not matter), versus whether gender does matter in practice. Of the vast majority who agreed that gender balance in judiciaries is important, all (100%) said that gender balanced judiciaries provide better justice services and outcomes. Eighty-nine percent said that gender balance in judiciaries improved court access and the experience of women and girls coming before the court and 92% felt that it also conveyed positive messages about the roles of women in Pacific societies.

Unpackaging this data, in relation to the role of gender balance in judiciaries improving justice services and outcomes provided by courts, the vast majority of respondents felt that greater diversity

in the judiciary made the judiciary stronger for several reasons. These include that it keeps in check any biases, prejudices and privileged views within judiciaries and helps 'develop the law in a way that better represents society as a whole.' Most responses emphasised the importance of gender balance to demonstrate fairness, equality and incorporation of the experiences and perceptions of both genders in the dispensation of justice.

> Justice outcomes are more robust when the judiciary looks like those who appear in front of it.
>
> Times have changed and quality is a must for fairness. Increase in women judicial officers will strengthen the judiciary and the message to the court users in the court as a neutral playing field.
>
> Justice services and outcomes may be strengthened, given the different perspectives and values brought to the table by both genders.
>
> Fairness and equality ensure that perspective and experiences of half members of society are represented in decision making.
>
> Strengthen the bench and be a reminder that the society also comprises of women.
>
> More women on the bench means a better understanding of the place and importance of a woman in her clan or tribe when it comes to decision making on identifying ownership of land matters and in family law disputes. In sexual violence cases, it means there is more open dialogue and conversation on the bench on some of the bad customs and practices that discriminate against women and girls. It means the scope of discussion is enlarged, preventing stereotyped and ill-considered decisions.

Some respondents emphasised that gender balance only goes so far to address gender bias and that a strong focus on gender training for all members of the judiciary is also required.

> In general, I believe it [gender balance in the judiciary] would strengthen services and outcomes but I also strongly believe that training is also a big part of it.

This point segues with concerns by some respondents that while they support gender diverse judiciaries, they can create inconsistency and contradiction in the law, which may need to be tempered by training and guidance.

> I also feel that having a diverse bench may not be good if judges dissent all the time. It may show a weakness that judges are not unified in their approaches and that is not good for consistency in judicial decision making. It will become necessary that there is a bench book to guide the judges, especially in cases involving family and sexual violence so that all judges are well guided and if they are writing dissenting judgements, these should also come within the accepted range.

Consistent with above and the literature review, almost 90% of respondents felt that gender balanced judiciaries improve access to the court and the experience of women and girls coming before the court. Some respondents noted the benefits of diverse judiciaries to all court users.

> The experience of all people coming to court is strengthened when they know they were heard because of the diversity, experience and inclusive nature of the composition of the bench.

Most respondents viewed increased access to justice as a benefit of greater gender balance in the composition of judiciaries, especially for women and girls who respondents felt would be more likely to use the court if they know it includes women decision makers and are likely to feel more confident and assured if they are appearing before a female decision maker. Participants shared their views that the impact of women decision makers upon women court users is:

To increase willingness in women especially to enforce their rights in Courts.'

It encourages women to file cases because they will feel that they can have a voice and can be given a fair hearing. Especially if a man is the other party.

Strengthen and boost their confidence in seeing a female judge on the bench.

Women and girls who see a woman judge may view the process as more inclusive of them.

Their appearance will help to provide information and insights from them that will in turn assist the bench to have a more balanced decision that also captures their side of the case.

They would feel less stress and more confident, especially domestic violence and rape cases.

There were also a small minority of respondents who felt the presence of women in the judiciary had no impact on women court users because 'judicial officers must remain neutral at all times' or due to 'the public perception that a woman magistrate or judge may have favoured a female part out of pity,' again highlighting the risk of avoiding 'reverse discrimination' outcomes.

Most respondents (92%) also felt that the inclusion of women decision makers in judiciaries conveys positive messages about the roles of women in Pacific societies.

It will help to shape mindsets of people to grow in accepting women on the bench. To learn and accept that women also have the capacity to make decisions.

More confidence in women's leadership.

Strengthen the role of women in decision making and leadership in Pacific societies. Promote change to gender and cultural stereotypes and practices.

Deepen understanding of the roles of women in Pacific societies and the expectations placed on women.

The role of women in the Pacific can be given prominence and better understood if there are more women on the bench. ...A positive impact this will have on the role of women it that it will give them confidence to continue to be the women they aspire to be, whether it be in their homes, clans, tribes or in today's time, an educated elite of pacific women leaders working in the national or international arena.

More women in judiciaries will help more people to learn, adapt and accept women leadership in all aspects of society, from home, to communities, to schools and others.

To promote the participation of women in all levels of decision making in our societies.

We can only aspire to do things that we see as possible. If women are visible in the judiciary especially the Higher Judiciary, then our girls can aspire. More women may stay in litigation. More women will feel that they can have access to the Courts.

Stronger, respected leaders and provides inspiration for young women to take up such roles or career paths.

21. Safety of work environments

Gendered differences in personal safety issues faced by Pacific women judicial officers was included as an area of focus in the survey and consultation processes to reflect the documented gendered differences regarding women judicial officers' physical and cultural safety in their work environments.[72] The survey covered the physical safety of places of work, means of transportation for work-related travel, safety from threats or violence related to the judicial function, as well as safety from sexual harassment, bullying, aggressive or other forms of 'bad behaviour' in the

workplace, all of which can have a disproportionate impact upon women especially in patriarchal societies and male dominated workplaces.

As noted earlier, there is a minority of Pacific courts where the workplace is female dominated, correlating with lower levels of concern regarding safety for women judicial officers from those courts. There are also notable differences on these conditions and issues between women judicial officers working at different levels of courts and in central, urban or remote environments, and these differences are threaded throughout the discussions below.

21.1 Transportation

Safety in work-related travel questions included both the physical safety and cultural acceptance of means of travel for women judicial officers in all aspects of work-related travel. This includes: daily commuting to and from work during regular daylight hours; traveling to perform out-of-hours work, including at night; travel to work in provincial or district locations or participating in court circuits and mobile courts to remote locations; or travelling to the capital or internationally for professional development or training opportunities.

Seventy-seven percent of respondents agreed they had access to safe transportation to attend any work-related obligations, however almost one quarter of respondents felt they lacked adequate safety in their transportation arrangements, with notable differences emerging between respondents depending on whether they worked in lower or superior courts. Some respondents had the benefit of having worked for both and observed that:

> In the lower judiciary there is nil support on means to travel safely to work. In the higher judiciary, sufficient support is given by way of vehicle and security allowances.

Magistrates also highlighted their difficulties with transportation when they were required to attend court at night or when they did not have access to private transportation. Several said it was either unsafe or simply not possible to arrange private transportation during the night or, where possible, costly and not reimbursed by the Court.

[72] See for example ABC Radio National 'The Law Report', Pepper, F., Carrick, D. 'About a third of the world's judges are female. Meet the women demonstrating why diversity on the bench matters.' 11 May 2022, available at: https://www.abc.net.au/news/2022-05-11/law-report-gender-equality-on-the-bench/101030582.

Some magistrate respondents highlighted how per diems for court circuit travel only covered budget accommodation, sometimes lacking culturally appropriate measures of privacy for women or concern that accommodation was also shared with prosecutors and defence counsel, creating discomfort and proximity to parties involved in the case, potentially impugning perceptions of the judiciary remaining fully independent.

Justices and lay magistrates raised the most issues regarding safety of their transportation. Several highlighted they received very low remuneration that also did not factor consideration of their higher costs of transportation as women. Some lay magistrates said they were responsible for their own transportation to and from work, pointing out also that fewer women than men own motorcycles or other forms of private transport. In addition, many women do not feel comfortable or experienced enough driving motorcycles in poor weather conditions or difficult terrain, such as rocky steep paths or in sand or mud. This results in them spending more of their salaries than male counterparts on private transportation, eating into their already meagre pay packs.

Some lay magistrates also highlighted that while they were keen to participate in more mobile court circuits to more remote locations, this may also present challenging and potentially unsafe transportation conditions in small 'banana' boats in open ocean to reach islets or in the backs of trucks. In addition, lay justices shared they are not paid per diems for their accommodation when attending multiple day hearings requiring them to stay away from their homes overnight, contrary to magistrates and court staff involved in the same cases.

Some also shared that their husbands were not comfortable with them being away overnight unless they accompanied them, however there is no provision by the court for such accompaniment. In addition, the lack of safety in travel arrangements for work made it easier for their husbands or other male relatives to object to them continuing in their roles as judicial officers and therefore more difficult to sustain their roles. The lack of provision for accompaniment by a relative to enable women's attendance at professional development opportunities in the capital or overseas, also made it harder for some women judicial officers to convince their husbands to allow them to attend trainings or other professional development opportunities.

21.2 Safety in court environments

Several respondents raised concerns about a lack of basic safety measures in place in some court compounds, including lack of perimeter fencing around court compounds, lack of trained security personnel and lack of weapons checking for members of the public entering court compounds or court rooms. This applied to some national court compounds but especially in provincial court or district court compounds. Some also pointed to a lack of security provided during court circuits or mobile court hearings.

Other risks to court staff and parties mentioned included threats or violence erupting between parties during, after, or while waiting for court hearings, sometimes caused by inadequate separation and management of parties waiting in common spaces around the court compounds, including for those seeking protection from family violence. Risks posed to court personnel including judicial officers were also mentioned earlier by several magistrate respondents, particularly during land boundary cases when the court was hearing the matter on the site of the contested land. Instances of violent or threatening outbursts at court by parties suffering from mental illness or addiction were also mentioned as a risk for which court staff and judicial officers felt ill-equipped to de-escalate without having to involve police, which often exacerbated the situation or made it impossible for the person to participate in their court proceeding.

Several women justices also highlighted their feelings of vulnerability to threat or attack due to their role as judicial officers, especially in contested land claims. They reported they were perceived to be

a 'soft target' due to their gender and lack of community awareness of the roles of local courts and the involvement of women as panel members. These justices highlighted that male colleagues involved in the same cases did not necessarily face similar risks due to their status as village chiefs or other socially powerful roles, providing a deterrent protective effect from these pressures from parties or the wider community. Women justices who were single, widowed or who lived alone felt particularly vulnerable to attack, especially as many live far away from any police post. Those working in locations where strong patriarchal values include cultural prohibitions on women from speaking publicly or performing public roles, faced especially strong fears for their safety including pressure not to continue in their roles from the community, their own spouses and extended family, and in some situations, also by other male panel members from the court.

Aside from fear of physical attack, in some locations women justices also expressed fear of sorcery or curses being placed on them in retaliation for their involvement in cases. In another instance, a woman justice, who was also a businesswoman, faced a boycott of her business due to her role in a panel decision on a land case. She decided to withdraw from her role as a justice.

It is important to document the gendered security risks often faced by women judicial officers working at the community level in local courts so that courts can start to give these issues proper attention. Notably, courts often have difficulty recruiting and retaining women in local court roles due to gender barriers, which include significant safety dimensions which need to be identified by courts and then mitigated as much as possible via a range of available safety-planning options, based on court support.

Several respondents said that while their workplaces were safe in the senses covered by the question, the main safety issues they faced related to poor physical work environments. These included a lack of safe or weatherproof office and courtroom spaces, including mouldy, flimsy buildings that lacked ventilation or would otherwise not meet basic health and safety standards. Other safety issues raised by respondents falling outside the meanings covered in the survey included forms of unethical behaviours, such as situations where colleagues within the court had sought to influence their decisions in cases their relatives were involved in. Respondents said they did not know how to best report this kind of unethical conduct and were also worried about repercussions for themselves of doing so.

22. *Safe and respectful workplaces*

Respondents were asked four related questions around the theme of whether they felt their court provided a safe and respectful workplace, free from multiple forms of 'bad behaviour' defined as including sexual harassment, discriminatory treatment and bullying or aggressive behaviour. These questions related primarily to workplace safety issues arising between people within the court workplace.

Eighty-four percent of respondents said their workplaces were safe and respectful, with most respondents saying they had not experienced or observed others experiencing harassment, bullying or other bad behaviours within the court environment.

Of the 16% who said their workplaces were not safe from bad behaviours the responses below provide some examples of behaviours courts may need to be attendant to.

> Where I am located, it is very safe. However, the same cannot be said for sister colleagues working in remote locations. Discrimination, bullying, bad behaviour, insubordination by men to women in charge of provincial courts exists.
>
> Yes and no. Generally, it is a safe workplace. The first woman judge was the subject of much bullying apparently, but things have changed considerably since then.

> Some senior management swear in executive meetings. If you express a contrary view, you will be shot down. However, once you stand your ground, they slowly change. You have to be emotionally resilient to put up with the arrogance of men, but yourself remain a lady at all times.
>
> I attempted to report what I perceived to be a threat to my safety in the community to my chief justice. I was told to get out of his office.

These responses highlight a need for court leaderships to be alert to these types of behaviours and issues which can manifest across all levels of courts and to lead by example. If instances of bad behaviours are raised, it is key that court leaders take such concerns seriously, have processes in place to hold wrongdoers to account and find effective approaches for addressing and preventing future instances from occurring.

22.1 Existence of credible, known complaints procedure

Respondents were also asked whether there is there a known and confidential way a victim of sexual harassment, discriminatory treatment or aggressive behaviour within the court could report it. Only 68% of respondents said there was a clear process and 32% said there was not. Looking beneath these figures, several respondents who said there was a complaints process in place, qualified their response, saying that the process existed but was not very clear or nor was it trusted.

Complaints reporting processes varied widely. The most common processes shared by respondents were to report such behaviour to either the presiding court officer, the Chief Registrar, or the Chief Justice, and depending on the kind of issue, also to the police. Other processes mentioned included reporting it confidentially to the President or to the Ombudsman or to the public solicitor corruption unit, although confidence in these processes was low, with respondents saying that had seen others' complaints sit for long periods without being addressed. One participant said she would report such behaviour 'to the old man in the village we are residing in,' highlighting the different security and accountability systems relevant for women judicial officers working in remote areas, whose needs also need to be considered.

Several respondents highlighted the need for a clear complaint process capable of handling sensitive complaints in a confidential and fair way.

> I have not experienced any threat of that kind however I really hope there will be a body that would be able to assist specifically for these types of threats and would have a proper channel that allows us officers to report openly and to trust that our report remains confidential and is dealt with upmost discretion.
>
> I see there is a need for a body that would provide fast and confidential ways to report cases of such behaviour, as I don't think there is a specific body for those issues.
>
> No process is known to me but perhaps I have not been aware of the process.

Respondents in leadership roles also contributed their approaches for dealing with cases raised with them.

> I am the contact person for others. I would deal with the nonsense head on if someone tried such improper behaviour towards me or others.

22.2 Confidence in fair and appropriate handling of complaints

Respondents were also asked if they were confident that any complaints of sexual harassment, gender discrimination, bullying or aggressive behaviour within the court would be handled fairly and appropriately by the court leadership or other responsible body. While 76% said they were confident,

some of those who responded positively still questioned their level of confidence.

> Yes, I am confident, but the question is – how confident am I?

Another respondent said she had confidence in the process as she had observed a situation where a case of sexual harassment had occurred within the court and it had been reported and actioned.

> Although I don't know the official process to report, I am aware of a report of sexual harassment within my court which was reported and disciplinary action was taken.

While this may be an example of an appropriate outcome, it is telling that this respondent did not know the process for how to complain, which was similar to many other respondents.

Another participant shared an example where bad behaviour had been actioned in her court.

> There was one colleague who always used aggressive words to us, and she has been given a warning letter by the concerned officer.

Amongst the 24% of respondents who said they were not confident that complaints would be fairly and appropriately handled, several raised the thorny issue of how to bring a complaint against superiors within the court.

> The problem is, if the complaint is about bosses, then they can just hide or leave the matter for a long time until the complainant gives up pursuing their complaint. There's no other body that can treat this matter instead of the judiciary.

> Yes, there are mechanisms, but I am not confident that all women in support roles would feel confident to report sexual harassment or gender discrimination to those mechanisms for a range of reasons, particularly against more senior officers.

> There is no protection for those that make complaints against their superiors. They can be punished for complaining in many ways, which are hard to prove, such as through giving them boring cases or constant criticism of their work or approach. These kinds of undermining tactics by a superior can make the job totally miserable.

And perhaps somewhat cynically:

> The male administrative leadership headed by a male chief justice decides [on such complaints] and then the female, younger human resources person is told how to proceed.

These views and experiences raise the need for a complaints process that can accommodate the sensitivities and additional protections needed where the person complained of is in a senior leadership role. This would be an area where it is particularly important to garner the views of Chief Justices as to what process they think can meet the need for a process complainants can have confidence in, including regarding complaints against superiors, while maintaining fairness to those complained about. Such processes need to include robust protection of complainants from backlash and accountability where bad behaviour is established, as well as management of risks of politicisation or harm to the integrity, independence or reputation of the judiciary.

Several respondents highlighted the importance of confidentiality being maintained throughout any process, to protect both the complainant and the person complained about from risks of being unfairly blamed or the subject of gossip, causing reputational harm.

> Since there is no specific body that deals with reports of such issues, I certainly would not trust those who now handle complaints as there is no confidentiality and established methods of dealing with reports.

22.3 Fears of backlash against complainants

This response segues into discussion of the fourth question, when respondents were asked whether they would fear 'backlash', such as career or reputational disadvantage if they reported bad behaviour to the court leadership or other responsible body within the court. While 70% said they would not fear backlash or disadvantage, 30% said they would. Some of these emphasised they would be willing to 'take a hit' if it improved the situation for others who follow.

> I am confident that I am doing the right thing. I can face any challenges to promote the dignity of all women in the judiciary.
>
> I may get backlash, but I would do so if it protected or prevented the next person from experiencing the same.

Others highlighted how risks of backlash deter complainants from coming forward.

> I think the stigma and other consequences associated with such reporting would deter many from reporting.
>
> Yes, I would fear backlash. Reporting is proper but the fear is, are people going to believe me? My reporting is going to affect my career because the male is related or close to the head of the Court.

Others' views varied depending upon which part of the court was involved.

> I am confident the current leadership of the higher judiciary is trustworthy, however I cannot say the same for the lower judiciary.

Some respondents also highlighted how the risk of backlash can emanate not only from members of the Court but also from their own spouses, which may have gendered consequences for women, or from the family members or supporters of the perpetrator.

> In sexual harassment cases the fear is also about the approach taken by the victim's spouse and whether they would blame the staff for allowing it to happen to her.
>
> Backlash may not only come from those within the court but also from the family and supporters of the perpetrator.
>
> I would not fear backlash from my other male colleagues but from the wantoks and relatives of the perpetrator.

These risks associated with sensitive complaints processes are challenging to manage, especially those involving actors external to the court, making it especially important that complaint parties themselves are also bound to confidentiality while the complaint process is on foot. This in turn highlights the need for complaints to be swiftly investigated and concluded to reduce the motivation or opportunity for unhelpful parallel informal processes to gather traction.

22.4 Conclusions regarding safe and respectful workplaces

In conclusion, while most respondents indicated they had not experienced or observed 'bad behaviours' in their courts, this survey has identified an unmet need to clarify internal complaints processes and ensure that they are handled through a known, swift process which affords robust protections for complainants and fairness to those complained of. Establishing such processes and ensuring that all judicial officers and court staff are aware of the complaints process and the protections it provides, can in itself help to deter bad behaviour as it sends a clear message that the court has a zero-tolerance approach to sexual harassment, bullying or aggressive behaviour and will hold those responsible accountable, no matter their position or seniority.

Such processes need not be labour intensive or expensive, however, to get them 'right', this may be an area where courts could benefit from technical expertise and support with training. This could cover both those with responsibilities within the complaints process and awareness campaigns for all court personnel regarding the forms of behaviour that constitute sexual harassment, bullying or are otherwise not acceptable, and the proper channels for addressing these issues as early as possible.

23. Biggest challenges faced in role

In the final sections of the survey and consultation process, respondents were asked to rate from 1-5 some pre-identified challenges they may face - with one being the least relevant and challenging to them - to five, being most the most relevant and challenging. Respondents were also invited to add any other challenges they faced which were not included in the list.

The purpose of this ratings exercise was to get an overview of common key areas of need and challenge for women judicial officers so that these can inform the development of any proposed follow-on strategies or actions by women judicial officers, court leaderships and court technical and financial supporters to support Pacific women judicial officers in their roles.

23.1 Results of challenge ratings exercise: Most to least relevant challenges

	Challenge Type	Weighted score
1.	Getting ongoing training, mentoring and other professional supports I need to feel I can do my job well.	75.56
2.	Getting the training, induction and support I need *when new in my role or when my role undergoes changes*	75
3.	Managing a *heavy workload at work*	70.45
4.	Managing the combination of *heavy workload at work and at home* (domestic and caring responsibilities)	65.9
5.	Feeling more scrutinised and pressured as a woman to be *seen by the court leadership* to be doing a good job	55.81
6.	Getting the support I need *from my family* to help with some of the home roles so I can concentrate on my work	54.55
7.	Getting the support, I need *returning to work after being away* on longer leave (e.g. maternity, study leave or other longer absence)	52.27

8.	Feeling more scrutinised and pressured as a woman to be *seen by the public* to be doing a good job.	48.08
9.	*Lack of part-time work or flexible work hours or conditions* to help me balance family life or other responsibilities I have	47.55
10.	Lack of *access to leave* (maternity, family or other) when needed	43.19
11.	Lack of *supportive leadership* for gender equality in my workplace	37.21
12.	Dealing with *gender stereotypes, sexism and discrimination* at work (in allocation of work, promotion/other opportunities within the court)	34.09
13.	Discrimination or unfairness in *promotion opportunities*	27.91
14.	Dealing with an *unsafe environment at work* (sexual harassment, aggressive behaviour, bullying, personal security or travel risks for work)	20.46

Other challenges put forward by individual respondents included lack of:

- Bench books and other resources
- Transportation provided for hearings in land boundary dispute cases
- Time for exercising
- Security when working late at the Court House and for commuting home

23.2 Discussion of challenges faced and needs arising

This part of the survey captured some key areas of focus not covered in other parts of the consultation process. As indicated by the two stand-out highest scoring, closely related, challenges, the most relevant and challenging issue for women judicial officers relates to securing their professional development and support needs: both ongoing professional development and support, including mentoring, as well as initial training, induction and support when taking up new appointments or changed roles. This finding is an important outcome for future action as it provides a clear mandate for further investigating the forms and content of support needed by different categories of women judicial officers. Moreover, some of these forms of support may be equally or similarly needed by male colleagues.

The third and fourth ranked challenges were also interrelated as they both related to heavy workload issues: both at work (in performing their judicial roles), and the combination of their workloads at work and unpaid domestic and carer work. Not far further down the rankings (at sixth place) was the further related challenge faced by women judicial officers, to secure necessary support from family members to help cover home and carer duties to free up more of their time for judicial roles.

These findings confirm the well observed fact that women judicial officers are very time poor. As seen in the mapping section, the largest sector of law-trained women judicial officers work as magistrates; the band of judicial officers managing the largest, high-volume, fast-paced caseloads across Pacific courts. Added to that is the fact that many women magistrates are of the age where their home duties are at their peak, with pre-school and school-aged children requiring time and care, as well as management of larger households supporting both children and often also aging parents.

The fifth ranked challenge concerned women judicial officers feeling scrutinised and pressured by court leaderships to be seen to be doing a good job. This factor was ranked significantly higher than the impact of similar scrutiny by members of the public, indicating that women judicial officers feel more pressure from court leaders than the public, to be seen to be doing a good job. Yet, lack of support for gender equality in the judiciary from court leaders was ranked much lower, in 12th place. Thus, reading the two together, women judicial officers do feel an extra pressure as women to be seen to be performing well by court leaders but at the same time, feel that overall, they face bigger

challenges than a lack of support from court leaders.

Access to different work conditions relating to flexible or part-time hours, places of work and access to leave when needed, occupied the mid to lower rankings, showing they remain important but are not upper-most in mind as key challenges for most women judicial officers. Similarly, challenges related to dealing with gender discrimination and stereotypes at work and lack of supportive leadership emerged as significant challenges for women judicial officers but not so overbearing as several others ranked higher on the list. Ranked as the lowest challenge by some margin, was bad behaviour by others in the court (sexual harassment, bullying, aggressive behaviour) and personal security or travel risks, providing welcome confirmation that lack of safety at work is a less pressing concern for most of the women judicial officers participating in this research.

To summarise, women judicial officer priorities and needs relate to, from highest to lowest:

- Professional support and development, initial and ongoing
- Workload reduction and management, at work and home
- More flexible and varied work conditions
- Elimination of gender-based discrimination, workplace behaviours and personal safety issues.

24. Two changes that would make the biggest differences to performing roles

A final question asked respondents to name the two changes in their work conditions or environment which would make the biggest difference to performing their role. This open-ended question was intended to elicit a broad sweep of needs to help validate the ranking responses (from the section above) and to capture more specific and individual needs amongst women judicial officers. A total of 84 responses were received to this question. These were then grouped into categories. The changes sought and number of responses for each overall category are represented in the table below.

Change that would make the biggest difference to performing role	Total responses	%
Better administrative support and access to legal research assistants and associates	16	19
Improved physical workspace environment: ➢ Better organised and maintained office working space ➢ More office space and/or; ➢ Petitions between desks to improve privacy and sound proofing in office working space ➢ Improved and maintained bathroom facilities including sanitary bins ➢ Breast feeding space in court ➢ Improved ventilation and cooling ➢ Dedicated spaces for Justices/ lay Magistrates to work in ➢ New courthouse infrastructure	16	19
Access to more training, structured mentoring, ongoing continuing professional development	14	17
Better pay matched to workload and responsibility; bridged gap in pay between superior and lower courts	9	11
Increased flexibility in conditions to manage home life responsibilities, flexible work time outside of court	8	10

Access to technology equipment and data: verbal recognition software to reduce notetaking, electronic filing so work can be done from multiple locations, printers, adequate data for legal research	5	6
More judges/magistrates to reduce workloads.	4	5
Greater transparency in court recruitment, promotions and decision-making processes	3	4
Decentralised or separate human resources or greater independence from justice department	3	4
Safe workplace, clear policy and confidential reliable procedure	2	2
Improved policies regarding transfers/postings to provinces	1	1
Increased maternity leave	1	1
Lawyers better equipped to assist the court	1	1
Total	84	100

This section of the survey captured both new and earlier identified support needs of women judicial officers. While responses were quite diffuse, as expected for an open-ended question, the top scoring needs related to better administrative and legal research support and improvements to physical work environments.

These results tell us that one of the kinds of practical support women judicial officers seek is more help with legal research and administrative support for their caseloads. This is an important finding, which again, may prove to be equally relevant to the support needs of male judicial officers. This finding should prompt consideration of how court staff roles are currently structured and assigned and whether these are based on optimal prioritised needs and efficiency, or whether improvements could be achieved within existing resources. As with other conditions, the issue of access to administrative support also raises questions around the large gap between the levels of support courts provide to judges versus magistrates. Magistrates typically receive much less administrative and legal research support despite their larger caseloads often dealing with equally complex legal issues as those arising in superior courts. It also raises questions as to whether there could also potentially be other sources of pro bono support available to courts to assist with regular and ad hoc legal research tasks.

These results also tell us that women judicial officers place a high value on seeing improvement in their physical workspaces. If technology needs had been grouped with physical work environment needs, this would have pushed this physical work environment category to a clear lead, covering a quarter of all responses. Many of the technology improvements sought by women judicial officers would also significantly increase court efficiency, reliability of records and provide greater work flexibility, serving other court goals also.

While building new infrastructure is often unaffordable and beyond reach of courts' short-term plans, what is notable is that many responses included quite specific recommendations that fall within the existing means and annual budgets of courts. These require reorganisation of available space and modest investment in equipment, such as room petitions, which were particularly sought after by many magistrates who found it difficult to work efficiently due to noise and other distractions in their open-plan workspaces.

While some of these improvements are general, others are gender specific, such as sanitary facilities in bathrooms and access to private breastfeeding spaces. Again, these low-cost measures could help avoid some adjournments, generating significant hearing efficiency and improving experience for court users, as well as helping women judicial officers to juggle their work and family roles, as highlighted by one participant:

> One of the challenges is the key roles women hold in their homes, particularly when having a baby. Cases must be adjourned to attend home to nurse our babies. Going back and forth to our homes is challenging. A system that allows breast feeding female judicial officers to be present in both roles, must be identified.

These suggestions are worthy of careful consideration as respondents have identified that these would make a huge difference to how they can perform their roles and they are within the reach of most courts.

Many of the other needs put forward have already been previously identified, but are reconfirmed in this section, including the need to identify and invest in specific induction and continuing professional development needs and improved work conditions to help women address their time poverty in balancing work, family and their own needs (such as time for exercise, as highlighted by some respondents). These include more judicial officers to spread the work across; flexible hours and places of work; increased access to maternity and other carer-related leave; improved policies on posting transfers taking account of the disproportionate burden of family separation borne by women due to them lacking authority within male-headed households to decide on family relocation; and improved systems for complaints regarding sexual harassment, discrimination, bullying and other forms of bad behaviour in the workplace.

Given the notable lack of gender balance in superior courts, the issue of the major differences in remuneration and other conditions that exist between judges and magistrates also emerged as a gendered pay-gap issue. Some women magistrates, especially those who can directly compare roles having had experience also as acting judges, emphasised the greater level of difficulty faced by magistrates versus judges due to the heavier caseload burden, the poorer resourced administrative and operational support provided, and the often equally complex legal issues. Consideration should be given as to whether magistrates are provided with remuneration and conditions commensurate with the demands and responsibility placed upon them. Some respondents also raised glaring differences in pay for equal work between national and foreign judges in superior courts, the vast majority who have also historically been male, highlighting how this also contributes to people feeling less valued for what they do and contributes to cultures of inequity within the court.

Finally, some respondents highlighted a lack of transparency in promotional opportunities and the need for courts to have greater independence from Ministries of Justice, including in relation to human resource issues, as areas need regarding institutional strengthening.



Justice Diana Kalsong
Efate Island Court, Vanuatu.
Photo: By author.

PART D: FORWARD LOOKING ACTIONS

25. Views on need and purposes for Pacific network for women judicial officers

The final section of the survey and consultation process focused on forward-looking actions women judicial officers may be interested to pursue. Arising from previous discussions amongst Pacific women judicial officers, this focused on canvasing the level of interest in establishing a regional association for Pacific women judicial officers through founding a Pacific chapter of the *International Association of Women Judges (IAWJ).* The survey also explored respondents' views on what the key purposes and focuses of such an association should be, eligibility for membership - bearing in mind the diversity of women's jurisdictions and roles as judicial officers across the Pacific – as well as the kind of support need to run a regional Pacific network for women judicial officers. Results of these areas explored are set out below.

25.1 Support for establishing a Pacific women judicial officers' network: initial feedback on purposes

Ninety-eight percent of respondents supported the idea of establishing a regional women's judicial association or network to provide a mechanism for Pacific women judicial officers to organise support programs and activities together.

In terms of the roles and focuses for a regional network or association, respondents suggested the following purposes and areas of focus in providing support for Pacific women judicial officers:

- Promoting the appointment of women across all levels of Pacific judiciaries, especially where gender balance is lacking.[73]
- Advocating for more transparent promotion and appointment processes within judiciaries, including through ensuring gender balance on appointing bodies.
- Providing professional development opportunities focusing on areas identified through customised needs assessments, including developing women's judge-craft and leadership skills and addressing health and safety issues faced by women judicial officers across all levels of judiciaries.
- Developing programs to support pathways for: women lawyers and community members to be appointed to judicial roles; for women judicial officers to be promoted from junior to more senior judicial roles, including from magistrates' courts to superior courts, extending to courts of appeal and court leadership roles.
- Providing opportunities for women judicial officers to be appointed to other Pacific courts or through exchanges for fixed periods to other Pacific Courts to gain exposure, networking and career development opportunities.
- Promoting networking opportunities so women can learn from each other's experience within and between different Pacific countries and gain exposure to more international training opportunities and forums relevant to their roles.
- Building a network or platform where Pacific women judicial officers can feel secure and safe to seek help from other women Pacific colleagues without being judged.
- Advocating for Pacific courts to strengthen their capacities to enable vulnerable court users to access and receive justice on the same basis as others.
- Promoting equal justice for women and girls including through courts reliably protecting the human rights of women and children as per law.

[73] As noted earlier, respondents sought meritorious appointment processes based on awareness of gendered constructions of understandings of 'merit', increased transparency and gender balance amongst appointment bodies as the main mechanisms for tackling gender bias in appointment processes, rather than specific affirmative action measures, which most respondents felt were not necessary or were undermining, even demeaning to women.

- Providing more gender and cultural awareness training to all members of courts so that they can perform their roles without gender bias, strengthening the impartiality of justice for all.
- Advocating for improved pay commensurate with roles and responsibilities including greater parity in pay, conditions and support provided to judges and magistrates and improved pay and conditions for justices and lay magistrates.
- Advocating for sustainable working conditions to enable women judicial officers across all levels of courts to balance work and family roles and meet their own needs.
- Advocating for prioritised focus on ensuring women's security in their roles as judicial officers, especially those working in higher risk environments, such as more lawless environments or at grassroots courts where their roles as women decision makers may not yet have full community acceptance.

These initial ideas for purposes and focuses of the network or chapter require further discussion, prioritisation and decisions by the proposed membership of Pacific women judicial officers. To offer some observations, these purposes and focuses do appear to broadly reflect many of the needs identified throughout this survey and consultation process. They also appear to fall within the scope of the IAWJ purposes, should women judicial officers seek to establish their network as an IAWJ chapter and are largely consistent (but from a regional perspective) with many of the national-level purposes of the PNGJWA, providing a good starting point for further refinement and discussion.

25.2 Membership eligibility: Inclusion of lay magistrates/justices

Respondents were also asked their views regarding eligibility for membership of a Pacific women judicial officer network or association, including potentially as a chapter of the IAWJ, noting that the IAWJ takes an inclusive approach to membership for those in quasi-judicial roles, such as lay magistrates and justices.[74] Ninety-six percent of survey respondents said that all women working in Pacific judiciaries should be included, with two clarifying questions asked regarding inclusion of women lay justices and lay magistrates and inclusion of expatriate women judicial officers working within Pacific courts. These further questions were asked in acknowledgement of the diversity of women and their roles working in Pacific judiciaries across many countries and levels of courts hierarchies, inevitably raising intersectional issues regarding how differences in nationalities, educational backgrounds and roles might impact on the composition, priorities and work of a Pacific women judicial officer network or association.

Eighty-nine percent of respondents agreed that lay magistrates and justices should be included. Most respondents expressed a sense of solidarity across all levels of courts and emphasised the important roles that justices and lay magistrates also play in linking state law to communities and providing grassroots access to justice, especially for women victims of gender-based violence.

> Regardless of where we preside as judges in the legal system, we use the same skills and same minds to do our work. So, avoid discrimination by where in the court system you work!
>
> It is important for all women working in the judiciary because we do the same work.
>
> Because what happens in the villages or outer islands is also important and solutions to such matters need to be found.
>
> Most of the family violence work is undertaken at the District Court and lower court level.
>
> They are very important components of the judicial system…they directly influence the community.
>
> Why not? They can participate and increase their knowledge and skills.

[74] See IAWJ website https://www.iawj.org/content.aspx?page_id=22&club_id=882224&module_id=483739.

Respondents in some jurisdictions further noted that the needs and work of lay magistrates and justices are often overlooked in efforts to strengthen Pacific judiciaries and their inclusion in the Pacific network would provide new and strategic opportunities for women to work together across the different hierarchies of the courts. They expressed hope that by bringing lay magistrates and justices together with judges and magistrates in the association, this may also increase the pressure and momentum for courts to become more attentive to local level justice, including the needs and demands placed upon women justices.

> Women judges are more specialised than lay Magistrates therefore they can assist each other.
>
> If we work together, we can better serve women in the villages and courts will also be reminded of its obligations to people in the villages.

In other jurisdictions where most of the judiciary is comprised of lay magistrates or justices, their inclusion was seen as absolutely central, with a clear focus of the association to provide opportunities for lay magistrates to learn from justices in other jurisdictions and also to gain access to opportunities to become law qualified and promoted into magistrate roles.

> If justices are not included, then there will be no women from my country and likely other small countries, able to participate in the group.
>
> Lay magistrates need to be included so they can learn better knowledge from other lay magistrates' experience in other Pacific countries.
>
> Shared views and experiences from women in other Pacific judiciaries can help assist matters in your own country.

The main discussions around the inclusion of lay magistrates and justices arose in the context of PNG, due to the size of the cohort of approximately 900 women Village Court Justices, who dwarf the sum of all other judges, magistrates and justices across the region combined. From practical and manageability perspectives, it was suggested by some respondents that PNG women Village Court Justices may also need their own sub-network and activities to provided dedicated support to building the capacities and needs of the very significant number of women Village Court Justices. It was also suggested that this network could be affiliated to both the *PNG Judicial Women's Association* (PNGJWA) and to the Pacific network (or IAWJ chapter) including through cross-over appointments of office bearers, to ensure that PNG Justices are not siloed from opportunities that may become available to other Pacific women justices through their participation in the regional network.

A small number of PNG respondents felt that as Village Court justices are such a large group and the jurisdiction they exercise is so different from those of the National and District Courts, that the inclusion of Village Court justices in the regional network may dilute the clarity of focuses on supporting women judicial officers a whole. It was suggested that as a first step there be informal liaison and exchange between women Village Court Justices and women magistrates and judges who are members of the PNGJWA, and that the linkage gradually evolve in ways relevant to both groups. It is also noteworthy that the PNGJWA Constitution provides for an inclusive membership with full membership open to currently serving, retired or resigned judges and magistrates, lawyers and 'any person who wishes to support the Association and its objectives',[75] thus providing a wide canvas as the background for these further discussions.

[75] See 4A, p4 of the PNGJWA Constitution. Copy held on file.

25.3 Membership eligibility: Inclusion of expatriate women judicial officers

Regarding the inclusion of expatriate women judges, 84% of respondents agreed they should be included, reflecting an overall inclusive approach for all women judicial officers working in Pacific courts. Respondents highlighted potential benefits for the network through opportunities for mutual learning and exchange through inclusion of the voices and experience of expatriate women judges.

> All women in Pacific judiciaries should be included. We can all learn from each other.
>
> Yes, they should be included if they are members of the judiciary of that country. There are advantages to having such people as members.
>
> Yes, they should be included- so that they can share their experiences and observations (positive and negative.)
>
> Their expertise, experience and knowledge can shed light and assist with our different problems in our judiciaries.
>
> So that they are aware of the situations of their fellow work colleagues and would be able to work together as a team.
>
> No racial discrimination…let's not segregate.
>
> We should be learning from each other, regardless of race or colour.

Some respondents supported inclusion of expatriate women judges but felt priority should be given to the development needs of national women judicial officers and there should be some distinction in roles, such as expatriate women judges playing supportive or advisory roles but not lead roles in the association.

> Yes, but our focus should be on advancing the course of our women first, with the aim of equality in participation at all levels. Expatriate women are equally important to assist with promotion and networking.
>
> Yes, but only in advisory support, not in lead or active roles.
>
> Expatriate women may be able to provide guidance and support but not to hijack the group.
>
> It is acknowledged that there is always a risk that this work can be undermined by it being viewed as white feminist outsiders coming into to Pacific judiciary what they are doing wrong. This does not mean however that the experiences of expat women and the work on family violence undertaken elsewhere have no value.

Women expatriate judge respondents themselves suggested and supported this approach.

> Yes, but bearing in mind that we are expat judge, in my case not even living or working in the jurisdiction day-to-day. For me, a mentoring role might be more appropriate.

26. Support needed to run a Pacific network for women judicial officers

Respondents were asked what kinds of support would be most useful and relevant for donors and development partners to provide to a Pacific network or chapter of the IAWJ. Several options were put forward and an open-ended field for respondents to add their own further suggestions. The results are set out below, but with the caveat that the settings for this question did not allow respondents to select multiple options, and many respondents added comments that 'all of the above' were needed, thus limited weight should be given by the reader to the proportion of responses for each option.

Support sought to run a Pacific network for women judicial officers	% responses
Increased options for mentoring, professional development and networking Opportunities	23.08%
Support for court workplace policies, procedures, training so courts can provide safe and confidential complaints processes regarding sexual harassment, discriminatory treatment, bullying or aggressive behaviour	17.95%
Support for members to meet and attend professional development opportunities	15.38%
Administrative support for organising (e.g. a regional secretariat)	10.26%
Support for legal research or associate assistance	10.26%
Support systems to help address gendered double-work burdens at work and home. (i.e. support for paid childcare, domestic work)	7.69%
Support for improved physical work environment overall (workspace furniture, ventilation/cooling, privacy petitions, equipment and IT support)	7.69%
Increased security of work travel or work environments	5.13%
Paid time for members to develop and lead association (including policies, etc.)	2.56%

Other comments and suggestions made by individual respondents:

- Uniform for lay magistrates and training every year.
- Most relevant is the transportation for getting on time to the court. 'Most of us do not have our own means of transport and the judiciary officers only provide transport to the sites in land boundary cases, and no assistance getting to and from the court, which may be a long distance on very rough roads or pathways.'
- 'From experience, we lack support for running a regional association. While some help, (such as mentoring) could be provided by sister associations such as the AAWJ (Australia) or the NZWJ (New Zealand), the main areas we need help with involving financial costs cannot be covered by them. These areas include:
    1. Administrative support for running a regional network.
    2. Financial support to bring women from Pacific judiciaries together or to attend professional development opportunities.
    3. Technical assistance to help draft policies or procedures.'

There was overall strong support for the provision of administrative support for a regional network. Several respondents from PNG referred to the experience of running the PNGJWA and highlighted the difficulty maintaining momentum for communications and activities due to the administrative burden on office bearers who are already very time-poor due to professional and family life demands.

Nonetheless other respondents cautioned against creating high administrative costs and dependence on salaried support staff, advocating that a balance be struck and that support from Chief Justices could help free up time for members to contribute:

> I would caution against creating an expectation that the association cannot function without costly and bureaucratic 'machinery'. Members should not be paid for their work on the committee. This means approval from the respective Chief Justice for committee work, including travel time during work hours in some cases etc., which I expect the Chief Justice in this jurisdiction would support.

Many respondents supported the idea of a regional secretary, however they also acknowledged that this raises questions regarding the sustainability of such an approach. This is especially given the difficulties sustaining regional justice bodies more generally, suggesting that a stand-alone secretariat approach may be too resource intensive and unsustainable, especially when a lighter

approach for a network establishment period may be sufficient and more realistic. Initiating the regional network will require communications and coordination to be closely intertwined with the activities the network decides to undertake. Given that resources for initial activities for the 2024-2026 period are likely to be provided by the PJSP, it would therefore make sense for the PJSP to provide administrative support to network office bearers, including with communications and coordination for this initial inception period. It would be important for the network to include the issue of sustaining its activities as a standard agenda item from its inception to ensure that this is a core focus from the outset. From this perspective, linking the network to the IAWJ may provide opportunities not only for ongoing support to the regional network but also valuable learnings regarding approaches for sustaining itself, as other parts of the IAWJ do across the world.

These issues are important to bear in mind from the outset especially as taking an inclusive approach with lay magistrates and lay justices will increase the effort required to maintain communications and member participation across the Network. This is due to most lay magistrates and justices being in remote areas that may lack reliable internet networks or sufficient data to download attachments, and some may not have access to devices or computer literacy. The Network will need to seek the assistance of Chief Justices to authorise support from court clerks in those locations to help support communications and participation of Network members where needed. In the case of PNG, support from the leaders of the Magistrate Court may also be needed to build relationships with the Village Courts and Land Mediation Secretariat to seek its cooperation to support outreach to women Village Court Justices.

Helpful operational tips for running a regional network in an inclusive and participatory way can also be gleaned from the experience of other networks involving grassroots justice actors. One example is The Legal Empowerment Network (the 'LEN'), convened by Namati, bringing together 3396 organisations and more than 13000 individuals across 170 countries, working to expand access to justice.[76] Many of these organisations and individuals operate in similarly challenging environments as lay magistrates and justices, including with limited access to internet and varied levels of technological ability. Notably, the LEN combines outreach with user-friendly technologies to expand the legal empowerment field. For example, the online platform is explicitly designed to be accessible to grassroots organisations, featuring a tools-sharing database for practical resources, a question-and- answer forum, thematic working groups and operates in over fifty languages. The Network accommodates those with reduced bandwidth, but who are still able to access e-mail with systems supporting participation in virtual discussions via email and internet browsers alike. A wide range of participatory methodologies are applied for engaging network members, many of which may also be relevant for activities of the Pacific network or chapter proposed. [77]

Learning how to run a Pacific network for women judicial officers in an inclusive way will be knowledge built over time and piloting and testing various approaches will be a key activity area during its inception. An initial consultation round with each court to identify the best methods for communicating with and involving women judicial officers across all levels of courts in each jurisdiction, would be a logical place to start.

27. Conclusions regarding establishing a Pacific network for women judicial officers

There is strong support amongst women judicial officers for establishing a Pacific network, linked to the IAWJ, and some important initial purposes and areas of focus have been identified through this survey. The survey also establishes that there is strong support amongst women judicial officers for an inclusive approach to membership of lay magistrates and justices -with some further discussions needed to clarify approaches and mechanisms relevant to PNG. There is also strong support for the inclusion of expatriate judicial officers appointed to Pacific judiciaries, with some further discussion needed to clarify distinctions in role types most appropriate for these members.

[76] See https://namati.org/network/.

To achieve inclusion of lay magistrates and justices, there are strong grounds for providing administrative support to help establish a regional network and to support its communications and coordination of activities as decided by network office bearers, at least during its inception period. There are several other critical resource requirements including covering costs for members to participate in continuing professional development and networking opportunities, which will entail travel and per diem costs. There may also be technical assistance requirements, especially relating to set up of the network but also for ongoing resource development, which could be best supported by development partners.

These conclusions form important initial building blocks which Pacific women judicial officers can build upon to determine how they wish to proceed in establishing a Pacific network for women judicial officers.

28. Next steps and operational considerations

In February 2024 the key findings of this research were presented to a gathering of Chief Justices and women judicial officers at an in-person forum in Samoa. Present were Chief Justices or their representatives from twelve Pacific countries: The Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Also present were women judicial officers from superior, district and local courts including from: Fiji, Marshall Islands, Papua New Guinea, Samoa, Vanuatu and Nauru.The forum provided an opportunity to validate the mapping data, receive their feedback on the findings and to garner their ideas for next steps. This forum also confirmed that Chief Justices are highly committed to working towards gender balance in their judiciaries and leading inclusive change processes to address gendered needs of women judicial officers, while improving work environments for all judicial officers.

A separate meeting was also held in Samoa with women judicial officers (from the countries mentioned above) to reflect on the forum at which the research findings were presented to Chief Justices and other women judges. There was consensus that the research provides a vital baseline for tracking future changes in gender composition of Pacific judiciaries and provides a strong evidence base for identifying key needs of women judicial officers across all levels of courts. Women judicial officers present also confirmed and discussed existing plans to establish a Pacific network, possibly as a chapter of the IAWJ, including upcoming opportunities for PJSP to support this work. It was agreed that the next step should be to make plans to convene a regional meeting with wide participation of women judges, magistrates and lay magistrates and justices to decide on the best network platform structure, discuss priorities and develop an action plan for the network.

It was further agreed that this could likely take place with PJSP support in September 2024 at a location to be determined based on supporting maximum participation in the forum. It was also agreed that it would be important to have representation of Pacific women judicial officers at the upcoming Asia Pacific gathering of the IAWJ in the Philippines to further familiarise Pacific women judicial officers with the organisation and at the global IAWJ meeting in South Africa in 2025. Further discussions are needed with the IAWJ regarding benefits of establishing a Pacific women judicial network within the IAWJ and for any next steps identified for establishing a Pacific chapter of the IAWJ.

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[77] See Moy, H.A. 'A Global Legal Empowerment Movement: Learning from Others, Growing the Movement', Human Rights Education in Asia Pacific, 2023 available at: https://namati.org/wp-content/uploads/2023/09/A-Global-Legal-Empowerment-Network.pdf.

29. Update since May 2024 version of study: Establishment of PAWJO

Momentum for creating a regional organisation for Pacific women judicial officers had been building for some time through the attendance of Pacific women judges and magistrates at biennial International Association of Women Judges (IAWJ) meetings and in regional side meetings of Pacific women judicial officers.

Throughout 2025, these representatives met regularly to draft the rule of association and consult with women judicial officers across the region. In February 2026, the Pacific Association of Women Judicial Officers (PAWJO) was established and in Fiji held it's first Annual General Meeting and elected its first Executive Committee and President, Chief Justice Semilota, from Kiribati.
The Executive Committee has established a strategic plan encompassing five key pillars to:

- Promote culturally competent and gender-responsive judicial leadership across Pacific judiciaries.
- Strengthen inclusive, supportive, and empowering environments within judiciaries to enable women judicial officers across all levels and sizes of Pacific courts to thrive and advance.
- Promote and support Court leaderships to increase access to and coherence of justice for remote communities and vulnerable social groups in Pacific societies.
- Promote the diverse voices of women judicial officers and support networking and two-way knowledge exchange between all levels of courts, including smaller jurisdictions and in regional and international platforms.
- Ensure the long-term sustainability of PAWJO as a resilient and effective regional association.

These positive developments of the past two years, reflect the commitment of Pacific women judicial officers and court leaderships to bring greater focus to issues of gender balance and gender equality in the composition and functioning of Pacific judiciaries. These efforts require support and underpinning of foundational knowledge – both facts and analysis capturing the varied experiences and needs of women judicial officers themselves - so that those leading changing efforts can do so from an informed position This Study has made a modest yet important contribution to demonstrating the need for the establishment of PAWJO and will hopefully continue to provide a relevant baseline to support the ongoing work of the Association and Pacific judicial leaderships towards gender balanced and gender competent courts.



Photo taken in Samoa 2024. L-R: Row 2: Magistrate Irene Waidabu, Nauru; Tina Pope, PJSP; Judge Papalii, Samo; acting Chief Justice Semilota, Kiribati; Stacey Levakia-Wali, PNG Centre for Judicial Excellence; Judge Saaga, Samoa; Dr Carolyn Graydon, PJSP. *Row 1:* Justice Bull, Fiji; Justice Eliakim, PNG; Justice Tuatagaloa, Samoa; Justice Murnane, Marshall Islands; Justice Trief, Vanuatu.

PART E: RECOMMENDATIONS

1. ***Strengthen knowledge and awareness regarding representation of women in Pacific judiciaries and judicial appointment bodies***

   - Validate the data from this study mapping the number, roles and proportion of positions held by women judicial officers across all Pacific jurisdictions and levels of courts.
   - Monitor and publish data in court annual reports on the proportion of women who occupy judicial roles at all levels of court hierarchies and all levels of seniority within courts.
   - Map and validate data across all Pacific courts regarding the security of tenure of Pacific judicial officer types (judges, magistrates and justices/lay magistrates) and assess any implications for the independence of Pacific judiciaries.
   - Map the historical and current presence of women in positions within all Pacific judicial appointment bodies.

2. ***Increase the transparency, gender awareness and gender balance of judicial appointment and promotion processes by:***

   - Clarifying appointment criteria for positions at all levels of judiciaries.
   - Increasing awareness of unconscious gender bias in the meaning of 'meritorious'.
   - Increasing the gender diversity of composition of judicial appointment processes.
   - Increase the use of competitive recruitment and selection processes where possible: including public advertising and sharing of opportunities with relevant 'pipeline' professional associations and organisations and emphasise judiciaries as equal opportunity employers.
   - Develop outreach and awareness raising programs for all members of Pacific judicial appointment bodies highlighting how unconscious gender bias can infect concepts of 'merit' and the benefits to society and judiciaries of gender balanced judiciaries.

3. ***Support initial and continuing professional development opportunities for women judicial officers***

   - Undertake customised review of the continuing professional development needs of women judicial officers at all court levels, including most relevant areas for strengthening knowledge, skills and confidence (including in conducting hearings, drafting judgments, areas of law and procedure), and opportunities for regular and ad hoc training and programs offering coaching, mentoring and exchanges with judicial officers in other Pacific countries.
   - Investigate and develop responses including dedicating resources to the specific professional development and support needs required by women judicial officers across all levels of courts: both ongoing professional development and support, including mentoring, as well as initial training, induction and support when taking up new appointments or changed roles.

4. ***Support robust gender awareness training and support resources for all judicial officers***

   - Provide judicial education to men and women at all levels of judiciaries to build 'gender competence' in their roles to: increase awareness of unconscious bias and gendered assumptions brought to the task of judging; increase knowledge in judiciaries with regards to the continuing impacts of the gendered history and development of systems of law and the relevance of these to providing impartial judicial service; increase awareness in judiciaries of the beneficial impacts of gender balance and gender competence in judiciaries and to societies.
   - Develop gender responsive resources on law and procedure for all judicial officers including bench books and guidance on how courts can best respond to the needs of vulnerable court-

users, so that all judicial officers, male and female, are equally well versed, skilled and competent to provide appropriate procedural adaptations, suitable court manner and fair decision-making absent gender bias, including in cases involving family and sexual violence.

5. ***Support career development and promotional opportunities for women judicial officers***

   - Provide opportunities for women court staff and justices to undertake legal qualifications and other studies which will help prepare them for higher duties as judicial officers.
   - Develop clearer career pathways for women to be promoted between courts and develop programs to prepare women judicial officers for all aspects of roles in higher courts, including in courts of appeal, where they remain a small minority.
   - When acting higher-duty roles came towards an end, encourage court leaders to proactively handle this phase with strong communication, sensitivity and provision of feedback on performance, including prospects for future appointment.
   - Create standards limiting the duration of acting roles without further decision or review and for career pathway opportunities for those who have been repeatedly considered suitable for higher-duty roles.

6. ***Improve work conditions: flexibility, access to leave, management of workloads, remuneration, relocation posting policies, access to administrative and legal research support, buddy systems***

   - Provide maximum flexibility of work conditions including times and places of work and access to leave including for carer roles, that can be afforded without jeopardising core court functions, to help women judicial officers address time poverty in balancing work, family and personal needs (such as time for exercise and attending to health needs).
   - Review remuneration arrangements of all judicial officers commensurate with workloads and levels of responsibility, including consideration of the significant gaps in remuneration and conditions between judges and magistrates and between justices and magistrates.
   - Develop gender responsive policies for posting transfers that involve relocation considering issues of equity as well as the disproportionate burden of family separation borne by some women judicial officers caused by lesser authority within male-headed households to decide on issues of family relocation.
   - Ensure that performance of supervising judicial officers is also measured against how well they actively worked to ensure manageable workloads for members of their teams and use approaches such as reallocating work where necessary, to prioritise and preserve the wellbeing, mental health and sustainable work loads of judicial officers.
   - Review the adequacy of administrative and operational support available to women judicial officers, especially magistrates and justices, including consideration of whether court staff roles are currently structured and assigned to meet optimal prioritised needs and efficiency of judicial officers, or whether improvements could be achieved within existing resources.
   - Consider options for providing greater support to magistrates and judges with ad hoc and regular legal research tasks, including through support from court development partners and pro bono actors from outside the jurisdiction (to avoid the risk of conflicts).
   - Identify internal women focal points for women judicial officers within each court for peer support on any issues relating to their roles who, with consent from the person, can escalate any issues to supervisors or courts leaderships if needed.

7. ***Improve physical workspace environments prioritising:***

   - Better organisation, tidiness and use of available space to maximise workspace and desk size available to judicial officers in shared workspaces.

- Increased privacy and soundproofing of shared workspaces through use of office and desk petitions and provision of headphone sets to all court personnel working in shared or open plan spaces.
- Better maintained bathroom facilities including provision of sanitary bins.
- Quiet and private breast-feeding space and nappy change facilities in court compounds available for use by court personnel or court users.
- Improved ventilation and cooling in workspaces and in courts.
- Dedicated spaces for justices and lay magistrates to work in.

8. Strengthen processes to recruit, retain and support the ongoing work of women justices

- Ensure advertised vacancies reach women including those working in churches, schools and other employers and ensure advertisements state that women are encouraged to apply.
- Include questions regarding the views of male potential candidates on working with women decisions makers in local courts to exclude those candidates who are not willing to work on a respectful and equal basis with women.
- Improve remuneration rates and coverage of pay for work performed.
- Provide access to safe transport or subsidies for transport to and from court and while on mobile court circuits.
- Offer discussions with potential women recruits and (if they wish) their spouses or other family members, providing details of the role and support available to women justices.
- Undertake Court community awareness campaigns so that members of the community know about the role and protected status of justices, including women justices.
- Brief police and village chiefs to underline their responsibility to provide security and support to women justices as needed.
- Provide additional training opportunities for women justices on conducting hearings and drafting judgments to increase their confidence and experience in these roles.
- Standardise processes to empower women in their roles including ensuring at least one woman sits on each panel sitting and provision for rotating panel chairs.
- Support women to chair panel hearings across all matter types and not only family or child-related cases.
- Designate women justices in each court to maintain close communication with other women justices in their areas to report any concerns they have for their personal security, access to safe transportation, gender discrimination faced or any other needs in the role and for these to be prioritised for action at high levels of court administration.
- Provide annual refresher training programs for all justices.
- Provide opportunities for women justices to engage in qualification upgrades and preparatory programs for promotional opportunities, including from justice to magistrate roles.

9. Strengthen workplace safety for women judicial officers

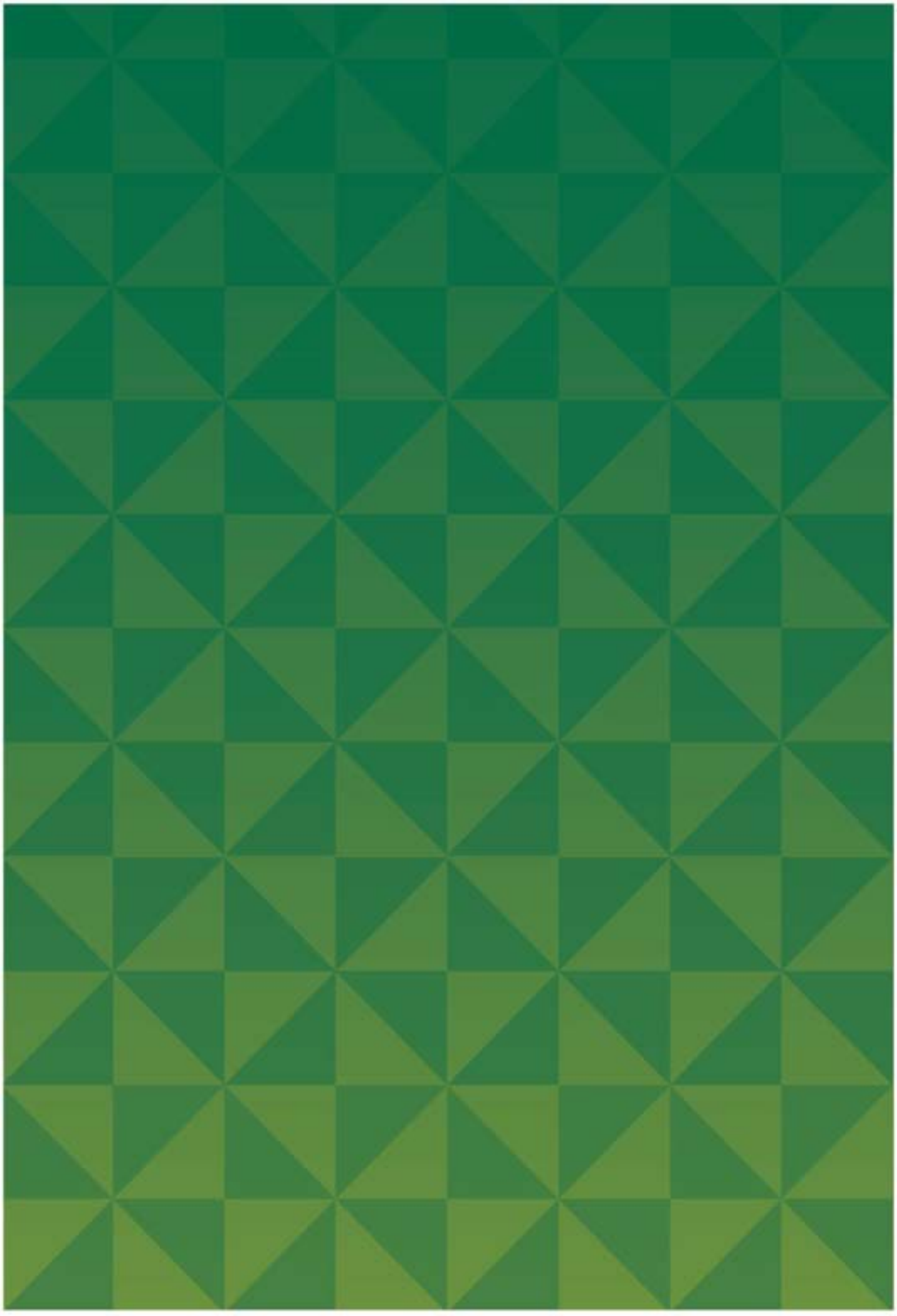
- Review the gender differentiated transportation needs of women judicial officers, including the availability, physical safety and cultural appropriateness of court provided transportation to cover women judicial officers' work needs across all levels of courts, including: for daily commuting; out of hours work at night or weekends/holidays; travel for work in provincial court areas; travel for court circuits or mobile courts including to remote and rural locations; and accommodation arrangements for multi-day hearings, including payment of per diems for sitting justices, as paid to magistrates and court staff.
- Allocate more resources to address local level court needs to enable women justices to expand their important work reaching women in remote and rural areas and helping them gain access to justice services.

- Conduct a review of safety measures available to women judicial officers working in court contexts characterised by greater lawlessness.
- Review security arrangements in all court compounds including perimeter fencing, weapons checking, managed separation of court parties in waiting areas to prevent intimidation or security risks to any court parties including victims of family and sexual violence.
- Provide training to judicial officers and court staff to equip them to de-escalate situations or tensions arising within court compounds and court rooms, including those involving people with mental health and addiction issues.
- Clarify or develop confidential complaints mechanisms for court actors to raise, have swiftly investigated and addressed, issues of sexual harassment, bullying, aggressive or other bad behaviours arising between people working in courts.
- Consult Chief Justices for their views regarding how to ensure such processes are: fair to both parties; maintain confidentiality and provide robust protections from backlash for complainants or whistleblowers; and are capable of holding wrongdoers accountable, no matter their position or seniority, and for third party actors outside the court seeking to intimidate or adversely affect a party to a complaint.
- Develop awareness campaigns for all court personnel regarding the forms of behaviour that constitute sexual harassment, bullying or are otherwise not acceptable, and the proper channels for addressing these issues as early as possible.
- Encourage law societies and bar associations to include disrespect of women judicial officers as a specific disciplinary offence and to proactively investigate alleged instances by lawyers.

10. Support Pacific women judicial officers to establish a Pacific network for women judicial officers

Support Pacific women judicial officers to establish a Pacific network inclusive of all women judicial officers in the region, including women justices and expatriate women judges via:

- Court leaderships: approval for office bearers and members to receive modest amounts of time or transportation support from the court to contribute to its activities.
- Court development partners:
  - With technical assistance to support developing policies and resources where needed, including guidance on inclusive, interactive and practical ways for administering the Network and its activities.
  - With resources to provide women judicial officers with professional development opportunities including exchange, mentoring, coaching and networking opportunities.
  - With resources for some administrative support for the Network focused on enabling women justices and lay magistrates in remote and rural locations with limited access to internet, devices or digital literacy to participate in Network activities.



BIBLIOGRAPHY

ABC Radio National 'The Law Report', Pepper, F., Carrick, D. 'About a third of the world's judges are female. Meet the women demonstrating why diversity on the bench matters.' 11 May 2022, available at: https://www.abc.net.au/news/2022-05-11/law-report-gender-equality-on-the- bench/10103058 2.

Cooney, S. 'Gender and Judicial Selection: Should There be More Women on the Courts?' (1993) 19 Melbourne University Law Review 20.

Dziedzic, A. (2019) *Pacific Courts Need More Women Judges*, Lowly Institute, available at: https://www.lowyinstitute.org/the-interpreter/pacific-courts-need-more-women-judges.

Dziedzic, A. (2021) *To Join the Bench and be Decision-Makers': Women Judges in Pacific Island Judiciaries,* in Crouch, M. (Ed.) (2021) *Women and the Judiciary in the Asia Pacific*, Cambridge University Press.

Dziedzic, A. (2021) *Women Judges, Local Judges, Foreign Judges: Methods of Collecting and Analysing Data on Gender and Pacific Judiciaries* IACL-AIDC Blog (9 November 2021) https://blog-iacl-aidc.org/women-judiciary/2021/11/9/women-judges-local-judges-foreign-judges-methods-of-collecting-and-analysing-data-on-gender-and-pacific-judiciaries.

Escobar-Lemmon, M.C, Valerie J. Hoekstra, V.J., Alice J. Kang, A.J, and Caul Kittilson, M., 2021. *Reimagining the Judiciary: Women's Representation on High Courts Worldwide.* Oxford: Oxford University Press.

IDLO (2013) *Accessing Justice: Models, Strategies and Best Practices on Women's Empowerment*, available at: https://www.idlo.int/publications/accessing-justice-models-strategies-and-best-practices-womens-empowerment.

IDLO (2020) *Issue Brief: Women and Customary and Informal Justice Systems, 2020,* available here: https://www.idlo.int/publications/issue-brief-women-and-customary-and-informal-justice-systems.

International Association of Women Judges, available at: https://www.iawj.org/content.aspx?page_id=22&club_id=882224&module_id=483739.

Leitch, L. *Strengthening Judicial Integrity through Inclusiveness and Diversity: A Canadian Perspective*, UNODC.

Loop News, *PM Lauds Acting Judges*, 6 August 2021, available at: oppng.com/tags/nine-new-actingjudges#:~:text=PM%20Marape%20congratulated%20the%20newly%20appointed%20Acting%20Judges, Sambua%2C%20Emma%20Wurr%2C%20Gerhard%20Linge%20and%20Michael%20Thoke.

MacKinnon, C. *Toward a Feminist Theory of the State*, 1986, Cambridge, MA, Harvard University Press.

Meleisea, M. (2013) *Village Government in Samoa: Do Women Participate?* Centre for Saman Studies, National University of Samoa, available at: https://cfnhri.org/wp-content/uploads/2020/01/Village-Government-in-Samoa.pdf.

Moy, H.A. 'A Global Legal Empowerment Movement: Learning from Others, Growing the Movement', Human Rights Education in Asia Pacific, 2023 available at: https://namati.org/wp-content/uploads/2023/09/A-Global-Legal-Empowerment-Network.pdf.

Namati, see https://namati.org/network/.

Neuhaus, J. (2009) *Women in Village Courts in Papua New Guinea: The Transformation of Gender Roles*

Tsantsa, vol. 14, 2009, pp. 152-157 Universität Bern, Suiz.

O'Neil, T. and P. Domingo (2015). *The Power to Decide: Women, decision-making and gender equality.* London: Overseas Development Institute.

O'Sullivan, D., *Gender and Judicial Appointment*, University of Queensland Law Journal, UQLJL 1996, available at: https://www5.austlii.edu.au/au/journals/UQLawJl/1996/5.pdf.

OECD Toolkit *for Mainstreaming and Implementing Gender Equality*, available at: https://www.oecd.org/gender/governance/toolkit/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf.

Pacific Women Lead, https://www.pacwip.org/women-mps/national-women-mps/.

PNG Judicial Women's Association (PNGJWA) Constitution. Copy held on file.

South Pacific Lawyers Association, *Women in the Law in the South Pacific*, 2014, p 9, available at: https://www.researchgate.net/publication/282355929_February_2014_Women_in_law_in_the_South_Pacific_-_Survey_Report

Rackley, E. *Women, Judging and the Judiciary: From Difference to Diversity*. Abingdon: Routledge.

Rosenbaum, A. (2014) T*he Women of Papua New Guinea's Village Courts*, The Monthly, August 2014, available at: https://www.themonthly.com.au/issue/2014/august/1406815200/alana-rosenbaum/women-papua-new-guinea%E2%80%99s-village-courts#mtr.

Schultz, U. & Masengu, T. (2020) Women and judicial appointments, International Journal of the Legal Profession, 27:2, 113-117, DOI: 10.1080/09695958.2020.1794513

Shameem, N., *Gender, Justice, and Judges*. Speech to the Fiji Judiciary Criminal Law Workshop for Judges and Magistrates. 14 June 2012. https://aclw.org/wp-content/uploads/2012/06/Gender- Justice-Judges.pdf.

Task Force on Justice, (2019) *Justice for Women: High level Group Report*, https://www.sdg16.plus/resources/justice-for-women-high-level-group-report/

The Gallery, 1 August 2023, *Former Baham Bahamian politician joins PNG National and Supreme Court* available at: *https://www.thegallery242.com/post/former-bahamian-politician-joins-png-national-and-supreme- court*

Thornton, Margaret. 2007. *Otherness on the Bench: How Merit Is Gendered*. Sydney Law Review 29: 391,ANU College of Law Research Paper No. 08-16 available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1136545.

Ubink, J. *Gender Equality on the Horizon: The Case of Uukwambi Traditional Authority, Northern Namibia,* p69 in Harper E. (ed) IDLO *Working with Customary Justice Systems: Post-Conflict and Fragile States*, 2011, available at: https://www.idlo.int/sites/default/files/Customary%20Justice%202%20-%20Post-Conflict%20and%20Fragile%20States.pdf .

UK Ministry of Justice, *Diversity of the Judiciary 2020 statistics:* https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2020-statistics/diversity-of- the-judiciary-legal-professions-new-appointments-and-current-post-holders.

UNDP *Justice for All: Why having more women judges benefits all of society*, March 2023, available: here.

Women On High Courts See https://womenonhighcourts.com/.