

Speech of Dr. Justice Refaat Ahmed, Hon'ble Chief Justice of Bangladesh on regional Convening on Judicial Leadership for Women Judges in Asia titled "Shift Underway- Advancing Gender on the Bench for Sustainable Development"

16 October 2025, Bangkok, Thailand

Mr President, Appeal Court of Thailand,

Excellencies,

Honored guests,

Distinguished colleagues, and friends

Good Morning

A shift is indeed underway ladies and Gentlemen. Across Asia and beyond, judicial leadership is being reimagined through the lens of gender inclusion and sustainable development. Empirical evidence from diverse jurisdictions today validates what intuition and lived experience have long revealed that gender diversity on the bench transforms justice itself, in perception and in substance. When women serve as judges, particularly in sensitive dockets such as gender-based violence, workplace harassment, or family law, they bring to their work a distinct awareness of the realities that too often remain unseen in the cold language of case files. They hear the silences between words, they recognise the coercion that hides behind consent, they detect the imbalance that sometimes cover-ups as agreement. Their presence enriches judicial reasoning by broadening the interpretive lens through which facts are seen and law is applied.

Distinguished Guests,

Women judges, as the *United Nations Human Rights Council's report A/76/142* observes, tend to display heightened sensitivity to the dynamics of power, coercion, and dignity. Their judgments often reveal a deeper appreciation of how structural inequalities shape the experiences of those who come before the court. They are, in many instances, more likely to challenge stereotypes about the reasonable victim, to resist narratives that blame the vulnerable, and to insist that justice must be both seen and felt. These are not mere matters of perspective, actually they are matters of justice itself.

But gender diversity is not only about the content of judgments; it is about the legitimacy of the judiciary as a democratic institution. Courts draw their authority not from the might of enforcement, but from the moral confidence of the public. When citizens, especially women and marginalised communities, see themselves reflected on the bench, they are more inclined to believe that the system is fair, impartial, and worthy of their trust. A judiciary that mirrors the society it serves strengthens its claim to justice, and it becomes a dispenser of law and a guardian of equality.

The **OHCHR report** reminds us, however, that this promise remains unfulfilled in many parts of the world. *(it's not limited to one region, it includes countries across Asia, Africa, the Middle East, Latin America, etc., especially in places where structural, cultural, religious or institutional barriers persist.)* Structural and cultural barriers continue to obstruct women's equal participation in the justice sector. Gendered expectations about career paths, unequal access to mentorship, unconscious bias in selection and promotion, and the burden of balancing professional and familial responsibilities, all conspire to narrow the pipeline

through which women ascend to judicial office. Even where women do reach the bench, they are too often under-represented in senior positions or confined to certain types of cases, depriving the institution of their leadership and insight.

True equality ladies and gentlemen, therefore, demands more than appointment. It requires transformation. It calls for transparent selection procedures that value competence over conformity, mentoring networks that nurture women's professional growth, and institutional cultures that recognise diversity not as an obligation but as an asset. It asks us to build environments where women judges can lead, innovate, and decide without fear of prejudice or isolation. Only then will gender diversity move from symbolism to substance.

Let us be clear that, this is not about favour or tokenism, it is about fairness and functionality. A judiciary that draws upon the full talents of both women and men is better equipped to interpret the complexities of modern society. Diverse benches are more likely to surface hidden assumptions, question inherited biases, and craft reasoning that reflects the lived realities of all citizens. Diversity, in this sense, is an enhancement of judicial quality itself.

When we speak of justice, we often invoke scales, balanced, impartial, and blind. But justice must not be blind to the identities of those who interpret it. For a judiciary to be truly balanced, it must embody the full spectrum of the society it serves.

Dear Participants,

In Bangladesh, where the narrative is one of both promise and challenge. Currently, in legal academia, women now account for roughly 30% of law faculty, a share that exceeds their presence in practice, but the transition from classroom to

courtroom remains constrained by culture, networks, and gatekeeping. Despite steady gains in the District courts, where women now constitute a sizable cohort (government figures noted 625 women judges in the district judiciary in 2025), women hold only about 10% of posts in the higher judiciary and no woman has ever served as Chief Justice of Bangladesh. Leadership remains thin, women are a small minority in bar association offices and among law-firm partners; even at the apex bar, only 1,636 of 10,373 Supreme Court Bar Association members were women as of 2024. Recent counts place 12 women among 117 Supreme Court judges (11 in the High Court Division, 1 in the Appellate Division). At entry, the numbers are also lopsided, Justice Audit data of 2024 showed 7,309 women among 57,530 enrolled advocates (less than 12.7%), and multiple studies and practitioner accounts describe hiring, posting, and promotion practices still shaped by informal networks that disadvantage women. In short, while classrooms have opened, the profession has not, women are comparatively visible in universities yet remain under-selected, under-promoted, and under-represented in litigation leadership, bar governance, and senior judicial roles

Respected audiences,

In Bangladesh as elsewhere, gender-balanced recruitment faces certain systemic challenge. In the most recent round of appointments to the High Court Division, conducted through an unprecedented process of open application, public announcement, and competitive evaluation, only three women were ultimately elevated out of a total of twenty-five appointees. The pool of women applicants itself was notably small, illustrating how deep structural and societal barriers continue to suppress participation long before the stage of selection. Unless the judiciary and allied institutions address these underlying constraints, by nurturing women's entry into the profession, ensuring mentorship, and embedding gender

equity within every stage of career progression, the promise of diversity will remain more aspirational than achieved.

Dear Guests,

Representation matters because doctrine follows structure. As benches diversify, legal reasoning evolves. Equality jurisprudence becomes more responsive to intersectional harm. Courts develop doctrine attuned to structural barriers procedural, economic, social - in access to justice. In family, labor, property, and environmental law, gender-aware benches are likelier to recognize asymmetric bargaining power, hidden burdens, and differential impacts. Critical mass theory suggests that when inclusion surpasses a threshold, its effects compound, diversity becomes self-reinforcing. Thus, the goal is not a single appointment, but a sustainable numeric and cultural presence across all courts.

Ladies and gentlemen,

To our international agencies, development partners, and philanthropic institutions, your role in this transformative journey is catalytic and indispensable. The cause of gender equality in justice cannot flourish in isolation; it requires global solidarity, knowledge exchange, and sustained investment. Your support must go beyond token workshops or brief interventions, it must create ecosystems of opportunity. Invest in judicial fellowships that carry real prestige and mobility, enabling women judges and aspiring jurists from the Global South to access the world's leading institutions of learning and practice. Fund judicial data systems and empirical research that illuminate how gender composition on the bench influences access to justice, case outcomes, procedural efficiency, and public trust. Encourage comparative scholarship that translates research into reform.

In this regard ladies and gentlemen I must applaud the UNDP, for taking commendable steps in Bangladesh, working closely with the Supreme Court, the Government, and civil society to strengthen capacity-building and institutional resilience. Through initiatives that engage the next generation, large-scale outreach to university students, law schools, and youth networks, UNDP is helping to seed the future bench. Its programs to connect law faculties across the country, to train and mentor women law graduates, and to foster leadership among young legal professionals mark a shift from isolated training to systemic empowerment. Other development partners, such as the European Union, Sweden, the United Kingdom, and Germany, are likewise advancing this mission through targeted support for legal education reform, gender-responsive policy design, and enhanced access to justice for vulnerable groups. Their collaboration with national authorities and non-state actors alike is building the scaffolding for a judiciary that is inclusive, more intelligent, evidence-based, and resilient.

To our law faculties and bar associations all over the region, I say collaborate in preparatory programs so that more women enter the pipeline equipped with confidence, competence, and courage. To our judges and justices, I urge, mentor, sponsor, and advocate within your institutions for inclusive practices and fair opportunity. And to our partners in development, academia, and philanthropy, continue to stand with us. This is not aid, it is alliance. It is a shared commitment to the belief that justice, in its truest form, must look like the society it serves.

Thank you.