
ILAC Discussion Paper:

Judicial Diversity: A Tool to Increase Access to Justice in Colombia, Guatemala and Mexico

Discussion paper III of the Judges as Peacebuilders Project



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Translated from Spanish

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This Discussion Paper is a product of the project ***Judges as Peacebuilders*** led by the International Legal Assistance Consortium (ILAC), the Cyrus R. Vance Center for International Justice (Vance Center) and the International Association of Women Judges (IAWJ) and is authored by Ylva L. Hartmann (ILAC) and Audrey Cavaness (IAWJ). It is one of a series of three Discussion Papers; the other two deal with judicial security and judges as anti-corruption actors in Colombia, Guatemala and Mexico. Vanessa Passos Araújo (ILAC), Jaime Chávez Alor (Vance Center) and Audrey Cavaness managed the ***Judges as Peacebuilders*** project.

ILAC, the Vance Center, and the IAWJ thank each of the justice providers who participated in the virtual roundtables held on November 18-19, 2021, and February 22, 2022, as well as the conferences organized in Mexico City, Guatemala City and Bogotá in late March and early April 2022.

They are also grateful for the support of other ILAC member organizations: World Justice Project; the Law Society of England and Wales; and the National Center for State Courts as well as those who moderated the virtual roundtables: Lizzette Robleto de Howarth from the Law Society of England and Wales; Margarita Luna Ramos, Retired Justice of the Mexican Supreme Court of Justice of Mexico; Cecilia Palomo Caudillo, Member of the IAWJ; Alex Rodríguez from the National Center for State Courts; and Raquel Stein, Partner in Souto Correa Advogados in Porto Alegre, Brazil.

The support of the following individuals and their invaluable comments on this discussion paper are deeply appreciated: Margarita Luna Ramos; Lizzette Robleto de Howarth; Alex Rodriguez; Ana Cardenas of the Mexico office of the World Justice Project; Dr. Claudia Escobar Mejia, Distinguished Visiting Professor at the Schar School of Policy and Government, George Mason University; and Alejandra Vicente, Legal Director, and Maria Noel Leoni, Senior Attorney at GQUAL, the global campaign to promote gender parity in international bodies.

The project also thanks Corporation of Judges and Magistrates of Colombia (CORJUSTICIA), the Guatemalan Association of Judges for Integrity (AGJI) and the Mexico Chapter of the IAWJ for their participation in the roundtables and for their comments on this document.

The key support of the Swedish government's agency for peace, security and development, *Folke Bernadotteakademin*, is appreciated.

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Summary

This discussion paper examines the potential causal relationship between diversity within the judiciary and the potential for increased access to justice. Based on the responses of focus groups of judicial actors in Colombia, Guatemala, and Mexico, this discussion paper posits that such a relationship exists. An inclusive judiciary helps increase a diverse population's confidence in the judicial system and thus increases the willingness to take legal disputes to court.

In most countries, including Colombia, Guatemala and Mexico, those working in the judicial sector do not reflect the diversity of the population of that country. Groups that require special protection by the judiciary and society in general are often underrepresented in the judicial ranks. Not only is this a matter of gender inequality, but also of the exclusion and/or absence of other groups such as national, ethnic, religious and linguistic minorities.

This discussion paper is the outcome of the *Judges as Peacebuilders* project and presents and summarizes roundtable discussions held with over 50 judges in Mexico, Guatemala, and Colombia, organized by the International Legal Assistance Consortium (ILAC), the International Association of Women Judges (IAWJ) and the Vance Center for International Justice of the New York City Bar Association (Vance Center).

In all three countries, **the people least likely to obtain a judicial position are Indigenous women**, according to project participants. Afro-descendant populations were also mentioned as a population less likely to enter the judiciary in these countries. For **women**, sexism can hinder their access to judicial positions, especially to higher positions; members of the **LGBTQI+ community and people with disabilities**, access a judicial career is often affected by prejudice and structural discrimination. The possibilities for women and other minoritized groups to ascend to higher ranks within the judicial system is also often limited by gender stereotypes and prejudices. Overall, it is perceived that the glass ceiling is stronger in the judicial sector compared to other professions.

An obstacle highlighted by judges from all three countries, and constitutes a barrier to increasing judicial diversity, is the **lack of rigor and transparency in the selection processes for judicial officials**. Most judges participating in the project criticized the interview process required for the selection and appointment of judicial positions; a process with a great deal of discretion and opacity. Legal mechanisms, such as quotas that exist in Colombia and Mexico, could be a way to improve effective parity. Project

participants underscored the importance of women and minority groups in leadership positions, especially in higher courts, to encourage the increase of a diverse representation.

Judges testified to the **violence and harassment suffered in exercising their profession**, both from within and outside the judiciary. Information on the extent and characteristics of violence and harassment of judges is lacking but impacts the progress and promotion to higher judicial positions, especially for women and persons belonging to minority groups. Recounted incidents included **death threats, intimidation, microaggressions, and micromachismo/microsexism**, subtle indirect discriminating actions that hinder the motivation to aspire to higher positions. Judges underlined that there is a lack of strategies to penalize and punish acts of intimidation aimed at certain groups; therefore, protection against these acts is inadequate.

Taking a judicial oath does not insulate individuals from prejudice, and subjectively explicit and implicit biases exist in every profession. While there is no simple solution, diversifying the life experiences of those who adjudicate cases improves the likelihood of bias and mitigates stereotypes. Improving access to justice requires holistic action that includes training on gender and diversity matters for all judges; budgets allocated for such training; and the adoption of norms, public policies and measurable goals on equality and gender and diversity perspectives.

Manuals and protocols for judges to adjudicate with a gender and diversity perspective are another suggested tool. Action protocols that support adjudications with a **gender and diversity perspective** aim to balance power relations in judicial processes. For the project participants, judging with a gender or diversity perspective means seeing justice from a unique perspective that accounts for the context and complexity of a particular case; the gender characteristics and any special vulnerabilities of the individuals involved that can result in a more just sentence. While tools to support adjudication with a gender perspective exist in Mexico and Colombia, and with a diversity perspective in Mexico, neither exists in Guatemala.

Judicial associations are crucial to increasing judicial diversity as they support judges in their daily work and protect judicial independence. Despite international recognition of the right for judges to form associations, many judges are afraid to participate; project participants attested to retaliation against judicial associations. **Project participants from minority groups testified to the importance of membership in judicial associations focused on similar life experiences for personal and professional support:**

“When I started, I felt alone, lost, I had no one to share with. In the judicial association I found support, friendship, role models; it has had a fundamental impact on my judicial career.”

Project participant

Key recommendations to the national governments of Colombia, Guatemala, and Mexico:

1. Increase **transparency in the promotion and appointment processes** for all positions in the judicial career track with precise pre-established criteria of merit, competence, and experience, and establish quotas or **diversity goals in the calls** for applications for judges and justices. Make special calls for applications for judges who speak Indigenous languages.
2. **Adopt internal mechanisms within the judiciary to report cases of harassment and violence, including micromachismo/microsexism and microaggressions, with the possibility of anonymous reporting.** Adopt zero tolerance policies for harassment and violence within the judiciary, as well as protection, investigation, and sanction measures.
3. **Adopt protocols for judging with a gender and diversity perspective in Guatemala and adopt protocols for judging with a LGBTQI+ perspective in Colombia and Guatemala; create** budgets earmarked for judging with a gender and diversity perspective. Organize continuous and mandatory training programs based on judgments implementing a gender and diversity perspective.
4. **Respect and promote the right to expression and association in judicial associations; consult judicial associations on issues influencing the functioning of the country's judiciary,** including measures to strengthen diversity, and **create a mentoring system for new judges, especially from minority groups or in situations of vulnerability.**

1 Introduction

In most countries, those working in the judiciary do not usually reflect the diversity of the population of their own country. Often, the legal profession is reserved for a privileged and well-connected minority.¹ Regularly, men from privileged sectors are overrepresented in the judiciary, especially in higher positions.² Colombia, Guatemala and Mexico are no exceptions to this reality. Diversity within the judiciary is paramount; not only as a matter of good governance and democracy, but also so that judges represent the populations they serve. Diverse representation within the judiciary helps to increase public confidence in the judicial system. It allows judicial actors to have different perspectives and a better knowledge and understanding of justice seekers. As a result, it can have beneficial effects in increasing access to justice for all.

Diversity in the judiciary is a matter of human rights: all citizens have the right to participate and to be represented in public institutions, including the judicial system, on equal terms and without discrimination. Here, the role of judges is especially important; although they are not elected representatives of the public power, they are among the highest positions in the judiciary and, for justice seekers, they represent the face of justice itself.

Diversity within the judiciary is not only a matter of gender equality, but also the inclusion of groups such as national, ethnic, religious, and linguistic minorities. In addition, judicial diversity and inclusion must be addressed and discussed from an intersectional perspective; that is, viewing the access to a judicial career through the lens of social factors, such as gender, ethnicity, and social class, that often overlap. Judicial diversity aims for the judiciary to represent the myriad of groups society is composed of. The 2030 Agenda for Sustainable Development recognizes that responsive, inclusive, participatory, and representative decision-making at all levels (SDG 16.7) is necessary to achieve more peaceful, fair, and inclusive societies. Increasing diversity within the judiciary represents one of the ways to improve the lack of democracy and public confidence in judicial institutions. In short, a more diverse judiciary increases willingness of a diverse population to take their legal disputes to court.

Judicial diversity is also important because it creates a safer space for impartial judgment. Taking an oath as a judge does not insulate from bias and subjectivity. Every human being is affected by unconscious or unknown

¹ Roberto Gargarella, “Too far removed from the people: Access to justice for the poor—The case of Latin America,” Chr. Michelsen Institute Workshop, United Nations Development Programme Oslo Governance Centre, Vol 18 (2002).

² For example, only 27% of judges and 25% of prosecutors are women globally, International Development Law Organization (IDLO), “Women Delivering Justice: Contributions, Barriers, Pathways” (Rome: IDLO, 2018) p. 39.

implicit biases. While there is no simple solution to this problem with respect to the judiciary, diversifying life experiences of those who try cases improves the likelihood that biases and stereotyping will be mitigated. Greater diversity in the judiciary broadens the scope of discussions and may further avoid ill-considered or inadequate decisions.

Understanding the obstacles faced by certain groups in accessing a judicial career or attaining higher positions within the judiciary is key to promoting national, regional, and international efforts to achieve a more diverse judiciary and, consequently, greater access to justice for all. This discussion paper analyzes the countries participating in the *Judges as Peacebuilders* project: Colombia, Guatemala, and Mexico (see Project description in section V). This paper also presents and summarizes the discussions held at virtual roundtables on judicial diversity and partnership, which brought together more than 50 justice operators and actors from international organizations and civil society on November 18 and 19, 2021, and February 22, 2022, in the context of the project, as well as in person conferences organized in Mexico City, Guatemala City and Bogotá in late March and early April 2022.

This paper is not intended to be exhaustive or representative of the views of the entire legal profession in Colombia, Guatemala, or Mexico; rather, its purpose is to highlight key areas of judicial diversity and possible solutions put forward by project participants. Colombia, Guatemala, and Mexico have significant differences, but also common elements that will be discussed in this paper. Additionally, the paper concludes with recommendations directed to national governments, the international community, and the judicial associations themselves on how to support judicial diversity efforts.

2 Lack of diversity within the judiciary

Although data on gender parity in the judiciary exists in Colombia, Guatemala, and Mexico, information on the representativeness of other underrepresented groups —Indigenous, Afro-descendant, LGBTQI+, persons with disabilities — tends to be unavailable or non-existent. In addition, gathering such data can be considered problematic and even dangerous for people who may identify as Indigenous, Afro-descendant, or LGBTQI+, for reasons such as risk of discrimination, harassment, or violence, or for historical reasons of structural exclusion.³ There are general estimates on the ethnic-racial features of Colombia, Guatemala and Mexico that can help us better understand the scope and importance of increasing representation of underrepresented groups.

In **Colombia**, according to the National Statistics Administrative Department, the Afro-Colombian population represents 9.34% of the national population,⁴ and the indigenous population, 4.4%.⁵ According to *Translators Without Borders*, 65 Amerindian languages are spoken in Colombia.⁶ Of the national population, 1.22% identifies as gay, lesbian and bisexual, and 0.05% as transgender.⁷ However, a spokesperson for *Dejusticia* states that these numbers seem very low compared to studies conducted in other countries and may be biased by fear of discrimination.⁸ According to the 2005 national census, 6.4% of Colombians live with a significant disability;⁹ however, the

³ During the roundtables, project participants highlighted the vulnerability of Indigenous/afro-descendant/LGBTQI+ women justice operators. They testified that often the threats to these individuals are greater than the threats they face.

⁴ Departamento Administrativo Nacional de Estadística (DANE) de Colombia, “Conferencia regional sobre población y desarrollo”, September 2020.

⁵ Departamento Administrativo Nacional de Estadística (DANE) de Colombia, indigenous population of Colombia, results of the 2018 national population and housing census, September 16, 2019, available at:

<https://www.dane.gov.co/files/investigaciones/boletines/grupos-etnicos/presentacion-grupos-etnicos-2019.pdf>

⁶ Translators Without Borders, “Non-Spanish languages of Colombia”, May 20, 2020, available at:

<https://translatorswithoutborders.org/wp-content/uploads/2020/05/Colombia-Language-Map-Static-EN.pdf>

⁷ El Tiempo, “¿Cuántos colombianos son LGBT? DANE hizo primera medición estadística”, August 13, 2020, available at: <https://www.eltiempo.com/justicia/servicios/encuesta-del-dane-midio-por-primera-vez-cantidad-de-personas-lgbt-en-colombia-529124>

⁸ Ibid.

⁹ Pinzon-Rondon, A.M., Botero, J.C., Parra-Correa, D., Parra-Correa, L., Di Cecco, L. and Madriñan-Navia, H., “Experiences of People with Physical Disabilities in a Low-Income Neighborhood of Bogota, Colombia”, *Scandinavian Journal of Disability Research*, 22(1), pp.230–241. *Scandinavian Journal of Disability Research*, available at:

<https://www.sjdr.se/articles/10.16993/sjdr.568/#:~:text=Colombia%20is%20an%20upper%20middle.Characterization%20of%20People%20with%20Disabilities.>

World Health Organization (WHO) and other organizations estimate that this number should be closer to 15%.¹⁰

In **Guatemala**, according to the 2018 census conducted by the National Institute of Statistics of Guatemala, 43.56% of the population is Indigenous and 0.19% is Afro-descendant, *Creole or Fromestizo*.¹¹ Guatemala's 2003 National Languages Law officially recognizes 23 indigenous languages in the country.¹² Approximately 1 out of every 10 Guatemalans suffers from a disability.¹³

In **Mexico**, according to a census of the National Institute of Statistics, Geography and Informatics (INEGI) conducted in 2020, people aged 5 years and older who speak an indigenous language represent about 6% of the population,¹⁴ and 2% of the population is recognized as Afro-Mexican or Afro-descendant.¹⁵ However, the International Work Group for Indigenous Affairs states that there are problems of under-registration of the indigenous population and that, in fact, the indigenous population represented 15.1% of the population in 2020.¹⁶ It is estimated that 11.8% of the population speaks an indigenous language, but not Spanish.¹⁷ According to INEGI's National Survey on Discrimination, the proportion of LGBTQI+ people in Mexico amounted to 1.9% in 2017.¹⁸ 16.5% of the national population corresponds to people with disabilities.¹⁹

¹⁰ Correa-Montoya, Lucas and Castro-Martínez, Marta Catalina, 2016. “Disability and Social inclusion in Colombia”, Fundación Saldarriaga-Concha, Bogotá D.C., Colombia. 160 p., available at:

https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/COL/INT_CRPD_CS_S_COL_24466_E.pdf

¹¹ Instituto Nacional de Estadística Guatemala, results of the 2018 census, available at: <https://www.censopoblacion.gt/mapas>

¹² Ley de Idiomas Nacionales (Decree number 19-2003).

¹³ United Nations Sustainable Development Group, Action towards 2030 Blog: “Count me in: Working together for disability inclusion in Guatemala”, December 3, 2021, available at: <https://unsdg.un.org/latest/blog/count-me-working-together-disability-inclusion-guatemala>

¹⁴ Instituto Nacional de Estadística, Geografía e Informática (INEGI) de México, *Estadísticas a propósito del día internacional de los pueblos indígenas* (9 de agosto), press release number 392/2020, August 7, 2020, available at:

<https://www.inegi.org.mx/contenidos/saladeprensa/aproposito/2020/indigenas2020.pdf>

¹⁵ Instituto Nacional de Estadística y Geografía (INEGI) de México, Censo de población y vivienda 2020, results available at:

https://www.inegi.org.mx/contenidos/programas/ccpv/2020/doc/Censo2020_Principales_resultados_EUM.pdf

¹⁶ International Work Group for Indigenous Affairs (IWGIA), *El Mundo Indígena 2021: México*, March 18, 2021, available at: <https://www.iwgia.org/es/mexico/4149-mi-2021-mexico.html#:~:text=En%20M%C3%A9xico%20hay%2016.933.283.una%20naci%C3%B3n%20pluricultural%20desde%201992.>

¹⁷ *Supra* note 14.

¹⁸ Organization for Security and Co-operation in Europe, “Society at a glance 2019: Spotlight on LGBT people – how does Mexico compare?”, March 27, 2019, available at: <https://www.oecd.org/mexico/sag2019-mexico-en.pdf>

¹⁹ *Supra* nota 14.

Unequal access to a judicial career

Equal access to the judicial professions is based on the right to non-discrimination, as enshrined in domestic law in each of these countries and several international treaties;²⁰ in particular, the right to equal participation in decision-making spaces and positions. The report of the United Nations Special Rapporteur on the Independence of Judges and Lawyers of July 2021 focuses on the issue of **gender inequality in the judicial system**.²¹ The report posits that women are underrepresented in the judiciary at a global level and identifies barriers to women's adequate access, promotion and retention in the judiciary.²² The barriers mentioned include working and promotion conditions, threats, sexual harassment and violence. In addition, being a woman or belonging to other underrepresented groups, such as ethnic or religious minorities, significantly diminishes the chances of having a career in the judiciary.²³ In fact, **discrimination in the judicial career can be multiple and intersectional**: it exists at the level of gender, race, class, sexual orientation, age, ethnicity, gender identity and disability, and other forms of historical and structural discrimination.²⁴

Groups with less access to judicial positions

In the three countries covered by this project - Colombia, Guatemala, and Mexico - the people with the least possibility of obtaining a judicial position are **Indigenous women**, according to participants. **Afro-descendant populations** are also mentioned as a segment of society far from entering the judiciary. The low representation of Indigenous and Afro-descendant populations in the judicial system can be attributed to three factors. First, the systematic, historic, and structural discrimination, exclusion, and oppression of these populations in these countries. Second, the very limited access to basic and higher education,²⁵ for financial, linguistic and poverty-related reasons, needed to gain access to a judicial career. Third, the urban location of

²⁰ Article 25 of the International Covenant on Civil and Political Rights recognizes the right of all citizens to equal participation in public life, including public service. Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women specifically states that women have the right to participate in the formulation of government policy and its implementation, and to hold public office and perform all public functions at all government levels.

²¹ United Nations General Assembly, A/76/142, July 25, 2021.

²² Ibid.

²³ Report of the UN Human Rights Council Advisory Committee, Current level of women's representation in human rights bodies and mechanisms: ensuring gender balance, A/HRC/47/51, May 21, 2021

²⁴ Ibid.

²⁵ The schooling rate of indigenous and Afro-descendant populations is lower in Colombia, Guatemala and Mexico, and illiteracy is higher; for more information, see: Mexico: Instituto Nacional para la Evaluación de la Educación, "Panorama educativo de la población indígena y afrodescendiente 2017", Colombia: Ministerio de Educación, "Educación más allá de las dificultades", Guatemala: Ministerio de Educación, "Salvaguardia social y plan de desarrollo indígena", January 24, 2011.

universities, often far from where Indigenous and Afro-descendant populations tend to live in the three countries, hinders access.

In **Mexico**, there are Casas de la Cultura Jurídica in the 32 states,²⁶ which offer courses, conferences, and workshops for the general population to promote legal culture, to enhance access to justice, and to strengthen the rule of law. The Casas de la Cultura Jurídica are situated in the capital or large cities that are more difficult to access for Indigenous populations, for example.

In 2021, adjustments were made to the registration processes for activities and academic programs at the Casas de la Cultura Jurídica to increase participation of people who identify themselves as Afro-descendants, belonging to an Indigenous people or community, or speak a native language. In 2021, records indicate that 105 people belonging to an Indigenous people or community, 71 who speak a native language, and 58 who identify themselves as Afro-descendants participated in the activities and programs of the School. In addition, there are public and private educational institutions that offer scholarship programs and economic support for students from marginalized communities who otherwise would not be able to access university studies. For example, the National Autonomous University of Mexico has a scholarship system for low-income students called Becas UNAM. However, this type of program exists only in the capital or large cities, which are difficult for Indigenous populations to access.

In **Colombia**, the government has implemented programs to increase the possibility of Indigenous and Afro-descendant populations to access university studies; however, according to project participants, implementation is insufficient and should be strengthened not only in terms of scholarships, but also in terms of more support throughout the studies.

In **Guatemala**, there are no state programs that provide access to higher education for Indigenous and Afro-descendant populations. Some private universities have full or partial scholarships to provide people with a high academic profile who cannot cover the costs of their studies with these opportunities, but it is not widespread.

For **women**, there is still a great deal of sexism that hinders their access to judicial positions, especially to high positions.²⁷ The obstacles are varied and complex, and stem from prejudices related to the roles of women in society, which are often also internalized and perpetuated by women themselves.

Additionally, family obligations are often more extensive for women, which can make it more difficult, if not impossible, to attain a law degree and pursue a judicial career. There is also the issue of secondment and having to relocate to

²⁶ The Casas de la Cultura Jurídica are public spaces offered by the Mexican Supreme Court of Justice.

²⁷ For more information on this issue, see section B. The judicial glass ceiling.

access a particular position (often far from their homes) which can be more difficult for women than for men due to family obligations. Project participants also state that attacks against members of the judiciary and the perilous security situation in some rural areas, disproportionately affects women as they are often subject to more attacks and lack institutional support.²⁸

Possibilities for **LGBTQI+ people** to access a judicial career are affected by prejudice and structural discrimination, which, in Latin America, is very high. Members of the community are often prevented from declaring their sexual orientation and subject to discrimination and violence based on their real (or perceived) sexual orientation and/or identity. Participating judges in all three countries state that sexual orientation is a taboo subject within the judiciary; it is considered "a private issue" and they attest to homophobic attitudes in the judicial system and even persecution of LGBTQI+ people. In addition, the judiciary has outdated dress codes, including rules on makeup and haircuts, which limit the open expression of one's sexual orientation and identity. Free expression of one's sexual orientation can be classified as a serious offense if it does not comply to prevailing, traditional rules and norms surrounding the "image" of judges. If the judiciary does not allow the presentation of non-heterosexual, non-cisgender orientations, it can result in harmful working conditions for LGBTQI+ people; their mere existence could be questioned, and they may not be accepted as the face of justice in the role of a judge.

According to project participants, judicial institutions also do not commonly provide **people with disabilities** with access to judicial positions. Again, structural discrimination against people with disabilities is high and measures to adapt programs to their needs are lacking. The lack of physical access to university, judicial, and court buildings creates an actual physical barrier to entering judicial office. For example, participating judges affirm that there have been cases of people in wheelchairs who do not have access to these public spaces due to lack of adapted infrastructure.

Providing accessible education for all is a necessary step in achieving diversity in the judicial sphere. It is also crucial to create an environment in which safety, well-being, and respect of these diverse groups is maintained when accessing a judicial position.

The lack of information on the presence of underrepresented groups within the judiciary may be better solved through qualitative than quantitative studies. Some project participants suggest conducting interviews with volunteer judges from these groups to obtain more information about their career paths and the obstacles encountered to inform and better define public policy on how to improve judicial diversity.

²⁸ For more information on violence and harassment against judicial actors, see section B.4 below.

The judicial glass ceiling

Promotion and career advancement in the judiciary is more difficult for women and minority groups. This is sometimes called the “judicial glass ceiling” referring to the invisible but often insurmountable barriers that prevent minorities and women from rising to higher ranks in the judiciary, regardless of their qualifications or achievements.²⁹ Indeed, the gender gap in leadership positions in the judiciary is one of the largest in comparison to other professions.³⁰

The reasons for the judicial glass ceiling are varied and complex though gender stereotypes and prejudices are crucial factors. Judges participating in the project's roundtables testify to a variety of biased comments - claims by colleagues that female judges are less intelligent; that women are not capable of holding decision-making positions; and that women's emotions negatively impact their objectivity and professionalism. In addition, gender biases and stereotypes are often internalized by women themselves. It can be equally difficult for other minority groups due to the prejudices that many of them are subjected to.

Prejudice and stereotypes also affect **assignments to judicial posts**. For example, women judges are often assigned to jurisdictions considered "social", such as family or juvenile courts,³¹ but not necessarily to criminal courts where supposedly "courage is needed."

Women in leadership positions in the judiciary

Women judges' experiences and competencies are often disregarded for the sole reason that they are women. Anecdotally, the experience of women judges is very similar across the world; as one moves up the judicial ladder, the representation of women decreases. In **Colombia**, in 2019 and 2020, 51% of municipal judges were women, but only made up 23% of judges in the higher courts, according to a report presented by the Superior Council of the Judiciary to the Congress of the Republic of Colombia.³² In **Guatemala**, in 2020, although women occupied 42% of the lower-level judicial positions, only 37% of the judges of the appellate courts were women, and only 14% reached the

²⁹ Supra note 21, par. 66

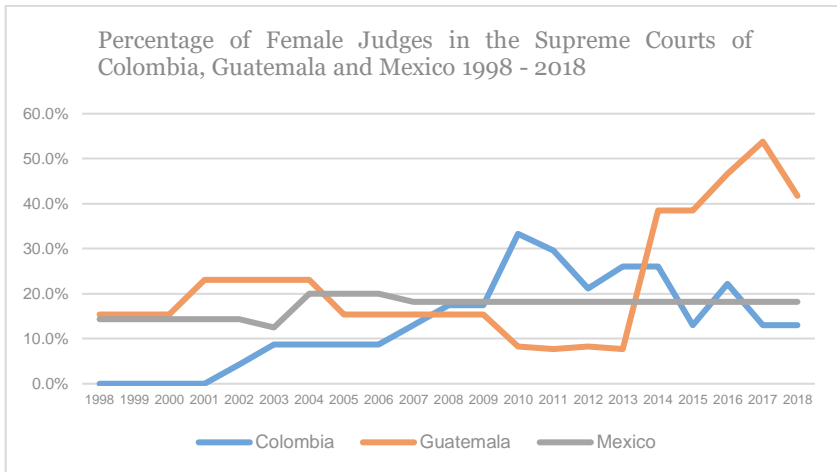
³⁰ Ganguli, I., Hausmann, R., & Viarengo, M. 2020, July 2009, "Around the world in the legal profession: Women get in, but not up." Vox EU.

³¹ Supra note 21, par. 30

³² Rama Judicial Consejo Superior de la Judicatura, Informe al Congreso de la República, 2019, available at: https://www.ramajudicial.gov.co/documents/1545778/5597675/1.+Informe+al+Congreso+2019+Rama+Judicial_BAJA.pdf/c5d41f1b-8001-48dc-9d86-690804e3d5de

presidency of their respective courts.³³ In **Mexico**,³⁴ in 2020, only 43.5% of the trial court positions were occupied by women, and only 34.5% in the appellate courts.³⁵ The majority of judicial personnel in Mexico are women, but mostly in secretarial or administrative positions. In addition, there is a normalization of structural discrimination against women in the judicial career in Mexico, as showed by a study of *Mexico Evalúa*.³⁶

Since the Supreme Courts of Justice represent the highest institutions in the judiciary, the percentage of female judges in these courts is illustrative. **In 2021, female judges made up 46% of the Supreme Court justices in Guatemala, 36% of those in Mexico and 13% of those in Colombia.**³⁷ The chart below highlights the historical evolution of the representation of women in the high courts of justice.³⁸



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³³ Impunity Watch, "Appointing indigenous women in Guatemala's judiciary enhances access to justice for women victims and helps protect human rights", June 12, 2020, available at: <https://www.impunitywatch.org/news-appointing-indigenous-women-co>

³⁴ State judiciaries in Mexico are different from the federal judiciary. The former are part of the state judiciary and their configuration is explained by local regulations and practices, in contrast to the federal judiciary, which is centrally administered by the Federal Judiciary Council (Consejo de la Judicatura Federal).

³⁵ Instituto Nacional de Estadística y Geografía de México, Censo Nacional de Impartición de Justicia Estatal 2021, Personal de los órganos jurisdiccionales del Poder Judicial, por entidad federativa y rango de edad según cargo y sexo, 2020.

³⁶ México Evalúa, "20 Recomendaciones para consolidar la carrera judicial", 2021, available at: <https://www.mexicoevalua.org/mexicoevalua/wp-content/uploads/2021/05/carrera-judicial-final.pdf>

³⁷ Guatemala: 6 women out of a total of 13 judges. Mexico: 4 women out of a total of 11 judges. Colombia: 3 women out of a total of 23 judges.

³⁸ For more information, see Viviana Krsticevic and Alejandra Vicente, "The Underrepresentation of Women in Justice," *Foreign Affairs Latin America*, Vol. 21 No. 3, 2021

³⁹ United Nations Economic Commission for Latin America and the Caribbean, [Gender Equality Observatory](#) for Latin America and the Caribbean, 2018, available at:

Project participants commented that the representation of women in senior positions in the judiciary in Mexico and Colombia depends, to a large extent, on legal mechanisms, such as quotas, which tend to better guarantee effective parity. As the ranks of the different levels of the judiciary are filled by women, women's chances of gaining access to higher positions also increase. A fundamental aspect of establishing parity over time is, according to many participants, legislating quotas (for more extensive considerations on quotas, see the section below.) However, in Mexico, three of the four sitting female judges were appointed during the administration of a single president, which could suggest the importance of political will to integrate more women on the bench. It is also worth noting that feminist movements in Latin America have lobbied hard to improve the representation of women in decision-making positions for many years.

Some project participants underscored the importance of the presence of women in leadership positions in the Supreme Courts to encourage an increase in the representation of women in these same levels. As an example, in Guatemala, the second woman to preside the Supreme Court of Justice was Dr. Beatriz Ofelia de León Reyes in the period 2005-2006,⁴⁰ followed by three women in 2011-2012; 2016-2017 and 2019-present. In 2014-2015, the office was held for the first time by a person of Indigenous origin. Some project participants thought that the increased diversity of the position after 2005 has helped to increase the representation of women in the Supreme Court of Guatemala and may be one element explaining the positive development in Guatemala since 2013.

It is also necessary to contextualize the chart above. The Supreme Courts of Justice are only one of several important legal structures in the three countries. For example, in Colombia, the Constitutional Court (44.4% women), the Council of State (22%), the National Commission of Judicial Discipline (28.6%) and the Superior Council of the Judiciary (50%) are other important pillars of the Colombian judiciary that have a higher representation of women, even in some presiding and vice-presiding positions.

Quotas to improve representativeness of the judiciary

A potential solution to increase equity in the judiciary is through quotas, a percentage set for an underrepresented group determined through regulation, legislation, or jurisprudence. It can also be a percentage on the pre-selection lists to increase the opportunities for underrepresented and minoritized groups to be elected/appointed. Quotas are often used to improve gender equality, but they rarely apply to various groups subject to discrimination or

<https://oig.cepal.org/en/indicators/judicial-power-percentage-women-judges-highest-court-or-supreme-court>

⁴⁰ The first woman to serve on the Supreme Court was María Luisa Beltranena Valladares in 1993; she was dismissed after three days.

marginalization. The introduction of a system of quotas and affirmative action may be one of the ways to increase the equal participation of underrepresented groups in courts.

In **Colombia**, a quota law provides that at least 30% of the positions within the judiciary must be filled by women. A similar justice reform, which states that, at least for high court lists, full parity must be met, is currently under review. The goal of these reforms is to have full parity by 2030 to meet the Sustainable Development Goals (SDG 5: gender equality). The Colombian quota covers high court nominations; lists and shortlists of candidates to become justices and judges must include at least 30% women. If the lists and shortlists do not comply with this legal requirement, they are returned to the responsible entity for failing to comply with the constitution. However, this does not guarantee that the same percentage of women will be appointed, leaving a wide margin of political discretion in the appointment process. Another obstacle is the actual nomination process inside the courts, where, according to the project participants, they are influenced by personal contacts, nepotism, or corruption. One of the reform proposals in Colombia, that has not yet been approved, would require at least a percentage of judges to reach the high courts by exams rather than by interview, to improve equality of opportunity of the candidates. Many project participants are in favor of this proposed reform as a measure to increase representation.

In **Mexico**, a constitutional reform regarding gender parity was adopted in the three government branches of the United States of Mexico – executive, legislative and judicial – at each level of government (federal, state, and municipal).⁴¹ Although it is considered progressive, this reform of transversal parity is often not complied with in practice, especially at the higher levels of the judiciary. In 2019, women-only exams were created, aiming to improve parity, and the first of these exams resulted in the appointment of 55 female federal judges and magistrates. In 2021, 35 new female magistrates and 80 new female judges were appointed, appointing 115 women to adjudicating positions.

In **Guatemala**, there is no legislated quota system, and project participants were not aware of any planned reforms. They also mentioned that the reform of February 2, 2022,⁴² which provides that the Supreme Court of Justice will become the nominating body for judges, represents a major step backward for judicial independence and diversity.

Some judges attest to the fear and sidelining of those who act to improve parity within the judiciary. In addition to constitutional reform, legislative reforms are needed to protect appointments from cronyism.

⁴¹ Constitutional reform on gender parity published in the Federal Official Gazette on June 6, 2019,

⁴² Decree 7-2022, Law of the Judicial Career, Guatemala.

Project participants stated that the use of quotas must be made permanent over time, institutionalized, and established in laws or public policies to promote transparency to ensure the judicial selection processes do not depend on political issues. Measures should be taken to make access and promotion in the judicial career more equal; to break patterns of nepotism and corruption; to prevent inequality and discrimination in universities; and to promote continuous training of judicial operators on discrimination and the rights of Indigenous and Afro-descendant populations, as well as on gender.

Many of the project participants also criticized the **interviews for selection and appointment to positions as judges**. They stated there is a great deal of discretion in the interview process and judges and magistrates have witnessed irregularities during the interviews such as the interviews not being recorded or that the person conducting the interview is not objective. Participants said that interviewers often have a bias toward people of the same sex or social group, and the bodies that appoint officials are mostly headed by men; the Postulation Commissions in Guatemala that elect judges to the Supreme Court and the Courts of Appeals are examples. A participant judge from Guatemala mentioned two incidents she had experienced: In one interview to become a judge, she was asked if she had her husband's permission to apply to the position; in another interview, when she was pregnant, she was asked what she was going to do with the baby when it was born.

Interviews can be used to favor or disadvantage applicants, especially if the interview processes are not standardized or final scores are not subject to review. Some project participants attested that, at times, nominators do not carefully consider the variety of aptitudes or personal competencies the candidates can bring to the bench. In Mexico for example, the think tank, México Evalúa, concluded in a 2020 study that the selection processes for judicial officials lack rigor and transparency, and that most of the processes for the appointment of magistrates and judges are carried out with a wide margin of discretion and opacity.⁴³ In addition, GQUAL, the global campaign that seeks to promote gender parity in international bodies, has highlighted that often nomination and selection processes do not take into account the prior composition of the judicial body when considering new nominees.⁴⁴

When interviews are used for selection and appointment procedures, project participants recommended that they be conducted in ways that more objectively reflect the achievements of the candidates, such as using personality and integrity tests and other methods that better guarantee equity. In addition, the lack of transparency makes individual preparation for

⁴³ México Evalúa, *supra* note 36.

⁴⁴ For more information about GQUAL see: <http://www.gqualcampaign.org/home/>

promotion difficult, as this increases risks of arbitrariness, nepotism, prejudice, and exclusion of certain social groups.

Domestic burden: an obstacle to a judicial career

In Colombia, Guatemala, and Mexico, social norms often lead to women being assigned caregiving roles within the family, diverting time away from a judicial career. Such time is essential for exam preparations to enter the judiciary as well as preparation for promotions once working in the field. Reconciling family obligations and professional life is necessary and a judicial career can be costly, especially for those who have limited resources and access to support. Some female project participants testified that the situation worsened during the pandemic due to an increased domestic burden resulting from confinements, school closures, and other COVID-19 restrictions. The conditions needed to ensure women to have a successful judicial career diminished significantly during the pandemic, from universities to courts.

The stereotype of women as caregivers also limits women who do not even have a family or domestic duties. During judicial examinations, women are often questioned about how they will manage personal issues such as pregnancy, marriage, and children; their professional achievements are seen as secondary. Some female project participants stated that, based on these types of assumptions, many women are not even considered for some positions, which is highly discouraging for other women. In Guatemala, for example, participating judges affirmed that there have been cases in which applicants to the School of Judicial Studies have been denied admission to the judiciary due to pregnancy. Once in the field, pregnancy often occurs at the time of a woman's career when they would qualify for higher positions. In the absence of measures to ensure equality, pregnancy and maternity leave represent major obstacles to the promotion and career development of women in all professions.⁴⁵ For women judges with children, another disadvantage can be that training courses are often taught outside office hours, preventing women from attending due to childcare needs.

Participants said that it is crucial to change stereotypes and prejudice against women and for men to assume an equal share of the domestic burden to facilitate women's career advancement. This would also lead to a more equitable balance of men and women in senior positions. Raising awareness of these unequal gender roles and granting equal parental leave for men and women would allow significant progress in this area.⁴⁶ The Gender Equality Unit of the Electoral Court of Mexico's Federal Judicial Branch, as well as

⁴⁵ Namita Datta and Aphichoke Kotikula, "Fostering Quality of Employment for Women," World Bank, Work Document No. 1, 2017

⁴⁶ Organization for Security and Co-operation in Europe, "OECD Toolkit for Mainstreaming and Implementing Gender Equality", 2018, available at: <https://www.oecd.org/gov/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf>

Mexico's Judiciary Council, introduced several of these types of inclusive policies, including the reduction of working hours, the implementation of paternity leave, and awareness raising on gender stereotypes in the workplace.

Similarly, the creation and subsidization of childcare centers, close to the workplace and under the auspices of the judiciary, would be critical to increasing women's participation in the judiciary. In Mexico, for example, access to childcare services, the number of childcare service providers and schools and daycare centers with extended hours has recently decreased according to project participants. Such changes directly affect women's chances of entering or remaining in the labor market. Project participants suggest that judicial institutions should offer these services to all their staff, not only to working mothers, to ensure that caregiving does not represent an obstacle to professional growth.

Violence and harassment against judicial actors

The judicial profession is replete with risks and judges and other judicial actors are subject to violence and harassment, given their public profile and the political and sensitive nature of individual cases.⁴⁷ Violence and harassment can be both internal and external of the judiciary, and affect the working conditions of judges and their willingness to remain or advance in the profession.

There is a lack of qualitative and quantitative data on the extent and types of violence and harassment that judges endure in these three countries, especially by those that identify as women or belonging to marginalized groups. Several project participants testified to the **violence and harassment from within the judiciary**. Women and persons belonging to underrepresented groups suffer intimidation, microaggressions and *micromachismo*/microsexism that impact their progress and promotion to higher positions. Women judges in Guatemala and Mexico have been specifically targeted with death threats and intimidation by criminal networks operating both within and outside the judicial system. Other female participants shared how they are subjected to misogynistic comments and inappropriate behavior by the parties to the proceedings, even by lawyers themselves.

Currently, there are no effective mechanisms to protect judges who raise these incidents and other forms of discriminatory practice. Project participants said that LGBTQI+ judges are particularly vulnerable to derogatory comments;

⁴⁷ The United Nations Special Rapporteur on the Independence of Judges and Lawyers was created in 1994 following an increase in the frequency of attacks on the independence of judges, lawyers, and judicial officials. For more information on the extent of this phenomenon in Colombia, Guatemala, and Mexico, see Discussion Paper I of the project *Judges as Peacebuilders*, Attacks on those imparting justice: institutional weakness and lack of guarantees for judicial independence in Colombia, Guatemala and Mexico, Jaime Chávez Alor.

they are often stereotyped as lacking objectivity or neutrality and are subject to condescending looks and systematized harassment. Female project participants lamented the lack of institutional support needed for the highly sensitive or political cases they may preside over, such as media training or coaching, unlike their male counterparts in similar situations. Judges participating in the project witnessed instances in which the judicial nominators have offered positions in exchange for sexual favors, which is difficult to report given the nominators' power and position. Overall, there is a little protection against violence and harassment for underrepresented judicial actors and there is little recognition of these issues by those with the power to make change.

The participating judges emphasized that within the judicial sector, there are no strategies to sanction acts of intimidation aimed at members of underrepresented groups and protection against such intimidation is inadequate. Generally, there are no security protocols in place to protect judges from being subject to intimidation, violence, or threats. *Micromachismo*/microsexism and microaggressions negatively impact judges' motivation to aspire to higher positions. The violence and harassment perpetuate discrimination against underprivileged groups in the legal profession. Incorporating clear rules against sexual and workplace harassment, as well as proportionate disciplinary measures and prevention against discrimination, is essential to building a judicial culture that respects and encourages diversity.

3 Judicial diversity: a vehicle for increasing access to justice

Globally, there is a significant gap in access to justice; at least 235 million people live in conditions of extreme injustice.⁴⁸ Groups with the least access to justice are people in poverty and people who belong to vulnerable groups, such as women, children, the elderly, indigenous peoples, ethnic and religious minorities, people with disabilities, LGBTQI+ people, and migrants or refugees.⁴⁹ The COVID-19 pandemic is expected to significantly increase this justice gap and disproportionately affect vulnerable groups.⁵⁰

Project participants highlight that groups with the least access to justice are also the most underrepresented in the legal profession. Diversity within the judiciary serves as a vehicle for increasing access to justice for all. The presence of women or ethnic, national or religious minorities in judicial posts inspires more confidence in the judicial system and encourage members of these groups to seek justice. Diversity within the judiciary signals that the judicial process can be fair, non-discriminatory, supportive, and inclusive of all societal groups.

Studies show when women and other underrepresented groups serve as judicial actors, they are able to provide an enhanced understanding and fairer adjudication of the cases they hear.⁵¹ It is shown, for example, that women judges who handle gender related cases have a better understanding of the important role of the judiciary in protecting women from violence.⁵² This is also illustrated by the groundbreaking decisions made by women judges who

⁴⁸ Task Force on Justice, "Justice for All - The Working Group on Justice - Final Report," New York: Center on International Cooperation, 2019, p. 18, available at: <https://www.justice.sdg16.plus/>

⁴⁹ Ibid, Task Force on Justice 2019, pp. 52-53; Rebecca L. Sandefur, "Access to What?" *Dædalus*, Winter 2019, available at: <https://www.amacad.org/publication/access-what>

⁵⁰ World Justice Project, "The COVID-19 Pandemic and the Global Justice Gap", October 2020, available at:

<https://worldjusticeproject.org/sites/default/files/documents/Global%20Justice%20Gap-11-02.pdf>

⁵¹ IDLO, *supra* note 2, Lisa Hilbink and Claudia Escobar, "Addressing Disparities to Close Gaps in Access to Justice and Rights", in Carla Koppell, ed., 'Untapped Power: Leveraging Diversity and Inclusion for Conflict Resolution and Development'. New York: Oxford University Press, February 15, 2022, Joy Milligan, "Pluralism in America: Why judicial diversity improves legal decisions about political morality," *NYUL Rev.*, 81,2006, 1206; Theresa M. Beiner, "What will diversity on the bench mean for justice." *Mich. j. Gender & L.* 6, 1999: 113; Scott E. Page, "The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies", New Edition, Princeton, NJ: Princeton University Press, 2008.

⁵² UN Economic and Social Commission for Western Asia, "Women in the Judiciary in the Arab States, Removing Barriers, Increasing Numbers," E/ESCWA/ECW/2019/2, 2019.

have transformed judicial systems, particularly in cases of rape, sexual violence and forced marriage.⁵³

As the composition of a court becomes more diverse, its traditional practices become less entrenched, and old methods, often based on unspoken codes of conduct or simple inertia, are no longer automatically applied. The presence of new faces and voices is sometimes the most persuasive stimulus to take a fresh look at and bring about long-expected changes.

Judge Vanessa Ruiz, former President,
International Association of Women Judges.

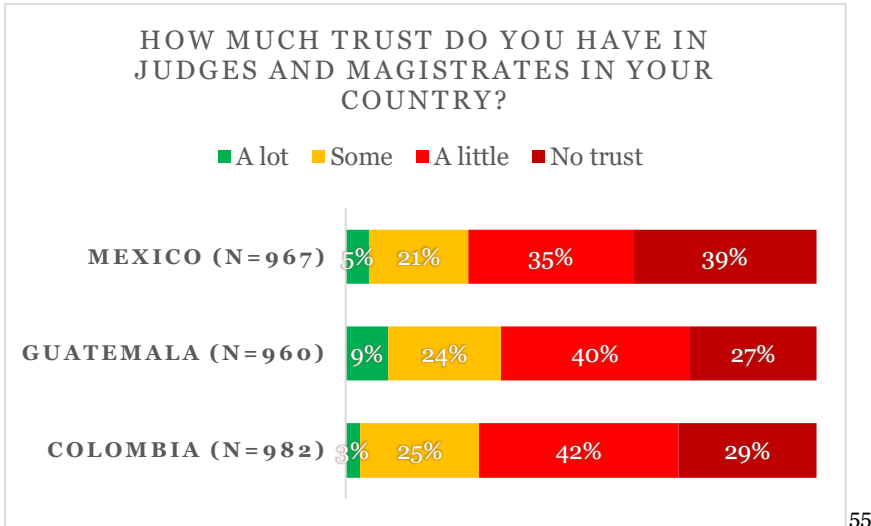
Judicial diversity is necessary as it ensures that different social realities are taken into account in judgments. The judiciary must reflect and represent the society in which it operates. Of course, this is not a merely symbolic representation, or *tokenism*; improved access to justice also requires holistic action plans to include, gender and diversity training for judges; budgets allocated for these trainings; and the creation and adoption of standards, public policies, and tangible goals related to diversity and inclusion.

Confidence in judges and access to justice

An increase in judicial diversity, resulting in a judicial sector that better reflects the population, may increase **confidence in judges** and the overall willingness to bring legal disputes to court. This is especially important in Colombia, Guatemala, and Mexico, where confidence in judges and magistrates is quite low, as shown by the Rule of Law Index of the *World Justice Project*.⁵⁴

⁵³ For examples from international law, see the role of Judge Navi Pillay at the International Tribunal for Rwanda in the Akayesu case, Judge Elizabeth Odio Benito at the International Criminal Tribunal in the Thomas Lubanga and Celibici case, Judge Cecilia Medina Quiroga at the Inter-American Court of Human Rights in the Gonzalez, Monreal and Monarrez v. Mexico case, and Judge Teresa Doherty at the Special Court for Sierra Leone in the Brima et al. case.

⁵⁴ The Rule of Law Index is based on information from more than 130,000 general population surveys and more than 4,000 questionnaires to legal experts in 128 countries and jurisdictions.



Based on the *World Justice Project* Rule of Law Index, an average of 71% of the population in the project's countries has little or no confidence in judges and magistrates in their country with 74% in Mexico, 67% in Guatemala, and 71% in Colombia.

This graph provoked strong opinions from judges participating in the project and raised fundamental questions about access to justice. Many noted that the general population lacks the fundamental knowledge of what justice is, what the justice sector does, and what due process entails. Participants shared that, in many instances, the media plays a crucial role in informing the public about legal procedures and process, in ways that are easy to understand. Many of the participants expressed concern about the sensationalist approach of some media outlets that undermines the public's understanding and trust in the judiciary. Often criminal law is the branch of law widely covered by the press; it can give simplistic view of the law and justice, especially as the work of other courts, such as administrative courts, is unnoticed by the public. There are also instances when access to information must be restricted by rules of confidentiality. In Mexico, for example, a recent study shows that criminal court judges are systematically scapegoated in the public for letting

⁵⁵ World Justice Project, General Population Poll, question q1g. The data comes from the General Population Poll of the Rule of Law Index, published by The World Justice Project. Data for this question were collected in 2017 for Mexico and in 2018 for Guatemala and Colombia. Percentages for Colombia, Guatemala and Mexico exclude Don't Know/Don't Respond.

“delinquent” persons out of prison, without the public understanding the roles of other judicial and law enforcement actors.⁵⁶

Project participants noted that judicial reforms in Colombia and Mexico were important factors influencing the relationship and trust between the judges and justice seekers. Both countries adopted judicial reforms, moving from an inquisitorial system to an accusatorial system, that involve more face-to-face communication between judges and parties to a case.

Some judges participating in the project are more interested in the opinions of the users of the judicial system than in the opinion of the general population, as the general population’s perception is often not formed by actual encounters or contact with the justice system. For many users of the justice system, their perceptions are influenced by the outcome of their case; it is important that such perceptions must be taken into account. However, judges affirm that the likelihood that parties accept a case ruling, independent from whether they won or lost, increases if there is a dignified and respectful treatment of all parties, a clear understanding of the procedural rules, and the opportunity to be heard during, and effectively participate in a process in front of a neutral arbitrator.

Project participants also noted that the public’s lack of knowledge about the judicial system is due to the lack of transparency under which the courts traditionally have operated. A lack of publicity about and access to judgments contributes to this lack of transparency. In response, the Mexican Supreme Court of Justice decided in 2021 that all courts must allow the public to access all non-confidential rulings, as a matter of public interest.⁵⁷ This decision was a watershed moment in Mexican judicial history; previously the decision to publicize or give access to judgments was determined by each individual court who could determine which of their judgments were of public interest.

Participants highlighted that the public’s perception of judicial performances in Colombia, Guatemala and Mexico is also influenced by the existence of corruption; this may also influence the population’s low level of trust in courts. This topic is addressed in detail in Discussion Paper II of the ***Judges as Peacebuilders*** project entitled "[Justice Providers as Anti-Corruption Actors in Colombia, Guatemala and Mexico](#)".

All these factors contribute to the statistics shown in the previous graph.

⁵⁶ Vianney Fernández and Ana Cárdenas, “¿Qué (no) es la puerta giratoria? Mitos, metáforas y evidencia”, World Justice Project, 2021, see in particular the Conclusions and Recommendations section, available at: https://worldjusticeproject.mx/wp-content/uploads/2021/06/Puerta-Giratoria_Reporte_2021_baja.pdf

⁵⁷ Amparo proceeding under review 271/2020 resolved in public session by the First Chamber of the Supreme Court of Justice of Mexico on February 3. For a summary, see: <https://www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=6339>

Increasing access to justice through indigenous jurisdictions

To increase access to justice for all members of a given population, there must be a greater understanding and recognition of the various avenues available for doing so. Alongside formal justice institutions, there are a wide array of routes to justice, including alternative dispute resolution mechanisms and indigenous judicial practices, which often offer faster, less expensive, and more culturally appropriate alternatives for marginalized peoples to solve their legal disputes.⁵⁸ **Indigenous jurisprudence** in Colombia, Mexico and Guatemala is, to different extents, acknowledged in domestic law.⁵⁹

⁵⁸ International Development Law Organization, IDLO, "Navigating Complex Pathways to Justice: Women and Customary and Informal Justice Systems," September 10, 2020.

⁵⁹ In Colombia, the National Constitution (Article 246) recognizes that the authorities may exercise jurisdictional functions within their territorial scope. The Constitutional Court has determined four elements delimiting the exercise of the special indigenous jurisdiction: 1. That indigenous peoples' own judicial authorities exist; 2. That those authorities establish their own norms and procedures, 3. The hierarchical supremacy of the constitution and national law over indigenous jurisdiction and norms, 4. That the legislator is competent to decide on the coordination of the indigenous jurisdiction with the national judicial system (Constitutional Court, Ruling C-139/96, April 9, 1996). The Constitutional Court has established that indigenous jurisdictions cannot hear cases of 1. the right to life (not the death penalty); 2. the right to physical integrity (not torture); 3. the right to liberty (not slavery); and 4. the right to due process (in accordance with the community's own established rules) (Constitutional Court, Ruling T-921/13).

In Guatemala, the National Constitution recognizes and protects the ethnic diversity of the country and the different forms of social organization (articles 66-70). The Constitutional Court has recognized the power of indigenous authorities to resolve disputes between the members of communities recognized by the indigenous legal system (Constitutional Court file 1467-2014, 943-2017, 2906-2017). The Congress of the Republic recognizes the juridical pluralism of Indigenous populations (Initiative 5179, 2016). In addition, in Guatemala, there are community courts created by the CSJ, with justices of the peace in criminal matters and they must communicate in the regional language. They hear cases of conciliation and opportunity criteria. Indigenous populations submit cases to their community leaders, but they only exist in 5 places and there are many communities in the country. In Guatemala, different proposals for constitutional reform have been promoted for the Justice Sector. The last initiative was in 2016-2017, which included the recognition of Customary Law or Indigenous Law. Dialogue roundtables were developed in different regions of the country that included diverse sectors. However, the reform efforts were not approved by the Congress. In Guatemala, indigenous justice processes are not recognized.

In Mexico, indigenous jurisdiction was first recognized in 2013 by the First Unitary Court of the Thirteenth Circuit, Oaxaca de Juarez (July 12, 2013) and has since been recognized in several subsequent cases. Indirect support is found in Article 2 of the National Constitution, which recognizes the pluricultural composition of the Nation and the self-determination of Indigenous peoples. An interesting model of legal pluralism is offered by the Superior Court of Hidalgo to the Indigenous communities of that state. Through the Alternative Justice Center (CEJA), alternative justice services are offered to the communities in their language and through facilitators native to those regions, with cultural and normative backgrounds from those communities. For more information, see: World Justice Project, "Mediación Indígena, Acercando la Justicia", November 2021, available at: <https://worldjusticeproject.mx/wp-content/uploads/2021/11/Reporte-Mediación-Indígena.pdf>

Project participants noted **the need to recognize and integrate indigenous justice systems into the formal judicial system in order to improve access to justice**. Many of the justice actors in Colombia, Guatemala and Mexico are not well-versed in indigenous jurisprudence and a potential solution is to increase representation of indigenous populations in the formal judicial system. Judges participating in the project saw the divide between formal and customary justice systems as a “justice crisis;” the need for greater alignment between justice systems and justice users is especially important in countries with a higher population of indigenous peoples, such as Colombia, Guatemala, and Mexico.

Some project participants emphasized that legal education and law faculties are often monocultural and that neither cultural nor legal plurality is considered or included in the curricula. Often, universities’ legal theory and classes do not take the nation’s political, economic, social and cultural realities into account. This creates a dysfunctional legal system that hinders access to justice and trust in the judicial system and contributes to a break the social fabric. This also highlights the necessity to increase the representation of Indigenous people in academia.

In terms of **geographic accessibility** to justice institutions, people living in rural areas often have less access to courts than those in urban areas. To access courts, rural residents may need to travel long distances and take time off from their jobs for one or more days, negatively impacting their and their families’ livelihoods. The physical inaccessibility to the justice system may also contribute to a lack of knowledge of the institutions’ existence for many rural residents.

Judging with a gender and diversity perspective to balance power relations in judicial processes

According to project participants, an increase in the number of individuals from minority or underrepresented groups in the judiciary does not guarantee an increase in diversity and gender awareness in adjudication of cases. It is necessary to raise awareness among all justice actors about existing discrimination and unequal power relations within in the judiciary specifically, and the society as a whole. The creation of ‘safe spaces’ is critical to ensure an open and honest debate about the challenges to and opportunities for greater equality, inclusion, and diversity in the judiciary.

Project participants also stated that judging with a gender and diversity perspective is an important tool to better balance power relations in judicial processes. If the same conditions and standards are applied without

accounting for power dynamics, judgments may come to unfair conclusions, based on principles of non-discrimination and equal opportunity.⁶⁰

Judging with a gender and diversity perspective allows judges to critically analyze cases where gender or diversity is present and remains in the background of the case, without being a determining factor in the litigation.⁶¹

For the project participants, judging with a gender or diversity perspective means seeing justice from a different perspective: It is necessary to understand the complexity of the situation, its gender-related characteristics and the vulnerable status of the people involved to better understand each case and to issue a fairer sentence.

Judging from a gender and diversity perspective considers any discriminatory aspects important to the case. Considerations must be made for differing power dynamics that may have discriminatory effects and lead to unfair judgments, including personal prejudices and biases. A gender and diversity perspective better include traditionally marginalized perspectives, as it is based on a diligent analysis of power relations and context.

Examples of judging with a gender and diversity perspective

In **Mexico**, several cases illustrated the detrimental impacts of not judging with a gender perspective;⁶² this has led to the adoption of different measures aimed to enhance adjudication with a gender perspective including judicial protocols and instructions. The first Mexican protocol for judging with a gender perspective, adopted in 2013, was based on an internal assessment of the judiciary and was accompanied by a series of training initiatives. The protocol represented an important step toward inclusion of a gender perspective in adjudication in Mexico.

Shortcomings in the application of the protocol necessitated its review, and in 2019, consultations were held with members of the justice sector, litigants, members of civil society organizations, and the academia. A total of 3,500 people participated, of which 78% stated that they do use the protocol, 39.53%

⁶⁰ UN Human Rights Committee, General Comment 18 on Non-discrimination, 37th session (1989), paragraphs 8-10, 13.

⁶¹ Mexico's Supreme Court of Justice of the Nation, "Protocolo para Juzgar con Perspectiva de Género", November 2020, <https://www.scjn.gob.mx/derechos-humanos/sites/default/files/protocolos/archivos/2020-11/Protocolo%20para%20juzgar%20con%20perspectiva%20de%20género%20%28191120%29.pdf>

⁶² González et al. v. México ("Campo Algodonero" or "Cotton Field" case), paragraphs 502, 541, 542 (I.A.Ct.H.R. November 16, 2009; Fernández Ortega et al. v. México, paragraphs 236 and 260 (I.A.Ct.H.R. August 30, 2010); Rosendo Cantú et al. v. México, paragraphs 219, 246 (I.A.Ct.H.R. August 31, 2010)

indicated that they use it regularly, while 38.63% stated that they barely use it.⁶³ Some stated that they did not know basic concepts of judging with a gender perspective, while others requested that the information in the protocol be presented in an updated and more orderly manner. Some judges said they did not use it because they were unable to apply the gender perspective in practice on real cases.⁶⁴

Several project participants from Mexico affirmed that such protocols for judging with a gender perspective are useful tools. Since the protocol was adopted, many important judgments have been issued applying a gender perspective, for example, in cases of femicide⁶⁵ or discrimination related to pregnancy.⁶⁶

Since the adoption of the protocol for judging with a gender perspective, the Mexican Supreme Court of Justice has adopted other protocols for:

- Cases involving migrants
- Cases of torture and ill-treatment
- Judging with a child and adolescence perspective
- Cases involving the rights of persons with disabilities
- Cases involving the rights of Indigenous persons, communities, and peoples
- Cases involving sexual orientation or gender identity
- Cases involving development and infrastructure projects⁶⁷

In Mexico, an Interinstitutional Gender Equality Committee of the Federal Judiciary (CIIGPJF), was created in 2010. The purpose of the Committee is to lead and coordinate the mainstreaming of a gender perspective into the Federal Judiciary of Mexico.

In **Colombia**, the National Gender Section of the judicial system was created in 2008. Its purpose is to enforce gender equity and mainstream an equality and non-discrimination policy within the judiciary, including in the adjudicating process. The national gender section is composed of representatives from the Supreme Court of Justice, the Constitutional Court,

⁶³ Mexico's Supreme Court of Justice of the Nation, "Protocolo para Juzgar con Perspectiva de Género," November 2020, footnote 1.

⁶⁴ Ibid.

⁶⁵ According to UN Women, femicide refers to "the murder of a woman because of being a woman, the end of a continuum of violence and the most brutal manifestation of a patriarchal society"; source available at <https://colombia.unwomen.org/es/como-trabajamos/fin-a-la-violencia-contra-las-mujeres/feminicidio>

Mexican Supreme Court cases; Direct Amparo proceeding under review 1545/2017 and Amparo under review 554/2013.

⁶⁶ Mexico's Supreme Court of Justice, Action for constitutional review 148/2017, Circuit Collegiate courts, Registration number: 2021361 (Pregnant Worker).

⁶⁷ To access these protocols, see the Supreme Court's "Action Protocols" website: <https://www.scjn.gob.mx/derechos-humanos/protocolos-de-actuacion>

the State Council, the National Commission of Judicial Discipline, and the Superior Council of the Judiciary.

In 2016, the guide “Guidelines for the administration of justice with a gender perspective” was adopted. The same year, guidelines for attention and protection of women victims of sexual violence for the judiciary was published.⁶⁸ In 2018, a virtual checklist tool was created to incorporate a gender perspective in adjudicating. This tool is only available to Colombian judges. The National Gender Section provide courses and trainings throughout the country, using the above-mentioned publications, with the purpose of ensuring that judicial decisions have a gender perspective. The National Gender Section has also created a browser with the gender jurisprudence of Colombia's High Courts.⁶⁹

In **Guatemala**, there are no protocols to mainstream a gender perspective into adjudication. Project participants stressed the need to develop such a protocol to reduce biases and promote fairer judgments. They also stressed the need to acknowledge and increase acceptance of women judges. In 2012, a Secretariat for Women and Gender Analysis was created, placed under the Presidency of the Judiciary, with the mission to coordinate and act in an advisory role in matters related to gender analysis. The Secretariat for Women and Gender Analysis is also responsible for mainstreaming a gender approach within the judiciary, and for promoting compliance with conventions and international treaties that have been ratified by the State of Guatemala in matters related to women and girls' human rights.

Examples of cases that require judging with a gender perspective

A gender perspective is required when dealing with women who access the justice system to decrease re-victimization, ensure effective evidence collection, and guarantee appropriate responses to the justice seekers' needs. It is often difficult for women and girls to report gender-based violence, sexual abuse, or rape due to fears of further violence, recrimination, discrimination, impunity, and shame. In cases of human trafficking, victims are often unable to file complaints as they are deprived of their liberty. Judges, participating in the project, who have dealt with these types of cases highlight the importance of handling them with great sensitivity to gain the complainant's trust and not re-traumatize her. The number of rulings in favor of gender-based violence complaints is very low,⁷⁰ and the few cases that do reach the judiciary must be

⁶⁸ *Comisión Nacional De Género De La Rama Judicial – CNGRJ*, January 2016, available at: <https://repository.iom.int/bitstream/handle/20.500.11788/1294/COL-OIMo506.pdf?sequence=2&isAllowed=y>

⁶⁹ Browser available at: <https://www.ramajudicial.gov.co/web/comision-nacional-de-genero/jurisprudencia-de-las-altas-cortes;jsessionid=987055B29473A7F1ACD8B1DE0F4C493E.worker3>

⁷⁰ United Nations Office on Drugs and Crime, "Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women", April 2014, available at

handled cautiously. Judges must be well trained and aware of effects of gender-based violence to avoid falling into stereotypes when making decisions.

Project participants shared that in many areas of Colombia, Guatemala and Mexico, sexist (*machista*) culture is prevalent. Violence against women is often minimized; it is not prevented or punished, and women often go unprotected. Femicide is the most extreme form of violence against women; in 2021, there were 652 femicides reported in Guatemala;⁷¹ 1,004 in Mexico⁷² and 630 in Colombia in 2020.⁷³

Prostitution is another group of cases where judging with a gender perspective is required according to the project participants. For exploited women and girls, their vulnerability, poverty, and past abuse must be taken into account when hearing their cases. Immigrant female **domestic workers** are often also in vulnerable situations with an increased risk for sexual harassment and abuse or labor exploitation.

Other types of cases in which a gender perspective must be applied, according to project participants, are **divorce and child custody cases**. Judges in the project noted that custody is often granted to mothers at the expense of fathers, whereas responsibility of mothers is considered higher than that of fathers when something happens to their children.

According to project participants, judges who implement a gender and diversity perspective, and understand the vulnerabilities of these groups, are better prepared to issue fair judgments in these cases. Judging with a gender and diversity perspective increases access to justice for traditionally marginalized people.

[https://www.unodc.org/documents/justice-and-prison-reform/Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Strengthening_Crime_Prevention_and_Criminal_Justice_Responses_to_Violence_against_Women.pdf)

⁷¹ República, “Los femicidios en Guatemala se incrementaron en un 28.5% durante 2021”, January 12, 2022, available at: <https://republica.gt/seguridad-y-justicia/los-femicidios-en-guatemala-se-incrementaron-un-28-5-durante-2021-20221125400>

⁷² El Financiero, “Feminicidios en México: 2021 es el año más violento contra las mujeres”, January 20, 2022, available at: <https://www.elfinanciero.com.mx/nacional/2022/01/20/feminicidios-en-mexico-2021-es-el-ano-mas-violento-contra-las-mujeres/>

⁷³ Observatorio Feminicidios Colombia, “Feminicidios en Colombia en el 2020”, February 21, 2021, available at: <https://www.observatoriofemicidioscolombia.org/index.php/seguimiento/noticias/451-630-femicidios-en-colombia-en-el-2020>

Empowerment through judicial associations and professional networks

Judicial associations are crucial to the protection of judicial independence and supporting judges in their daily work. Judges' right to associate is enshrined in the 1985 UN Basic Principles on the Independence of the Judiciary.⁷⁴ Freedom of expression and association represents one of the six basic principles of this international instrument (Articles 8 and 9). In 2006, the United Nations Economic and Social Council recognized the Bangalore Principles on Judicial Conduct as a normative and complementary development of the UN principles adopted in 1985, further recognizing the importance of freedom of expression and association of judges.

Despite international recognition of the right to judicial association, many are afraid to associate in Colombia, Guatemala, and Mexico; project participants report reprisals against judicial associations. In addition, judges highlighted another problem affecting the effectiveness of judicial associations: their "pulverization" or multiplication, reducing their strength and power, this is especially the case in Mexico.

Judicial associations have a dual mission: first, to protect the role of judges as important vectors of a democratic system and judicial independence; and to support and empower their members. Project participants emphasized that judicial associations are key to increase judicial diversity; they have a fundamental role in providing personal support to judges through activities such as mentoring and tutoring programs.

Each project participant had a personal story regarding their inclusion or exclusion from judicial associations and how it has influenced their career. Judges from underrepresented groups emphasized the importance of becoming a member of an association; one participant stated, "when I started out as a judge, I felt alone, lost, I had no one to share with. In the judicial association I found support, friendships, role models; it has had a fundamental impact on my judicial career and work. "Now I feel supported. Before, I did not feel free to express myself."

Many LGBTQI+ judges, can be especially vulnerable to discrimination, threats, and violence, find support in the International Association of LGBTQI+ Judges.⁷⁵ Currently, there are no national or regional chapters in Latin America, which some participants identified as emblematic for the conditions and non-acceptance of LGBTQI+ judges on the continent.

⁷⁴ United Nations principles on the Independence of the judiciary, Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders, Milan, Italy, August 26 to September 6, 1985, and endorsed by General Assembly resolutions 40/32 of 29 Nov. 1985 and 40/146 of 13 Dec. 1985.

⁷⁵ For more information on the international association of LGBTQI+ judges see: <https://lgbtjudges.org/>

Participants also say that judges' associations can also provide support and protection to judges susceptible to be subject to violence and enable them to carry out their work with greater safety and reassurance as they are not alone. In countries with high rates of violence and insecurity, it is important that judicial associations recognize and acknowledge the risks coupled with working as a judge and adapt their support to members accordingly.

4 Recommendations

The lack of representation of the diversity of the population is limited to the judiciary. It reflects the structural discrimination of underrepresented groups and the prejudices that they face in society in general. A long-term commitment to changing cultural, institutional, and social structures, such as patriarchal and colonial norms, is therefore needed to increase judicial diversity.

Participants in the *Judges as Peacebuilders* project emphasized the urgent need to break patterns of favoritism/nepotism and to counter the marginalization of Indigenous and Afro-descendant populations, women, and LGBTQI+ persons. Inherent to these processes is the recognition of legal pluralism and indigenous jurisdictions in Colombia, Guatemala, and Mexico.

Derived from the lessons-learned from this project, the following recommendations suggest steps that can be taken to improve judicial diversity in Colombia, Guatemala, and Mexico.

Recommendations for national governments

Improving equal access and promotion in the judicial career

- 1 Increase **transparency in the promotion and appointment processes** for all positions in the judicial career with precise, pre-established criteria of merit, competence, and experience, ensuring that diversity and gender parity are explicit criteria included in promotion and appointment processes.
 - In regard to **appointments, interviews should be complemented** with personality and integrity tests. These interviews should follow a grading grid and scoring system in order to address the same factors for each contestant. It is recommended that the interviews be recorded and conducted by individuals independent of those who make the appointment. If this is not possible, interviewers should not have access to the scores of the applicants' other tests to better ensure impartiality.
 - For senior positions, it is recommended that **public hearings** are held with the candidates; the candidates should respond to questions from civil society organizations, academia, and the legal

community. It is also recommended that the hearings be broadcast to the public via television or digital media.

- Publish judicial vacancies widely within the judicial administration
- 2 Establish quotas or **diversity goals in the calls** for applications for judges; goal parameters should be closely followed with diverse representation within the judiciary an institutional priority. Special calls should be made for applications from judges who speak Indigenous languages. The information about and monitoring of diversity quotas and goals must be publicized. Set percentages of underrepresented groups in the pre-selection and selection lists of candidates for judicial positions. Corresponding legal or constitutional reforms should be passed in each country.
 - 3 Introduce **policies on flexible working hours and parental leave**. Offer childcare services, breastfeeding rooms, schools with extended hours, and other measures to guarantee that caregiving work can be reconciled with judicial work. This is an area of particular concern in Guatemala.

Safety and protection against violence and harassment, including microsexism/*micromachismo* and microaggressions

- 4 Adopt **internal mechanisms within the judiciary to report cases of harassment and violence, including micromachismo/microsexism and microaggressions, with the possibility of anonymous reporting**. Anti-harassment policies and procedures, and clear classifications on labor and sexual harassment should be established.
 - Adopt zero tolerance policies against harassment and violence within the judiciary, as well as protection, investigation, and sanctioning measures.
 - Develop action plans to deal with cases of harassment and violence with the participation of particularly vulnerable groups.
 - Establish specialized units to provide victims of harassment and violence with support and protection, including psycho-social support.
 - Collect statistics on sexual harassment complaints and publish them (keeping personal information anonymous).

- 5 Develop **strategies to recognize, publicize, and punish harassment, violence, and discrimination** within judicial educational centers and in the courts, particularly on the extent and effects of microaggressions and microsexism/*micromachismo*. Strategies should include greater transparency on decisions on cases of harassment and violence; studies to better understand the phenomenon; and implementing training and awareness programs, especially in the higher branches of the judiciary.

Gathering information on the professional careers of justice actors belonging to underrepresented groups and on good practices

- 6 **Commission independent studies on the representation of Indigenous, Afro-descendants, LGBTQI+ persons, and persons with disabilities within the judiciary** through interviews with volunteering judges from these groups to obtain more information on their professional backgrounds (with the possibility to participate anonymously). These studies can inform and define public policies on how to increase judicial diversity. The studies should be published. It is also essential to make these life stories visible, for example, through short documentary films, to reach different audiences and produce impact.
- 7 Create an inventory of good practices to improve judicial diversity in the region and at a global level, to possibly replicate or scale up practices in Colombia, Guatemala and Mexico, such as [the United Kingdom's Judicial Diversity and Inclusion Strategy](#).

Universities of law and training within the judicial profession

- 8 Promote **gender policies and programs on inclusion, diversity, and non-discrimination**, beginning in law faculties, to increase representation of traditionally underrepresented groups in academic bodies. Issue regulations to prohibit gender discrimination, such as the exclusion of pregnant women from participating in judicial training courses, in judicial trainings.
 - Schedule judicial training courses **during working hours** and not after office hours. Allow judges participating in the trainings to automatically obtain permission to be absent from normal duties during the training and not be required to compensate lost work hours.

9 Include courses on discrimination and the rights of Indigenous peoples, Afro-descendants, and gender, as well as courses on the role and importance of indigenous jurisprudence, in the curricula of law universities and in mandatory training for justice actors.

- Create training manuals on cultural expertise in criminal proceedings.
- Create courses to study and analyze sentences implementing a gender and diversity perspective (if there are no such rulings, rulings from other countries can be used).
- Train and sensitize judges on the differences between sexual orientation and gender identity.

10 Law universities should better prepare students who want to enter the judiciary. Communication and teamwork skills are indispensable for effective work in the judiciary, sensitivity, empathy, and ethics, are values that should be considered in university courses to better prepare for professional practice within the judiciary. Judicial training institutes should also create modules including these skills directed to all justice operators, including higher ranking members of the judiciary.

- Create optional seminar programs with judges or internship programs to give students a first-hand experience of the judicial work.

Judging with a gender and diversity perspective

11 Adopt protocols for judging with a gender and diversity perspective in Guatemala and adopt protocols for judging with an LGBTQI+ perspective in Colombia and Guatemala, based on the experiences from Mexico.

12 Create earmarked budgets for judging with a gender and diversity perspective.⁷⁶ Conduct periodic evaluations on the implementation of protocols for judging with a gender and diversity perspective. Create continuous and **mandatory** training programs based on judgments implementing gender and

⁷⁶ In Mexico, this is done through a specific budget solely allocated to the implementation of the protocols for judging with a gender and diversity perspective, which need to be approved by the Mexican Congress.

diversity perspectives and adopt action plans on the basis of those experiences.

- Collect statistics on sentences that have implemented gender and diversity perspective and generate indicators.

13 Conduct workshops and roundtables to analyze sentences issued by national and international courts implementing a gender and diversity perspective.

Judicial associations promoting diversity

14 Respect and promote the right to expression and association of judicial associations and prohibit open disciplinary proceedings against members or leaders of associations or unions.

- Organize debates and seminars to make the work of judicial associations more visible, elevating their public profiles and decreasing risks that people try to restrict or impede their work.

15 Consult judicial associations on issues influencing the functioning of the judiciary, including measures to strengthen diversity.

Recommendations to judicial associations and networks

16 Judicial associations and networks should strengthen their work on judicial independence, democratic values, labor law, and judicial diversity.

17 Leadership of judicial associations should also be diverse and promote inclusive participation in the associations.

18 Judicial associations and networks in Colombia, Guatemala and Mexico should promote diversity and **provide mentoring system for judges, especially newly appointed judges from underrepresented groups**, so that they feel supported, included, and valued.

19 Judicial associations and networks should **participate in events in universities and schools to present their different professional journeys to inspire and inform students about**

their possibilities. Talks should also be held in rural areas and work to ensure the participation of groups underrepresented in the judiciary.

- 20 Support colleagues who have suffered attacks, violence or harassment, or discrimination** in their work through legal and psychosocial support and make their situation visible.
- 21 Work against discrimination of Indigenous, Afro-descendant and LGBTQI+ judges** to promote and defend their rights.
- 22 Organize roundtables to analyze sentences issued by national courts implementing a gender and diversity perspective.**

Recommendations to the international community

- 23 Grant awards and recognition to innovative judgments implementing a gender and/or diversity perspective,** showcasing the judgments precedents but also protecting the advancements made through the judgments.
- 24 Support and strengthen judicial associations of Colombia, Guatemala, and Mexico** via financial and technical assistance in their work to promote judicial independence, democratic values, labor law and judicial diversity.
 - Connect judicial associations from different countries to open spaces for peer-to-peer dialogue and exchange.
- 25 Provide training to members of judicial associations in Colombia, Guatemala, and Mexico** on the international legal framework protecting the independence of the judiciary and international human rights, particularly the protection of the rights to freedom of expression and association of judges, as a principle of equality and non-discrimination within the judiciary.
- 26 Support and arrange meetings with the network of judges** from Colombia, Guatemala, and Mexico created through the *Judges*

as Peacebuilders project to ensure their continuous exchange and empowerment.

- 27** Monitor the situation of the Guatemalan judiciary and work for the reversal of the February 2, 2022, judicial reform. The reform concentrates the power of judicial appointments to the Supreme Court of Justice and present an obstacle to increasing judicial diversity in Guatemala.
- 28** Conduct independent surveys/studies on violence and sexual harassment in higher courts of Colombia, Guatemala, and Mexico.

5 Description of the *Judges as Peacebuilders* Project

This discussion paper is the third in a series of three from ILAC's *Judges as Peacebuilders* project, which aims to promote peace and social stability by supporting and empowering judges and justice actors in Colombia, Guatemala, and Mexico in their fight against corruption and impunity, while upholding judicial independence and diversity. The project is framed within the 2030 Agenda and Sustainable Development Goal (SDG) 16: **Promote peaceful and inclusive societies and SDG 5: Achieve gender equality and empower all women and girls**. This project is an initiative of the International Legal Assistance Consortium (ILAC), funded by the Swedish government agency for peace, security and development, *Folke Bernadotteakademin*. The Project has been implemented in collaboration with ILAC members, the Cyrus R. Vance Center for International Justice of the New York City Bar Association (Vance Center) and the International Association of Women Judges. (IAWJ).

As part of this project, roundtables were held with a group of judges from Colombia, Guatemala, and Mexico. Through the roundtables, participants came together to, discuss their professional situation at both national and regional levels; to develop recommendations and solutions to improve anti-corruption efforts, increase judicial diversity and strengthen the independence of the judiciary; and to raise awareness and to contribute to policy dialogue at both regional and international levels.

These discussion papers are intended to serve as a tool for national partners to elevate their arguments and recommendations at the policy level and for the promotion of judicial independence and the rule of law.

In addition to judicial diversity, the other topics covered by the project are anti-corruption initiatives and judicial security and independence.

ILAC is a global rule of law consortium providing technical assistance to justice sector actors in fragile and conflict-affected countries. ILAC's mission is to rapidly respond to and assess the needs of the justice sector in conflict-affected and fragile countries, and help strengthen the independence and resilience of justice sector institutions and the legal profession. Today, ILAC has more than 80 members including individual legal experts as well as organizations that represent judges, prosecutors, lawyers and academics worldwide.



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**International Association
of Women Judges**

Read the report online:



As the only global network of women judges, the International Association of Women Judges (IAWJ) envisions a world where gender equality, respect for human rights, and inclusive systems are the norm. The IAWJ was founded nearly 30 years ago with a vision of increasing the number of women judges and promoting equal justice for women and girls throughout the world. Today, the IAWJ has grown into a highly respected organization with over 6,100 judges in more than 100 countries and territories.