

## Positive Measures/Affirmative Action/Role Models

### Legal Profession

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- There are many challenges obstructing the way toward guaranteeing the rights of minority women. The most important of them all is access to education, which is closely linked to effective participation in social, economic and cultural life.
- Minorities often face discrimination in employment, in the work place and in gaining access to credit. In the current times of economic hardship minorities, having struggled to obtain employment, are frequently the first to lose those jobs.
- This exclusion which is often based on discriminatory grounds has the effect of maintaining the status quo, preventing upward mobility and keeping minorities in the lower echelons of society.
- It is well-established that in addition to providing some economic security and advancement, education offers a greater likelihood of obtaining employment and encourages broader social advancement.
- However, education is not always enough. In order for minorities to contribute and gain access to practice in the disciplines they are well trained for, more needs to be done by States in discharging their obligations to eliminate racial discrimination and ensuring equality of treatment
- In some countries, access to a judicial position has often been seen as a bar to those who did not fit a 'stereo-male-type', thus apparently ruling out anyone who is a woman and particularly if belonging to an ethnic, religious or linguistic minority group.
- As set out in several human rights documents, measures such as **affirmative action** also referred to as **positive measures** or **positive action** time bound, monitored and specifically designed to address systematic, historic and institutionalised

discrimination, are often needed to address historic inequality, and enable minorities to participate effectively in economic, social and cultural life.

The use of **positive measures** constitutes a fundamental part of the realisation of the right to equality of access. Such measures can include training and recruitment initiatives or quotas in public or private sectors to promote access by minorities to labour markets.

- Among good practices in guaranteeing access by minorities, **positive measures** through engaging with schools, universities and other educational establishments have proven to work.
- In the field of the judiciary, the creation of an independent Judicial Appointments Commission can prove to be very useful to encourage transparency and ensuring that applicants for judicial positions from all parts of a diverse society are fairly treated, and that the judiciary is fairly representative of that society.
- The under-representation in the judiciary and particularly at the higher levels of minority women can be adjusted by encouraging more minority women to apply for judicial positions, while giving them some priority.
- This approach usually results in an increase in the number of minority women judges. This increase creates **role models** who can only serve to encourage more women, particularly those from minority groups to believe that such a goal is achievable.
- It is clear that society can benefit from diversity in judicial perspectives and legal reasonings, including through the benefit of diversity in experience and gender.
- Promoting policies and strategies towards a better and more effective participation of minorities in economic, social and cultural life can only lead to a better, more effective, peaceful society.