



## **PABASA STATEMENT ON DIVERSITY AND GENDER EQUALITY**

During the month of April, the legal profession commemorated the centenary of the Women Legal Practice Act of 1923, which opened doors for women to enter the legal profession. Whilst this occasion was a momentous one and was met with much excitement and jubilation, it was acknowledged that more initiatives addressing gender disparities be employed.

PABASA is committed to the redress of past imbalances, more so in ensuring the promotion of gender equality by promoting the interests and aspirations of female and black practitioners.

Gender inequality remains a threat to sustainable development of female advocates, especially female advocates of colour. The legal fraternity is anchored on colonially imposed, imported legal systems and traditions which inevitably have created barriers of entry for women to enter and remain in the legal profession. The foregoing is evident in the latest statistics that demonstrate skewed gender demographics in the legal profession.

Adequate responses to impediments faced by female advocates of colour are of paramount importance as they are emblematic of democratic values of equality and the legal fraternity's legitimacy. The inroads sought to be made in addressing and

eradicating such impediments cannot simply be dismissed as “*outdated sentiments which erroneously advocate that women are inferior to men*”. Such utterances are ill informed and are premised on colonial privilege.

Achieving diversity and equality in the legal fraternity is a mechanism to correct the past injustices inflicted by apartheid in South Africa. It is a fact that gender disparities are apparent in briefing patterns , with women of colour at the bottom of the pecking order. These disparities persist notwithstanding the transformation initiatives undertaken by the various Bars in the country.

PABASA notes the article published on 5 May 2023 in the Sunday World newspaper, in which Advocate Germa Wright (Adv. Wright’) records her disquiet regarding the establishment of a women’s desk under the Free State Bar Council’s transformation committee.

Adv Wright’s reduction of diversity initiatives as folly does not withstand scrutiny. By her logic, if women have the necessary commitment and capabilities they will be briefed, regardless of gender. These views come as no surprise, after all those who have benefited in the slightest manner from the *status quo*, have the greatest stake in believing in its fairness. Attributing racial, ethnical and gender differences in practice to differences in capabilities and commitment is over simplification of subtle structured gender biasness.

Adv. Wright sentiments is a clear illustration of ‘diversity fatigue’, the foregoing is a real threat to addressing gender inequity.

Diversity and gender equality is not just the 'right thing to do' but it is also critical for the legal fraternity's economic success.

**Issued by:** Chairperson of PABASA and NEC

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