

# **PUBLIC PERCEPTION OF FEMALE LAWYERS IN HARGEISA**

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## **I. INTRODUCTION:**

The road to success for Somaliland's female lawyers was not easy; until very recently there were no female lawyers in the field. Until 2007, Ifrah Aden Omar was the sole practicing female lawyer in Somaliland. She currently heads the first Women Lawyers Association (SWLA) not only in Somaliland but also in Somalia. It was established in Somaliland with the help of the United Nations Development Programme in 2008 (UNDP 2008).

The Somaliland Lawyers Association (SOLA) was established 2004 in Hargeisa and was the first Lawyers Association in Somaliland but there was not one single female lawyer among the SOLA members, making it essential to establish the Somaliland Women Lawyers Association.

The establishment of voluntary legal organizations such as SWLA is crucial to many women in Somaliland, who need a free legal assistance when the legal system has failed to protect and uphold their human rights. Commonly, women and girls are the most underprivileged and susceptible to the effects of poverty, poor education and all types of violence.

Since 2011, UNDP has supported one-year legal internships, making sure half the interns were female. Students were provided with exposure to the public sector, including key ministries, courts, and the police, where they benefited from work experience (Human Right Center 2014). Thus, there are now many female prosecutors and lawyers in Somaliland who are devoted to their profession and compete in the male dominated legal profession. They undertake case proceedings and have demonstrated how female lawyers are crucial in society, but still the gap exists, because there is no strong famous female lawyers and legal firms owned by women who compete with male in every step of the field whether case proceedings, client representation or legal consulting in large business corporations and public offices.

However, the significance of women in legal development and participation and their contribution are immense. In the short time they were in the profession they made a big difference whether to case proceedings, client integration, advocacy and human right activities, although they experience cultural, and social difficulties while doing their jobs.

## **I. Research Question**

- ✓ What is the public perception of female lawyers in Hargeisa?

## **II. Aim of the Research:**

- ✓ To understand the public perception on female lawyers in Hargeisa.

## **III. Objective of the Research**

1. To find out how the public in Hargeisa perceive female lawyers.

## **IV. Methodologies**

This report involves qualitative study including key informant interviewees and 1 focus group discussion. Interviewees included practitioners in a variety of legal specialisms, including a judge, a male lawyer, a senior legal consultant, court registrars, and previous attorney works business owner.

## **V. BACKGROUND OF THE ISSUE**

The journey of women into the legal profession began in 1970's (Michelson, 2013). That was a step forward for modern women to take part in professional development and occupational advancement. Although the increasing transformation of women's role in the legal profession was a good starting point, it did not happen in every country. The spread of women into the legal profession occurs mostly 2000 (Michelson, 2013). The growing entry of women into the profession occurred when the legal profession was generally growing (Menkel-Meadow, 1997).

On the other hand, the concept "feminization" of women into the legal profession meant an increase of women entering into the profession for the first time which permitted more women to be in the field. However, from that point a question arises: "if women in the profession present different perspective in to law or not (Menkel-Meadow, 1997).

Women are super intelligent at solving problems and join the legal profession to make positive social and environmental change (Ballard, 1998). It is a work that allows women to be optimistic to use their intellect, confidence, resourcefulness and perspicacity to solve complex business problems (The Nalp Foundation, 1998). However, women in the legal profession earn

less than men for the same work (Neil, 2013), and they faced a gendered discrimination in their professional life. A further problem is that women lawyers in the law firms are in competition all the time; they are the driving engine of law firms but still women are not in positions of leadership and power in the legal sector and leading the law firms (Kelly, 2014). This also applies in top academic positions.

Women lawyers have the chance and the ability needed to reach the upper echelons of the profession and every area of law. Nevertheless, many obstacles and barriers continue to complicate women's gender-based segregation, including assumptions about their ability and characteristics (Menkel-Meadow, 1997). Furthermore, a study by Carol Gilligan demonstrated that when women identify a problem or issue they offer solutions to moral problems without concluding the right and wrong answers and they are constantly keeping the relationship and moral satisfaction of the parties (Gilligan, 2003).

Today more than ever, women in the legal profession are vigorous participants in advocacy, strengthening and fully exercising the development of the legal sector and bringing valuable contributions as much as men (Menkel-Meadow, 1997).

## **VI. ANALYSING AND FINDINGS**

### **What is your perception on women lawyers' case proceeding in Hargeisa?**

During the interview, Yusuf Gele who is Hargeisa regional court judge, explained female lawyer's case proceedings and stated that: "women lawyers are more loyal than men lawyers. They are very kind to their clients, and the people welcome women lawyers' case proceeding and are willing to work with them due their good performance". Also Guled Jama, who is a lawyer and human rights activist and Chairman of the Human Right Center, agreed that women are as effective as any other lawyer and they can perform their tasks fully and efficiently. "I work with female lawyers and they do their activities and help clients, they face challenges in the male-dominated judiciary where the majority of the staff and all of the judges are men, however, their contributions are enormous Guled added. Correspondingly Hibak Gamute, Executive Director of

Center for Policy Analyses, said women lawyers are good in case proceedings, because there are more than one hundred women legal professionals having had a long legal training in handling cases. Since they have legal proficiency and they have the ability to handle all the cases that the courts adjudicate, whether criminal or civil cases, they are same as the male lawyers in their capacity for advocacy in case proceedings.

Respondent in the Focus group discussion said women differ from men in many things and jobs not just legal practice. They keep promises and they are honest and committed to their job. Similarly female respondents said that women lawyers respect trial hearing schedules and that is the most important thing in case proceedings.

### **What are the most common cases that women lawyers proceed?**

Mr Gele said that: “in regional court women lawyers mostly represent civil cases but recently they also represent enforcement cases”, for example for “the last week I have three enforcement cases that women were lawyers” he said. Female respondents declared that they handle both criminal and civil cases, but most of them proceed family cases and legal aid cases helping vulnerable groups; mostly women, IDPs, and minority groups. While a male lawyer respondent also said female lawyers mostly handle family cases and there are few female lawyers who take other cases, both criminal and civil.

The FGD male respondents said they mostly handle family cases while female respondents added that they also handle some criminal cases but not the heavy cases like murder and terror.

### **How do women lawyers serve their clients?**

“As I know, women lawyers serve their clients better than the men lawyers, although it’s necessary to investigate relationship between women lawyers and clients, but when serving clients women lawyers serve their clients the best; they are very kind to them, they communicate well to the clients and they are available and on time for the court trial hearings schedules they are representing” a regional judge said during interview. The female respondents said during the interview and they serve their clients well, representing their cases on time without delay.

A male lawyer respondent stated that: “Female lawyers are more passionate than their male counterparts. They show sympathy and help their clients. They do their tasks with determination and commitment. Their dedication and hardworking is apparent in the field”.

All respondents in the FGD agreed that when women lawyers serve their clients they charge lower fees than their male counterparts and they are always very kind to their clients, serve honestly and with commitment and they follow up the cases that they represent.

### **How competent are women lawyers in their job according to male lawyers?**

The judge said “The nature of the cases are different one case to another, civil cases and enforcement cases are less risky than criminal cases; Criminal cases are more dangerous than the civil cases and mostly women lawyers represent civil cases because civil cases take time and there are more laws for them and they have some freedom in the civil cases, for that reason women’s competency is related to the nature of the case, also there is no social pressure in the civil cases and its safe and secure compared to the criminal cases” . While female respondents stated that women are more competent in their legal representation than men. They are less corrupted, honest, and punctual than the men.

“Competence is a personal matter. There are competent men and women as there are incompetent men and women. I do not think, the issue of competency has anything to do being man or women” the male lawyer stated.

Female respondents in the FGD said women lawyers are more competent in their job more than anyone else. Similarly female respondents in the FGD said they are competent and they are better than men in some specific cases (family cases), but commonly in the legal profession some criminal cases are against personal attitude and there are circumstances that need deeper investigation, or cases against culture which is extreme. Some believe a women lawyer can’t argue in the courtroom because they are shy.

### **Do you appoint a female lawyer in your own case? And why?**

“It depends on the reputation of the lawyers and how he/she defending my case and this kind of question is interest based, if appointing a women lawyer is my interest and she can make that case yes I am appointing my case, but if it's seen contrary on that I am not. This is not about

gender sympathy it's about personal interest and what this person can do for you" Mr. Gelle replied. Similarly a second interviewee noted that it depends on the nature of the case saying: "I would not base my choice on gender but rather competency and knowledge. If a female lawyer is in a better position to take my case then I would prefer her.... The same is for the male lawyers". Whereas a female interviewee said that: yes of course I will appoint a female lawyer to represent my case because of their punctuality, they are less corrupt and honest. Similarly other female respondents in the FGD said yes I will appoint a female lawyer because of their honesty and timekeeping on the trial hearing schedules and also I can share her with my secrets that I can't give to a male lawyer.

However, a male respondent in the FGD disagreed saying "I prefer men lawyers than women lawyers; I can meet him at coffee shops or chewing qat with him, and in that case, my wife will not be jealous because my lawyer is not female". And also another male respondent in the FGD said it depends on the nature of the case, it's possible to hire a female lawyer because of their honesty and sometimes I will choose a male lawyer for his qualifications.

### **Do women lawyers participate in advocacy development? And how?**

A regional court judge agreed that they do, saying: "Yes they do; women lawyers have the most cases in the Hargeisa district court and that cases are not working without women lawyers, women lawyers know more about families and their behavior and what's required from them. They participate in the litigation process; advocacy development and they help the court very well. In the family cases, there is a need for women lawyers and they fulfill that gap". A second respondent said: they participate through serving as lawyers, and as human rights and humanitarian activists. In the same way, a female respondent in the FGD said. "Women lawyers participate in the advocacy development; they provide legal assistance to the poor people who can't afford a lawyer and that balances to reach justice and provide useful counseling and legal advice to their clients. As they support the victims and their family and show them sympathy that everything will be ok".

In contrast another interviewee said: "women lawyers face discrimination. The judiciary is highly male dominated and in the Somali culture it was only the men who were involved in conflict resolution. Women were even not allowed to be present in the cases they were a part.

From that historical point of view, the female lawyer is not something expected and welcomed”. Another respondent in the FGD said that Somali culture is not structured on how to litigate and there are more people, men and women, who are under oppression and diffident going to court. Women lawyers notice issues like that and they investigate and do their best to provide help.

### **What are the challenges that women lawyers face during their daily job?**

“I am a judge and it’s possible that there is no problem or challenge to them but may be in town there is a challenge and threat because she is women but this needs more investigation about these challenges; but all lawyers face challenge may be their lawyers structure or courage from one to another but sometimes men lawyers are more courageous than the women lawyers. We are patriarchal society and it’s possible” a Hargeisa regional court judge said during an interview. While female respondents declared that they face discrimination in terms of gender, where some of the clients believe that women can’t handle case proceedings.

At the same time, the male lawyer agreed saying that “women lawyers face discrimination. The judiciary is highly male dominated and in the Somali culture it was only the men who were involved in conflict resolution. Even women were not allowed to be present in the cases they were a part. From that historical point of view, the female lawyer is not something expected and welcomed. They also face a huge challenge in getting clients. If you cannot get a client you cannot continue the legal practice. All the female lawyers in the legal profession in one way or another for the institution because female lawyers are facing a challenge in convincing the society to trust to handle cases”.

Correspondingly, female respondents in the FGD said “mostly they face public discrimination for being women, and also men saying that she is women and she can’t do anything to defend their case because they are weak and can't bring strong arguments. On the other hand, if her own family need a lawyer they are going to men lawyers and that weakens her clients and her profession, sometimes women lawyers face threat for defending an accused rape”. While other male respondents in the FGD said there is a perception that the Somaliland justice system is contrary to the Islamic sharia, and also they believe that women lawyers are taking wives out of the home by handling family cases and advocacy for women in trouble and that these women lawyers have a westernized idea of a legal system, because family issues are sensitive and its

better to settle issues through sharia and culture. On the other hand, people look for justification and blame others for their faults and believe that women lawyers are family destroyers and that is one of the biggest challenges that female lawyers face during their duties.

**What are your suggestions to improve/ capacitate women in the legal profession?**

It is “Not only women in the legal profession who needs the improvement, the improving legal system is a success for all and all lawyers will be improved; women lawyers are part of it and when the justice institutions are improved women will take their part but this is not concerning only women in the profession” the judge replied. While the other interviewees recommended giving women further training in the legal profession. In addition, female respondents in the FGD said effective women lawyer’s organizations will strengthen and capacity build for women in the profession and improve their experience in the field and public awareness about female lawyers and the success they have made during their careers and encourage them. While the male respondents in the FGD declared that to avoid the existing legal challenges and power abuse that can occur in some cases, transparency in the legal system and applying the rule of law and protecting lawyers from threat will develop women in the legal profession

A male lawyer interviewee recommended that: “Women shall be appointed as judges to infiltrate in the system and provide the female lawyers an environment they can work in. They also need strong female lawyers association that can help them and give them strong lobbying group”.

## VII. CONCLUSION

Interviewees perceived that woman in the legal profession make an enormous contribution to the field and they filled a gap. Moreover, they emphasized that women lawyers are honest, committed, keep to trial hearing schedules and are less corrupted than to their male counterparts, and they are eager to help their clients including the poor ones.

Although interviewee noted that women lawyers face challenges in the male-dominated legal profession where the majority of the staff and all of the judges are men, and there exist Somali cultural barriers which hold back the women in the profession at all times, they are rising above the difficulties.

I hope that this research stimulates further inquiry and examination of the public perception of female lawyers in Hargeisa, and to bring further investigation of the challenges that women in the legal profession face during their daily job and how to promote their profession, experience, and qualifications to achieve seniority in the field.

## VIII. REFERENCES

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## APPENDIX

This Questionnaire/Interview is to assess the Public Perception of Female Lawyers in Hargeisa. I will ask you some questions and your co-operation would be very much appreciated.

### Interview

1. What is your perception on women lawyers' case proceeding?

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2. What are the most cases that women lawyers proceed?

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3. How do women lawyers serve to their clients?

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4. How do women lawyers are competent in to their job according to men lawyers?

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5. Do you appoint a female lawyer in your own case? And why?

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6. Do women lawyers participate in advocacy development? And how?

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7. What are the challenges that women lawyers face during their daily job?

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8. What are your suggestions to improve/ capacitate women in the legal profession?

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*Thank you for your time and consideration*