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Female Lawyers Protest Discrimination in Nepali Legal Sector

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Meera Dhungana, 46, a lawyer, was 28 when she first stepped into the courtroom to try her first case. Though confident, she says she was uncomfortable addressing the judge. In Nepal, the word used to address the judge is “Shreeman,” which means “Husband.”

“To address a judge as, ‘Shreeman,’ that too for an unmarried woman to use that word, it becomes quite awkward,” she says.

She says the consequences can be more than discomfort for female lawyers.

“For women who aren’t confident enough, it could even put a negative impact on their case, resulting in them losing the case and denying their party justice,” she says.

Dhungana says she remembers that she didn’t address the judge during that first case.

“‘Shreeman’ is someone who we are married to officially,” she says. “But due to the existing traditions, we are forced to use this word in the court.”

She says sometimes people mock female lawyers for addressing the judge using this term, which makes it hard for them to be taken seriously in court.

“There are instances when clients laugh when we refer to judges as, ‘Shreeman,’” she says.

Dhungana, who started her legal career in 1993, says that although she didn’t address the judge her first time in the court, she later had to follow the protocol to avoid being discourteous.

“It was only after six months that I started to address the judge as, ‘Shreeman,’” she says.

The term dates back to before women served as lawyers or judges, and men started to use it to mean “officer.” But for women, they say it has no other meaning for them than “husband.”

Dhungana says women have tried to band together to change the term, but to no avail. She says judges have the power to change it in practice, but they have not.

“In a national assembly of women’s advocate[s], we decided that we wouldn’t use the word ‘Shreeman’ to address the judge,” she says. “But it couldn’t be enforced.” She says this tradition would be frowned up internationally.

“Women in other countries might be shocked that Nepali advocates, fighting for the justice of others, are themselves working against their will in the courts – addressing the judge as, ‘Shreeman,’ or, ‘Husband,’” she says.

From lawyers to members of Nepal’s Constituent Assembly, female professionals say that the tradition of addressing judges as, “Husband,” in court jeopardizes their comfort and success on the job. Campaigns to change the term have been unsuccessful.

Female legal professionals say this reflects the overall discrimination against them, which ranges from more restrictions in court to fewer opportunities for advancement. They say their disproportionate responsibility to take care of their homes and children also makes it harder for them to advance in the field than men.

While some say a government quota can help increase their participation, others say increasing women’s enrollment in law school is key to improving equality while maintaining quality.

There are more than 22,600 men working in the legal field, according to 2011 data from the Nepal Bar Association, the federal organization of Nepali practicing lawyers. In comparison, there are just 1,865 women.

Bimala Khadka, a lawyer, has been working in this field for a decade addressing the judge as, “Shreeman.” She says the term reflects the early domination of the legal profession by men.

“In terms of gender biasness, until recent history, it was unthought of of a woman to be a judge,” she says. “Hence, the word was used to address a judge as the profession only had men.”

The first woman to practice law in Nepal received her certificate from the Supreme Court in 1960, about a decade after the first high court was established in the country and several years after the Supreme Court enabled women to practice. This certificate meant she could file cases but not fight them.

The first woman to be able to fight cases registered as an advocate in 1963. The first female

judge was appointed in 1966, and the first woman joined the Supreme Court in 2001.

Yet, the tradition of referring to judges as, “Shreeman,” is still in practice.



Source: UNIFEM

Sushma Baral, 49, a lawyer, says addressing the judge as, “Shreeman,” is discriminatory and thus makes the legal sector challenging for women.

And it’s not only the female lawyers who face awkward situations that could impede their work because of the term.

Members of the Nepali Parliament say they too have hesitated to put forward their opinions in court because of the term. When there is a female judge, male and female parliamentarians say it’s uncomfortable to address her as, “Shreeman.”

Lucky Sherpa, a member of Nepal’s Constituent Assembly, says it’s also uncomfortable for female members of Parliament to call male judges, “Shreeman.”

“Once, I was at a discussion in the presence of a judge who had to be referred to as, ‘Shreeman,’” she says. “I kept quiet until I heard a fellow woman address him as, ‘Sir.’ Only then could I put forward my thoughts.”

Sapana Pradhan Malla, another Constituent Assembly member and a lawyer as well, has been leading the campaign to not address judges as, “Shreeman.” But Malla says the campaign has lost its momentum. Men’s dominance in Nepali society also reflects in the country’s judicial system, she says.

Khadka says that female lawyers started a campaign to use the Nepali phrase for “Your Honor” instead.

“In 2009, at a national assembly in Butwal in western Nepal, the women had also decided to change it,” she says.

They also presented a formal application to Keshav Prasad Upadhyaya, then the chief justice. But the term was not changed.

Rameshwor Rawat, a male lawyer, agrees that the term should be changed.

“The word, ‘Shreeman,’ is used as a respectable word to address the judge,” he says. “But due to this literally meaning in Nepal, it is better not to use the word.”

But he says there needs to be a uniform and respectful term to replace it.

“It’s not acceptable that some advocates don’t address the judge and some address them as, ‘Sir,’” he says. “There needs to be uniformity.”

He says that people shouldn’t be averse to change.

“There have been many transformations in the country,” he says. “Thus, it’s nothing new that the way to address a judge is also looking for change.”

Women say the endurance of this term reflects the overall culture of discrimination against them in the legal profession.

Some female advocates say that judges often don’t pay attention while they are making their points in court, while judges listen to their male counterparts regardless of time limits.

Anita Manandhar Joshi, a lawyer and member of the Nepal Bar Association, says that judges don’t take women seriously. For example, she says that judges listen to long, irrelevant discussions from her male counterparts but ask her to cut her arguments short.

“This is another example of the discrimination that goes [on] here,” she says.

She says that this culture discourages women from participating in the field, with women making up less than 10 percent of licensed legal professionals in Nepal.

“There are only 7 percent women with license to practice,” Joshi says.

Shova Karki, 31, another lawyer who belongs to the Nepal Bar Association, says that sometimes

male lawyers shout and ask irrelevant and insignificant questions during court proceedings.

Meanwhile, female lawyers are kept on a tight leash, asked to stay on track, or sometimes told to be quiet while asking a question or making an argument.

“It’s sad that people look at what women are doing as menial,” she says. She says this limits women’s advancement in law.

“There’s a social notion that women cannot work as men do, and it’s because of this narrow-minded mentality that women aren’t given higher responsibilities in the work hierarchy despite their qualifications and experience,” she says.

Karki says that women also receive fewer opportunities than men.

“There’s isn’t a contributory work environment for women,” she says. “They’re not given opportunities to participate in trainings, seminars and conferences. But fellow male counterparts get all this opportunities because they are men.”

Baral agrees. She says that studying is not enough and that lawyers need constant practice to improve. But she says men receive more opportunities to practice.

“In this profession, men are given more priority and opportunities regardless of fellow women who are working hard night and day,” she says.

Women say that their responsibilities in the home are another hurdle to their advancement in the field.

“Because women have to be responsible for the household, the number is comparatively lower than men,” Baral says.

She says it is difficult for a woman to be a lawyer and have a family with the current structure of the family and legal system in Nepal.

“Though women are energetic and enthusiastic, most of them don’t practice after marriage,” she says. “And though they’re active, they haven’t been able to reach to the leadership positions.”

Joshi says that there are fewer women than men in the profession because of the dual roles they must balance. She says being a housewife gives women less time to study and practice law.

Ram Maya Dhakal, from Jhapa, a district in eastern Nepal, started practicing law soon after graduating from university. But she says the number of cases she handled were limited because

of her responsibility to her family.

After she got married, her husband established his own school, and Dhakal says she was forced to look after the management of it, ending her law career.

Baral cites these domestic responsibilities as one reason that the federal quota set to increase women's participation in the field has not been met.

"The state has a 33-percent quota for all its divisions," Baral says. "But it isn't so in the legal field."

Others reject this quota. Lawyer Narayah Kumar Shrestha says that the state should have an open competition for men and women. He says the 33-percent quota for women makes women look weaker than men and doesn't allow for the best lawyers to enter the profession.

"In all the sectors, for all the positions, there should be an open and fair competition for men and women," he says. "So whoever is better qualified will get the position."

He instead recommends education as the key to quality and equality. "Women should be more encouraged to join legal studies," he says.

At the Nepal Law Campus, one of the main law schools in Kathmandu, the student body is 75 percent men and 25 percent women, Joshi says.

Until there is more parity in the legal field, Baral says the best way to win her clients' trust is through consistently high-quality work.

"Looking at how I handle my cases, clients have actually left their advocates and come to me," she says.

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