Challenges facing women legal practitioners in Kenya

Gender inequality in the legal profession has continued to undermine the delivery of justice. The aim of this study was to investigate the gender related challenges facing women legal practitioners with specific emphasis on the social and cultural challenges as well as economic and professional challenges. The study intended to provide a platform to relevant stakeholders in the legal profession for addressing gender inequalities within the private legal practice. The study adopted Feminist Legal theoretical framework by Margaret Thornton. A conceptual framework was logically designed to describe the model of the problem, causes, strategies and results of women legal practitioners. The study was based on the assumption that women legal practitioners in Kenya face social and cultural challenges as well as economic and professional challenges which are gender related and common and can be overcome. The study employed a cross sectional descriptive survey focusing on women legal practitioners within three categories; partners, sole proprietors and associates. The target population comprised of women legal practitioners within the three categories practicing within Nairobi County. The Researcher stratified data from the register of advocates with the Law Society of Kenya, in regard to the number of women and men legal practitioners in the three categories of private practice in Kenya, simple random sampling was used to select the sample size for the study. A semi-structured questionnaire was used to collect data from the respondents followed by interviews. Data was analyzed quantitatively and qualitatively by descriptive statistics and was presented in form of tables, charts, graphs and narratives. The study established that women in the legal profession still remain underrepresented in position of greatest status, influence and economic reward in law firms. Women face gender related challenges; social and cultural challenges which include lack of proper accommodation of familial roles, sexual harassment, limited career advancement, stereotypes and gender discrimination including sexist behavior, harassment, demeaning comments. Women legal practitioners are faced by economic and professional challenges, with fewer women reaching the level of partnerships, unequal pay, lack of mentors, lack of policy to address sexual harassment and promotions in the law firms. The findings also indicated that employer’s offers women legal practitioners work assignment and career opportunities that are generally less challenging or of lower profile than those of men. It was concluded that women legal practitioners are faced by both social and cultural challenges as well as economic and professional challenges. The study recommends for the Law Society of Kenya to develop gender model policies necessary to enhance women welfare in the legal practice and provide equal opportunities for the advancement of women in the legal field. Law firm needs to put in place strategies to increase gender equality and implement concrete steps to assist their women lawyers in advancing their career. Law firms need to develop and implement reduced hour policies, written full time flex policies and provide backup child care facilities.

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