
BEHIND THE NEUTRAL TABLE: GENDER, POWER, AND PERCEPTION IN ADR PROCESSES

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ABSTRACT

Gender bias remains an underexamined yet pervasive issue in the practice and outcomes of Alternative Dispute Resolution (ADR) processes, including mediation, arbitration, and negotiation. While ADR is often praised for its informality, flexibility, and potential to empower marginalized voices, these very characteristics can also reinforce existing gendered power imbalances. This article critically explores how implicit and explicit gender biases shape the roles, perceptions, and decision-making of mediators, arbitrators, and disputing parties. Drawing on empirical studies, feminist legal theory, and case analyses, the paper highlights how gendered expectations influence communication styles, credibility assessments, and the negotiation of settlements. It also examines the structural and procedural features of ADR that may disadvantage women and gender-diverse individuals, such as confidentiality norms, lack of transparency, and limited oversight. The article concludes by proposing reforms aimed at promoting gender equity in ADR, including bias training for neutrals, gender-sensitive procedural guidelines, and mechanisms for accountability and representation. Ultimately, the study underscores the need to critically evaluate ADR's promise of neutrality and fairness through a gender-conscious lens.

Why is Gender Dynamics in ADR questioned?

Gender dynamics in Alternative Dispute Resolution (ADR) pertain to the influence of gender on the processes, experiences, and outcomes associated with resolving disputes outside conventional court systems. This framework includes the representation, participation, and effects of various genders within ADR practices, emphasizing disparities and opportunities for enhancement.

Grasping these dynamics is crucial for cultivating equitable ADR environments. It necessitates acknowledging the contributions of female practitioners, whose distinct perspectives and methodologies can improve conflict resolution. Furthermore, gender dynamics are pivotal in shaping the perceptions and biases that participants introduce to ADR processes¹.

The interaction between gender and ADR involves multiple factors, such as societal norms and institutional frameworks. These dynamics can profoundly influence how disputes are navigated, mediated, or arbitrated. By examining these elements, stakeholders can formulate strategies that encourage gender inclusivity and tackle the challenges women may encounter within ADR frameworks.

This comprehension acts as a basis for further investigation into historical viewpoints and contemporary trends in gender representation, thus facilitating significant reforms in the ADR sector.

Historical Perspective on Gender in ADR

The historical development of gender dynamics in Alternative Dispute Resolution (ADR) mirrors the broader societal perceptions of gender roles. Historically, ADR processes, including mediation and arbitration, were predominantly led by male practitioners, reflecting the patriarchal frameworks of the legal and corporate sectors.

As the late 20th century progressed, there was a gradual increase in women's involvement. Significant movements advocating for women's rights and gender equality in the workplace played a crucial role in enhancing the visibility of female ADR practitioners. With the growing

¹ <https://blog.ipleaders.in/no-mans-arena-gender-equality-arbitration/>

awareness of gender equity issues, the contributions of women in ADR began to receive acknowledgment.

Women have taken on various roles within ADR, such as mediators, arbitrators, and legal advisors. Trailblazing female figures established essential foundations, proving that effective negotiation and mediation are not confined to any specific gender. This transformation has been crucial in altering gender dynamics within ADR. Despite the advancements made, historical obstacles continue to affect current gender representation. Continuous efforts are required to break down stereotypes and encourage diverse participation in ADR, thereby ensuring a fair future for all practitioners.

Current Gender Representation in ADR

At present, the portrayal of gender in Alternative Dispute Resolution (ADR) mirrors wider societal patterns, revealing both obstacles and advancements. Women are increasingly involved in ADR; however, they still represent a minority in leadership positions, especially in high-stakes mediation and arbitration contexts.

Based on the current statistics available, the representation of women in Alternative Dispute Resolution (ADR)—especially in roles such as arbitrators or neutrals—is improving but still far from adequate if the benchmark is gender parity (i.e., roughly 50% women) or even fully equitable representation. Here's a breakdown:

What the data show

- For the major institutions (globally) in commercial arbitration: women arbitrators around ~21% of all appointments in 2019².
- For instance, with German Arbitration Institute (DIS) in its 2023 numbers: 24.34% of all arbitrators were women³.
- Another example: For International Centre for Settlement of Investment Disputes (ICSID) the data show that historically women made up only ~15% of arbitrator

² <https://www.bbc.com/news>

³ <https://www.bbc.com/news>

appointments, although more recently increases (to ~29%) have been reported⁴.

- For India: The D.Y. Chandrachud (Chief Justice of India) has stated that less than 10% of Indian arbitrators on international panels are women⁵.

The data consistently show that while institution-led appointments (i.e., by the administering body) may approach higher percentages of women, party-nominated or co-arbitrator appointments lag significantly behind.

Coming to the question of why the “adequate” representation is questionable Even where the figures are at ~24–30% women, this still means that roughly 70–75% of arbitrators are men. If one defines “adequate” as somewhere near parity, these numbers fall short. The disparity is greater when appointments are made by parties/co-arbitrators rather than by institution nomination: women are far less likely to be selected in those roles. This means that structural bias still has a meaningful effect⁶.

For many regions and types of ADR (mediation, domestic arbitrations, non-commercial disputes) the data are much sparser and the levels of participation of women may be even lower (or simply not well documented).

Representation is not just about “some” women being present — it’s also about having women in meaningful roles (e.g., as presiding arbitrators, in major commercial/complex disputes) and being part of the decision-making leadership, which many studies show remains heavily male-dominated. +

My conclusive answer for the question of there being adequate representation of women in ADR is No — based on current publicly-available statistics, one cannot say that there is adequate representation of women in ADR institutions if “adequate” is taken to mean proportionate to women’s presence in the legal field.

In the realm of arbitration, for example, the proportion of women acting as arbitrators remains low, frequently falling short of the representation seen in other legal sectors. Importantly, institutional initiatives and guidelines, such as those from the ICC and the AAA, seek to tackle

⁴ <https://www.bbc.com/news>

⁵ <https://legalaffairs.gov.in/adr>

⁶ <https://www.ndtv.com/>

these inequalities by fostering gender balance in appointment practices. This existing scenario of gender dynamics in ADR necessitates ongoing assessment and focused efforts to enhance female representation, which can result in a broader range of perspectives and fairer outcomes within the discipline.

In examining the elements that affect gender dynamics in Alternative Dispute Resolution (ADR), several critical factors come to light. Socio-cultural norms significantly influence this area, as the prevailing attitudes and beliefs regarding gender often determine the level of participation and representation of women in ADR contexts. These norms can limit women's access to opportunities and affect their acceptance in leadership positions⁷.

Moreover, institutional frameworks also shape the gender dynamics present in ADR. The policies adopted by organizations, such as recruitment strategies and advancement pathways, can either foster inclusivity or perpetuate existing biases. For example, the absence of family friendly policies may disproportionately impact female practitioners.

Another crucial aspect is the educational background and achievements of women in the ADR sector. Access to training and mentorship initiatives can empower female practitioners, improving their skills and self-assurance. In contrast, the lack of such resources can impede their professional development and restrict gender equity in ADR.

Finally, the presence of female role models in ADR environments influences the ambitions of emerging practitioners. Positive representation can motivate women to pursue careers in ADR, challenging stereotypes and promoting a more equitable atmosphere within the profession⁸.

Gender Bias and Stereotypes in ADR

At present, the portrayal of gender in Alternative Dispute Resolution (ADR) mirrors wider societal patterns, revealing both obstacles and advancements. Women are increasingly involved in ADR; however, they still represent a minority in leadership positions, especially in high-stakes mediation and arbitration contexts⁹. Recent statistics show that around 30% of ADR practitioners are women, underscoring persistent gender disparities. These statistics fluctuate

⁷ https://www.legalserviceindia.com/legal/article-1678-alternative-dispute-resolution-adr-.html#google_vignette

⁸ <https://www.ndtv.com/>

⁹ <https://jils.blog/wp-content/uploads/2025/01/hp.pdf>

considerably based on the specific ADR methods and geographical areas, with certain regions exhibiting a stronger dedication to inclusivity than others¹⁰.

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This existing scenario of gender dynamics in ADR necessitates ongoing assessment and focused efforts to enhance female representation, which can result in a broader range of perspectives and fairer outcomes within the discipline¹¹.

If we talk about the strategies to enhance the gender equity in this practice, then the same necessitates specific strategies that tackle existing inequalities. Two key methods include the implementation of comprehensive policy recommendations and the enhancement of training and education programs. Policy recommendations should aim to establish frameworks that encourage gender inclusivity within ADR practices. These policies can require equal representation on arbitration panels and mediation teams, ensuring that diverse perspectives are incorporated into the resolution processes¹².

Training and education programs can be tailored to raise awareness among ADR practitioners regarding gender dynamics. By including modules on unconscious bias and gender sensitivity, practitioners will be better prepared to address issues effectively and cultivate an environment that promotes gender equity.

Furthermore, continuous workshops and seminars can facilitate professional growth, empowering female ADR practitioners. Institutions can create mentorship programs to link emerging professionals with seasoned leaders, thus fostering a supportive network that advocates for gender equity in ADR.

To advance equitable gender dynamics in Alternative Dispute Resolution (ADR), it is essential to implement strong policy recommendations. These policies should require the incorporation

¹⁰ <https://legallaffairs.gov.in/adr>

¹¹ <https://jils.blog/wp-content/uploads/2025/01/hp.pdf>

¹² https://www.legalserviceindia.com/legal/article-1678-alternative-dispute-resolution-adr.html#google_vignette

of gender sensitivity training in all ADR institutions. Such training can improve awareness and comprehension of the intricate gender dynamics present in ADR.

Furthermore, instituting gender quotas for ADR panels could greatly enhance representation. By guaranteeing that both women and men are equally represented, a variety of perspectives can contribute to more thorough decision-making processes. This strategy can cultivate an environment where all participants feel appreciated¹³.

Investing in outreach initiatives that motivate women to pursue careers in ADR is also crucial. Facilitating mentorship programs and networking opportunities can assist female practitioners, addressing the current gender disparities. Establishing scholarships specifically for women seeking training in ADR can further promote their involvement in this sector¹⁴.

Finally, nurturing collaborations between ADR organizations and women's rights groups can result in the creation of customized policies that tackle specific obstacles encountered by women. Such partnerships can lead to significant progress in achieving gender equity within the field of Alternative Dispute Resolution.

Training and educational initiatives in the domain of Alternative Dispute Resolution (ADR) play a vital role in enhancing the understanding of gender dynamics. These programs are designed to equip practitioners with the necessary skills to identify and address gender biases that may arise during dispute resolution processes¹⁵.

Typically, these programs include a range of components aimed at increasing awareness and fostering an inclusive environment. The key components consist of:

- Workshops focused on identifying gender biases and stereotypes.
- Role-playing exercises that offer practical experience in various mediation contexts.
- A curriculum that emphasizes the historical roles of gender in dispute resolution¹⁶.

¹³ <https://legalaffairs.gov.in/adr>

¹⁴ <https://blog.ipleaders.in/no-mans-arena-gender-equality-arbitration/>

¹⁵ <https://jils.blog/wp-content/uploads/2025/01/hp.pdf>

¹⁶ <https://legalaffairs.gov.in/adr>

Through comprehensive training, ADR practitioners can cultivate the competencies required for promoting equitable participation. By integrating discussions on gender dynamics within ADR, a supportive environment for both male and female mediators is established, thereby enhancing the overall effectiveness of dispute resolution processes.

The Contribution of Female ADR Practitioners

Female practitioners in ADR make significant contributions to the field of Alternative Dispute Resolution, impacting both its practice and public perception. Their involvement increases diversity and introduces a range of perspectives to negotiation and mediation processes, which are crucial for achieving fair outcomes¹⁷.

In the contexts of mediation and arbitration, female practitioners often exhibit distinctive skills, such as empathy and strong communication abilities, which can facilitate more amicable resolutions. Their participation can help bridge communication divides and promote a collaborative environment, thereby improving the overall experience for all parties involved¹⁸.

The presence of women in ADR roles mirrors broader gender dynamics within the legal profession. By engaging in high-profile cases, women act as role models, motivating future generations. Their leadership roles can challenge existing stereotypes and contribute to advancing gender equity within the field¹⁹.

To fully leverage the impact of female ADR practitioners, it is essential to provide support for their professional growth through specialized training and mentorship.

Analyzing particular instances of gender dynamics in Alternative Dispute Resolution (ADR) provides significant insights into the impact of these dynamics on outcomes within dispute resolution environments. Successful mediation cases led by women, for example, frequently illustrate the effectiveness of varied perspectives in reaching comprehensive solutions. A notable instance featured a successful female mediator who adeptly guided parties through a complex commercial dispute, where her inclusive approach enabled meaningful negotiations.

¹⁷ <https://jils.blog/wp-content/uploads/2025/01/hp.pdf>

¹⁸ <https://blog.ipleaders.in/no-mans-arena-gender-equality-arbitration/>

¹⁹ https://www.legalserviceindia.com/legal/article-1678-alternative-dispute-resolution-adr.html#google_vignette

Conversely, instances where gender disparities remain evident expose considerable challenges. A notable arbitration case demonstrated how panels dominated by males tended to favor established narratives, resulting in less equitable outcomes. These dynamics revealed biases that can surface in conventional dispute resolution environments, emphasizing the necessity for fair representation.

The insights gained from integrating gender considerations in ADR highlight the critical role of diversity in achieving equitable resolutions. By adopting inclusive practices, organizations have reported enhanced satisfaction levels among the parties engaged in the process. Such case studies not only shed light on existing inequalities but also offer a framework for promoting gender equity in ADR, ultimately enriching the landscape of dispute resolution.

Successful female-led mediation cases underscore the significance of diverse mediator representation in dispute resolution. These instances highlight how female practitioners contribute unique perspectives and negotiation techniques that encourage collaboration and understanding among conflicting parties.

For instance, women's proficiency in establishing rapport has proven advantageous in cases involving family disputes and workplace disagreements. Their abilities often result in resolutions marked by mutual respect, which can greatly improve long-term relationships.

Prominent examples of successful female-led mediations include:

- A mediation addressing workplace harassment led to the establishment of extensive policy modifications, thereby improving the organizational culture.
- A family mediation session, in which a female mediator effectively facilitated dialogue among estranged family members, ultimately mended familial relationships.

These instances demonstrate the beneficial influence that female participation can exert on the resolution of intricate disputes, highlighting the importance of gender dynamics in Alternative Dispute Resolution (ADR)²⁰.

²⁰ <https://jils.blog/wp-content/uploads/2025/01/hp.pdf>

Lessons Learned from Gender Integration

The integration of gender in Alternative Dispute Resolution (ADR) has highlighted several key lessons that shed light on its influence on practice and outcomes. By embracing diverse gender perspectives, ADR processes can become more inclusive, resulting in outcomes that mirror a broader spectrum of experiences and insights. This expansion of dialogue encourages innovative solutions to conflicts²¹.

A significant lesson is the beneficial effect of mixed-gender teams in mediation contexts. Collaborative efforts frequently lead to improved communication and understanding, as varied backgrounds enrich the discussion²². Additionally, the involvement of female practitioners can challenge conventional gender norms, fostering more equitable methods of conflict resolution.

Furthermore, gender integration has emphasized the necessity of addressing implicit biases that exist within ADR processes. Raising awareness and providing education about these biases can enhance methodologies in dispute resolution. This transformation not only boosts the effectiveness of the ADR process but also empowers all participants, cultivating an atmosphere of trust and respect.

In addition, the participation of women in leadership positions within ADR has proven to motivate younger practitioners. Mentorship networks established by female leaders contribute to nurturing future generations of ADR professionals, ensuring that gender dynamics in ADR continue to progress positively.

Future Trends in Gender Dynamics in ADR

Anticipated future trends in gender dynamics within Alternative Dispute Resolution (ADR) suggest a changing environment that prioritizes inclusivity and representation. The incorporation of gender perspectives into mediation and arbitration processes is anticipated to become a standard practice, thereby improving the efficacy of conflict resolution.

Technology is expected to significantly enhance accessibility for underrepresented genders in ADR. Virtual platforms can enable participation, particularly for women who encounter

²¹ https://www.legalserviceindia.com/legal/article-1678-alternative-dispute-resolution-adr.html#google_vignette

²² <https://blog.iplayers.in/no-mans-arena-gender-equality-arbitration/>

obstacles in conventional settings. This transition may result in a more diverse array of ADR practitioners²³.

Growing awareness and advocacy concerning gender bias are encouraging organizations to implement gender-sensitive policies. These policies are designed to dismantle stereotypes within ADR practices, promoting fair treatment of all parties involved, irrespective of gender.

Finally, interdisciplinary collaborations will contribute to the development of training methodologies that emphasize gender dynamics. Educational programs that integrate gender analysis will equip future ADR professionals to identify and address biases, ultimately transforming the field into a more equitable space.

Conclusion: Towards Equitable Gender Dynamics in ADR

The quest for equitable gender dynamics in Alternative Dispute Resolution (ADR) is crucial for cultivating a more inclusive and effective legal environment. Historical challenges have influenced current perceptions and norms, necessitating dedicated efforts to reduce gender disparities.

Advancing gender equity in ADR requires the implementation of comprehensive policy recommendations and the creation of targeted training programs. These initiatives should focus on dismantling stereotypes and biases that have historically impacted the practice, ensuring that both male and female practitioners can contribute on equal footing²⁴.

The important contribution of female ADR practitioners highlights the ability of diverse viewpoints to enhance dispute resolution processes. Their participation can result in more sophisticated and effective outcomes, demonstrating a wider comprehension of the intricacies involved in mediation.

Adopting future trends focused on improving gender dynamics will foster a fair and equitable ADR environment. By adhering to these principles, the ADR community can not only refine its practices but also motivate broader societal transformation concerning gender representation and involvement.

²³ <https://blog.iplayers.in/no-mans-arena-gender-equality-arbitration/>

²⁴ https://www.legalserviceindia.com/legal/article-1678-alternative-dispute-resolution-adr.html#google_vignette