

Gender equality in the judiciary

Ensuring gender balance in judicial leadership has been increasingly highlighted by OECD countries as a key governance issue related to fairness, transparency and the effectiveness of rule of law (OECD, 2019). A diverse judicial workforce can bring different voices and perspectives to the bench. Such diversity and gender balance can also strengthen the integrity of the judiciary, promoting citizen's trust in justice services. Greater participation of women in judicial professions, particularly at senior levels, can also help reduce gender stereotypes and increase women's willingness to enforce their rights.

As of 2018, women made up 61% of the judiciary in the OECD-EU countries, ranging from 81% in Latvia to 33% in the United Kingdom. Overall, in most OECD countries, gender representation across the judiciary has remained fairly constant or has marginally increased compared to 2016. On average during this period the share of women judges increased by 2 p.p. The greatest increase in the share of women judges was recorded in Turkey (5 p.p.) but there were marginal declines of 1 p.p. in Iceland and Israel. When comparing gender balance among judges, it is important to consider the unique features of national legal systems and professional development patterns. For example, differences exist between the civil law system and the common law system: in the former, women can be recruited directly from law schools before they face possible career disruptions, while in the latter, women face a statutory requirement for at least five or seven years post-qualification experience for legally qualified posts in the judiciary (Figure 3.14).

However, uneven gender representation continues to be observed in high-level courts, with significant gaps observed at the supreme court level. In fact, on average the share of female judges in supreme courts across OECD-EU countries, recorded a value of 36% in 2018 (Figure 3.15). In comparison, the average share of female judges was 63% in first instance courts and 54% in second instance courts across OECD-EU countries in 2018. This pattern can be explained by several persistent barriers to access to judicial positions for women, such as gender stereotypes and biases and challenges in reconciling work and life due to a culture of long working hours. Lack of empowerment, mentoring, networking and professional development opportunities can also hamper women's presence in the pool of senior judicial positions.

Methodology and definitions

Data on the gender equality of professional judges refers to the overall share of women occupying judgeship positions in 2016 and 2018 in courts of all instances. The data were retrieved from CEPEJ-STAT, a dynamic database of European judicial systems of the Council of Europe European Commission for the Efficiency of Justice (CEPEJ).

Data on the gender equality of professional judges by court refers to the share of women occupying judgeships in three levels of courts as of 2018: first instance, second instance and supreme courts. The data were retrieved from the CEPEJ-STAT.

Courts of first instance are where legal proceedings begin, courts of second instance review decisions issued by lower courts and supreme courts are the highest courts within the hierarchy of many legal jurisdictions and primarily function as appeal courts, reviewing decisions of lower and intermediate-level courts.

Professional judges are those recruited, trained and remunerated to perform the function of a judge as a main occupation. This category includes professional judges from first instance, second instance and supreme courts.

Further reading

OECD (2019), *Fast Forward to Gender Equality: Mainstreaming, Implementation and Leadership*, OECD Publishing, Paris, <https://doi.org/10.1787/g2g9faa5-en>.

OECD (2018), *Toolkit for Mainstreaming and Implementing Gender Equality*, OECD website, www.oecd.org/gender/governance/toolkit/.

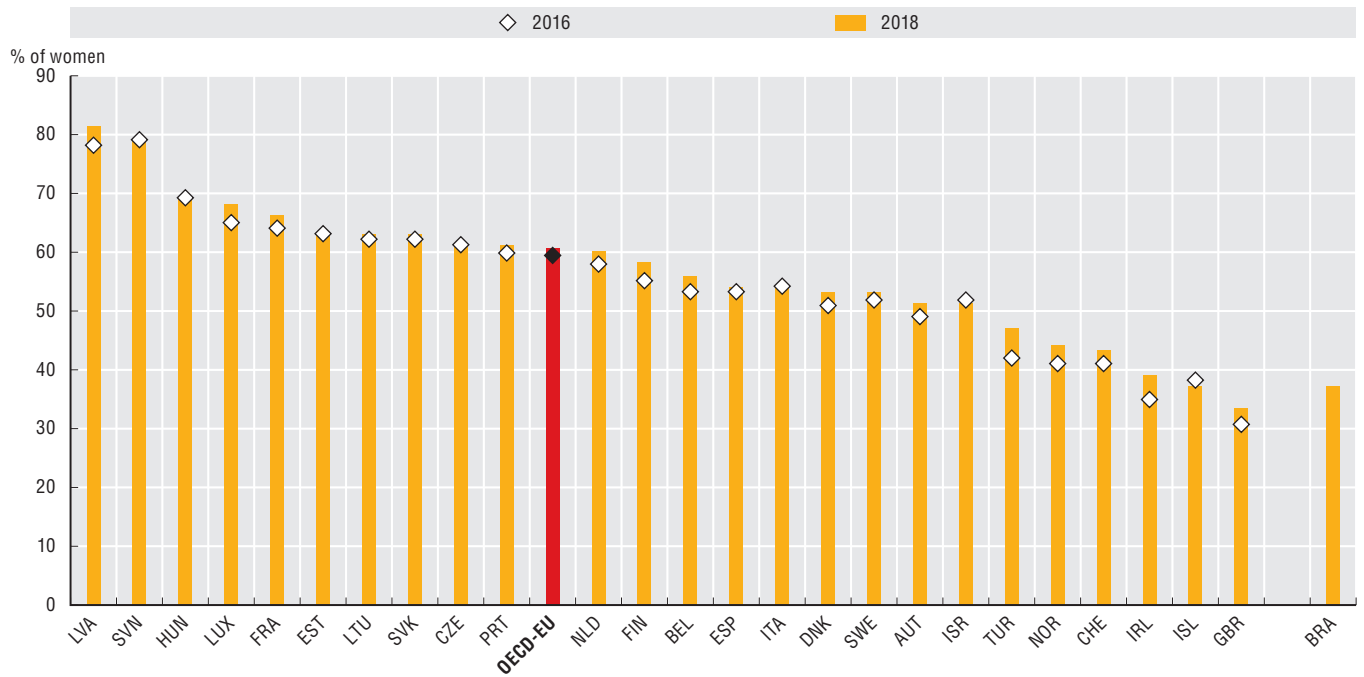
OECD (2016), *2015 OECD Recommendation of the Council on Gender Equality in Public Life*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264252820-en>.

Figure notes

Germany, Greece and Poland have not been included in the average because of missing time series.

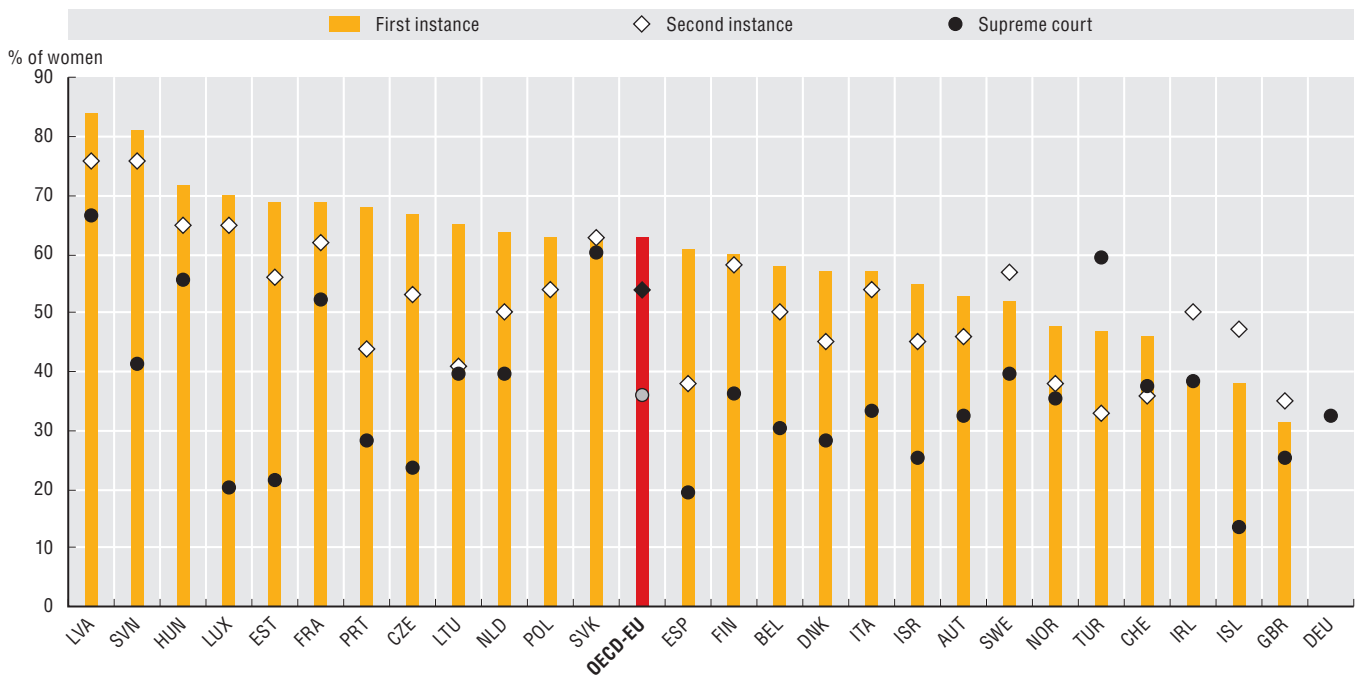
Data for the United Kingdom calculated as a simple average of the share of female judges in England and Wales, Northern Ireland, and Scotland.

3.14. Gender equality of professional judges, 2016 and 2018

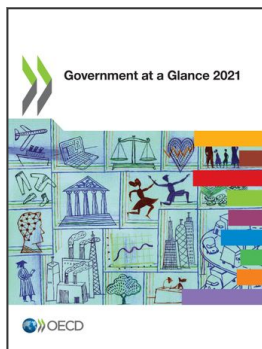


Source: Council of Europe European Commission for the Efficiency of Justice (CEPEJ) CEPEJ-STAT (database), StatLink <https://doi.org/10.1787/888934257584>

3.15. Gender equality of professional judges by level of court, 2018



Source: Council of Europe European Commission for the Efficiency of Justice (CEPEJ) CEPEJ-STAT (database), StatLink <https://doi.org/10.1787/888934257603>



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