

### Gender equality in the judiciary

Ensuring diversity and gender equality in judicial positions, including at senior levels, can reduce the barriers women faced in accessing justice, and increase their willingness to approach the legal system. Improving the representativeness and diversity of the judiciary can also support its quality, independence, impartiality and integrity (OECD, 2022). Overall, ensuring a gender-balanced judicial leadership remains a key governance issue in OECD countries as it relates to fairness, transparency, and the effectiveness of the rule of law (OECD, 2019).

Women's share of the overall judiciary averaged 57.2% in OECD countries in 2020, showing a slight increase of 3.9 percentage points compared to 2014 (Figure 12.7). Women occupied at least 30% of judicial positions in all OECD countries, albeit with wide variations – ranging from 81% in Latvia to 31% in the United Kingdom. In 8 out of 23 OECD countries with available data, the share has risen by 5 p.p. or more since 2014, with the largest increase seen in Türkiye (13 p.p.). The share of women judges remained the same in Austria, Hungary, and the Slovak Republic, and fell marginally in the Czech Republic (1 p.p.). However, gender balance among judges should also be considered in the context of inherent features of national legal systems and women's professional development patterns. For example, there are differences between different legal systems: in civil law systems, women can be recruited directly from law schools before they face possible career disruptions, while in common law systems, women face a statutory requirement of at least five or seven years post-qualification experience before they are legally qualified for posts in the judiciary.

In recent years, OECD countries have made progress in women's representation at the supreme court level, with a significant increase of 7 p.p. between 2014 and 2020 (Figure 12.9). However, the share of women in high-level courts continue to be small, with significant differences at the supreme court level. While women make-up an average of 61.8% of judicial positions in first instance courts, and 54.3% in second instance ones, as of 2020, they occupied only 40% of the positions in supreme courts (Figure 12.8). Although there is a great deal of variation in judicial recruitment systems among OECD countries, the smaller share of judicial positions occupied by women in high-level courts can be partly explained by challenges such as gender stereotypes expressed in behaviors and attitudes embodied by judicial staff and authorities, limited professional development opportunities for women in the legal profession, work-life balance challenges, and mobility and relocation barriers (OECD, 2019).

#### Methodology and definitions

Data on gender equality of professional judges refers to the overall share of women occupying judgeship positions in 2014 and 2020 in courts of all instances. The data were retrieved from the 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 2020: first instance, second instance and supreme courts. The data were retrieved from the CEPEJ-STAT.

Courts of first instance are where legal proceeding 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 decision 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.

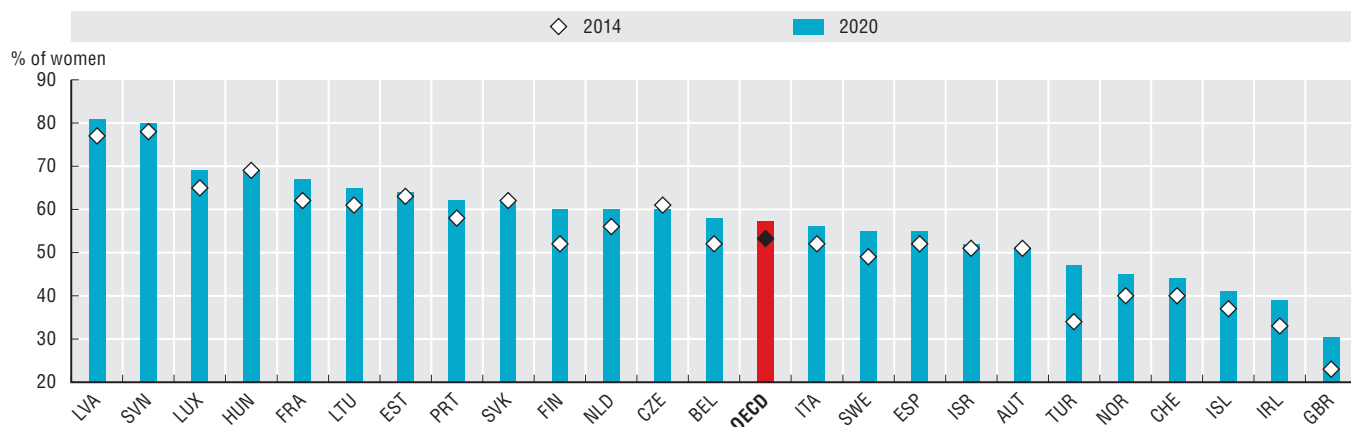
#### Further reading

- OECD (2022), *Report on the Implementation of the OECD Gender Recommendations*, OECD, Paris, C/MIN(2022)7.
- OECD (2019), *Fast Forward to Gender Equality: Mainstreaming, Implementation and Leadership*, OECD Publishing, Paris, <https://doi.org/10.1787/g2g9faa5-en>.
- OECD (2016), *2015 OECD Recommendation of the Council on Gender Equality in Public Life*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264252820-en>.
- OECD (forthcoming), *OECD Toolkit for Mainstreaming and Implementing Gender Equality 2023*.

#### Figure notes

- Data shown and OECD average refer to OECD member countries that are also members of the Council of Europe (OECD COE countries). Data for Denmark, Germany, Greece and Poland are not available. Data for the United Kingdom are calculated as a simple average of the share of female judges in Northern Ireland and Scotland only.
- 12.7. Data for Iceland refer to 2012 instead of 2014.
- 12.8. Data for Iceland, the Netherlands and the United Kingdom are not included in the OECD average.
- 12.9. Data for Iceland, the Netherlands and the United Kingdom are not available.

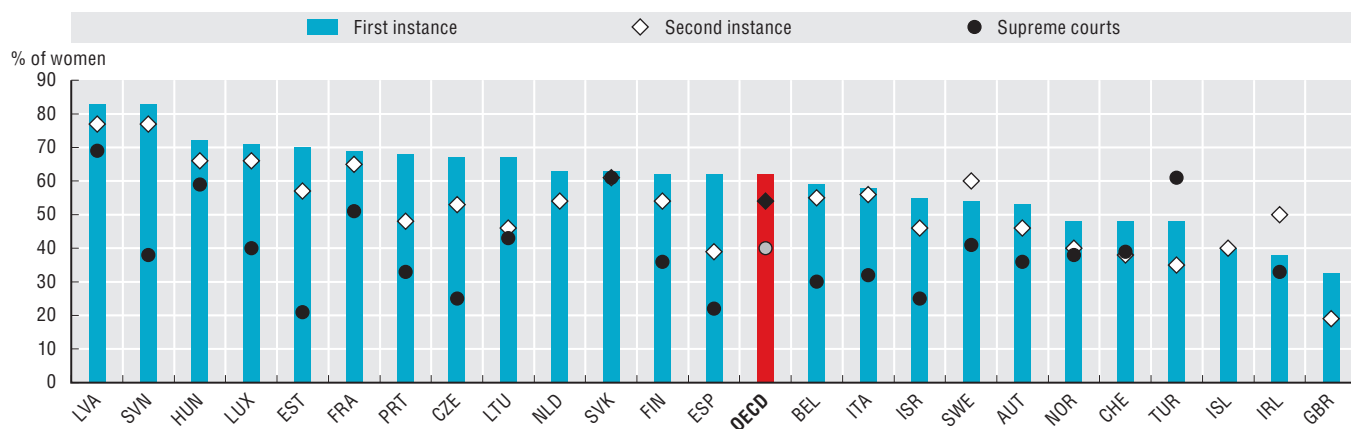
12.7. Gender equality of professional judges, 2014 and 2020



Source: Council of Europe, European Commission for the Efficiency of Justice (CEPEJ), CEPEJ-STAT (database).

StatLink <https://stat.link/3ujl0m>

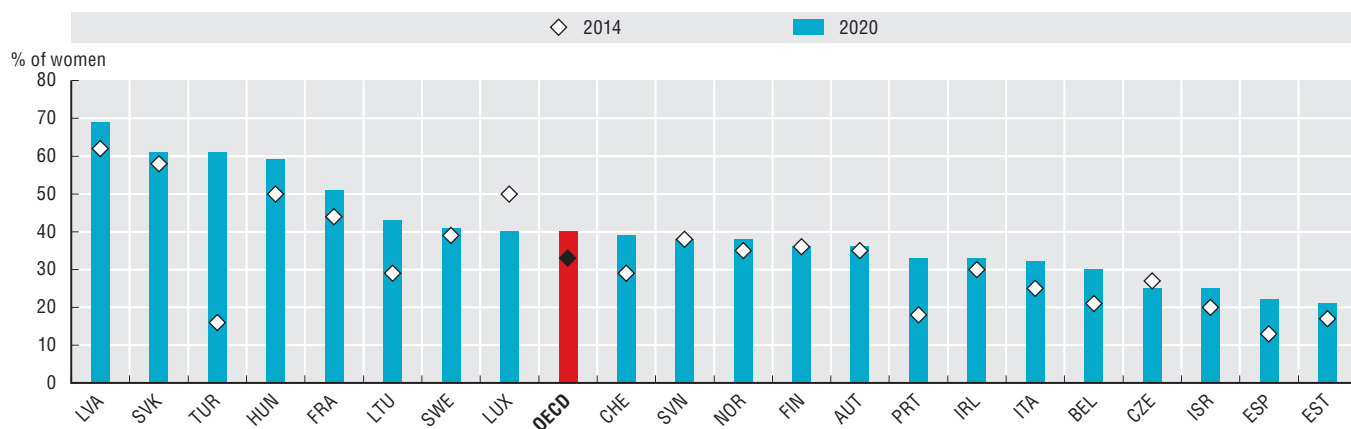
12.8. Gender equality of professional judges by level of court, 2020



Source: Council of Europe European Commission for the Efficiency of Justice (CEPEJ), CEPEJ-STAT (database).

StatLink <https://stat.link/zr830n>

12.9. Gender equality of professional judges in supreme courts, 2014 and 2020



Source: Council of Europe European Commission for the Efficiency of Justice (CEPEJ), CEPEJ-STAT (database).

StatLink <https://stat.link/n4q6f1>



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