

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 effective rule of law. A diverse judicial workforce, composed of both men and women from different backgrounds, can bring different voices and perspectives to the bench. Such diversity can also strengthen the integrity of the judiciary, promoting citizens' trust in justice services. Strengthened participation of women in judicial professions, particularly at senior levels, can help eliminate gender stereotypes and increase women's willingness to enforce their rights.

Gender equality in the judicial workforce has made important progress in various OECD countries. As of 2016, women composed 50% of the professional judges on average across OECD countries ranging from 77% in Latvia to 20% in Mexico. Greece, Ireland, Luxembourg, Switzerland and Turkey experienced at least a 10 p.p. increase in the share of women in the judiciary between 2010 and 2016. Among OECD countries where time series is available, there has been an overall increase in the average share of women as professional judges – from 44% in 2010 to 50% in 2016. 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: through 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. In Canada, for instance, federally appointed judges are drawn from existing legal professionals, after ten years of membership at a provincial or territorial law society, or directly from provincially or territorially appointed judges. In turn, this may delay the start of their careers within the judiciary, limiting their reach to senior-level appointments due to potential career interferences.

Despite recent progress in women's overall presence in the judicial workforce, gender representation remains uneven in high-level courts. In fact, in 2016, while women represented on average 56% of first-instance courts and 48% in courts of second instances in OECD countries, they only held 33% of positions in supreme courts. This pattern can be explained by persisting bias and gender stereotypes that continue to affect younger women in particular, as they often do not correspond to the perceived image of a judge. In addition, throughout the recruitment stage, the lack of encouragement and professional development

opportunities can also hinder women's presence among the senior lawyers who usually serve as the pool for the selection of senior judicial positions.

Methodology and definitions

Data on gender equality of professional judges refers to the overall share of women occupying judgeship positions in 2010 and 2016 in all instances. The data were retrieved from the Council of Europe European Commission for the Efficiency of Justice (CEPEJ) and the OECD 2017 Survey on Gender-sensitive Practices in the Judiciary.

Data on gender equality of professional judges by court refers to the share of women occupying judgeships in all three-instance courts as of 2016: first, second, and supreme courts. The data were retrieved from the CEPEJ and the OECD 2017 Survey on Gender-sensitive Practices in the Judiciary.

Courts of first instance are where legal proceedings begin; *courts of second instances* review decisions issued by lower courts; *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 the main occupation. This category includes professional judges from first instance, appeal 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 (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

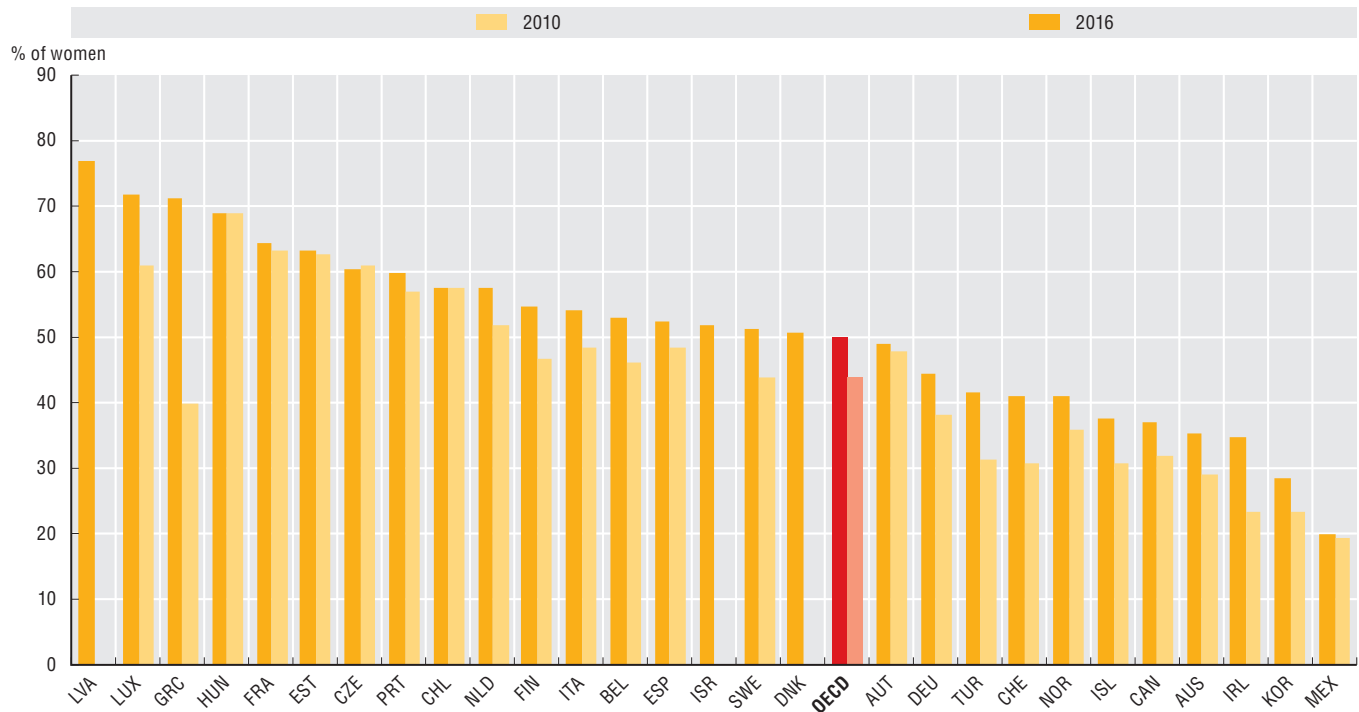
OECD average represents a simple arithmetic average.

3.9. Data for Latvia and Luxembourg are for 2014 rather than 2016. Data for Portugal are for 2011 rather than 2010. Data for Denmark, Israel and Luxembourg are not included in the OECD average because of missing time series.

Information on data for Israel: <http://dx.doi.org/10.1787/888932315602>

3.9. Gender equality of professional judges, 2010 and 2016

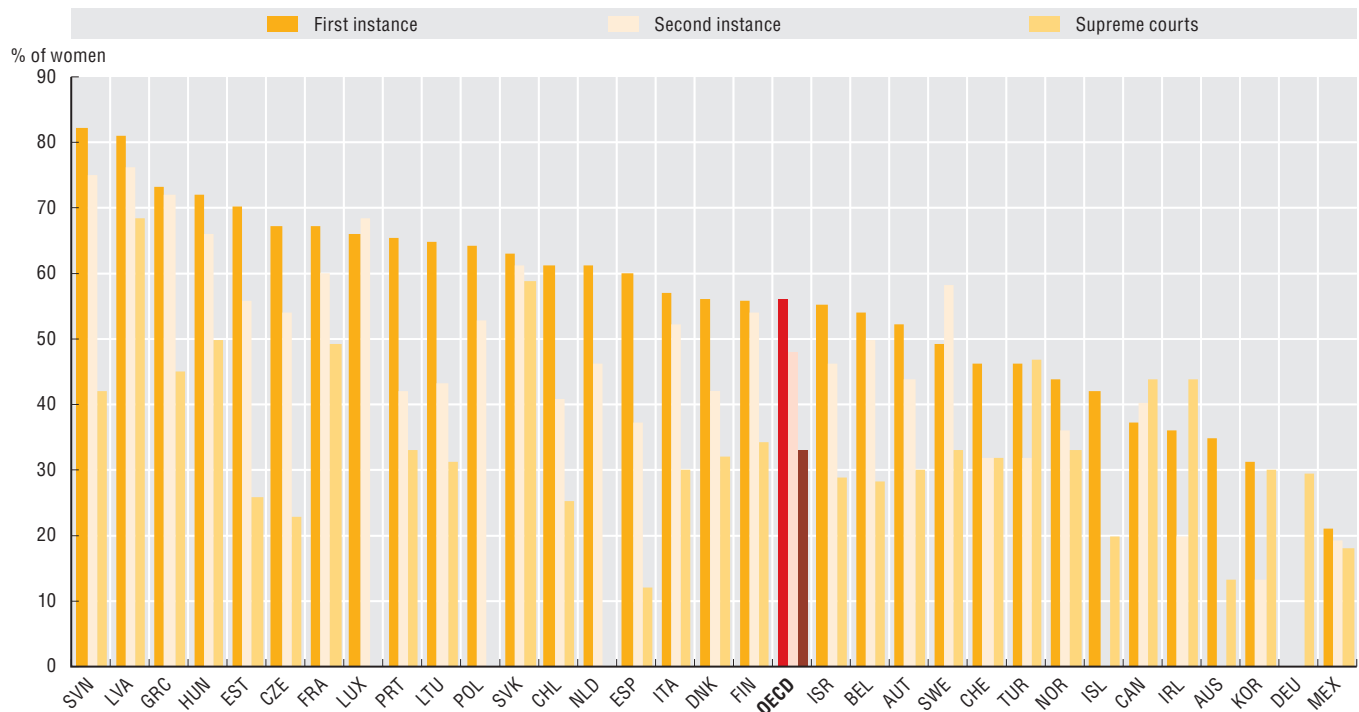
All instances



Source: OECD 2017 Survey on Gender-sensitive Practices in the Judiciary. Data for Germany and Portugal were provided by national authorities.

StatLink <https://doi.org/10.1787/888934032111>

3.10. Gender equality of professional judges by level of court, 2016



Source: Council of Europe European Commission for the Efficiency of Justice data (2016); OECD 2017 Survey on Gender-sensitive Practices in the Judiciary. Data for Germany and Portugal were provided by national authorities.

StatLink <https://doi.org/10.1787/888934031237>



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