

# **Overcoming Gender Stereotypes within Judiciary**

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# Why it is important?

- Gender stereotypes and facts of gender discrimination are recognized by State
- Several Laws have been passed in recent years and judges should apply them
- International obligation (CEDAW, ECHR, ILO, etc)

# Research on Gender Discrimination (2015)

- Conducted in the framework of the Project “Safeguarding human rights through courts”
- 230 advocates and 181 judges (participants of the trainings on ECtHR jurisprudence) surveyed
- Method - self-completion of questionnaires

# Association with “gender”

	Advocates	Judges
Equality of Women and Men	84%	82%
Women’s rights	33%	24%
State policy	19%	13%
Socially-assigned sex	17%	14%
Foreign fashion	5%	2%
Feminism	5%	3%
Non-traditional orientation	4%	3%
Total	230	181

# Association with “gender” (2)

	Judges			Advocates		
	Men	Women	Total	Men	Women	Total
Equality of Women and Men	78%	84%	82%	85%	83%	84%
Women’s rights	21%	29%	24%	35%	29%	33%
Socially-assigned sex	10%	20%	14%	17%	21%	17%
State policy	13%	14%	13%	15%	21%	19%
Non-traditional orientation	3%	4%	3%	8%	2%	5%
Feminism	3%	2%	3%	7%	2%	5%
Foreign fashion	3%	0%	2%	5%	2%	4%
Total	103	78	181	130	100	230

# GENDER

Modelled by society

Upheld by social institutions

System of values, norms, and characteristics of men's and women's behaviour, lifestyle, way of thinking, roles and relationships between men and women

Acquired by individuals in the process of socialization

# Conclusions (1)

- Strong association of “gender” with either “protection of women” or “gender equality” as a policy
- Lack of knowledge about “gender” and related terms

# Indicate if a problem of gender equality exists in the following areas?

	Advocates	Judges
Access to leading positions in public sector	68%	63%
Access to politics	62%	56%
Socially-important decisions	57%	48%
Remuneration	52%	37%
Access to leading positions in business	52%	45%
Employment	50%	54%
Dispute resolution	0%	1%
Access to justice	0%	0%
Access to education	0%	1%



# Gender- desegregating data on equal opportunities

- 53% of male advocates and 30% female advocates (judges – 40% and 31% respectively) do believe in equal employment opportunities
- 49% of male advocates and 33% % female advocates (judges - 61% and 33%) – access to the leading positions in business
- 45% of male advocates and 25% of female advocates (49% and 22% ) – equal access to politics

## Conclusions (2)

- Male judges and advocates are tended to believe in gender equality more than their female colleagues

# Importance of Judge's gender

Importance of the gender of a judge	Advocates	Judges
Not at all	59%	80%
Is important for certain categories of cases	33%	18%
Always is important	7%	0%
N/a	1%	2%
Total	100%	100%

# To compare: Judicial Independence monitoring research (2014)

following gender-related beliefs of 1311 professional judges:

- 15,3% have admitted differences in judgement (e.g., sentence length) in criminal cases and 19,9 % - in civil cases (e.g., custody of a child) heard by judges of different gender
- 11,3% believe that male and female judges do not have equal opportunities in advancing their judicial careers (e.g., being elected into an administrative office at the court, or being transferred to a higher level court)



# Biased attitudes and unfriendly behaviour

- 35–40% advocates and judges have observed biased attitude in the form of **anecdotes and jokes**
- About third of male judges and advocates and 55% of female advocates and 45% of female judges faced with **unfriendly behavior**
- 45% of male advocates and 39% of male judges suffered from either listening to or witnessed **accusing remarks**

# However...

- only 6% judges and 9% advocates believe that discrimination is a serious problem
- 43% advocates and 32% judges believe that this is not a discrimination but a part of a culture
- 24% judges and 15% advocates denied discrimination at all
- 37% judges 31% advocates recognize individual cases of unfair treatment that should not be seen as discrimination

# Impact of social changes and armed conflict

- Shift of coverage of gender related issues in Ukrainian mass media
  - Maidan
  - Armed conflict
  - Public sphere
- New types of cases initiated in courts
- Recent ECtHR Judgements



**Thank you!**

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