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THE JUDICIAL SYSTEM PAST REFORMS AND FUTURE PERSPECTIVES

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INSTITUTE
*Promoting Rule of Law
in Georgia (PROLoG)*

Gender Sensitivity Of Judges



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Findings

1. Majority of survey participants are not aware of the substance of gender equality and its interdisciplinary dimension;
2. Many fail to identify gender stereotypes, gender violence and harassment, gender discrimination, even when signs of such crime are evident;
3. Reproduction of gender stereotypes and self-stigmatization are especially striking;
4. Women turn down promotions due to their genderrelated responsibilities;
5. Incidents of violence have never occurred in the judicial system or victims of gender violence are often reluctant to speak out because they fear to be stigmatized.



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Reducing the Importance of the Issue of Gender Equality

- A judge is a gender-less individual.

“I think there is a saying that a judge has no gender... the judicial system doesn’t have a problem of gender” – (a male judge).

“We are gender-less, cases are equally distributed among all of us” (a female judge).

- Mechanical understanding of equality - 52% representation of women in the judicial system is indicative of gender equality and female judges don’t face any gender barriers.



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Talking about Women's Experiences Instead of Women

- Male judges convincingly talk about women's feelings and gender equality in the judicial system.

„There is no gender violence in the judiciary. Here everyone is protected and no one feels that because she is a woman she will be oppressed or will be assigned to more cases or to more difficult cases...” (A male judge)



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Indirect Discrimination and Care responsibilities

- Leadership positions in the judicial system are clearly dominated by men, the reason is females are less active and lack of time due to their gender roles in Society (Carear, family).

„Being a chairperson of a court is not an easy task because of the workload and the number of judges. It is possible that women are less motivated to serve as court chairpersons... Often women have to take care of their families and whatever little free time they have left, they don't want to spend it on court. I think this is the reason more than anything else” (a female judge).



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Glass Ceiling

- The initiatives for supporting women’s gender roles, their professional and personal lives were not taken seriously and were met with laughter.

“We had a number of initiatives to create special rooms for children in larger courts where children of nursing mothers [would spend time]. Co-funding could have been provided but this was met with laughter. The response that we got was “Don’t we have bigger problems?!” (Former female judge)



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Parental Leave – A Right or a Privilege

- Nearly all respondents view parental leave as a leave only for women;
- A maternity leave is viewed as a privilege, a time off to rest for female judges.

“They continue to receive a salary for six months, and they are still entitled to an additional month off, i.e. they can take seven months off from work, rest and take care of children, which I think is an additional incentive after so much routine work” (a male judge).



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Gender Stereotypes

- A respondent provided the following answer to a question about a reason for the lack of women's representation in leading positions:

“Is a saying that a man is the head of the family and a woman is the neck, you understand, right? (A female judge)

- Another respondent:

“I think it is the spirit of the decision making bodies [author's note – here the respondent means decisions about appointment of women as court chairpersons] that women cannot handle responsibilities of a court chairperson. Decision makers are also humans influenced by stereotypes according to which chairmanship requires some other force that women don't have but men do” . (a female judge).



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Gender Violence in the System

- Female judges are reluctant to talk about gender violence and gender harassment because of fear and stigma.

“If she raises her voice about the problem she will be criticized for it and because of this stigma, they are reluctant to talk about the issue. We don’t have the internal environment and culture where such issues will be strictly controlled” (a female judge).



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“This is Georgia and when you are a woman, whether you are a judge or not, if there is something special about you, you will be targeted by gossips but you have to learn to deal with it... I’ve heard some unpleasant gossips about myself and it’s a little heartbreaking but... sometimes they ascribe your success to other things, bad things. They gossip less about men...” (a female judge)



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Recommendation

- The research clearly illustrates the need to conduct an in-depth research of gender inequality in the judicial system in consideration of all the reasons why female judges are reluctant to openly talk about the issue, to allow the system to address these gaps and develop an effective mechanism. This will have a positive impact on female judges as well as the product of the judiciary.



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