

MAIN FACTORS
CONTRIBUTING TO THE
UNDER-REPRESENTATION
OF **WOMEN JUDGES** IN
THE MANAGEMENT OF THE
COMMON COURTS
IN GEORGIA



COUNCIL OF EUROPE



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The study was conducted by ACT for the Council of Europe Project “Support to the Judicial Reform in Georgia”. The opinions expressed in this work are the responsibility of the author and do not necessarily reflect the official policy of the Council of Europe.

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Introduction

The given document is a report for the study to assess the main factors contributing to the under-representation of women judges in the management of the common courts in Georgia. The report is prepared by ACT for the Council of Europe Office in Georgia.

The Study is implemented by the Council of Europe Office in Georgia within the scope of the project “*Support to the Judicial Reform in Georgia*”. The goal of the project is to support Georgia in implementing a strategy for court system reform and to assist with the better functioning of Georgia’s court system in compliance with standards from the Council of Europe that are set for court independence, transparency, accountability, and efficiency.

Project activities include studies tailored to the country’s needs and the development of the respective publications. Also included is the implementation of activities in consideration with human rights, such as the integration of gender problems and the rights of minorities in the court reform process, as well as recommendations on considering those rights.

The project, with a budget of 1 550 000 EUR, started on April 2017 and will last through November 30, 2019.

1. Background

Improving the situation of women, ensuring equal rights to them and supporting them in various directions is a significant factor for the country’s development. The Georgian law on Gender Equality defines fundamental guarantees for equal rights, freedoms and opportunities provided for in the Constitution of Georgia for woman and man, and also determines legal mechanisms and conditions for realization in the relevant aspects of public life.¹

Georgia recognizes democratic values, while strengthening and supporting gender equality is identified as one of the priorities for the country’s development. Despite this, the low rates of women’s participation in decision-making and in management in many fields remain a challenge in Georgia.

According to data provided by the National Statistics Office of Georgia, as of January 1, 2018, the number of women is 1 938 in Georgia and the number of men is 1 792. Based on the 2018 report *Woman and Man in Georgia*, the share of economically active women was 58% in 2017, while the portion of economically active men was 75%. Among economically active women, 51% are employed while 7% are unemployed. As for economically inactive women, an equal portion falls on housewife (18%) and pensioner women (18%), while students amount to 5%.²

In the beginning of the 2018-2019 academic years, more women were admitted to both bachelor’s and master’s law programs than men. The number of female students registered for a jurisprudence programs is higher both at the bachelor’s (women – 8 333, men – 6 853) and master’s (women 1 629, men – 1 055) levels. According to the National Statistics Office of Georgia, in the beginning of the 2018-2019 academic year, the

¹ <https://matsne.gov.ge/ka/document/view/91624?publication=8>

² *Woman and Man in Georgia*. Statistical publication. (2018). National Statistics Office of Georgia.

predicted number of graduates from law programs is 2 237 at the bachelor's level and 820 at the master's level. Among them, 61% of graduates from bachelor's programs are women and 39% are men. The portion of female master's graduates is 66% and the portion of male master's graduates is 34%.

Table 1. Employment and unemployment, number of students

	Woman	Man
15 + residents, 2017	1 609,4 thousand	1 402,9 thousand
Economically active	58%	75%
Employed	51%	64%
Unemployed	7%	11%
Economically inactive	42%	25%
Student	5%	6%
Pensioner	18%	9%
Housewife	18%	8%
Other	1%	2%
Bachelor's level/law program, beginning of 2018-2019 academic year		
Admission	2 164	1 635
Total number of enrolled students including admitted	8 333	6 853
Graduating class	1355	882
Master's level/law program, beginning of 2018-2019 academic year		
Admission	713	458
Total number of enrolled students including admitted	1 629	1 055
Graduating class	541	279

The highest level of activity among employed women is reported among 35-54 year-old women. The employment rate in the 35-44 age category is 65%, while it reaches 69% among the 45-54 age category. It is worth mentioning that the largest share of unemployed women falls on women with a higher education, and 42% of unemployed women have a higher education. As for reimbursement, the minimum monthly salary for women was 770 GEL, while men received 1 197 GEL per month.

In order to implement activities within the gender equality policy in Georgia, action plan 2014-2016 was developed, according to which one of the goals was the establishment and strengthening of institutional mechanisms for gender equality. The action plan envisaged gender parameters in employment processes in the court system and kept gender statistics.³ As of October 2018, the total number of judges in Georgia was 306.⁴ Despite the fact that 53.3% are female⁵, their representation in managerial positions is much lower. Out of 26 court chairpersons only 4 are women, and out of 9 Chamber Chairpersons only 2 are women, while every board chairperson is a man.⁶

Statistical data on the gender balance of women and men judges from 2012 show quite an interesting

³ <https://matsne.gov.ge/ka/document/view/2235622?publication=0>

⁴ **Note:** According to the information provided by the High Council of Justice of Georgia, competition for selection of the judge candidates completed on May 24, 2019. Out of 69 candidates for 43 vacant positions, 32 candidates were nominated for the position of judges out of which 13 are women. Accordingly, as of May 28, 2019 total number of judges at the District (City) and Appeal Courts is 296 (53.4% - women judges). Among them, total number of judges in Tbilisi (Tbilisi City and Appeal Courts) equals to 165 judges. 96 out them are women and 69 are men judges. The total number of judges at the District (City) Courts equals to 131. Among them 62 are women and 69 are men judges. As for Supreme Court of Georgia, the total number of judges is 11 and 4 out of them are women.

⁵ **Note:** According to the information provided by the High Council of Justice of Georgia and the Supreme Court of Georgia, out of 306 judges 175 (57.5%) are women and 130 (42.5%) are men judges.

⁶ <http://www.supremecourt.ge/news/id/1815>

tendency. The number of women and men judges in first and second instance courts is almost equal from 2010 and undergoes slight changes from year to year. As for the third instance court, the portion of male judges is significantly higher compared to the portion of women judges. A positive tendency is the fact that the share of women judges on the Supreme Court has increased from 21% to 38% from 2014 to 2016 (see table #2)⁷. The situation has not substantially changed in third instance courts, as the share of female judges in the Supreme Court in 2019 is 36%.⁸

Table 2. Number of judges in a gendered perspective

	First instance		Second instance		Third instance	
	Woman	Man	Woman	Man	Woman	Man
2010	47%	53%	52%	48%	32%	68%
2012	43%	57%	50%	50%	25%	75%
2014	50%	50%	51%	49%	21%	79%
2016	49%	51%	50%	50%	38%	62%

Despite a positive gender balance (53,3% women judges) in the overall picture of judges, it still does not allow us to make positive conclusions and is based on a limited definition of the concept of gender balance. Together with the principle of “counting heads”, the context and reasons associated with the barriers faced by women judges to succeed in higher instances and management positions are also very important.

As noted in the 2018 report of the *Georgian Young Lawyers Association and Transparency International – Georgia* on monitoring the Supreme Court of Justice, consideration of gender equality principles in the process of appointing a court chairperson would encourage women judges to express their desire to hold the position of chairperson. In addition, consideration of these principles would eliminate artificial obstacles that prevent the appointment of women judges to administrative positions. As the mentioned report reads, the process of selecting chairpersons for the Supreme Court of Justice is not competitive and women judges usually do not even propose themselves for the position of chairperson.

According to the study conducted by the *Coalition for Independent and Transparent Judiciary* in 2017, gender-related issues are less topical in the court system, and the absence of women judges in managerial positions is not considered to be a demonstration of inequality. Moreover, despite the practices of women being refused promotion due to the burden of duties associated with gender roles, research participants consider the chances of women and men judges in terms of succeeding in the court system as equal. In order to prove the presence of a gender balance, participants mention that the mechanical approach of equality according to which the number of women and men judges are selected is almost equal.⁹

⁷ <https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems>

⁸ <http://www.supremecourt.ge/judges/judges/>. **Note:** According to the information that was provided by Supreme Court of Georgia, Organic Law of Georgia “On Common Courts” entered into force in 2009 and indicated that the plenum shall define the number of members in the Supreme Court. The amendment to the mentioned law which was made in February 8, 2017 (entered into force from March 14, 2017) stated that the Supreme Court shall consist of at least 16 judges. In July 31, 2018 Organic Law of Georgia “On Common Courts” went through changes again and stated that the Supreme Court shall consist of at least 28 judges (the change entered into force right after the inauguration of president of Georgia). The court currently has 11 judges, though one judge’s terms have been continued due to the decision of the High Council of Justice which was made in October 8, 2018. The decision was made since the mentioned judge had to complete current cases. The number of judges in the court according to years was the following: 2010 - 18 judges, 2012 year - 19 judges, 2014 year - 16 judges, 2016 - 13 judges, 2019 - 11 judges.

⁹ *Court system: reforms and perspectives*. (2017). Coalition for Independent and Transparent Judiciary. Tbilisi. <http://coalition.ge/files/pdf/>;

According to one of the recommendations of Ana Arganashvili, who represented the NGO sector and moderating panel of the November 5, 2018 conference ‘*Role of Women Judges in the Judiciary*’ that was organized by the Council of Europe project ‘Support to the Judicial Reform in Georgia’, USAID Promoting Rule of Law in Georgia Program – PROLoG, and the European Union, it is substantial to analyze what barriers prevent women judges from proposing themselves to positions of Supreme Court members and Court System managers. Based on her recommendation, it is necessary to conduct mandatory trainings on gender equality issues for judges. The communication of judges with the society is also believed to be significant, and school pupils and university students are identified as an important segment. Based on her recommendation, judges should be discussing gender equality issues with these groups.

It is worth mentioning that in order to conduct trainings on gender equality policy for judges and court officials, which was envisaged in the action plan of implementing gender equality state policy, with the initiative of the High School of Justice and with the support of partner organizations, a special curriculum was developed in 2014 according to which representatives of the judge corps attended trainings. This module and cycle of trainings was recognized as a best practice by the Gender Equality Commission of the European Union.¹⁰ Supporting justice by means of gender equality in the Human Rights European and International Law module is presented as one of the topics in the 2019 training program for judges of the High Council of Justice of Georgia and other court officials.¹¹

Based on data provided by the High School of Justice, in 2015-2018, the training “Enhancing justice through gender equality” was attended by a total of 128 individuals, out of which 59% are women and 41% are men. These trainings were attended by 97 judges, 14 assistants to judges and 17 officials. The number of attendees at the High School of Justice in 2015-2018 was 52, with 63% of them being women and 37% being men.

Table 3. Quantity of training participants and attendees at the High School of Justice

	Training participants					Training of judge candidates 2015-2018			
	2015	2016	2017	2018	Total	12 th group of attendees	14 th group of attendees	14 th group of attendees	Total
Women	34	23	25	10	92	8	14	11	33
Men	13	11	9	3	36	4	6	9	19
Total	47	34	34	13	128	12	20	20	52

According to information provided by the High Council of Justice of Georgia, two qualification exams for judges were conducted in 2015-2018. Among applicants, 36 (22 women and 14 men) passed the qualification exam in November of 2015 and one candidate was appointed to the position of judge. This candidate was a woman. The qualification exam in July 2018 was passed by 57 candidates (27 women and 30 men). None of them have been appointed to the position of judge as after passing this qualification exam, one needs to attend a study course provided by the High School of Justice.

¹⁰ http://www.hsoj.ge/geo/media_center/news/505-2015-10-29-martlmsajulebis-xelshetsyoba-genderuli;

¹¹ *Training program for judges and other court officials - 2019*. (2018). High School of Justice, Tbilisi. <https://www.hsoj.ge/uploads/judges2019.pdf>.

2. Summary

Based on the study results, as believed by the study respondents, according to beliefs prevalent in society, **strength** is the character a woman definitely needs in order to hold a management position, but this does not only apply to the judiciary system. Women seem to be trying to perform their roles well for two contradictory reasons. On one side, as women, they are supposed to be soft and on the other side, in order to be successful, they need to be strong.

As for the effort to succeed, representatives of the *NGO sector* and students believe that **women have to work harder than men to succeed**, and this also applies to women judges. Both female and male respondents who represent *the judiciary system* do not agree with this statement. They believe that in order to become a judge, **“both men and women need to work hard,”** and this process does not imply women working harder.

Based on the study results, two diametrically contradictory discourses were revealed in terms of determining the criteria for appointing chairpersons of courts/panels/chambers. As believed by representatives of the *NGO sector*, the **absence of set criteria and procedures is problematic**, as the process is not transparent and enables various groups to make subjective decisions. While judges believe that **setting criteria for appointing judges to management positions of the system would not be** effective due to several reasons. One of the reasons is that the *introduction of criteria* will prevent many judges from *nominating themselves* for the position, which will complicate the process. As a result, many courts, especially on the regional level, may be left without a chairperson because a choice would need to be made from among existing judges, who may not be able to meet the criteria.

According to another explanation, *setting criteria will make the process even more subjective* as the risk of criteria being tailored to the specific individual becomes higher. Only 12% of respondents (among them, 13% - women, 10% - men) participating in the online survey out of all respondents who expressed their position agree with the statement that the introduction of procedures and criteria would make the process of appointing chairpersons less subjective.

Regardless of the fact that judges perceive the introduction of criteria for appointing chairpersons as less effective, some of them noted that the **introduction of criteria can be positive** for the process of appointing court/panel/chamber chairperson. The main point was that this would make the process more transparent and less subjective, which would eliminate question marks with regard to the court system. Those judges who support this idea do not deem it to be a much-needed step for improving the process directly inside the system. Setting criteria is more focused on demonstrating transparency of the process beyond the system – for society.

As demonstrated by the study results, the under-representation of women in management positions in the court system is explained by two key factors. The reason **beyond the system** is associated with *stereotypes regarding woman’s role in society*, and representatives of the court, public and NGO sectors agree that these stereotypes exist. As for the reason **inside the system**, the beliefs of the NGO sector and representatives of the system vary. Namely, the *NGO sector* explains the under-representation of women in management positions by the *existence of a network of powerful judges* inside the system. As for those representing the *court system*, they believe that the reason is associated with the *managerial functions of a chairperson*.

One reason outside the system is **gender segregation**. Due to beliefs prevalent in the society, women hold traditional functions, which objectively do not enable her to perform additional professional functions. On one side, this makes male decision-makers think that a management position will not be appealing to a

woman as she has “more to do at home.” On the other side, women may create space for such thinking and because a woman with too much “extra work” is not socially appealing for family members, they refuse to take managerial positions.

In addition, based on stereotypical beliefs in the society, a man is supposed to be a manager as “he can better cope with” management and its associated responsibilities than a woman. As believed by research participants, this approach is prevalent not only among men, but among women too.

Based on the results of the quantitative research, only 14% of respondents agree with the statement that the main responsibility for taking care of children/family/household chores is imposed upon women (22% - women, 3% - men), and 31% neither agrees nor disagrees with this statement. Among inquired respondents, 38% disagree with the statement that the sole responsibility of household chores is imposed on women (26% - women, 54% - men).

As believed by 30% of participants, society expects men to succeed more in a professional career than women, while 37% disagrees with this (among them, this idea is believed by 34% of women and 25% of men from online survey respondents; however, 43% of female respondents and 31% of male respondents disagree that society expects men to succeed more in professional careers than women). These attitudes of participants can be explained by positive perceptions related to the opportunities for professional advancement for women. As believed by 76% of respondents, as years pass by women are given more opportunities for professional development in our society. Among all respondents, 91% of female and 59% of male participants of the online survey agree with this statement. Among online survey respondents, 72% agree with the statement that women are more successful in our society today than 20 years ago. The latter is believed by 93% of women respondents. As for male participants of the online survey, 45% of them agree with the statement that women are more successful in our society today than they were 20 years ago, while 19% absolutely disagree and 36% do not know/find it hard to answer.

Representatives of the court system participating in the study explain under-representation of women in high ranking positions by a **lack of will and ambition**. It needs to be emphasized that each of these reasons are explained again with gender segregation and the responsibility of taking care of family being associated with women.

Among participants of the online survey, 46% completely disagreed with the statement that female judges are less ambitious to hold high ranking positions than male judges (39% - women, 55% - men), while 23% of respondents agree with this statement. It is worth mentioning that none of the 21 male participants of the online survey believe that female judges are less ambitious to hold high ranking positions than male judges, while 42% of female respondents agreed with the statement.

Among respondents taking part in the online survey, 27% (28% - women, 25% - men) agree with the statement that like other women, female judges in Georgia have more responsibilities for children/family/household chores. Of the respondents, 42% (53% - women, 29% - men) disagree with this statement, while 16% neither disagree nor agree (9% - women, 23% - men).

Both male and female representatives of the judiciary system pointed out that children are more attached to their mothers. As explained by respondents, this has a “psychological reason” which logically accompanies greater expectations of receiving care from mothers. Another explanation is that women contribute to the greater amount of attachment of children to mothers. Respectively, women employed in the court system prefer to dedicate additional time to family and not to “administrative work.” As noted by women participants of the study, women themselves create the kind of environment where children are more dependent on them, and they do not take professional responsibilities that could create space for men to think that they cannot cope with other duties. Here we can speak about the fact that **self-stigmatization** of

women as a responsibility taken by women due to gender segregation in the society is not perceived as a problem in Georgian culture. In addition, regarding high ranking positions being non-appealing for women because of responsibilities associated with gender roles, research participants consider chances of women and men judges to succeed as equal. Moreover, participants who represent the system do not believe that gender issues are topical – they do not perceive the under-representation of women judges in high ranking positions as a demonstration of inequality.

As demonstrated by the study results with regard to the reasons inside the system, *representatives of the NGO sector* perceive the position of court/panel/chamber **chairperson as success**. As judges believe, **success is practicing judge duties while being chairperson is just “administrative rank.”**

The position of chairperson is not appealing for judges because of administrative functions, regardless of the fact that as claimed by representatives of the NGO sector and the public sector, this position comes with privileges. Judges participating in the study also mentioned privileges, but according to dominant discourse, being a chairperson is an “additional burden” and does not come with privileges.

Among respondents of the online survey, 47% completely disagree with the statement that being a chairperson of a court/panel/chamber is an additional burden for woman judges than it is for men (32% - women, 0% - men). In addition, 44% of respondents completely agree with the statement that this position is an additional burden for both women and men judges (55% - women, 31% - men).

Some online survey participants (22%) agree with the statement that being a court/panel/chamber chairperson is financially less appealing for both female and male judges (21% - women, 23% - men). Other respondents (29%) disagree with the statement that being a chairperson is financially less appealing for women and men judges (43% - women, 13% - men). It is also worth mentioning that 27% of respondents neither agreed nor disagreed with this statement, and 22% found it difficult to answer this question.

As believed by respondents representing the *NGO sector*, women who want to occupy management positions, knowing the reality and realizing their low chances of succeeding as men are decision makers, do not want to waste time, and this is why they limit themselves. Representatives of the NGO sector explain that decisions are made by men who support men more than women. *Judges* participating in the study disagreed with this statement.

Apart from gender segregation and the absence of will among women due to responsibilities towards their families, judges also pointed out the **importance of a practicing judge’s functions**. This is why judges believe that carrying out a chairperson’s duties related to administrative work is less appealing.

As believed by representatives of the *NGO sector*, the fact that female judges less frequently nominate themselves of management positions is a result of two factors – firstly, *duty to fulfill stereotypical gender roles* and secondly, *lack of access to influential social networks and a “non-serious” attitude towards women managers*.

It is worth mentioning that unlike representatives of the court system, chairpersons, especially court chairpersons are believed to be influential by representatives of the NGO sector.

Mechanisms to encourage women judges to work in managerial posts were believed to be an **increased term of paid maternity leave and a relatively more flexible working schedule**. Another mechanism to encourage women judges was believed to be **children’s corners** in court buildings. However, as believed by the respondents, these mechanisms come with certain risks (e.g. less concentration on work, and hindering the working process when simultaneously several women take maternity leave, etc.).

The perception of **maternity leave** as rest and self-stigmatization of women because of it was nominated as one of the barriers that hinders the success of women judges by representatives of the NGO sector. As for those respondents who represented the judiciary system, they do not deny the perception of maternity leave as rest, but explain that it is perceived in the context of resting from a busy routine at work and not in the way that staying at home and taking care of a baby is less hard work.

Respondents of the quantitative research approve the idea of increasing the term of maternity leave and providing children's spaces in court buildings. Among inquired respondents, 48% completely agree that the term of maternity leave must be increased to at least 12 months (52% - women, 44% - men), and 54% of respondents completely agree with the idea of providing children's spaces in court buildings (55% - women, 53% - men).

Regardless of the fact that respondents of the quantitative research have a positive attitude towards increasing the term of maternity leave and arranging children's spaces in court buildings in general, 47% of them (37% - women, 60% - men) had a hard time answering whether these mechanisms encourage an increase in the representation of woman judges in the management of the court system. However, it is also worth mentioning that these are perceived as encouraging mechanisms more (48%) than vice versa. Moreover, only 5% of respondents believe that an increase of the term of paid maternity leave and/or children's corners in court buildings is not encouraging. Among online survey participants, 58% of women and 33% of men believe that increasing the duration of maternity leave and arranging children's spaces in court buildings is encouraging.

Two contradictory discourses were identified among *representatives of the judiciary system* in terms of **introducing a gender quota** as mechanism to increase the share of women in the management of the court system. According to the first discourse, *a quota is an important mechanism to increase the share of women in the management of the court system*, as an introduction of a quota will help break the stereotype claiming that men are managers, and respectively they can manage better. This would "make" the system have more women in management. As for the second discourse, *the introduction of a quota is positive discrimination and may backfire instead of support the representation of women in management*. As believed by supporters of this discourse, exactly the fact that taking a position in management can be associated with the gender identity of a judge more than her professional skills, this is exactly what makes many women judges have negative attitudes towards quotas. As a result, they are less motivated to nominate themselves for high ranking positions.

Attitudes of men judges participating in the study with regard to quotas are drastically negative or positioned as an unnecessary mechanism. If in the first case, the position is mostly justified by positive discrimination, and in the second case their key point is that the introduction of a quota "is not necessary but won't be a tragedy."

As believed by judges participating in the study, another factor that would encourage judges to occupy a chairperson's position would be **decreasing the workload related to the judge's practice**. This could be achieved by increasing the number of judges as well as the **removal of management functions** from a chairperson's duties.

One of the mechanisms to promote women to high ranking positions offered by NGO sector representatives is the **formation of an Association of Woman Judges**, which would support strengthening women. Two contradictory views have been expressed by judges. Namely, male judges do not see the need to establish such an association but "it would not be a problem" either. Women judges **are not that excited about such an association** for two reasons. One reason is that there already is an association of judges to discuss problems. The second reason is that the establishment of association for woman judges negatively emphasizes gender issues, which is not necessary as there "is no gender-based problem in the system."

Representatives of the judiciary system in general believe that the main outcome brought by an increased number of women managers would be **breaking stereotypes** which, on its side, would show the “already existing reality” in the system. As believed by representatives of the *NGO sector*, greater representation of women in management means the accumulation of experience in a system that assists with the *formation of a more human and fair system* than could be achieved “only under the management of men.”

Among online survey respondents, 24% believe that increasing the share of women managers in the management of the court system is important. The latter is believed by 41% of women and 3% of men. Among respondents, 17% (25% - women, 5% - men) believe that increasing the share of women in the High Council of Justice is important. However, it is worth mentioning that 24% of respondents disagree that increasing the share of women managers in the management of the court system is essential nowadays, and the majority – 46% of respondents believe that there is nothing bad in it. The latter is believed by 56% of men and 38% of women respondents of the online survey.

As believed by 36% of participants of the online inquiry, increasing the share of women in management of the judiciary system will motivate other women, especially young ones, to think about taking high ranking positions. The belief that this action would help break the stereotype that women are not that good at management is held by 34% of respondents. It is also worth mentioning that 53% of inquired respondents do not know/cannot answer about the possible effect that increasing the representation of women could have.

Not only to increase the representation of women in the management of the court system, but in order to “improve the system”, representatives of the *NGO sector* emphasized the importance of **raising awareness**.

Importance of raising awareness was emphasized by judges too. However, for them this is not related to improving the system, but to the issue of distrust towards the judiciary system. As believed by judges participating in the study, the system has two main problems and they are not associated with gender, as the latter “is not problematic in the system.” What is believed to be problematic is a **low rate of trust and heavy flow of cases**. As believed by judges, the low rate of trust towards the court system is mostly related to *low awareness of the society* on the work of the courts together with the *media*, namely, subjectively and unilaterally demonstrated reality by media.

As for the heavy flow of cases, it was noted that **due to the insufficient number of judges, courts cannot ensure the implementation of efficient justice**. Heavy flow of cases does not enable a timely response to citizens’ files, which results in dissatisfaction and negatively affects society’s attitudes.

As believed by a representative of the public sector, a lack of trust towards the courts results from **having judges with reputational problems in the system**. This may result in distrust towards the entire system. As believed by this respondent, the system needs to have judges even with “zero reputation” but not ones with a negative reputation.

Judges participating in the study identified raising the awareness of society on the specifics of how the court system works – this first means that making evidence-based decisions by judges is crucially important. In addition, another important mechanism is to correctly inform society through media, mainly through television.

In the context of raising awareness, respondents emphasized the *importance of the academic work of judges* and judges sharing their knowledge with students as well as with school pupils.

3. Main goal and objectives of the study

Main **goal of the survey** is to study key factors contributing to the under-representation of women in the common court system of Georgia.

Specific **objectives** of the study are as follows:

- To assess attitudes towards determining criteria and procedures for appointing court/panel/chamber chairpersons in the court system;
- To assess the possibility to succeed in the court system for women and men judges;
- To identify key factors contributing to and preventing women judges from succeeding; and
- To identify potential measures to support the appointment of women judges in the court system.

4. Design and methodology of the study

Based on the goals and objectives of the project, the research design has been developed, which implies the utilization of both quantitative and qualitative research methods.

A qualitative study was implemented by incorporating in-depth interviews and focus group discussion techniques, while a quantitative survey was conducted by means of a structured online questionnaire.

4.1 Qualitative study

The initial stage of the study involved a qualitative survey by means of two techniques: (1) **in-depth interview technique** and (2) **focus group discussion technique**.

Within the scope of in-depth interviews and focus group discussions, we have performed an in-depth analysis of the attitudes of key informants and various stakeholders, as well as their general perceptions and assessments towards the representation of women in court administration, barriers that prevent women from succeeding, mechanisms to support, and general attitudes and assessments.

The qualitative study was utilized in two main directions:

- I. Results of in-depth interviews and focus groups were analyzed independently, which enabled us to thoroughly study the opinions of stakeholders towards the study topics.
- II. The qualitative component was used as supporting material when developing the instrument (questionnaire) for the quantitative survey. As a result, the quantitative survey measured those attitudes/parameters that were identified by interviews and group discussions.

Research instrument

In-depth interviews and focus group discussions were held at convenient locations for the respondents at a pre-agreed upon time. In-depth interviews and group discussions were completed by a moderator with the help of a pre-developed guideline. Research instruments were developed in tight cooperation with the client. In-depth interviews lasted 50-60 minutes on average, while the duration of focus group discussions was 1-1.5 hours.

Target group and research area

Within the scope of the research project, 18 in-depth interviews and 6 focus group discussions were conducted. Respondents of *in-depth interviews* were (1) judges of first and second instance courts (women/men); (2) representatives of the High School of Justice; (3) representatives of the High Council of Justice; (4) representatives of the Parliament; and (5) experts/representatives from the NGO sector.

Focus group discussions were conducted with the following groups: (1) women judges of the Tbilisi Civil Court; (2) men judges of the Tbilisi Civil Court; (3) judges of the district court (women/men); (4) women court managers; (5) women assistants of judges; and (6) women students of Master's Law programs. The target areas of the study for in-depth interviews as well as for focus group discussions were Tbilisi, Kutaisi and Zestaponi.

4.2. Quantitative study

At the second stage of the study, the quantitative survey by means of the **online interviewing technique** was performed. Within the scope of the quantitative study, judges, members of the chamber and panel, as well as managers and assistants in all three instances of the court were inquired. Potential respondents were sent the respective link for the online survey at their e-mail addresses.

Research instrument, sampling and implementation

The research instrument was developed based on close cooperation with the client. Data collected during the qualitative study was incorporated in the process. The duration of the questionnaire was 7-10 minutes.

An electronic version of the self-administered questionnaire was sent to 519 respondents. Three and then six days after sending the questionnaire, a link was resent to remind respondents to participate in the study. The quantity of completed online questionnaires was 68 and the margin of error is 11%.

For the purpose of the online inquiry, ACT uses special software in which the completed questionnaire is registered in compliance with the e-mail address of the sender. It is worth mentioning that confidentiality of respondents is kept and only database, field and quality control managers have access to this data. After completing the fieldwork, data were cleaned by means of SPSS 23.0 version. Processed data were analyzed together with information obtained by means of the qualitative component of the study.

Due to the high interest in the issue, quantitative data are presented in a sex-disaggregated manner despite low statistical credibility because of the insufficient quantity of respondents participating in the online survey. For better understanding of the issue, it is recommended to conduct a representative survey and make an in-depth analysis of the main factors that influence womens' managerial positions.

Table 4. Research design

Qualitative study		
Technique	In-depth interview	Focus group discussion
Target group	(1) judges of first and second instance courts (women/men); (2) Members of the High Council of Justice (women/men); (3) Representatives of the High School of Justice and the Parliament; (4) Experts/representatives from the NGO sector.	(1) Women judges of the Tbilisi Civil Court; (2) Men judges of the Tbilisi Civil Court; (3) Judges of the district court (mixed group); (4) Women court managers; (5) Women assistants of judges; (6) Women students of Master’s Law programs.
Sample size	18 interviews	6 interviews
Research area	Tbilisi and Kutaisi	Tbilisi and Zestaponi
Sampling method	Purposeful	Purposeful
Duration of interview/discussion	50-60 minutes	1.5-2 hours
Quantitative study		
Technique	Self-administered online questionnaire	
Target group	Judges of first, second and third instance courts, court managers and assistants	
Sample size	68	
Research area	Georgia	
Sampling method	Every representative of the list provided by the client	
Duration of interview/discussion	7-10 minutes	

5. Study results

5.1. Stereotypes

As scientific literature notes, physiological differences between women and men are identical all over the world, but biological differences define their social role in society only partially. Gender is a socially constructed category and is not related to biological differences. Every society has beliefs on what behaviors belong to which gender and these beliefs vary from society to society. The terms masculine and feminine are used for culturally defined roles. These terms are relative and not absolute: men may act “feminine” and women – “masculine,” which means that they act differently from the norms acknowledged in their society. Which behavior is identified as feminine and which one as masculine differs in modern societies, and this is demonstrated by the distribution of women and men in certain professions.¹²

¹² Hofstede, G. Hofstede, G. J. (2011). *Cultures and Organizations – Software of the Mind*. Ilia State University, Tbilisi;

Differentiating behaviors based on whether they are feminine or masculine is not only apparent in traditional societies. As noted by Hofstede, based on the expectations modern society has, men are supposed to be more inclined to achievements outside the home. If this is demonstrated by hunting and fighting in traditional society, it is translated into economic terms in modern society. According to the latter, men are supposed to be assertive, competitive and strong. Women should be taking care of house, children and people in general (i.e. play their role as the more tender sex). According to this pattern, women were used to having children, taking care of them, and were supposed to stay with them during at least the breastfeeding period. Similar patterns matter in modern societies exist too, where men's achievement strengthens their assertiveness and desire to compete, while women's care for others consolidates their feminine upbringing as well as care towards their relationships and environment.

Masculinity-femininity is one of the dimensions of the culture that differentiates society based on the expectations towards gender roles. Society is called masculine when emotional gender roles are divided in a certain way: man is supposed to be assertive, strong and oriented towards financial success, while woman is supposed to be modest, soft and interested in the quality of life. Society is called feminine when emotional gender roles coincide: both woman and man are supposed to be modest, soft and interested in the quality of life.¹³

As noted by Hofstede, stronger men with freedom of movement are dominant outside-the-home in social life. It is true that women living in modern industrial societies have more freedom in choosing social roles apart from the role of wife, mother and housewife, but as noted by Hofstede, this has not been the case for long. Women's influence on the distribution of roles outside the home is still not significantly noticeable. It is worth mentioning that in order to succeed in masculine cultures, women have to be assertive, strong and competitive.

Research results once again confirm the existence of these patterns. According to the main discourse, **strength** is the characteristic woman definitely needs to occupy a managerial position, and this does not apply only to the court system. Female participants representing the court system as well as the NGO sector do not believe that women are weaker or less strong than men. However, it is worth mentioning that as believed by women students participating in focus group discussions, women often pretend to be weak. We can assume that this tactic serves to achieve a "socially desirable" effect, as masculine society expects women to show their softness, unlike men who are supposed to be strong and assertive.

Based on the survey results, women seem to be trying to perform their roles well for two contradictory dimensions. On one hand, as women, they are supposed to be weak. On the other hand, in order to be successful, they need to be strong. Moreover, women, as "weak creatures" need to work harder than men. According to one of the respondents, women judges try to prove more than men that they deserve success, and in this process they act like "superheroes" who are not allowed to be weak. This is completely understandable in the masculine dimension of the culture, based on which, in order to succeed it is important to demonstrate assertive behavior (a substantial factor in the case of women and men). It is emphasized, however, that women students and representatives of the NGO sector point out that women need to work harder than men in order to succeed.

"I think that women oppress themselves, they pretend to be weak; pretend that they cannot do something, they cannot lift heavy items and things like that..." Woman, student

"In senior positions women really need to work harder and prove more, which comes from reality." Woman, NGO sector

¹³ Hofstede, G. Hofstede, G. J. (2011). *Cultures and Organizations – Software of the Mind*. Ilia State University, Tbilisi.

“In our reality, women need to fight more to prove that they are strong and that they deserve senior positions.” Woman, NGO sector

“They [woman judges] act like superheroes so no one can tell them that they are a woman, weak and cannot deal with something. They artificially hide existing challenges that are related to systemic problems and not their personal problem. They find it difficult to isolate personal and systemic problems and blame everything on personal problems.” Woman, NGO sector

According to research narratives, there are many successful women in many fields and they are “not oppressed at all,” and “if woman really wants” she can achieve success. However, according to dominant discourse, **succeeding for women is related to many barriers on the basis of gender**. In this context, the main barrier is distrust that is associated with poor or non-performance of certain jobs by women due to gender. This is why in order to succeed, women have to work harder and demonstrate higher qualifications than men. It is worth mentioning that women judges almost did not mention these stereotypes and tendencies and mostly students emphasized it. The narrative of representatives of the NGO sector mentioned that women lawyers not only have to work on collecting and presenting evidence, but also to make sure that this evidence “is not deemed less important” because it is presented by a woman lawyer.

“I don’t know why [women do not hold senior positions] ... it’s like they do not trust women to be managers. They don’t even consider managers to be women.” Woman, student

“In order for women to hold senior positions, they need to be really qualified and professional, while man in a similar position is not expected to be that professional.” Woman, student

“We, woman lawyers can hardly defend ourselves and not be told that we are neurotic, and it is even more difficult to defend a client, especially if she is a woman too.” Woman, NGO sector

As noted by representatives of the NGO sector, the High Council of Justice has a “non-serious” attitude towards judges in terms of gender, and this applies to women judges as well as to non-judge members. According to respondents, one of the indicators of this is addressing judges with “madam” which emphasizes their gender and it often happens in court. However, according to woman judges, they are mostly addressed with “madam” by defendants who do not know that you have to address judge with “your honor.”

“They have this specific, non-serious attitude. They believe that women are manipulated by men. For example, they point out that [women council members] are manipulated by husband as if women are less independent and can be handled. They are never aggressive towards men, while they do not even try to hide aggression towards women.” Woman, NGO sector

“Paternalist approaches are quite frequent, e.g. “you ladies.” When they need to tone down our evidence, they may say “how neurotic you are” or “tone it down.” They shout, and this is allowed for them but as soon as a woman is loud, they will point out that women are neurotic, “you are a woman, how can you understand this” – there are attitudes like that.” Woman, NGO sector

“As soon as this kind of narrative is introduced, we are being placed “in the position of a lady” and we start thinking that I am a woman, I am supposed to think this way and not in another way.” Woman, NGO sector

“Mostly defendants call us “madam judge.” They just don’t know this subject.” Woman, judge

Opinions of participant judges (both men and women) are drastically different. They claim that “judge has no gender,” and this applies to the process of appointing a person as a judge and after that, too. In the first case, judges implied that women and men equally need to work hard in order to succeed (i.e. to be

appointed as a judge). In the second case, the main arguments referred to being loaded with cases and attitudes of parties during the trial, which do not depend on the gender of the judge.

These opinions of NGO representatives and student groups are less shared by *women judges*. The main discourse of their narratives points out that ***both women and men need to work hard in order to become judges, and women do not have to work harder than men judges***. It was also noted that society perceives “intelligence” as a man’s characteristic, and attributing this man’s feature to a woman is believed to be a compliment that is not quite acceptable. It is also worth mentioning that as noted by one of the respondents during the focus group discussion, women managers need to be “masculine.” This means that “women deal with situations as equals to men.”

“I’ve heard “how smart, she has the intelligence of a man” and I’ve not been humiliated like that.” Woman, judge

“I remember when I was a child, one of the traumatic things was when my school principal said ‘this child is so clever, she has the mind of a man.’ This person thought it was a good thing to say to me, but I was hurt. This is real trauma to be told that it’s not you who has talent, that your kind is worse than someone else, but that you, specifically are close to the privileged group.” Woman, NGO sector

Unlike judges and other participants representing the court system, it was mentioned in the group of female students that “men are more intelligent than women.” This was not the dominant discourse in this group either, where it was emphasized that this is a stereotypical approach and that women are “as intelligent as men” and what prevents women is a “lack of courage.” The latter is perceived to be a result of a socialization process that expects girls and boys to play different roles in Georgian culture. According to these roles, a boy is believed to be “strong” and a girl – “tender.” Despite the note that every following generation is less victimized by this stereotype, the discussion did not reveal a clearly positive attitude that the new generation will completely defeat this stereotype. Different expectations towards “tender women” explain the practice of disseminating videos of the personal lives of women and not men in Georgia.

“Men are more [intelligent/smart] ... When admitted by universities, boys receive funding more than girls.” Woman, student

“The belief that man must be the head of the household, that everything should be decided by a man, and that women should be taking care of children only comes from our grandparents’ generation and not so much from our parents’ generation. We were still raised like that, but new generations now will probably not be raised like that.” Woman, student

“As you are a woman, you are supposed to think about your family and not to say something extra so others won’t speak differently about you as a woman. It is more acceptable for men to be more daring. This is society’s stereotype that they suppress woman’s audacity.” Woman, student

“These videos of personal life are so scandalous now because they are of women. If it had been men, this might not be such scandal and draw so much attention. It might not have been disseminated at all. But since there are women and mothers, this is why it became so scandalous.” Woman, student.

As noted by study participants, those who already work in the court system do not think so, but society still thinks that court is “a place for men,” and that women who work there are “masculine.” This belief was mostly associated with qualities such as strength and strictness. However, it was also emphasized that society attributes these qualities not only to women who work in the court system, but to women lawyers and “in general, every successful woman.”

“Lots of people think that court is a place for men, and you as a woman cannot do anything there.” Woman, assistant to judge

“There is a perception that she [person in the court system] is strong, strict... this does not apply to the court system only, it refers to lawyers and in general, successful women. I think this is a stereotype.” Woman, assistant to judge

It is worth mentioning that according to scientific literature, research confirms the fact that the court system is mostly perceived as a “man’s culture” or “man-oriented” culture. Male judges seem to be synonymous with a so-called “authoritative expert.” The concept of authority is often associated with masculinity.¹⁴

Speaking of characteristics, judges participating in the study believe that most importantly women and men need to have management skills in order to hold senior positions. As for characteristics, this was not emphasized so much. In general, hard work, a sense of responsibility and the ability to multi-task despite the profession were named as characteristics of women by both men and women judges.

“[Woman] finds a solution in stressful situations more easily than man. I would also say hard work. We men are a little lazy... Men cannot multi-task, while women can wash the dishes and feed a baby at the same time.” Man, judge

“We [women] can organize everything to have time dedicated to it – attention and responsibility to each duty. We can multi-task. I’m not saying that women have some sort of phenomenal talent and skills, but...” Woman, judge

5.2. On the criteria for appointing chairpersons in the management of the court system

Based on the study results, two diametrically contradictory discourses were revealed in terms of determining criteria for appointing chairpersons of courts/panels/chambers. As believed by representatives of the *NGO sector*, the **absence of set criteria and procedures is problematic**, as the process is not transparent and enables various groups to make subjective decisions. As believed by supporters of this position, in order to avoid questions on the transparency of the process, it is necessary to select clear criteria for appointing chairpersons. As believed by representatives of the *NGO sector*, the problem is not only the absence of criteria for appointing chairpersons of courts/panels/chambers, but also the absence of criteria for appointing acting chairpersons as well. Despite the fact that there is a practice of interviewing candidates, this group believes that candidates for interviews are selected based on “how close they are with members of the influential group.”

“Yes, they ask questions to those who are invited to interviews, but as there are no criteria, no one – neither unbiased observer nor competitor can understand how candidates are selected and appointed... If we observe closely, a competitive environment is created artificially and individuals who are less aware of peculiarities of appeal work who have been recently – 2 months before moved to the system are interviewed.” Woman, NGO sector

“Practice shows that one may be acting chairperson for 2, 3, 4 and 5 years, which makes a person even more vulnerable in the council.” Woman, NGO sector

¹⁴ Feenan, D. (2008). *Women Judges: Gendering Judging, Justifying Diversity* in JOURNAL OF LAW AND SOCIETY VOLUME 35, NUMBER 4, DECEMBER;

It is worth mentioning that the absence of procedures and criteria for appointing court/panel/chamber chairpersons is identified as problematic by the 2018 report on Monitoring the High Council of Justice performed by *GYLA* and *Transparency International – Georgia*. The report reads that the absence of criteria and procedures provides council members with unlimited power to appoint a chairperson based on subjective opinion. Moreover, according to the report, this enables a chairperson to preserve improper influence on the court system as well as on individual judges, while creating artificial barriers for women judges to be appointed to administrative positions.¹⁵

One of the representatives of the NGO sector pointed out a changed practice in terms of the listeners of the initial training of judicial candidates. As this respondent noted, process of selecting listeners has been closed over the past year, which raises even more questions on criteria and procedures. As believed by this participant representing the NGO sector, what is needed for determining criteria is political will. In terms of making positive steps in this direction, special emphasis was made on the role of donors – as believed, this specific outcome can be achieved in case of donors’ relevant “order”.

As for *judges* participating in the study, according to the main discourse, ***setting criteria for appointing judges to management positions in the system would not be effective*** due to several reasons. One of the reasons is that the introduction of criteria will prevent many judges from nominating themselves for the position, which will complicate the process, as the number of judges is limited and managers should be selected from members of the current management. One of the main arguments for limiting candidates is the condition to make a choice from among the existing judges. Respectively, if criteria are introduced, many courts, especially on the regional level may be left without a chairperson.

“Why is it obligatory to envisage [criteria] in the law?!” Woman, judge

“Setting criteria means to limit some and not others. Without having criteria, everyone can participate in the competition and I don’t see the need of introducing criteria. If you announce a competition and choose based on that competition and there is only one applicant, no one else wants this position, then introducing criteria for this one person... S/he may not comply with the criteria, so it means leaving a court or panel without a chairperson...” Man, judge

“As this position is not based on election, criteria cannot be determined; specific criterion cannot be set unless the law envisages an election for this position. This position is not currently elective and respectively, the council makes a decision based on the personnel that a specific court has for the moment.” Woman, judge

I may not consider the skills envisaged in that law as absolutely necessary, but I actually work there and see the contribution of each employee, what each of them does for the court, can s/he do something to support the court? Why does this need to be envisaged in the law?” Man, judge

As believed by judges, the absence of set criteria is not problematic, but the introduction of such criteria would not be problematic as well. It is worth mentioning that if representatives of the NGO sector connect the absence of criteria to the possibility of making subjective decisions by council members, part of the judges participating in the study believe that ***setting criteria will make the process even more subjective***. As believed by these respondents, set criteria will limit many judges from nominating themselves, and the risk of criteria being tailored to a specific individual is even higher. Moreover, as noted by one of the respondents, in case of setting criteria, chances increase that these criteria will be met by people who already meet them without the criteria being set, and nothing will change for other potential candidates. The main argument is the scarce number of positions related to administrative work in the court system and respectively, the limited number of candidates.

¹⁵ Report on Monitoring of High Council of Justice. (2018). N6, Tbilisi. <https://www.gyla.ge/files/banners/%E%206.pdf>

“Setting criteria will make the process more subjective. It will disqualify candidates who are willing to try and become chairpersons. Those criteria will definitely determine the number of years with managerial skills... it will definitely be tailored to persons.” Woman, judge

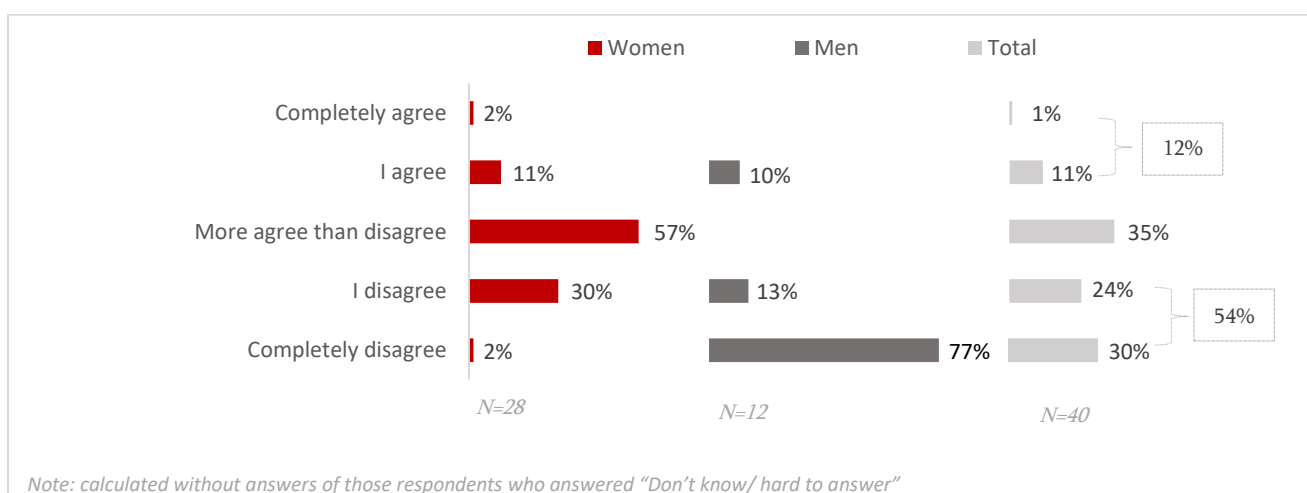
“When the Parliament adopted criteria for Supreme Court Judges, one of the criterion was that a judge had to have passed the qualification exam. Non-judge members and a certain part of society claims that this is personification... if that is personification, is not it personification too to determine criteria [for a chairperson]?” Woman, judge

“The court system does not involve much administrative work, right? Only a very tight circle has the experience they are requiring and that will determine who is selected. Respectively, those who already have experience with administrative work will fall under the criteria for which you determine these criteria.” Woman, judge

“The number of chairpersons is limited. Chambers and panels exist only in big courts, not in regional courts. One may want it, the council may want it, but the number is limited...” Woman, court manager

It can be said that the position of the respondents of the qualitative component of the study is confirmed by the results of the quantitative study. Despite the fact that 40% of respondents of the online survey find it difficult to determine whether they agree with the statement that determining criteria and procedures for appointing court/panel/chamber chairpersons would make the process of appointing a chairperson less subjective, among those who evaluated this statement, 54% disagree that setting procedures and criteria would make this process less subjective. Among respondents, 35% agree more than disagree with this statement, while 12% agree that the introduction of procedures and criteria would make the process of appointing a chairperson less subjective. Among the 28 female respondents of the online survey who evaluated the statement, 32% disagree that determining criteria and procedures for appointing court/panel/chamber chairpersons would make the process of appointing chairpersons less subjective. Out of 12 male respondents, 90% disagree that the introduction of procedures and criteria would make the process of appointing chairpersons less subjective (77% completely disagree).

Chart 1. Do you agree with the statement that the introduction of procedures and criteria for appointing court/panel/chamber chairpersons would make the process of appointing chairpersons less subjective?



Despite the dominant discourse among judges participating in the study for the absence of a need to determine criteria, there were different opinions expressed. Namely, as noted, the **introduction of criteria can be positive** for the process of appointing court/panel/chamber chairpersons. The main point was the transparency of this process, and it was also declared that the introduction of criteria significantly decreases

the probability of appointing judges based on “personal connections.” In addition, those judges who support the idea of setting criteria deem it very important to discuss these criteria. Moreover, based on one of the respondents, they should envisage criteria such as knowledge of foreign languages or computer skills, managerial skills, and common specialization. It is pointed out that supporters of this idea do not deem it to be a much-needed step for improving the process directly inside the system. Setting criteria is more focused on demonstrating transparency of the process beyond the system – for society.

“Why not? There might be [criteria] to assess something.” Man, judge

“When you have determined criteria, the process seems to be more transparent and you have fewer opponents...” Woman, judge

“The system does not have a problem, but to avoid raising questions in the media or NGO sector, [setting criteria] would be good...” Woman, judge

„There should be criteria, and knowledge of foreign languages must be one of the criterion because when foreign guests arrive, you need to know at least basic language. Basic knowledge of computers is also necessary – one needs to have a certificate. As well as managerial skills... A chairperson should not have a narrow specialization. I might be very good at criminal law but know nothing about civil...” Woman, judge

As believed by one of the judges supporting the idea of criteria, the introduction of criterion such as an age limit is important to support woman judges. As she claims, this would increase chances for women judges to be appointed as a chairperson. It is noteworthy to mention the importance of stereotypes according to which women have more responsibility for taking care of their families. Respectively, relatively elder woman judges may be more willing to occupy managerial positions, as they have less responsibility for taking care of their children.

“More years means more experience and you become more self-confident, family supports you more, you don’t have so many responsibilities for children. If I had small children now, how would I manage to be a chairperson? There should be an age limit for a chairperson.” Woman, judge

5.3. Reasons for the under-representation of women in senior positions

When speaking about gender, scientific literature uses “glass ceiling” as a metaphor to describe the barriers that prevent women from achieving success similar to their male colleagues, specifically in occupying senior positions in public or private organizations regardless of their education, qualifications or professional achievements.¹⁶ As scientific literature describes, these invisible barriers result from traditions and stereotypes, the asymmetric distribution of household responsibilities between women and men, the absence of support from managers, the homo-social nature of existing work relationships, etc. According to the glass ceiling theory, vertical segregation is explained this way: regardless of the general increase in the employment rate of women, the number of women in decision-making and executive positions is limited due to unseen barriers.

“Glass escalator” is a term used to describe unequal treatment towards women in the employment market when men are given advantages by managers, colleagues and clients when entering woman-dominated fields. Respectively, men have more chances for career advancement than their female colleagues.

¹⁶ <http://dictionary.css.ge/content/glass-ceiling>

As claimed by feminist researchers, those women who manage to break through the “glass ceiling” during their career and occupy senior ranks, sooner or later will still face barriers that do not allow them to reach the top of the professional hierarchy ladder.

As demonstrated by the results of this study, the under-representation of women in management positions in the court system is explained by two key factors – reasons beyond the system and inside the system. Reasons *outside the system* are associated with **stereotypes with regard to womens’ role in society** and representatives of the court, public and NGO sectors agree that these stereotypes exist. As for the reasons *inside the system*, the beliefs of the NGO sector and representatives of the court system vary. Namely, the *NGO sector* explains the under-representation of women in management positions with the **existence of a network of powerful judges** inside the system. As for those representing the *court system*, they believe that the reason is associated with the **managerial functions of a chairperson**.

Reasons outside the system

Research participants are unanimous in terms of outside reasons explaining the under-representation of women in management. The reason outside the system is to be found in **gender segregation**. Due to beliefs prevalent in the society, woman have traditional functions to carry out, which objectively do not enable her to perform additional professional functions. On one hand, this makes male decision-makers think that management position will not be appealing for women as they have “more to do at home.” On the other hand, women may create space for such thinking, and because women with too much “extra work” is not socially appealing for family members, they refuse to take managerial positions. Another important factor is that based on stereotypical beliefs in the society, a man is supposed to be a manager as “he can better cope with” management and its associated responsibilities than a woman. As believed by research participants, this approach is prevalent not only among men, but among women too.

“Georgian culture is a male-dominated culture. [Women in management] are under-represented in the court system as well as in politics, business and almost every field due to traditions. The only field where women are actively occupying management positions is the civil sector.” Man, public sector

“Women have more duties in the family.” Man, judge

“Imagine that a woman is supposed to be a judge, to perform administrative work, to be a mother, housewife, etc. No matter what she does at work, no one will take these duties away, it is not recognized as actual work.” Man, public sector

“It is believed that women may not find the time, they may deprive their family of time. Woman may refuse such a position, in some cases a spouse or mother-in-law can be against this, children too who need more time with their mother, and the mother can be occupied with these [managerial] problems on weekends too.” Woman, judge

“This [position in management] is a certain responsibility. Men think that women cannot cope with it and even women think so. This is an approach and stereotype that women prefer a man as a manager and chairperson and not another woman. Based on traditions, men is supposed to be managers everywhere. This is a stereotype, but it will require quite some time to be eliminated.” Woman, judge

This context also implies the belief that the principle of courts selecting their own chairperson is democratic and good, but even under this condition, they will presumably still elect a man as chairperson regardless of

women being a majority in the courts. This is explained by the stereotype that “management is a man’s prerogative.”

“Within the third wave of reform, courts are supposed to elect their chairperson based on a ballot. I think it would be a democratic step forward, but I think it would be biased too. I think they will still elect men as a chairperson even if the majority is represented by women. I think women prefer a man as a chairperson rather than a woman. It seems like we are not ready for this yet. New generations may be more ready.”
 Woman, judge

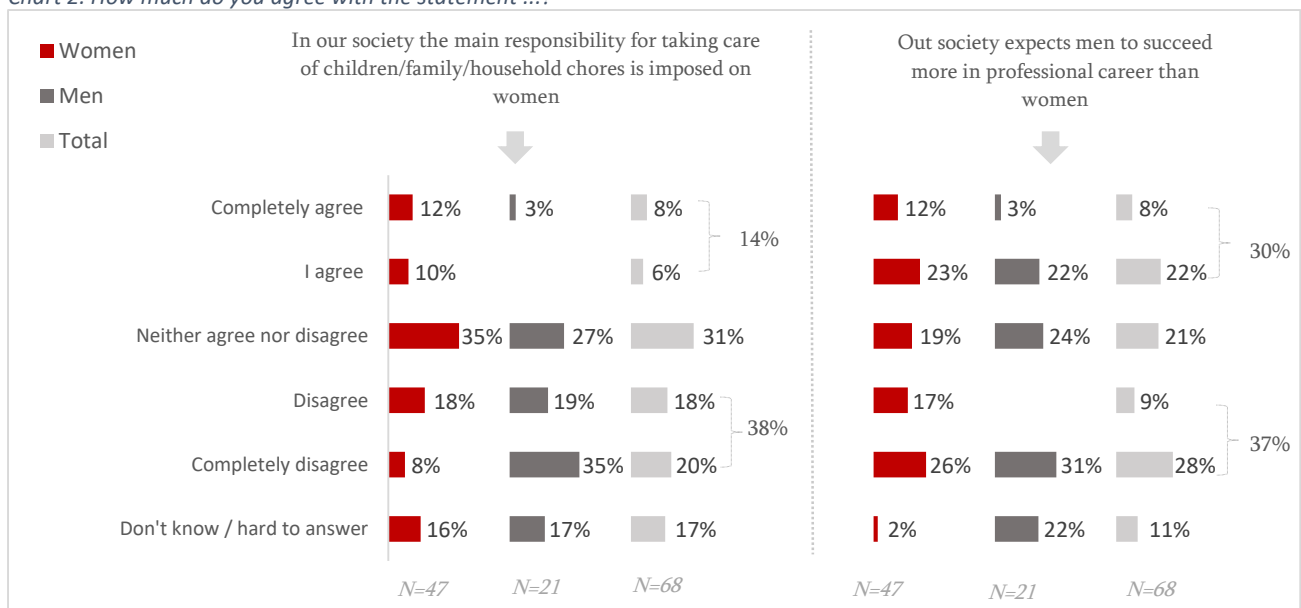
“I think that the position of chairperson is associated with the strength of a man, it is reality and they believe that a man is more organized, mobilized, stronger, and daring than a woman.” Woman, assistant to judge

“It is believed that one needs more effort when being in a management position and that women cannot do it.” Woman, NGO sector

“For the conference of judges, mostly men were selected as members of the High Council of Justice, there is only one women judge, the rest of them are men.” Woman, public sector

It is quite interesting that based on the results of the quantitative research, only 14% of respondents agree with the statement that the main responsibility of taking care of children/family/household chores is imposed upon women, and 31% neither agrees nor disagrees with this statement. Among inquired respondents, 38% disagree with the statement that the sole responsibility for household chores is imposed on women, while 17% had a hard time answering this question. It is also worth mentioning that as believed by 30% of participants, society expects men to succeed more in a professional career than women, while 37% disagrees with this statement. Among respondents of the online survey, 22% of women and 3% of men agree with the statement that the main responsibility for taking care of children/family/household chores is imposed upon women. As for the other statement that society expects men to succeed more in a professional career than women, 34% out of 47 female respondents agree, while 43% of them disagree. Out of 21 male respondents, 25% agree and 31% disagree with the abovementioned statement.

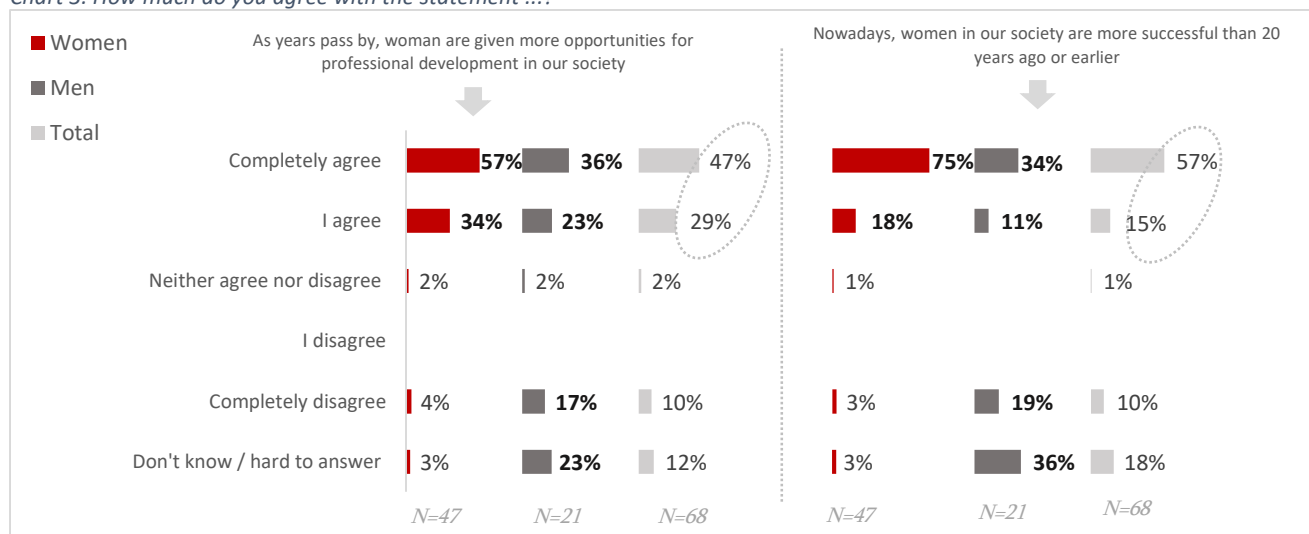
Chart 2. How much do you agree with the statement ...?



These attitudes of participants can be explained by positive perceptions related to the opportunities for professional advancement for women. As believed by 76% of respondents, as years pass by, women are

given more opportunities for professional development in our society. This also implies that society now expects more from women than they did years ago. As noted by respondents in the qualitative study, this is backed by the fact that there are many successful women nowadays and they occupy high ranking positions. The majority (72%) of respondents participating in the online survey agree with the statement that women are more successful in our society today than they were 20 years ago. The majority of women respondents of the online survey (91% out of 47 inquires) agree that as years pass by, women are given more opportunities for professional development in our society. As for the 21 male respondents of the online survey, 59% of them agree and 17% completely agree the statement, while 23% do not know/find it hard to answer. With regards to the statement that women are more successful in our society today than they were 20 years ago, 93% of female and 45% of male respondents agree with the statement. Among male respondents, 19% completely disagree with the statement that women are more successful in our society today than 20 years ago and 36% do not know/find it hard to answer.

Chart 3. How much do you agree with the statement ...?



Representatives of the *court system* participating in the study explain the under-representation of women in high ranking positions by a **lack of will and ambition**. It needs to be emphasized that each of these reasons are explained again by gender segregation and the responsibility to take care of family being associated with women. Respectively, here we are talking not as much about the reason, but about the effect of how the main reason – stereotypes – works.

“[They do not occupy high ranking positions] probably because women may be less ambitious; this is one problem. Another problem is that being a judge is such a burden and an even greater burden for women because there is a family, duties of a mother, and probably they do not want it.” Woman, judge

“Being chairperson is an additional responsibility and women are not willing to take this additional responsibility because they have the additional burden of taking care of a husband and children at home.” Man, judge

“As we are women, we have a different social environment; we have children and we have other duties. Women are under double pressure, while men are free from this responsibility.” Woman, judge

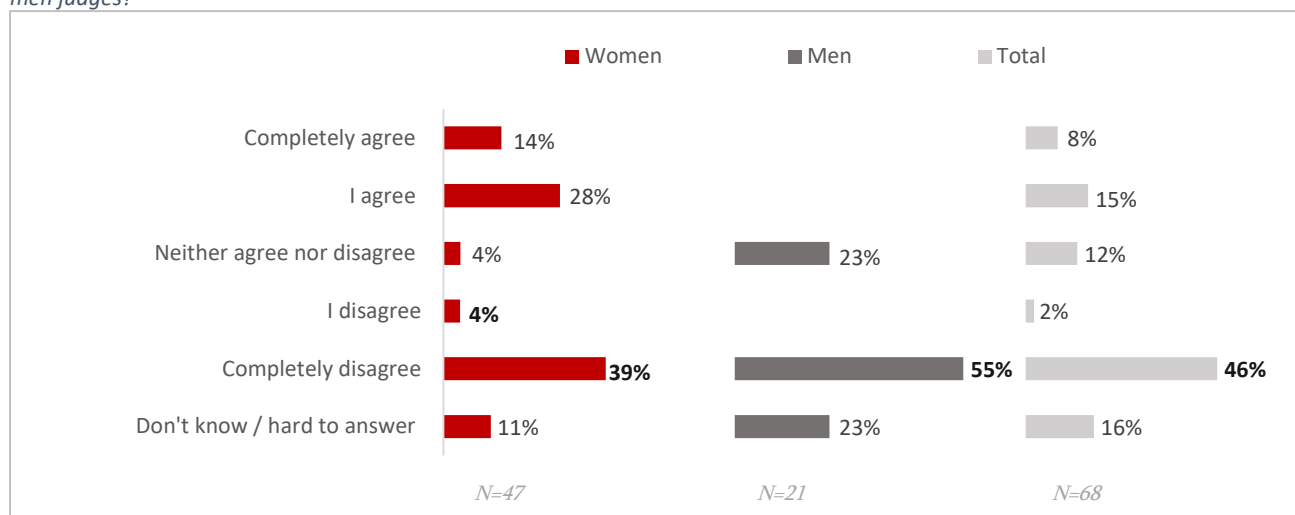
„Regardless of the fact that being a manager was my calling and no one forced me to be there, I have not been at home before 11p.m. during any New Year’s eve or on any Easter for those 5 years [while I was chairperson]. This is why I think women avoid [taking managerial positions]. I’m not complaining, but I think this is the reason why women are not active.” Woman, judge

“Work woman does at home is not appreciated. After returning from work, women continue doing household duties, while men are free from this responsibility. This is a reality in the country and this naturally hinders women.” Man, public sector

“To tell you the truth, I cannot provide an exact reason for this, I don’t know. But I can assume that they are not willing to... They are not willing probably because a judge’s functions are already a responsibility and being a chairperson is an additional, even heavier burden. Women judges have families. We men are a little privileged from this point of view – we go home and there are no household duties for us to fulfill. Women judges have even more responsibilities at home outside of their work. Sometimes it is surprising for me how they do so much.” Man, judge

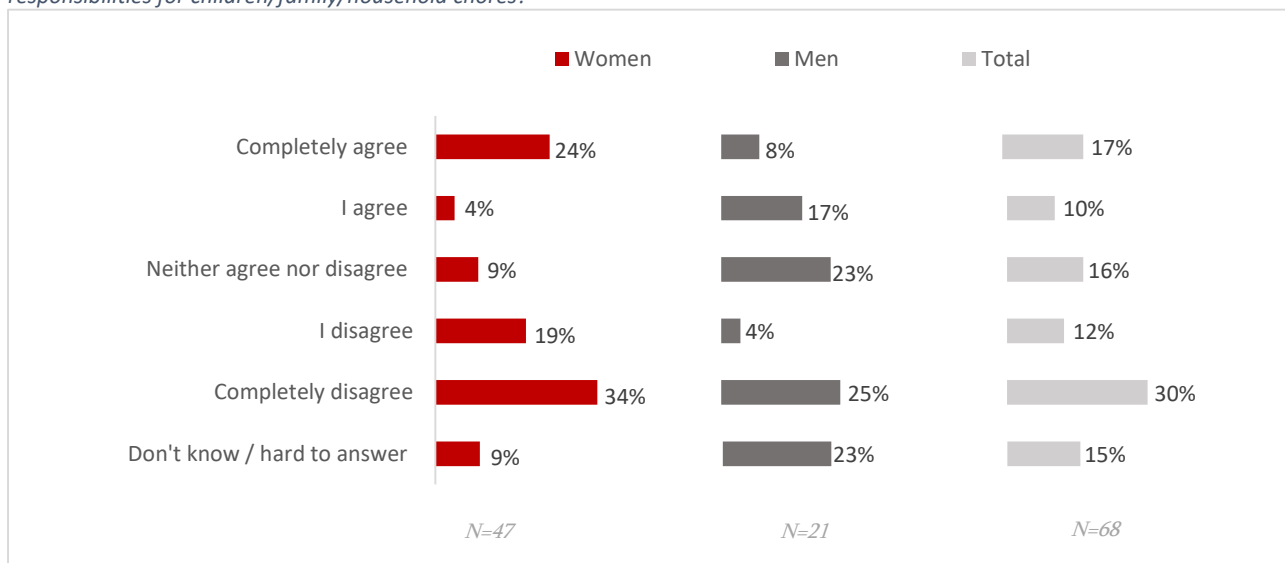
Statements regarding ambition were evaluated by participants of the quantitative research as well. As the results demonstrate, 46% of them completely disagreed with the statement that female judges are less ambitious to hold high ranking positions than male judges. Among respondents of the online survey, 39% of women and 55% of men completely disagree with this statement, while 23% of respondents agree with this statement (completely agree – 8%, agree – 15%). It is worth mentioning that none of the 21 male respondents of the quantitative research agree that woman judges are less ambitious to hold high ranking positions compared to men judges, and 42% of female respondents agree with this statement.

Chart 4. To what extent do you agree with the statement that women judges are less ambitious to take high ranking positions than men judges?



Among respondents taking part in the online survey, 27% agree with the statement that like other women, female judges in Georgia have more responsibilities for children/family/household chores (completely agree – 17%, agree – 10%). Among those with differing opinions, 42% disagree with this statement while 16% neither disagree nor agree, and 15% of respondents found it difficult to provide an answer to this question. Among female respondents, 28% agree (24%- completely agree, 4% - agree) and 53% disagree (19% - disagree, 34% - completely disagree) with the statement that like other women, female judges in Georgia have more responsibilities regarding children/family/household chores. As for the 21 male respondents of the online survey, 25% of them agree (agree/completely agree) with the statement, while 25% completely disagree, 23% neither agree nor disagree, and 23% do not know/find it hard to answer.

Chart 5. To what extent do you agree with the statement that similar to other women in our society, woman judges have more responsibilities for children/family/household chores?



It is worth mentioning that the focus group discussion in the students’ group drew attention to the fact that imposing household responsibilities upon women does not only create barriers for them to succeed after being employed, but during the hiring process as well. Being married, to have small child or not to have yet but may potentially become a parent, may become grounds for an employer to refuse hiring a person.

“When I said [during the job interview] that I am not married, they asked me if I had a partner and was going to get married in the near future.” Woman, student

“Getting married is what prevents us from catching up with some things in terms of professional development. For example, fellow students who used to copy tests from me were at the same starting position, owners of scholarships... Then I got married, this did not hinder me and I continued studying, but I could no longer be involved in so many activities, exchange programs, etc. I was pregnant, then I had a baby and this made me fall behind. I enrolled in a Master’s program two years later, I was enrolled but I could not physically manage while my male friends advanced in their careers so fast because they were not married, they do not have to go through pregnancy, having a baby...” Woman, student

The presence of similar tendencies in the country is confirmed by the study conducted by the Center of Social Sciences in 2014. According to this study, asking questions about personal life is considered to be a normal practice during job interviews. Such questions were given to more than 65% of women and men participating in the study, while 40% of participants were asked about the number of children.¹⁷

Regardless of the fact that this has not been mentioned in other narratives, it is noteworthy to point out the opinion of one of the woman judges who believes that women try not to take managerial positions because the profession of a judge is perceived to be more suitable for men than for women. Regardless of the fact that family and the immediate circle of many women judges may not think this way, society’s attitude influences and somehow puts women under pressure. This is why society perceives men who are the partners “of strong women” as “oppressed” and causes “many insecurities” in men. For this reason, women try to avoid taking high ranking positions and stay “in the shadow.”

“:When men say they never want their spouse to have a higher salary than them, this is kind of an insecurity and why women step back. They do not want to be too active. Women subconsciously try to step back then...”

¹⁷Gender-based discrimination on the Georgian labor market. (2014). Center of Social Sciences. http://css.ge/files/documents/Project%20reports/Labour_discrimination_GEO.pdf.

I've never felt anything like that from my family members, but when I became a judge, friends of my spouse used to say to him that now he would have to knock on the door and ask permission to talk to me. I realized that this somehow influenced my husband..." Woman, judge

According to the results of the World Values Survey 2014, 50% of respondents inquired in Georgia disagreed with the statement that "if a wife earns more than her husband, it almost always causes problems." However, 26% of respondents agreed with this statement, and 22% neither agreed nor disagreed. In this context, it is worth mentioning that there was no gender-based difference and an almost identical share (woman – 26%, man – 25%) agreed with this statement.¹⁸

Both female and male respondents participating in this study pointed out that children are more attached to their mothers. As explained by respondents, this has a "psychological reason," which logically accompanies higher expectations of receiving care from mothers. Another explanation is that women contribute in the greater attachment of their children to the mother. Respectively, women employed in the court system prefer to dedicate additional time to family and not to "administrative work." Moreover, as noted by research participants, the "special bond" between mother and child is envisaged during court disputes as well. In addition, respondents draw attention to the certain "fault" of women. As noted by female participants of the study, women themselves create the kind of environment where children are more dependent on them, and they do not take professional responsibility that could create space for men to think that they cannot cope with other duties. Here we can speak about the **self-stigmatization** of women as a responsibility taken by women due to gender segregation in the society, which is not perceived as a problem of Georgian culture. Neither male nor female participants deny the fact of the special attachment of children to mothers, but women see their "fault" in this and do not blame the culture.

"Fathers participate in bringing up a child, but as there is this special bond between mother and child, this is a proven fact. This factor is taken into consideration during disputes ..." Man, judge

"We are saying that this job is comfortable for us because we can do our household chores as well. This comes from that stereotype [that household chores are a woman's responsibility] ..." Woman, assistant to judge

"Considering woman's nature, when we deal with mother-child cases, we come across that attachment of child to mother that is very obvious." Man, judge

"We are not active and men may blame this on the fact that we are women and we want to go home early, but we are not active." Woman, judge

"Children probably feel so attached to mothers because we create the kind of environment to make our children more attached to us than to fathers." Woman, assistant to judge

"Us women take on so much responsibility that we don't have time for other things." Woman, assistant to judge

Reasons inside the system

As demonstrated by the study results, *representatives of the NGO sector* perceive the position of court/panel/chamber **chairperson as success**. They often point out that women are hindered by different factors to achieve "this success." As judges believe, **success is practicing judge duties while being chairperson is just "administrative rank,"** which means increased responsibility. Regardless, as mentioned in

¹⁸ World Values Survey Wave 6: 2010-2014 (Georgia/2014). <http://www.worldvaluessurvey.org/WVSOnline.jsp>.

narratives, the status of chairperson is associated with privileges such as a car and driver, better infrastructural environment with relaxation room, and a salary bonus. According to one respondent, the position of chairperson “is more privilege than responsibility.” This implies financial and other benefits that are not available to other judges. It is also worth mentioning that chairpersons do not have all the workload of other judges. However, according to another opinion on a lighter workload, regardless of the law envisaging a lighter workload for the chairperson in terms of cases, the volume of existing cases does not actually enable them to be less busy.

Representatives of the public sector also discussed privileges associated with the status of chairperson. As believed by one respondent, what makes this position appealing is the representative function of a chairperson, a higher salary, and the opportunity to make social connections.

One of the woman judges has a different perception, based on which the position of chairperson does not come with a representative function. Moreover, this position may become appealing to judges if it will attain the aforementioned function.

“[As a chairperson] you represent your court, corps of courts in various meetings, you make a social network. you have higher salary. This is why this status is believed to be a privilege.” Woman, public sector

„If this position [chairperson’s] was representative, if it implied visits in various countries, participation in interesting meetings, this might be more appealing for women. But with the functions chairperson now has, I don’t think it is interesting... If this representative function is added, it may become appealing position. At this moment, when it comes with more responsibility, without financial benefits, I don’t think anyone would be interested in this position because of the car only...” Woman, judge

Regardless of the privileges associated with the status of chairperson, the main discourse among both women and men judges reveal that **being a chairperson is not appealing**. The main explanation is associated with additional management responsibilities, which is especially unappealing considering the salary bonus chairpersons receive.¹⁹

“Chairperson is served by a car while none of the judges are; they have a fuel limit, higher salary, lower workload in terms of cases, their own office, and room to relax which we don’t have. They also have an individual restroom, TV, refrigerator – none of us get this. Our court does not have a room in case you feel sick or faint... If these services were available for everyone, no one would want to be a chairperson, everyone would refuse, who wants extra responsibility?!” Woman, judge

“It is the same as ordinary judge. What privileges? It’s more work...” Woman, judge

“I don’t see getting extra salary as a privilege.” Man, judge

“You have more responsibility, more duties in terms of an organizational perspective. Thus, being elected as chairperson does not mean I am successful. I am not different in any way and I don’t have any other privileges higher than a judge. Being a judge is success to me.” Man, judge

*“Being a judge is the peak of a career and other than that, this is an additional management function.”
Woman, judge*

¹⁹ Organic law of Georgia “on common courts” defines the salary of judges which consists of wages and bonuses. If reimbursement of district (civil) court judge, magistrate judge is 4 000 GEL, a chairperson of the same court panel receives 4 300 GEL, while a court chairperson gets 4 600 GEL. Reimbursement of a judge of the appeals court is 5 000 GEL, a chairperson of the same court chamber (panel) receives 5 300 and a court chairperson gets 5 800 GEL. As for the Supreme Court, the salary of the court is 6 000 GEL, while a chairperson of the same court gets 7 000 GEL. (<https://matsne.gov.ge/ka/document/view/4274417?publication=1#DOCUMENT:1>).

“It is not like that in our system [that status of chairperson means more success], chairperson is just a manager of the building.” Woman, judge

“I used to manage the court and it is difficult. I feel more comfortable in this position [judge] because of not having additional duties. Because together with these cases, even if someone throws a stone inside this court’s yard, even this creates an inconvenience for you. This is not me avoiding responsibilities, we just have so much work to do, I am so busy that I cannot even think about adding other responsibilities.” Man, judge

“I get the same workload as they do [cases for judges]. Yes, the law enables us to give 50-25% of our workload but I’ve never used this right.” Man, judge

Unlike judges, who believe that the highest rank is judge and there is nothing special in being chairperson, as one of the representatives of public sector declared “people in Georgia still have old attitude towards their superiors”. As claimed by this respondent, the attitude towards a chairperson as “superior” is clearly demonstrated during meetings, especially in conferences of judges “towards an influential group of judges.”

As believed by representatives of the non-court system, the perception of the status of chairperson as a position without privileges is an expression of self-stigmatization by women judges. Women judges often declare that being a chairperson is not a privilege, it is associated with additional responsibilities and work, while they prefer to spend their limited spare time on family and children. In reality, this is an “attempt to avoid contradiction with the influential group.” It is also noteworthy that as believed by one of the representatives of the public sector, being chairperson does not mean being loaded with more work, because after appointment to the position, chairpersons work on a small number of cases related to their judge practice.

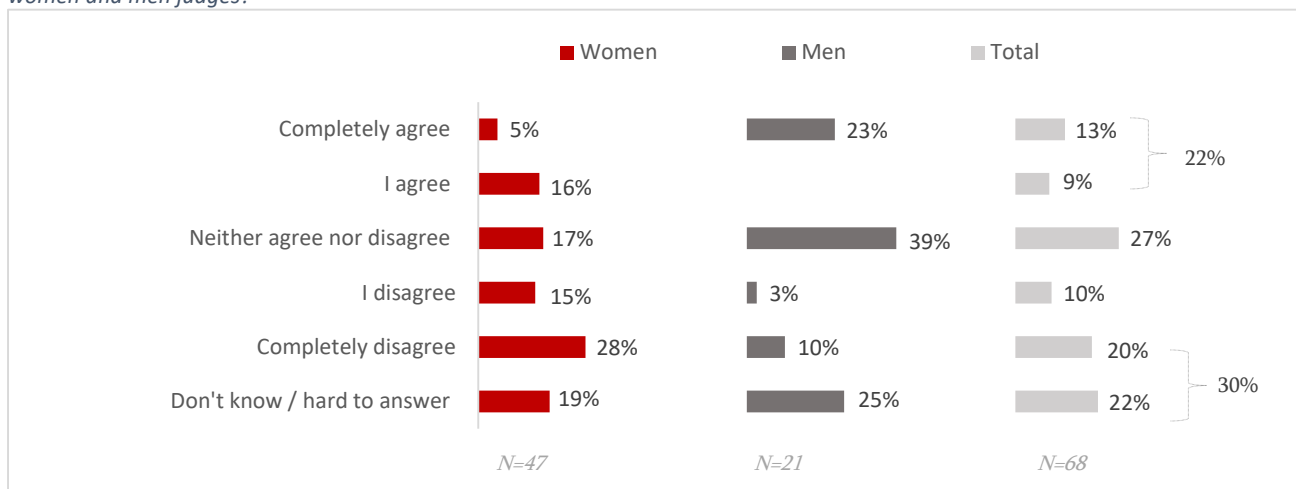
“Actually, their workload is not doubled. The electronic rule of distribution of workload envisages the actual volume of work for each position... Becoming a chairperson and holding various positions at the same time does not mean that they will need more working hours to fulfill these functions.” Woman, public sector

“This is associated with additional work and it is not worth it for us – when women say this, I have the impression that they do not want this position.” Woman, NGO sector

It is worth mentioning that as demonstrated by the study results, both men and women judges perceive a chairperson as an ordinary judge with additional management responsibilities. If we make an assumption that the opinion of respondents from the non-court system is correct and that this is an expression of self-stigmatization, we should consider that this applies to women as well as to men judges.

The financial aspect of a chairperson’s status was evaluated by participants of the quantitative study, and 22% of participants of the online survey agree with the statement that being court/panel/chamber chairperson is financially less appealing for women and men judges, while 30% disagree with this statement. It is worth mentioning that 20% completely disagree with the statement that the financial factor is not appealing. It is also worth mentioning that 27% of respondents neither agreed nor disagreed with the statement, and 22% found it difficult to answer this question. Among female respondents, 21% agree and 43% disagree with the statement that being court/panel/chamber chairperson is financially less appealing for both women and men judges. As for male respondents, 23% completely agree and 13% disagree/completely disagree with the statement, while 39% neither agree nor disagree and 25% do not know/find it hard to answer.

Chart 6. To what extent do you agree with the statement that being court/pane/chamber chairperson is financially less appealing for women and men judges?



As believed by respondents representing the *NGO sector*, women who want to occupy management positions, knowing the reality and realizing their low chances of succeeding at the same level, as men are decision makers, do not want to waste time. This is why they limit themselves. However, *judges* participating in the study disagree with this statement. Apart from gender segregation and the absence of will among women due to responsibilities towards their families, judges also pointed out the **importance of practicing judge’s functions**. This is why judges believe that carrying out a chairperson’s duties related to administrative work is less appealing.

According to one of the respondents, judges are so busy that regardless of whether or not they are a chairperson, both women and men have less time for their families. Respectively, spending additional limited spare time on other administrative work instead of family is a serious problem for many people. The fact that men are more willing to perform administrative work than women is also a stereotype. According to this stereotype, women are supposed to be mostly responsible for household chores while men are better capable of managing.

“Those who make decisions on promoting these women are men.” Woman, NGO sector

“I like the role of practitioner judge, a chairperson has more management-related functions and has no time to be involved in cases.” Woman, judge

“It does not really matter, when I leave my house at 09:00 a.m. and have to return from work at 04:00 a.m. what I do: I stay to write down my verdict or manage the court. It does not really matter neither for me nor for my family because I am not home anyway...” Woman, judge

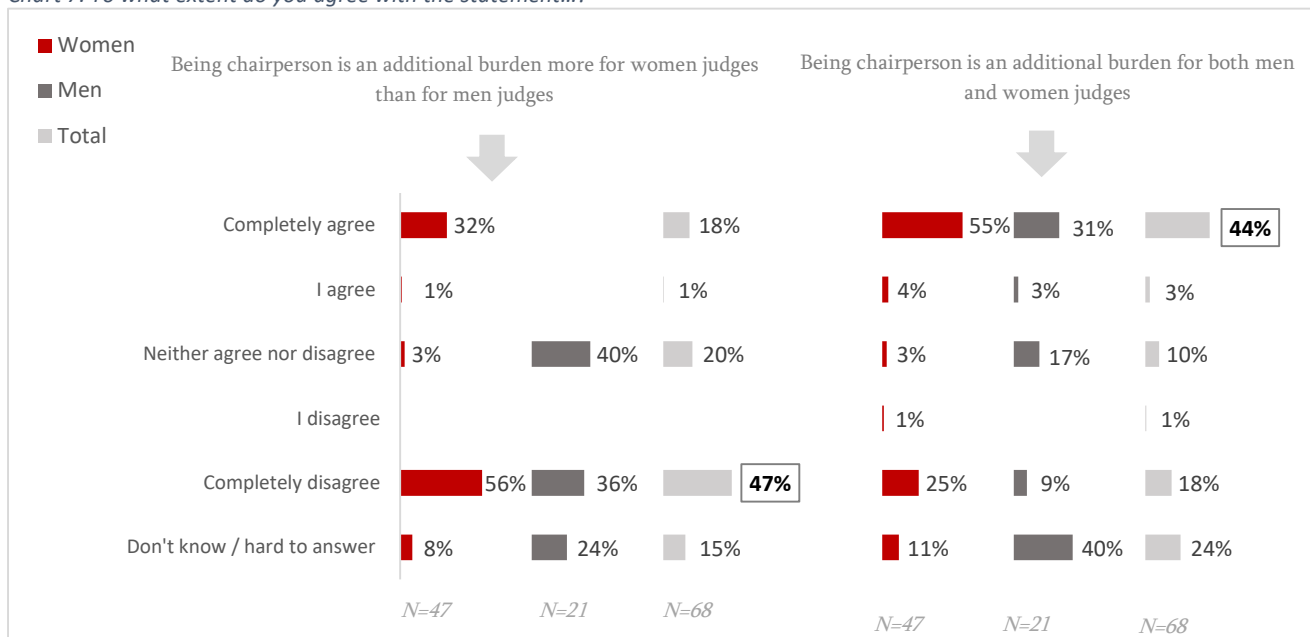
“Men and women forget their families. We spend more time at work than at home. We are like guests; we just sleep there.” Man, judge

“You have to get involved even if a mailman’s car is bumped by a pebble on the road. You have to compile, act, and I don’t want [to be chairperson].” Woman, judge

As for the results of the quantitative study, 47% of respondents completely disagree with the statement that being a chairperson of a court/panel/chamber is an additional burden more for woman judges than for men. It is worth mentioning that 32% of female respondents completely agree and 56% completely disagree with this statement. As for male respondents, 36% disagree and 40% neither agree nor disagree that being a chairperson of a court/panel/chamber is an additional burden more for female judges than for male judges.

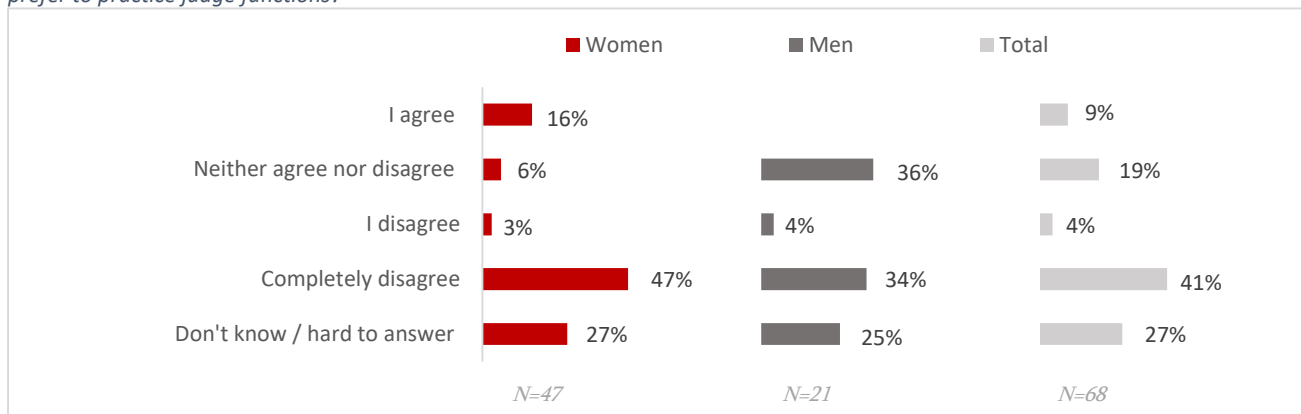
In addition, 44% of respondents completely agree with the statement that this position is an additional burden for both women and men judges. The latter is believed by 55% of female and 31% of male respondents of the online survey.

Chart 7. To what extent do you agree with the statement...?



Participants of the online survey also evaluated the statement that a high ranking position is less appealing for women judges as they prefer to practice judge functions. Only 9% of participants (16% - women and none of the responding men) agree with this statement, while 41% completely disagree (47% - women, 34% - men).

Chart 8. To what extent do you agree with the statement that a high ranking position is less appealing for women judges as they prefer to practice judge functions?



As believed by representatives of the *NGO sector*, the fact that female judges less frequently nominate themselves for management positions is explained by two factors – firstly, **duty to fulfill stereotypical gender roles** and secondly, **lack of access to influential social networks and a “non-serious” attitude towards women managers**. As noted by representatives of the NGO sector, the appointment of a woman as chairperson is explained by the “absence of an alternative solution” in the specific case. This is then positioned as a demonstration of “care” to ensure equality in the court system.

“When there is no other choice [lack of human resources] and they have to nominate women candidates, they emphasize that this is done to ensure equality and to demonstrate that they have gender sensitivity.”
Woman, NGO sector

“Council members are mostly very insensitive towards gender and minorities. They perceive the nomination of woman candidates to the position of chairperson as quite a non-serious topic.” Woman, NGO sector

“There are two most active women members in the High Council of Justice. They have been victims of bullying by other members of the Council. It was very often emphasized that they are women and I don’t know how the representation of women in court management is supposed to change under this condition.” Woman, NGO sector

“I don’t think many chairpersons have any special management skills or special competence and that these functions cannot be fulfilled by women, but this ironic attitude [from council members towards women judges] is a serious barrier.” Woman, NGO sector

As noted above, representatives of the NGO sector associate the reason for the under-representation of women in high ranking positions with the presence of an influential group inside the system. As believed by them, the role of influential members in electing/appointing chairpersons is very special and importantly, authoritative judges are men. Unlike the NGO sector, representatives of the court system do not speak about more or less influential judges and moreover, on their gender identity. It is also worth mentioning that unlike representatives of the court system, representatives of the NGO sector perceive chairpersons, especially court chairpersons, as members with power.

As for the students participating in the study, regardless of the fact that they have not discussed social networks inside the system, they drew attention to the importance of social capital. As believed by them, the presence of “right social capital” does not define success, but is an important factor to simplify the process.

“Chairpersons have very important power in the court and we have a problem of influential judges nowadays. The group of such judges is mostly comprised of men. This is logical and explainable how this problem will later reflect the problem of appointing men to the position of court chairperson. Those who have power appoint themselves and these are men judges inside the system.” Woman, NGO sector

“The presence of an influential group of judges inside the court system is an important factor. This group does not usually represent women judges, and this influential group is managed by men judges. So, it is obvious how men will choose chairpersons and whom they will trust with power – women do not usually end up in this circle.” Woman, NGO sector

“A judge is the main figure in the court. Chairperson is just a manager and has no power over judges. A judge is completely independent, has his/her team and manages this team...” Man, judge

“As they [parents] are in this system, they would help [my brother] to advance in his career.” Woman, student

“Having someone to help will simplify the process of succeeding.” Woman, student

“We are surrounded by people who occupy quite high ranking positions. They may have this position today and not tomorrow, but it is still important.” Woman, student

As scientific literature notes, one of the explanations for the fact that management positions in the court system are taken mostly by men is associated with the “glass ceiling.” Excluding women from relevant networks and men supporting representatives of their gender for professional socialization is associated with the presence of a so-called “old boys network.” In this informal system, men use their positions to influence others who they often utilized social past (e.g. school, university, etc.). This network excludes the involvement of women in these kind of relationships, and this is why women often lose access to important sources of informal knowledge.²⁰

5.4. Encouraging mechanisms

According to main discourse, the under-representation of women judges in the management of the judiciary system is not a unique characteristic of the system, but a reflection on gender segregation in Georgian society. Other studies also confirm that women are responsible for performing the largest portion of household chores and their work outside home is less encouraged than men’s work.²¹

According to the study conducted in 2013 researching public attitudes towards gender equality in politics and business in Georgia, it turned out that society believes that the main function of a woman is to be a good mother and good housewife. Respectively, this is what society encourages in women. As noted in the study, under these circumstances it is natural that women are more inclined to make an effort in this direction. Moreover, it can be said that society punishes/scolds women more in case she does not fulfill this duty well than it encourages her for doing well. This is because being a mother/housewife is considered to be a woman’s fundamental function that she has to fulfill in any case and this is not any special achievement for her. It can be concluded that society’s values form a certain pressure that directly and indirectly negatively affects women’s activism in various fields (business/politics). If direct pressure is expressed in the fact that woman wants but cannot succeed in any fields other than family, indirect pressure influences a woman’s way of thinking, and as a result she does not even want to be active in any field other than family.²²

In this context, it is also important to mention the results of the World Values Study, according to which 50% of respondents inquired in 2014 agreed with the statement that being a housewife makes a woman as satisfied as having a paid job (among them, 19% completely agreed and 31% agreed). It is worth mentioning that no differences have been identified in terms of gender, as this statement was agreed with by 51% of men and 48% of women.²³ It is also worth mentioning that 65% of respondents agreed with the statement that children worry when mothers work (among them, 25% completely agreed and 40% agreed). Among inquired men, 61% agreed with this statement, while the share of women was 68%.²⁴

It is worth mentioning that the main discourses of our study were related to social expectations of women performing their roles as a mother/housewife and issues of gender segregation. When speaking about encouraging the support of women judges in taking positions in management, attention was drawn to simplifying household work for women. One of the encouraging mechanisms mentioned by participants who represented the judiciary system was the **increased term of paid maternity leave**. In this context, it was also noted that women could also be encouraged in case of a **relatively more flexible working schedule**. As noted during the focus group discussion, switching to a 7-hour working day after having a baby is important not only before the child turns one-year-old, but after that too.

²⁰ Feenan, D. (2008). *Women Judges: Gendering Judging, Justifying Diversity* in JOURNAL OF LAW AND SOCIETY VOLUME 35, NUMBER 4, DECEMBER;

²¹ *Study of public attitudes on gender equality in politics and business*. (2013). UNDP. Tbilisi;

²² *Study of public attitudes on gender equality in politics and business*. (2013). UNDP. Tbilisi;

²³ *World Values Survey*. Georgia, 2014 / <http://www.worldvaluessurvey.org/WVSOnline.jsp>;

²⁴ *World Values Survey*. Georgia, 2014 / <http://www.worldvaluessurvey.org/WVSOnline.jsp>.

However, this is not how every respondent thinks. According to one of the key points, it would be difficult to determine the age of the child before which woman should use exemptions. In addition, this would cause problems in the environment when simultaneously several women have small children, as it would hinder the working process. An interesting opinion was reported during the focus group discussion with students. As believed by them, using this exemption would emphasize a woman's weakness, which is not acceptable for group participants.

"Woman judges can have different maternal leave, in order not to think about rushing home when deciding someone's fate. She should have more freedom." Woman, judge

"Imagine having various employees and five of them being pregnant or a mother at the same time... it is very difficult to make the schedule tailored to each of them..." Woman, student

Based on the results of the study "Court system: reforms and perspectives" conducted in 2017, there are stereotypical approaches in terms of using maternity leave by woman judges. On one hand, this is perceived as a leave for only women (and not for men). On the other hand, the use of maternity leave by woman judges results in increased workload for male judges, regardless of the fact that during maternity leave, both women and men continue working in the court.²⁵

Speaking of **maternity leave**, as declared by one of the woman judges, she has been personally told that she would rest during maternity leave. Research respondents do not deny the perception of maternity leave as rest, but they note that this is perceived in the context of resting from a busy routine at work and not in the way that being at home and taking care of baby is less hard work. Moreover, as noted, the judiciary system gives women the opportunity to use certain benefits (one-hour benefit, use of sick leave). However, as the court is too loaded with cases, this benefit "moves to the shoulders of other employees," and this is why woman judges avoid using benefits too often. For this purpose, as believed by one of the respondents, it is necessary to have reserve personnel who would act on behalf of a woman judge during her maternity leave so that her cases are not distributed to other men and women employees.

The perception of maternity leave as rest was pointed out by women assistants to judges. However, they emphasized that this is how society perceives maternity leave in general and not only the judiciary system. Moreover, this approach is prevalent not only among men, but women as well. As noted by one of the woman judges, this "masculine approach" is prevalent among women too.

Being at home and not at work is grounds for society to qualify maternity leave as rest. Moreover, it was emphasized that being on maternity leave is not necessary for such a perception and it might be associated with sick leave or even being a housewife. Switching from a busy routine at the court to a different routine and getting "rest" from court cases is the main factor that contributes to such an attitude towards maternal leave.

"I don't really think that pregnant women go to get rest. They have so many responsibilities and troubles to cope with, what rest are we talking about, good job them!" Man, judge

"Not only towards women judges, but I've heard about stay-at-home women. Working women often tell such women how could they be tired, I mean that not only men, but even women have such attitudes." Woman, assistant to judge

"I broke my arm and I was told I was resting." Woman, judge

²⁵ Court system: reforms and perspectives (2017). Coalition for Independent and Transparent Judiciary. Tbilisi.

*“When you take maternity leave, whether you want or not, you get rest from these cases, otherwise...”
Woman, assistant to judge*

*“From some point of view, you switch from this stressful environment. Yes, that is stress too, you may have to stay up at night, but this stress is different, that stress is different. That one may be more pleasant...”
Woman, assistant to judge*

“To be honest, I’ve told others – you have retuned well-rested, now take over this case. I had a masculine approach.” Woman, judge

In the context of maternity leave, it is important to emphasize the importance of women’s support. Regardless of the fact that this attitude was not the dominant discourse, it is worth mentioning what one respondent had to say. Namely, as believed by this male representative of the public sector, it is important to support women during maternity leave and after they return from it. As this person states, these judges must attend qualification courses in order to be able “to catch up with male colleagues.” As noted by one of the respondents, it is recommended to ease the workload for new mothers after they return to work from maternity leave.

In this context, as believed by one of the judges, at this point, the electronic distribution system of cases imposes relatively less workload to women judges after they return from maternity leave so that they can have “at least some time for family.” As declared by him, it would be encouraging for women to use this mechanism for a longer period of time, but the lack of judges at the court does not enable this.

“In order to catch up after maternity leave, women need to have special social support programs and qualification courses in order to make their chances equal to men.” Man, public sector

“... the problem is that allocating cases is performed on behalf of other judges, both women and men, as we don’t have the luxury to encourage women, unfortunately.” Man, judge

Another mechanism to support woman judges is believed to be **children-friendly spaces** in courts. As declared by respondents representing the NGO sector, this idea was not taken seriously by men judges and “they could not hold back laughter.” However, it turns out that respondents of the judiciary system have a positive attitude towards children-friendly spaces in court buildings. As declared by respondents, spaces for children in the building or child daycare services near the building “is not bad at all.” Moreover, not only women but men employed in the system would be able to use this service.

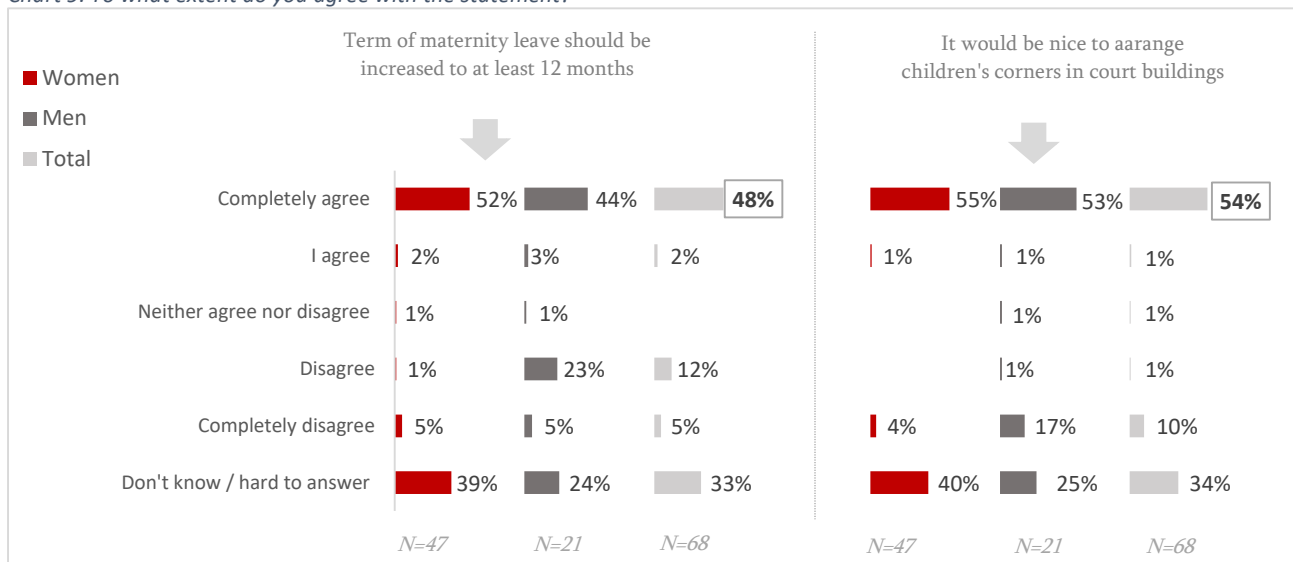
However, this idea was not only positively evaluated. Namely, respondents pointed out risks such as less concentration on work and less mobilization. In the same context, another perceived risk was with the difficulty of defining the age category of children as well as who would be responsible for watching them. Woman judges believe that the most important challenge is that having a child in the same building can be a hindering factor for parents when concentrating on work.

*“It will be better for a mother to stay at home with her child, because imagine you have a trial and you know that your child is hungry. When judges enter the trial room, they forget everything like actors do when they are performing. This is how we are. There is an invisible bond between mother and child, and when your hungry child is in the next room, I don’t think you will be able to wait, listen to parties, concentrate. It is better for the mother to stay with her child at home and for the term of maternity leave to be increased.”
Woman, judge*

Respondents of the quantitative research approve of the idea of increasing the term of maternity leave and providing children’s spaces in court buildings. However, three out of ten respondents could not say whether

they agree with these statements or not. Among respondents, 48% completely agree that the term of maternity leave must be increased to at least 12 months. The latter is believed by 52% of women and 44% of men. It is worth mentioning that for the respondents, 39% of women and 24% of men find it hard to answer, and 54% of respondents completely agree with the idea of providing children’s spaces in court buildings. Among them, 55% of women and 53% of men responding completely agree with the idea, while it is hard to answer for 40% of women and 25% of men.

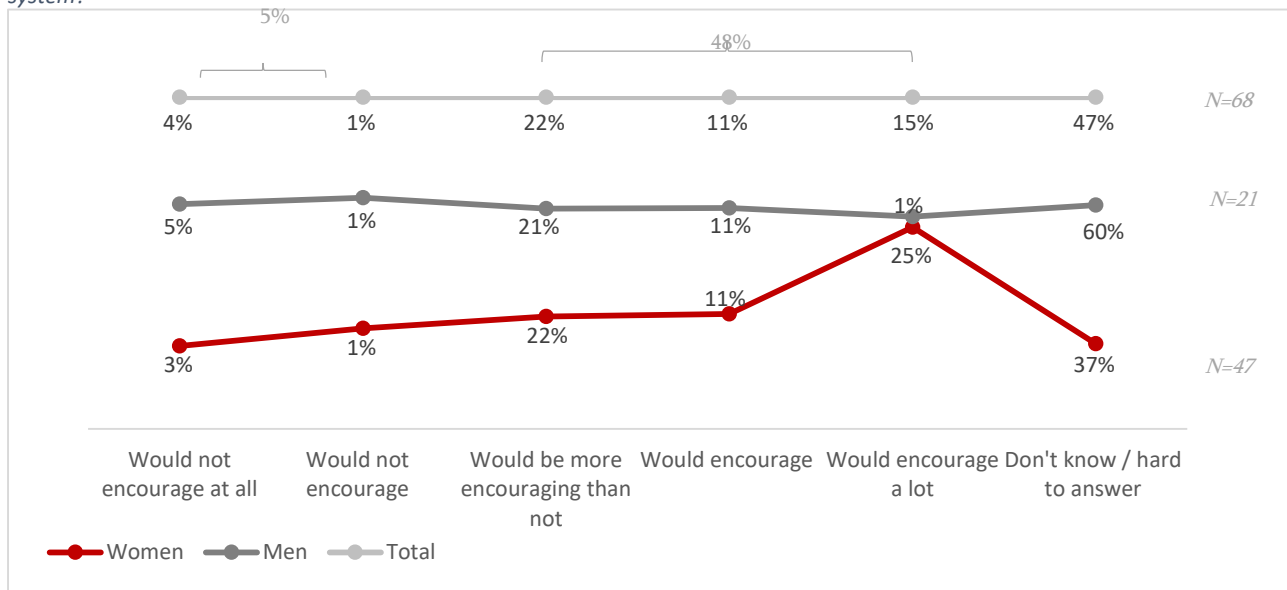
Chart 9. To what extent do you agree with the statement?



Regardless of the fact that respondents of the quantitative research have a positive attitude towards increasing the term of maternity leave and arranging children’s spaces in court buildings. In general, 47% of them (37% - women, 60% - men) had a hard time answering whether these mechanisms encourage an increase in the representation of women judges in the management of the court system. However, it is also worth mentioning that these are perceived as encouraging mechanisms more (48%) than vice versa. Moreover, only 5% of respondents believe that increasing the term of paid maternity leave and/or children’s corners in court buildings is not encouraging. It is worth mentioning that 58% of women respondents have a positive attitude towards increasing the term of maternity leave and arranging children’s spaces in court buildings in general, and 25% of them think that this mechanism would encourage women a lot. Among male respondents, 33% have a positive attitude towards the mechanism and 1% think that the mechanism would encourage women a lot to increase their number in the management of the court system.

Chart 10. In your opinion, how would mechanisms such as increasing the term of maternity leave and/or the arrangement of children’s corners in court buildings encourage an increase in the representation of woman judges in the management of the court

system?



Two contradictory discourses were identified among *representatives of the system* in terms of **introducing a gender quota** as a mechanism to increase the share of women in the management of the court system. According to the first discourse, the introduction of a quota will help to break the stereotype that claims that a manager is a man, and respectively he can manage better. On the other hand, this would “make” the system have more women representatives in management. As for the second discourse, the introduction of a quota is positive discrimination and may backfire instead of supporting the representation of women in management. As believed by supporters of this discourse, exactly the fact that taking a position in management can be associated with the gender identity of a judge more than her professional skills, this is exactly what makes many women judges have a negative attitude towards quotas. As a result, they are less motivated to nominate themselves to high ranking positions.

“The introduction of a quota serves this purpose [to break stereotypes]. As man is the head of the family, this is a very prevalent and rooted stereotype. Effective and active measures need to be taken against this.”
Woman, assistant to judge

“I don’t want to have a feeling or impression that I have to support a woman because she is a woman. This would be positive discrimination.” Man, judge

“I do not support the idea of quotas; I do not want to be somewhere just because I am a woman.” Woman, judge

“I don’t see the need, but even if 8 out of 10 are women, this won’t be a tragedy. Nothing special will happen in any way.” Man, judge

“It is very difficult for women to win over men, as this is a masculine culture and they believe that men can do better in many fields. I understand that women find it difficult to take more responsibilities now as they have a higher sense of responsibility, while men are relatively superficial, but the status-quo will change if women are more represented in management. The introduction of a quota serves this purpose...” Man, public sector

“If they introduce a quota for a certain percentage of women to be appointed to management positions, we will never see the outcome because of stereotypes.” Woman, judge

“I agree with the introduction of a quota at a certain stage before we achieve some results. I agree with quotas in the Parliament, government, self-government, business sector, in the council. It is important that topics be seen from another perspective.” Man, public sector

It is worth mentioning that attitudes of male judges participating in the study with regards to quotas are drastically negative or positioned as an unnecessary mechanism. If in the first case, the position is mostly justified by positive discrimination, in the second case their key point is that the introduction of a quota “is not necessary but won’t be a tragedy.” As noted by a men judge who is an opponent of the idea of quotas, this mechanism may hinder the work of the system. As he declares, if the respective number of women judges are not willing to be appointed to the position of chairperson, the system will “collapse.”

“Everything has its pros and cons. We need to think about quotas... imagine that this mechanism is introduced, but women do not want to be selected as chairpersons. Should we have a collapse? Arbitrarily, we are supposed to have 10 women chairpersons and we do not have ten applications, what happens then? Should we stop doing what we do?!” Man, judge

In terms of quotas, it is quite interesting to mention what one of the respondents had to say: as believed by this respondent, it is important for men to speak about the need of quotas. As declared by the respondent, regardless of the fact that this approach is sexist, we have a precondition where discussing this issue by men may appear more efficient, and this mechanism needs to be used.

“He won’t be able to use a woman’s quota, right? Respectively, when man speaks about the importance of quotas, he seems more objective... This is reality, and if we want to change the approach among men, men should speak about it.” Man, public sector

As believed by *judges* participating in the study, another encouraging mechanism that would motivate women to become court/panel/chamber chairpersons is **to reduce the workload** related to the judge’s position. This can be achieved by increasing the number of judges.

“Women will be motivated to become chairperson if the number of judges is increased.” Woman, judge

“If other judges are appointed in our court and I don’t have this much work to do, I may want to become chairperson again, but under these conditions...” Woman, judge

In this context, one representative of the NGO sector has a quite interesting opinion. As declared by this respondent, judges prefer not to be free from a busy schedule as “they seem to be controlling the entire process this way.”

It is worth mentioning that according to the study “Assessment of the need of judges in Georgia” conducted in 2018, Georgia needs 410 judges or 380-450 judges. This presumable figure (410 judges) is much higher than the current number of judges (approximately 310). It is worth mentioning that considering the current workload, even if there are 410 judges, Georgian courts will have a high workload compared to those countries where judiciary systems work well.²⁶

As believed by *judges* participating in the study, another factor that would encourage judges to occupy the chairperson’s position would be the **removal of management functions**. The key point of supporters of this idea is that many judges do not want to perform administrative work and they prefer to practice their judge duties. Administrative-management functions related to the position of chairperson makes this position less appealing. This refers to both woman and man judges. Respectively, the removal of management functions

²⁶ Assessment of the need for judges in Georgia. (2018). USAID/PROLOG. Tbilisi. <http://ewmi-prolog.org/images/files/4319AssessmentoftheneedforjudgesinGeorgia-GEO.pdf>;

from the chairperson's list of duties would be encouraging for everyone – whether it is a woman or man judge.

“Management functions must be removed from the chairperson’s responsibilities and the chairperson should be a representative of the court and take cases.” Woman, judge

“Appointments, leave, everything is the responsibility of the chairperson. The court manager has functions as well but it is dualism, functions are doubles; the chairperson and manager have the same functions.” Man, judge

“The idea of creating the mechanism of court manager initially was to take lots of technical-administrative functions from chairperson to manager, but in our system the chairperson still continues to fulfill this unfair duty.” Woman, NGO sector

As noted in one of the findings of the study “Court system: reforms and perspectives,” the fulfillment of administrative functions in the court is distributed among several positions, and this is why functions are often doubled. One of the recommendations provided by the Coalition implies strengthening the court manager’s functions in court administration and a re-evaluation of the chairperson’s function.²⁷

One of the mechanisms to promote women to high ranking positions offered by NGO sector representatives is the **formation of an Association of Woman Judges**. As believed by them, this would support strengthening women. In addition, representatives of the NGO sector deem it important to develop positive mechanisms to increase the share of women in the High Council of Justice. It was also mentioned that the introduction of representation in regional and various instance courts in the High Council of Justice would also be very important.

“It is important to establish a Women’s Association in the court, as it would voice problems of these women and work systematically on the role of woman judges inside the judiciary system.” Woman, NGO sector

“A gender aspect needs to be introduced in the selection of council members, gender representation needs to be balanced... as well as regional representation and representation with the principle of instances. We do not have any of this now and as a result, all the members except for this member [woman judge] are men, regardless of women being the majority.” Woman, NGO sector

As for *judges*, two contradictory views have been expressed in terms of an association of woman judges. Namely, male judges do not see the need to establish such an association, but “it would not be a problem” as well. As for woman judges, they **are not that excited about an association** because of two reasons. One reason is that there already is an association of judges to discuss problems. The second reason is that the establishment of an association for woman judges negatively emphasizes gender issues which is not necessary as there “is no gender-based problem in the system.” To prove their point, judges mention the number of woman judges in the system, several women chairpersons and former Chairperson of the Supreme Court. With regard to the latter position, as believed by one of the representatives of the public sector, the reason for the contradiction between the “influential group” and Nino Gvenetadze (former Chairperson of the Supreme Court) was not only about reform, but also about her gender. However, it is also worth mentioning that as believed by one of the representatives of the NGO sector, the main reason for this contradiction was different views and interests and not gender.

“We are discussing problems; we already have an association.” Woman, judge

²⁷ *Court system: reforms and perspectives*. (2017). Coalition for Independent and Transparent Judiciary. Tbilisi.

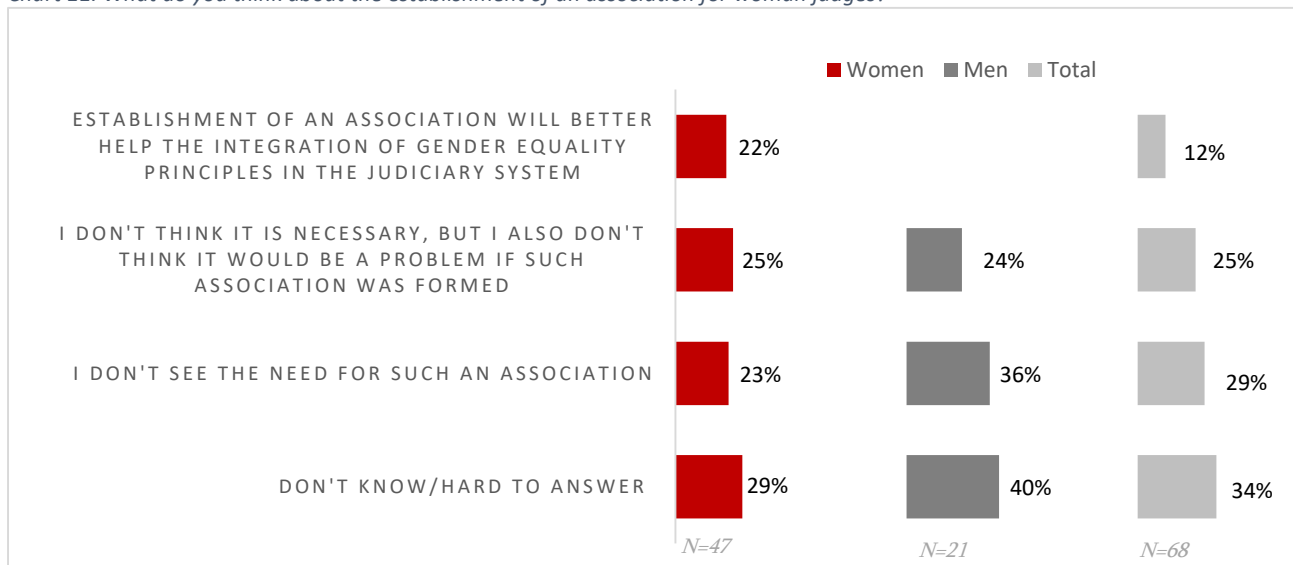
“Our system does not have gender-based problems... The goal of an association is to solve problems, fix things and we don’t have such a problem, this is why an association would be pointless.” Woman, judge

“The reason for conflict between the influential group and Gvenetadze was around reforms as well as the fact that the chairperson was a woman. Influential judges, for example, the secretary of the council may not like to receive any remarks or critical feedback from her. If she had been a man, they would not dare so much.” Woman, public sector

It is worth mentioning that as declared by a woman judge of the second instance court, the idea of establishing an association for woman judges is already there. However, an association is not perceived as a mechanism to solve the particular problems of women because of the “absence of gender-based problems in the system.” It was declared, however, that many countries have an association for woman judges and that the establishment of such an association in Georgia is associated with “sharing experience practiced in the world.”

Among respondents participating in the quantitative study, 29% do not see the need of establishing an association for woman judges. This view is shared by 23% of women and 36% of men taking part in the online survey. Other respondents of the online inquiry (25%) do not think that it is necessary to create an association, but they also do not see any problem with the formation of such an association (25% - women, 24% - men). The statement that an association would better help the integration of gender equality principles in the judiciary system is believed by 12% of respondents. The latter is believed by 22% of women and none of the men respondents of the online survey, while 34% of respondents do not know/cannot answer the question (29% - women, 40% - men).

Chart 11. What do you think about the establishment of an association for woman judges?



As declared by representatives of the NGO sector, gender balance in the system is often perceived as gender equality. According to these respondents, the former chairperson of the Supreme Court and current acting women chairperson is perceived as an expression of gender equality, which is confirmed by the results of this study. Regardless of the fact that this approach is negatively evaluated, representatives of the NGO sector positively assess “rare cases” in which women hold various high ranking positions.

“There may not be a massive break of stereotypes and there is a woman’s profession and a man’s profession, but these rare exceptions [women Chairperson of the Supreme Court] motivate many women.” Woman, NGO sector

“There is some improvement – two deputies of the Ministry of Justice and Ministry of Internal Affairs are women, which did not happen in these kinds of state bodies beforehand. There obviously is improvement, but there are fields with very serious problems in self-governing bodies.” Woman, NGO sector

“Approaches and views will eventually change. These kinds of changes were not rapid even in the USA. They had a long road to pass, they are still passing in order to achieve equality. We’ve seen positive tendencies over the past years.” Woman, judge

Representatives of the NGO sector deem it important that specific measures are taken not only on the level of state institutions but in the public sector as well. From this point of view, the examples of some European countries were deemed interesting. Strengthening women in regions was named among the necessary measures to be taken. As noted, thinking about gender equality should not be considered as “elite,” and society should have the feeling that this topic exclusively applies to the NGO sector representatives, or to representatives of other sectors who have relevant education, who are successful, brave and can loudly speak about the topic.

“For example, Germany and France have a law that obliges private companies with turnover of more than one million to have management comprised of at least 50% women. This, on one hand, is very drastic interference in private business, but on the other hand it is a positive step that the state needs to take in order to actually ensure equal participation.” Woman, NGO sector

“There are women in regions who could not obtain an education because families saw their gender role differently. This is why it is necessary to communicate with and contact these people, not only for meetings, but about making practical steps forward, making investments in the educational system, helping them acquire professions, because unless this problem is solved... This problem needs to be solved from the bottom, and then it would be possible to make correct decisions on higher and higher positions.” Woman, NGO sector

One of the judges thinks that nothing important will change by increasing the share of women chairpersons, as this is an administrative position which implies fulfilling specific functions. Respectively, this function will not be fulfilled differently (by men or women). However, the dominant discourse of the study positively evaluates an increase in the representation of women managers in the judiciary system.

As noted by women assistants to judges participating in the focus group discussion, despite the under-representation of women in high ranking positions, women’s “voice is still heard.” This was illustrated by the example of an association for judges where “women can freely” express and defend their positions. But as the “final word” is still the right of a man, as believed by discussion participants, it is necessary to increase the number of women in management. This is important not because things are not done or because women chairpersons will better perform their duties, but this serves the purpose of breaking the stereotype that “men are managers.” As believed by assistants to judges, more women managers are the best way to persuade society that women can cope with management duties exactly as well as men.

“Otherwise this stereotype [men can manage better] will not change.” Woman, assistant to judge

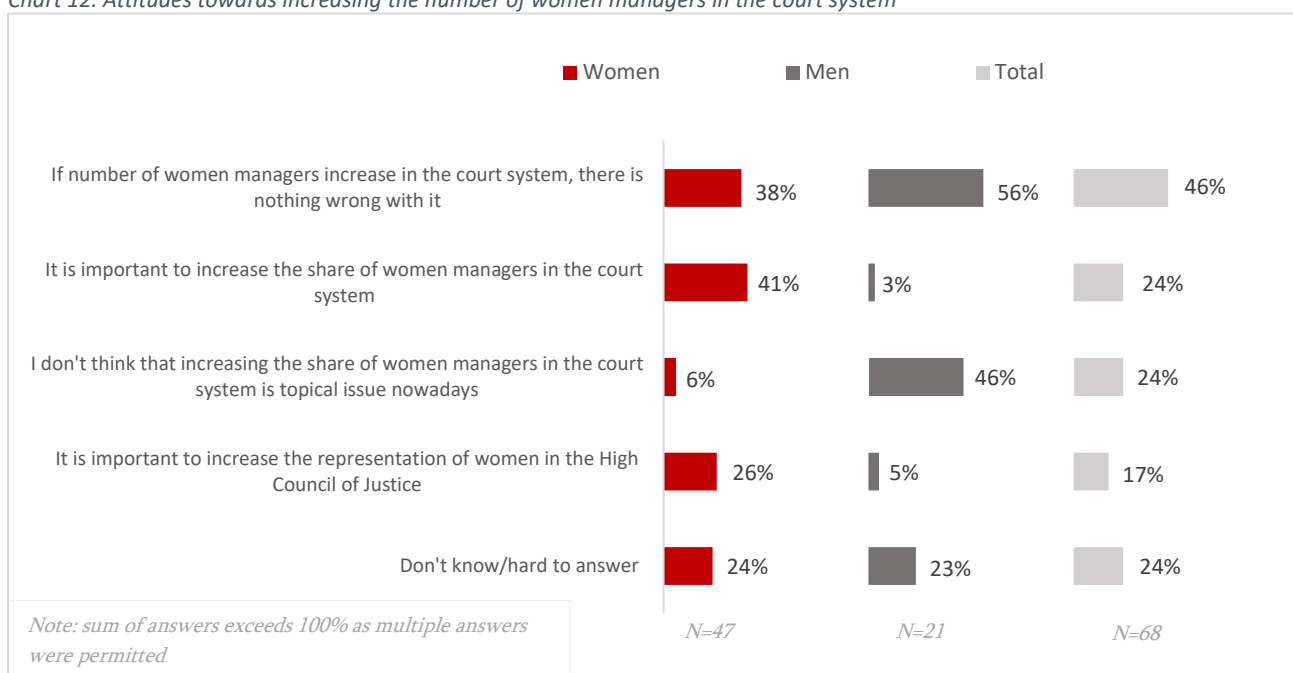
“Unless women are involved in high ranking positions, and if they give up all leading positions to men to load themselves up with other “female work,” this stereotype that woman are supposed to be in the kitchen will never change... It is very important to emphasize the role of women and it will change this stereotype, because only the fact that we out-number men in the court does not mean anything.” Woman, assistant to judge

“This [that women are not often elected as chairpersons] does not result in any specific problem in terms of cases, but this would be a certain answer, a clear answer to this stereotype and a statement that men are not always managers.” Woman, assistant to judge

Not only assistants, but *representatives of the judiciary system* in general believe that the main outcome brought by increasing the number of women managers would be **breaking stereotypes**, which would show the “already existing reality” in the system. As believed by representatives of the *NGO sector*, greater representation of women in management means an accumulation of experience in the system that assists with the *formation of a more human and fair system* than could be done “only under the management of men.”

Among respondents of the online inquiry, 24% believe that increasing the share of women managers in the court system is important, and 17% of respondents believe that increasing the share of women on the High Council of Justice is important. However, it is worth mentioning that 24% of respondents disagree that increasing the share of women managers in the court system is essential nowadays, and the majority – 46% of respondents believe that there is nothing wrong with it. Broken down by gender, 41% of women and 3% of men believe that increasing the share of women managers in the court system is important, and 26% of women and 5% of men believe that increasing the share of women on the High Council of Justice is important. However, it is worth mentioning that 56% of the 21 male respondents believe that there is nothing wrong with it. The latter is believed by 38% of female respondents of the online survey.

Chart 12. Attitudes towards increasing the number of women managers in the court system



Not only to increase representation of women in the management of court system, but also to “improve the system,” representatives of the *NGO sector* emphasized the importance of **raising awareness**. As declared by these representatives, the presence of trainings on gender-based issues is positive but there are several fundamental problems. The first problem is associated with the approaches of people who speak about gender equality with participants. Their narratives are constructed in a way that they have never been victims of gender stereotypes, and these problems “happen somewhere for others.” The main focus of these trainings is to provide participants with theoretical knowledge on the meaning of inequality, specific changes in the law, womens’ rights, and so on. But they never emphasize why these issues are important and how visions need to be changed with regards to these issues. Thus, as believed by representatives of the *NGO sector*, the existing format of trainings needs to be changed, and it is important to switch the focus to

understanding the importance of the issue and changing attitudes. In addition, it is recommended that these trainings or discussions involve women who “admit their negative experience” and will not avoid speaking about issues openly.

As declared by one of the representatives of the NGO sector, reality and attitudes towards gender stereotypes or equality issues will not change drastically, but it is quite realistic to achieve eventually. Proof of this point is the already changed reality in the country - it was almost impossible to speak about equality with men lawyers. In addition, women already saw that “they have power and persuaded men of it.”

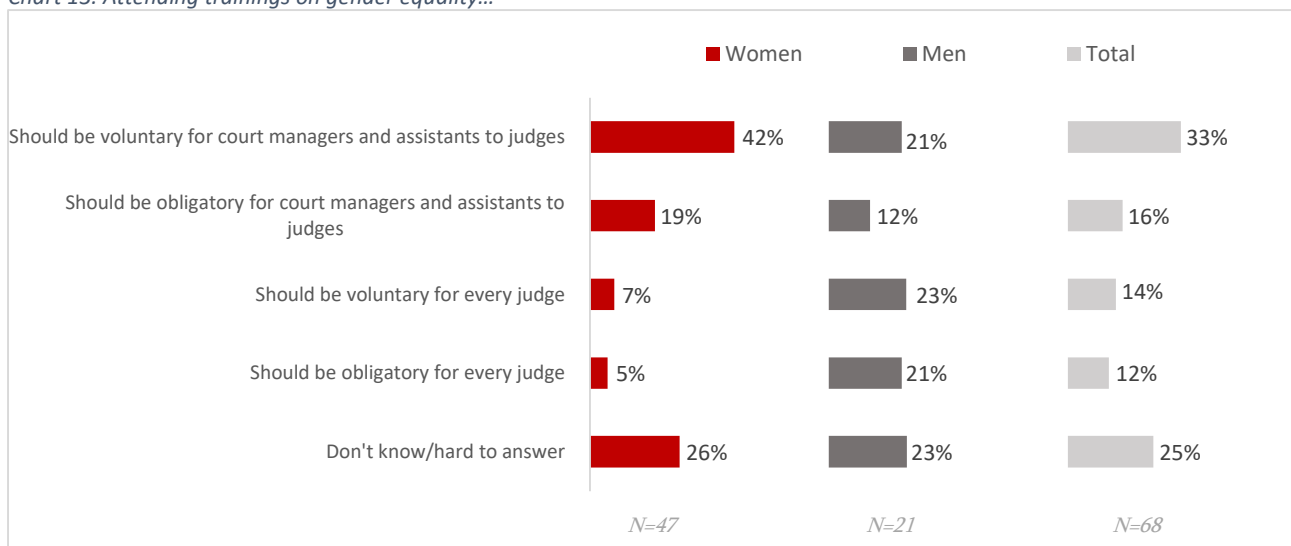
“This is where poor quality trainings brought us. So many trainings have been held but attitudes towards equality are the same... I don’t believe that some people transform during trainings, but at least if someone changes their attitudes, it’s good.” Woman, NGO sector

“Today I feel that I can sit with any male lawyer and speak about equality no matter how sexist he is... no one would even consider discussing this with us years ago.” Woman, NGO sector

“If we said “we woman lawyers,” we would be laughed at. Today we can openly say – we woman lawyers.” Woman, NGO sector

As believed by 47% of participants of the online inquiry, attending trainings on gender equality should be voluntary (for every judge – 14%, for judges, court managers and assistants to judges – 33%). Additionally, 28% of respondents believe that attending trainings on gender equality should be obligatory (for every judge – 12%, for court managers and assistants to judges – 16%), and 25% of inquired respondents found it difficult to provide an answer.

Chart 13. Attending trainings on gender equality...

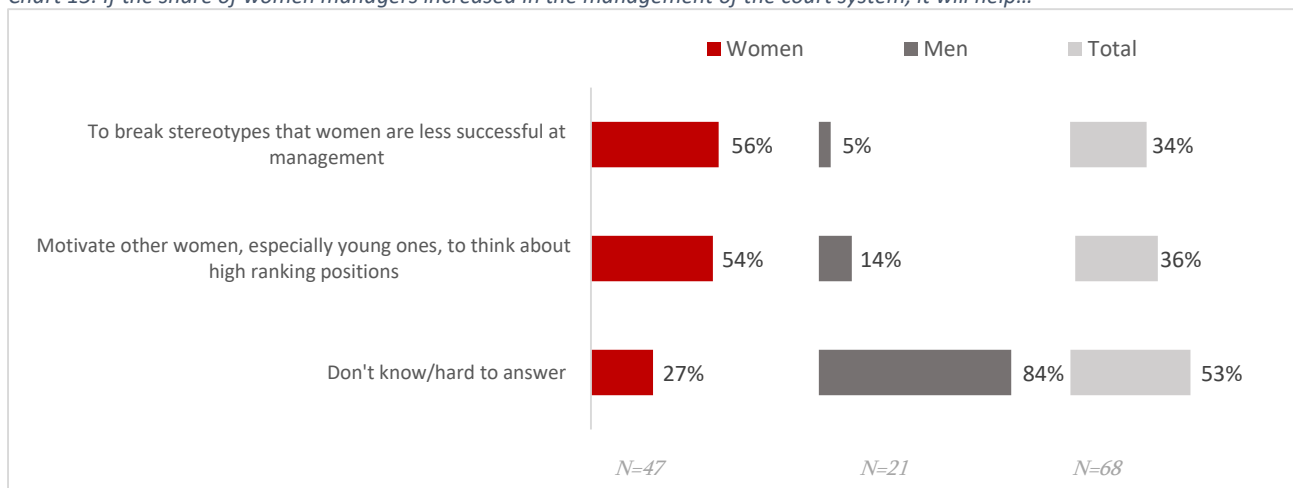


Representatives of the public sector deem the activity of working with women and men on fighting gender-based stereotypes to be very important and add that this work needs to be done not only in the judiciary system but in every institute and with the entire society. As believed by these respondents, work on raising awareness and “cultural changes” needs to start from a very early age. In this context, the solution is believed to be a serious change in the educational system. The final outcome that society is supposed to achieve is to ensure the opportunity of free choice for women.

“ The goal is not to make every woman feminist; the goal is to make every woman free, to give them the opportunity to make a free choice... There are many women who do not share feminist ideas, but they are

As believed by 36% of the participants of the online inquiry, increasing the share of women in the management of the judiciary system will motivate other women, especially young ones, to think about taking high ranking positions. Among respondents, 34% believe that this would help break the stereotype that women are not that good at management. It is also worth mentioning that 53% of inquired respondents (85% - men, 54% - women) do not know/cannot answer about the possible effect an increased representation of women could have. From a gendered perspective, 54% of women and 14% of men believe that increasing the share of women in the management of the judiciary system will motivate other women, especially young ones, to think about taking high ranking positions, while 56% of women and 5% of men believe that this would help break the stereotype that women are not that good at management.

Chart 15. If the share of women managers increased in the management of the court system, it will help...



It is worth mentioning that respondents representing the judiciary system as well as other sectors agree on the existence of problems and the influence of stereotypes that hinder women in succeeding and taking high ranking positions. They also agree that positive changes happen slowly, but still occur in society, which is proved by the increased representation of women in various fields. This refers to the judiciary system, where there are “3-4 women chairpersons already.” In this context, it is worth mentioning that as believed by representatives of the public and NGO sectors, the success of women, including in the court system, was conditioned by the recognition of the importance of hard work. Respectively, the establishment of a competitive environment and ensuring equal opportunities is believed to be an important factor for positive transformation in the future.

“Where women and men have equal opportunities, gender balance in the system is achieved automatically. For example, after introducing an examination for judges in the court system, the number of women increased significantly; women even did better in exams.” Woman, NGO sector

“It is a man’s culture, that men are supposed to be leaders. I don’t believe the court to be an exception. Everywhere where the system was opened and employees were appointed based on their hard work, women did very well there.” Man, public sector

5.5. Trust towards the judiciary system

According to the main discourse, gender equality in the court system is a less problematic issue, unlike trust towards the judiciary system. Regardless of this not being the subject of this study, representatives of the court system participating in the study drew attention to the court not being trusted by the society as a problematic issue. It is worth mentioning that the media actively discussed the results of the study

conducted by *Transparency International – Georgia* for that very moment when interviews with court representatives were completed. According to the mentioned study, 18% of inquired respondents trust the court (completely trust – 5%, feel more trust than not – 13%).²⁸ Based on the 2018 data of Caucasus Barometer, the rate of trust towards the court was 19% (completely trust – 7%, trust - 12%).²⁹ As for the results of the World Values Study 2014, 33% of respondents trust the court system in Georgia (completely trust – 4%, trust - 29%).³⁰ As for the results of the Ipsos Public Affair study 2018, 52% of respondents agreed with the statement that the court system is trustworthy in Georgia.³¹

As evaluated by judges participating in the study, the low rate of trust of the society towards the court is unfortunate, which is mostly a result of the **low awareness of society** towards the work of the court system. Another factor that results in a low rate of trust is **media**, namely, subjectively and unilaterally demonstrated reality by media. As noted by research participants, the concept of the court does not qualitatively imply the satisfaction of all of its recipients no matter what the verdict is. A focus on defending positions of unsatisfied parties only is believed to be wrong by judges. According to one of the main discourses, raising awareness of the society about the work of the court is critically important on one side, and on the other side, in the case of media reporting on specific cases, a clear demonstration of the basis for the specific decision made by the judge.

“Unlike all other institutes, this is a different institution because here we are dealing with two parties being in dispute, conflict. Dissatisfied people make half of all cases. People dissatisfied with the verdict always speak negatively about the institution.” Man, judge

“Society does not have even basic knowledge about the court. For example, when hearing something negative from media, they do not even consider that the judge made a correct decision, that evidence did not allow him/her to do otherwise... We end up speaking about civil education, which will make society members think that maybe the judge made the right decision, but the party is just dissatisfied.” Woman, assistant to judge

“There are countries where trials are not reported so widely with cameras. There are conventions which state that freedom of speech can be limited based on the interests of justice. These are leading European countries. Here, people think that every ordinary citizen needs to know what a judge is doing at home. This person [citizen] is not interested in the case. Excuse me, but this is because of certain NGOs and politicians who are fighting for their interests and their ranks.” Man, judge

Representatives of the court system – judges as well as managers and assistants – noted that distrust towards the court is related to another important problem prevalent in the system. Namely, **due to an insufficient number of judges, the court cannot ensure the implementation of efficient justice**. A large flow of cases does not enable a timely response to citizens’ files, which also results in dissatisfaction and negatively affects society’s attitudes. In this context, respondents emphasized the importance of fixing infrastructural issues such as the insufficient number of court halls on the district level.

“The court cannot properly inform society on what it does, I’m speaking about PR, because we are doing so many important things. We solve very complicated cases not in favor of the state, but some are still disappointed... The court is often attacked and to some extent I, as a judge feel unprotected because you can lash out against a judge, you can speak about them poorly, and we have to be patient about this and no one can say anything except for a High Council Member. If the Council member says anything, it is considered as interference in politics... A party and anyone can lash out at me and interfere in my personal space, but I

²⁸ <https://www.transparency.ge/ge/post/gamokitxulta-umravlesobis-azrit-carsulshi-zecolis-kvesh-migebuli-usamartlo-gadacqvetelebebis>

²⁹ <https://caucasusbarometer.org/ge/emc2018ge/TRUJUDG/>

³⁰ <http://www.worldvaluessurvey.org/WVSONline.jsp>

³¹ *Public perception of the judiciary system of Georgia*. (2018). Ipsos Public Affairs. <http://www.justice.gov.ge/News/Detail?newsId=7860>

believe there should be a lawful limit where there is an end of criticism and start of humiliation, and interfering into a judge's personal space just because you don't like his/her verdict..." Man, judge

"Citizens are angry at us because our job is service, it's service for society, and unless you provide this service timely, one may even see no point in applying to court because we cannot make decisions..." Man, judge

*"In order to be able to make timely decisions, we are facing one problem which is called a lack of trial halls."
Man, judge*

"The system does not ensure efficient justice because we are not able to deal with cases timely. Imagine when a case is prolonged for months and years, how can a citizen be satisfied?!" Woman, judge

"There are so many cases allocated to one judge that a response cannot be made in a timely manner. Judges in the first instance have to deal with an especially enormous amount of work. I've worked there for years and when I moved here [second instance] for a while, I had the feeling that I did not have work, while it is very busy here too..." Woman, judge

Contradictory opinions were expressed in terms of the inefficiency of the system because of heavy workloads. Namely, it was emphasized that despite lots of prolonged cases, the system cannot be evaluated as ineffective.

"If a judge deals with 1000 cases and has another 700 at the end of the year because resources were not sufficient, should we consider it inefficient? It's just an enormous flow of cases. The system would be more efficient if it had a sufficient number of judges." Man, judge

The inability to implement effective justice by courts due to the heavy flow of cases was emphasized in the study of 2017 conducted by the *Coalition for Independent and Transparent Judiciary*.³² As this report reads, the heavy workload in courts is problematic not only because it results in prolonged cases, but it also raises risks in terms of the independence and objectivity of courts. As believed by authors of the study, under a heavy workload, the probability of judges making mistakes or the improper implementation of procedural measures becomes higher. The latter results in the possibility of imposing disciplinary action against them.

The court is believed to be slow by 67% of respondents participating in the 2018 study of Ipsos Public Affairs. Among respondents of the Ipsos survey, 35% completely agree with this statement and 32% agree with it. According to the results of this study, 53% of inquired respondents believe that the court system is efficient. As for the evaluation of how the institution works, as believed by 30% of research respondents, the court system does not work so well, while 17% believe that it works very poorly. However, 39% of respondents evaluate the work of the court as very good (7%) or mostly good (32%).³³

Based on our study, the public sector also agrees that one of the reasons for distrust towards the court is prolonged cases. However, as believed by one of the respondents, another important problem is **having judges with reputational problems in the system**. This may result in distrust towards entire system. As believed by this respondent, the system needs to have judges even with "zero reputation," but not ones with a negative reputation. In addition, this respondent thinks that it is important to have anti-corruption schemes and a properly working internal monitoring system in order to enable the system "to clean the court from the inside." However, under the circumstances when the court is free from the influence of the Prosecutor's Office, trust is supposed to be much higher towards the system. As declared by one of the judges participating in the study, it is also important to take into consideration that judges taking over

³² *Court system: reforms and perspectives*. (2017). Coalition for Independent and Transparent Justice. Tbilisi;

³³ *Public perception of the judiciary system of Georgia*. (2018). Ipsos Public Affairs. <http://www.justice.gov.ge/News/Detail?newsId=7860>

featured cases may have lots of other cases that have not been questioned. Respectively, speaking about reputational problems because of one case only is irrelevant.

“The judge is a dominant figure in court and not the prosecutor. But this is not enough for trust. I may trust the court but have some questions towards specific judges... The court is overloaded with cases and efficiency is low. Cases may be prolonged for years, which results in dissatisfaction. Having anti-corruption schemes is very important. How can there be no single case of corruption in such a huge system? They are humans too...” Man, public sector

“There might be question marks towards a specific judge, but this judge may have solved so many other cases and has done an enormous amount of work, right?!...” Man, judge

When speaking about reputational problems, it is interesting to look through the results of the study conducted by *Transparency International – Georgia*, according to which 53% of inquired respondents believe that the judiciary system is under the influence of the governing party, while 43% of respondents think that there is a group of influential judges whose members need to leave the system (93%). Among respondents of the same study, 93% believe that judges who used to make decisions under pressure need to leave the judiciary system. As for a mechanism for increasing trust towards the system, as believed by 46% of respondents, new judges should join the court, while 41% believe that the government should not interfere in the judiciary system.³⁴

As for the main discourse of our study, as already noted, judges believe that it is important to raise awareness of society on the specifics of how the court system works. This first of all means making evidence-based decisions by judges. In addition, another crucial mechanism is to correctly inform society through media, first of all via television. In this context, it is worth mentioning that based on the data of 2018 provided by Caucasus Barometer, the main source of information on ongoing events in courts is television for 63% of inquired respondents.³⁵

In the context of raising awareness, respondents emphasized the **importance of the academic work of judges**. As declared by judges, they would love to be involved in academic work, but the main challenge is still a heavy workload and limited time resources. The latter does not enable judges to carry out additional activities. One of the respondents also named a lack of financial motivation as a hindering factor. It was noted that reimbursement offered by universities to judges is not appealing and does not really motivate them to take responsibilities related to scientific work. However, as noted by others, reimbursement is not a substantial factor.

Another hindering factor mentioned by the respondents was a lack of interest from universities and schools to invite judges to give lectures or lessons. As noted by one of the respondents, she is ready to provide free lessons at schools and to inform pupils on many issues related to justice based on specific examples. Judges being involved in academic activities is believed to be an efficient mechanism not only for raising society's awareness, but to increase the rate of trust towards the judiciary system.

“You don't have time to deliver lectures, you need to be prepared for that, right? I stay up late and solve cases, cite some instances... This happens at the expense of spending three hours on it so that I am ready for the lecture and have everything at hand. I don't sleep for those three hours, I stay up late till 4 a.m. to type and prepare and make sure to follow the deadline of submitting verdicts...” Man, judge

“The financial aspect [is important] ... I have a degree and deliver lectures part-time. But the salary they offer is so low... Last year, during the spring term, six universities called me. I kept only TSU and refused five of

³⁴ <https://www.transparency.ge/ge/post/gamokitxulta-umravlesobis-azrit-carsulshi-zecolis-kvesh-migebuli-usamartlo-gadacqvetelebebis>

³⁵ <https://caucasusbarometer.org/ge/emc2018ge/INFSCRT/>

them because it is not worth it for me to commute – to the city center or suburb it does not matter. The salary is not worth it; I mean 40 GEL per hour.” Man, judge

*“Salary is not the most important thing in academic work. Delivering a lecture and communicating with students is so interesting and pleasant that you forget how tired you are.”
Woman, judge*

“[It is important] to make these children interested in the judiciary system. Moreover, when we enter those classrooms, they will think that this judge is not so bad. We need to show our students that we are ordinary people, we have children too...” Woman, judge

Brief Summary

The under-representation of women in management positions in the court system is explained by two key factors. The reason **beyond the system** is associated with **gender segregation** and **stereotypes with regards to a woman’s role in society**. Representatives of the court, public and NGO sectors agree that these stereotypes exist. Due to beliefs prevalent in the society, a woman has traditional functions to carry out, which objectively does not enable her to perform additional professional functions. On one hand, this makes male decision-makers think that management positions will not be appealing for women, as they have “more to do at home.” On the other hand, women may create the space for such thinking and because the idea of women with too much “extra work” is not socially appealing for family members, they refuse to take managerial positions.

Representatives of the court system participating in the study explain the under-representation of women in high ranking positions by a **lack of will and ambition**, and each of these reasons are explained again by gender segregation.

As for the reason **inside the system**, beliefs of the NGO sector and representatives of the court system vary. Namely, the *NGO sector* explains the under-representation of women in management positions by the **existence of a network of powerful judges** inside the system. As for those representing the *court system*, they believe that the reason is associated with the **managerial functions of a chairperson**. In this context, it is worth mentioning that *representatives of the NGO sector* perceive the position of court/panel/chamber chairperson as success. As judges believe, *success is practicing a judge’s duties, while being a chairperson is just “administrative rank.”*

As believed by respondents representing the *NGO sector*, women who want to occupy management positions, knowing the reality and realizing their low chances of succeeding as men are decision makers, limit themselves. Representatives of the NGO sector explain that decisions are made by men who support men more than women and a **lack of access to influential social networks** for them. *Judges* participating in the study disagreed with this statement. The latter pointed out the **importance of practicing a judge’s functions**. This is why judges believe that carrying out a chairperson’s duties related to administrative work is less appealing.

Mechanisms to encourage female judges to work in managerial posts were believed to be an **increased term of paid maternity leave, a relatively more flexible working schedule**, as well as **children’s corners** in court buildings.

Two contradictory discourses were identified among *representatives of the judiciary system* in terms of **introducing a gender quota** as a mechanism to increase the share of women in the management of the

court system. According to first discourse, a *quota is an important mechanism to increase the share of women in the management of the court system*. As for the second discourse, the *introduction of a quota is positive discrimination and may backfire instead of support the representation of women in management*. Attitudes of male judges participating in the study with regards to quotas are drastically negative or positioned as an unnecessary mechanism. If in the first case, the position is mostly justified by positive discrimination, and in the second case their key point is that the introduction of a quota “is not necessary, but won’t be a tragedy.”

One of the mechanisms to promote women to high ranking positions offered by NGO sector representatives is the ***formation of an Association of Woman Judges***, which would support strengthening women. Two contradictory views have been expressed by judges. Namely, men judges do not see the need of establishing such an association, but “it would not be a problem” as well. Women judges ***are not that excited about an association*** because of two reasons. One reason is that there already is an association of judges to discuss problems. The second reason is that the establishment of an association for woman judges negatively emphasizes gender issues, which is not necessary as there “is no gender-based problem in the system.”

As believed by judges participating in the study, another factor that would encourage judges to occupy a chairperson’s position would be ***decreasing the workload related to a judge’s practice***. This could be achieved by increasing the number of judges as well as by the ***removal of management functions*** from a chairperson’s duties.

References

1. *Gender discrimination on the labor market in Georgia (2014)*. Center of Social Sciences http://css.ge/files/documents/Project%20reports/Labour_discrimination_GEO.pdf.
2. Report of monitoring on High Council of Justice (2018). N6, Tbilisi. <https://www.gyla.ge/files/banners/%E%206.pdf>;
3. *Training program for judges and other court officials - 2019*. (2018). High School of Justice, Tbilisi. <https://www.hsoj.ge/uploads/judges2019.pdf>;
4. *Study of Public Attitudes on Gender Equality in Politics and Business*. (2013). Tbilisi, UNDP;
5. *Court system: reforms and perspectives (2017)*. Coalition for Independent and Transparent Judiciary. Tbilisi. <http://coalition.ge/files/.pdf>;
6. *Assessment of the need for judges in Georgia*”. (2018). USAID/PROLOG. Tbilisi <http://ewmi-prolog.org/images/files/4319AssessmentoftheneedforjudgesinGeorgia-GEO.pdf>;
7. *Public Opinion Poll on Court System of Georgia*. (2018). Ipsos Public Affairs. <http://www.justice.gov.ge/News/Detail?newsId=7860>;
8. *Woman and Man in Georgia*, Statistical Publication. (2018). National Statistics office of Georgia
9. Hofstede, G. Hofstede, G. J. (2011). *Cultures and Organizations – Software of the Mind*. Ilia State University, Tbilisi;
10. Feenan, D. (2008). *Women Judges: Gendering Judging, Justifying Diversity* in JOURNAL OF LAW AND SOCIETY VOLUME 35, NUMBER 4, DECEMBER;
11. World Values Survey/Wave 6. (Georgia_2014). <http://www.worldvaluessurvey.org/WVSONline.jsp>;
12. <https://caucasusbarometer.org/ge/emc2018ge/TRUJUDG/>;
13. <https://caucasusbarometer.org/ge/emc2018ge/INFSCRT/>;
14. <https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems>;
15. <http://dictionary.css.ge/content/glass-ceiling>;

16. http://www.hsoj.ge/geo/media_center/news/505-2015-10-29-martlmsajulebis-xelshetsyoba-genderuli;
17. <https://matsne.gov.ge/ka/document/view/2235622?publication=0>;
18. <https://matsne.gov.ge/ka/document/view/4274417?publication=1#DOCUMENT:1>;
19. <https://matsne.gov.ge/ka/document/view/91624?publication=8>;
20. <http://www.supremecourt.ge/news/id/1815>;
21. <http://www.supremecourt.ge/judges/judges/>;
22. <https://www.transparency.ge/ge/post/gamokitxulta-umravlesobis-azrit-carsulshi-zecolis-kvesh-migebuli-usamartlo-gadacqvetelebebis>.

Annex

Chart 16. Status of research respondents

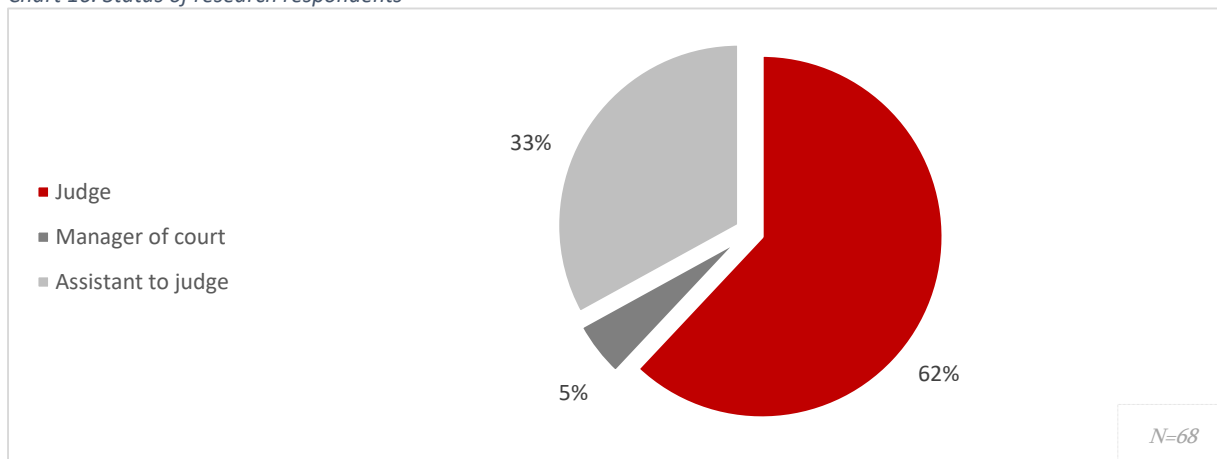


Chart 17. Courts represented by respondents

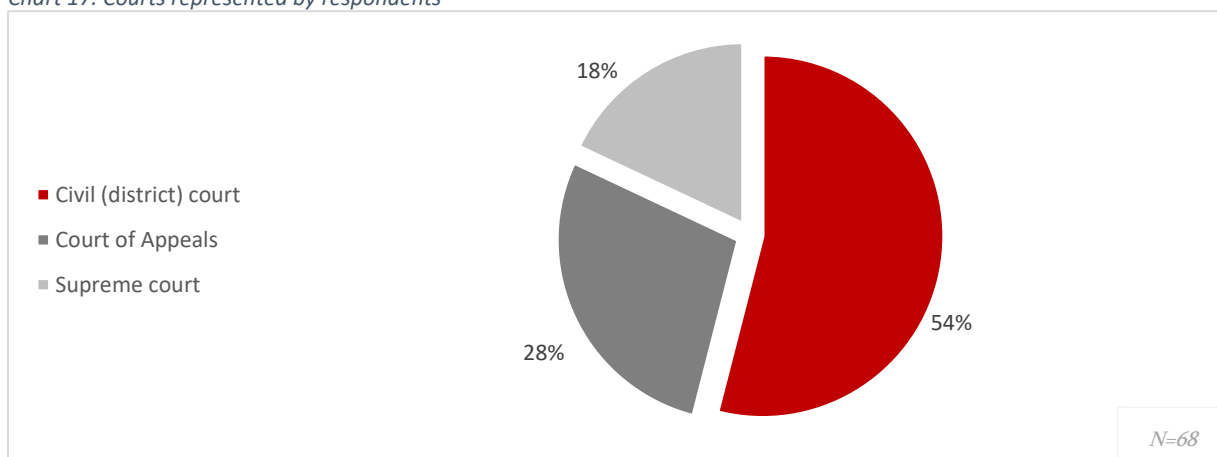


Chart 18. District/civil court represented by respondents

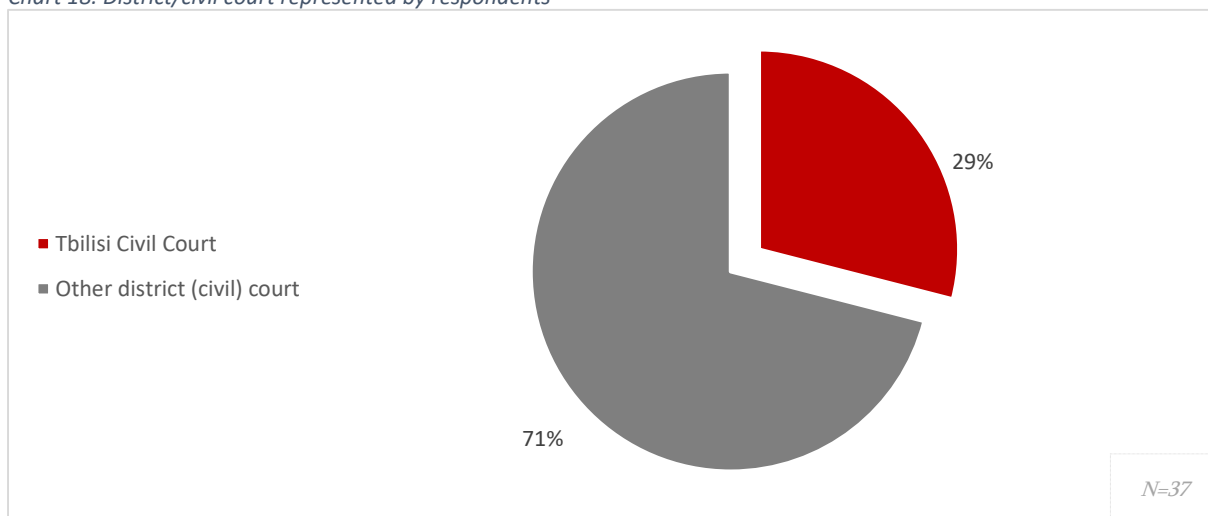


Chart 19. Age and gender of respondents

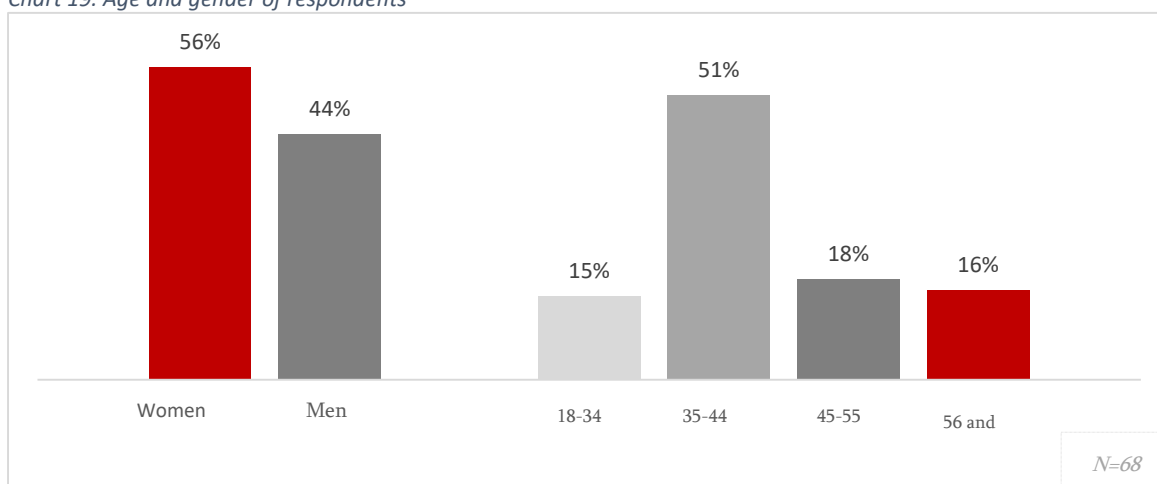
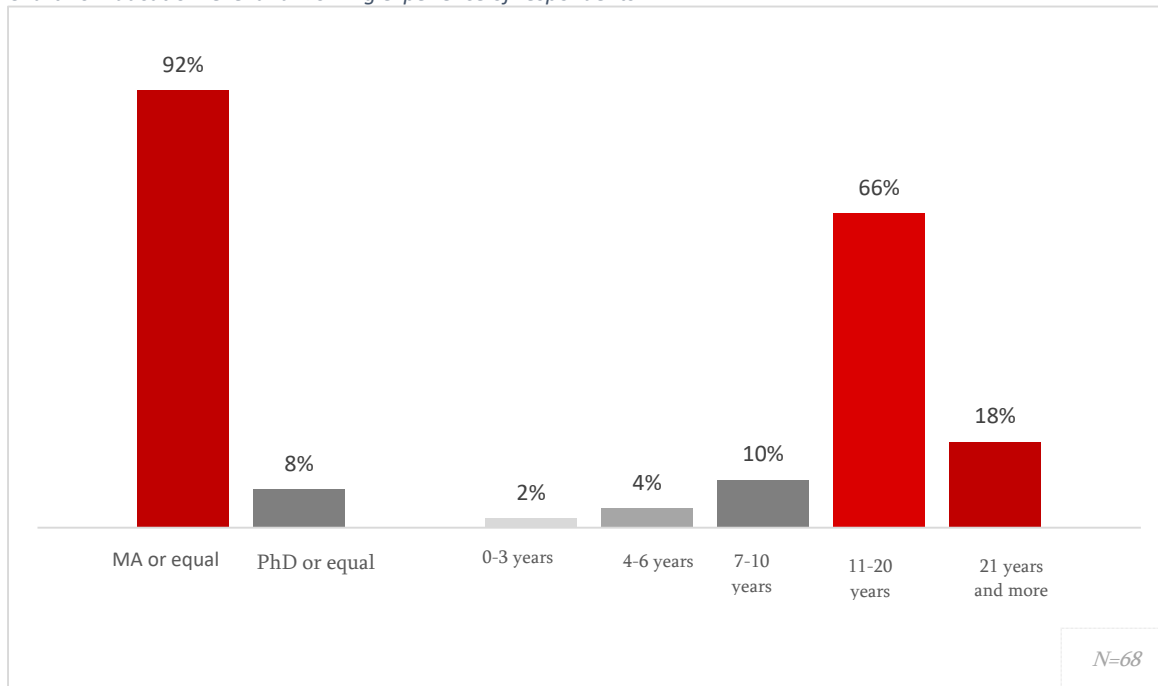


Chart 20. Education level and working experience of respondents



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