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**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES
(CCJE)**

**Thematic study of the CCJE
on diversity and inclusivity in the judiciary**

Introduction

1. According to the CCJE's Terms of Reference for 2024-2027, the CCJE is entrusted with the task of preparing thematic studies covering identified or emerging issues of common interest relating to the independence, impartiality and competence of judges, as well as their status, career and effective exercise of the judicial profession, other aspects of a fair trial, challenges and good practices.
2. The CCJE accordingly selected the topic of diversity and inclusivity in the judiciary for the purpose of a thematic study.
3. The Council of Europe Strategic Framework which guides the work of the Organisation and its committees stresses among its priority areas the independence, efficiency and resilience of the judicial systems of member States.¹ The Reykjavík Principles for Democracy adopted at the 4th Summit of Heads of State and Government of the Council of Europe also stress the commitment of member states to ensuring the independence and impartiality of the judiciary.
4. Diversity and inclusivity within the judiciary are important elements in this context since they contribute to delivering fair and impartial justice.
5. The need for diversity flows from both the complex fabric of today's society and the benefits from reflecting this situation in the composition of the judiciary as with any public entity, in order not to operate in a vacuum or appear out of touch. A variety of backgrounds, experiences and perspectives among the judiciary are beneficial to the decision-making process and also have the potential of increasing public confidence in justice. Inclusivity is a process whereby diversity is actively sought and achieved, in a manner that respects merit and has regard to the common good. Further, diversity and inclusivity enhance judicial well-being. Thus, diverse, and inclusive judiciaries can produce better justice in several ways.
6. First, there is an internal perspective to diversity and inclusivity. Having judges with a variety of backgrounds can be beneficial to the quality of interactions and discussions among colleagues and more generally judicial thinking. This can contribute to better judicial decision making, in line with the fundamental principles of human rights, the rule of law and democracy, and to avoiding any risks of group think. In this regard, the principle of non-discrimination, as provided for in many international human rights instruments and in national legislation in many jurisdictions, is also intrinsically linked to the notions of diversity and inclusivity. Any discrimination will hamper achieving diversity and inclusivity and has a bearing particularly on access to the judiciary and to distinct roles within the judiciary.
7. There is also an external perspective in that diversity and inclusivity among judges can strengthen the judicial system in better reflecting, from within, the different strata of society. The values, perspectives and experiences of court users often vary to a significant degree from those of judges. More diversity and inclusivity among judges can contribute usefully to the appraisal of situations and circumstances involving parties with

¹ Priority No. 6 of the Strategic Framework.

diverse backgrounds. In this way, decisions can benefit from judicial diversity, and this will help make the judiciary more attuned to the existing differences between various sections of society, including vulnerable groups. Overall, this will have a positive impact on the whole judiciary by reflecting more closely the diversity of today's societies and reducing a perceived gap between those who deliver justice and court users from different sections of society.

8. Thus, increasing diversity and inclusivity in the judiciary is a way, on the one hand, of reaching more informed and fair decisions and, on the other, of inspiring trust from all sections of society. The thematic study is based on the responses of the CCJE members to a questionnaire on diversity and inclusivity in the judiciary which accordingly focused on a range of pertinent issues.
9. At the same time, the CCJE wishes to signal certain parameters of this thematic study. First of all, it is not meant to assess the situation in member states. It does not contain ratings or rankings of member states' performance and does not constitute a monitoring process or mechanism.
10. Secondly, the thematic study does not claim to be a result of comprehensive and systematic research. For the preparation of the study, given the limited time and resources available, statistically representative surveys or similar exercises could not be conducted. The study is entirely based on the responses of the CCJE members to the above-mentioned questionnaire, with twenty-six respondents.² Therefore, those member states in respect of which the CCJE members have not responded could not be mentioned in the study.
11. The CCJE wishes to thank the expert appointed by the Council of Europe, Mr Niall Crowley (Ireland), for preparing the preliminary version of the thematic study.

Summary of the main points of the thematic study

12. The principle of non-discrimination, as provided for in many international human rights instruments and in national legislation in many jurisdictions, is intrinsically linked to the notions of diversity and inclusivity. In particular, Article 14 of the European Convention of Human Rights prohibits discrimination in the enjoyment of the rights guaranteed by the Convention based on a number of grounds and its Protocol No. 12 extends this prohibition to any rights set forth by law. Any discrimination will hamper achieving diversity and inclusivity in the judiciary and as such has a bearing on them.
13. For the purposes of this thematic study and the above-mentioned questionnaire:
 - a. Diversity is considered in the widest possible sense, including but not limited to differences concerning grounds of race, religion, ethnicity, gender, sexual orientation, membership in various social groups, political beliefs, ethical values, age, physical abilities, or other possible human differences.

² Albania, Andorra, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Czechia, Denmark, Estonia, Georgia, Germany, Hungary, Ireland, Italy, Lithuania, Netherlands, Portugal, Slovenia, Spain, Sweden, Switzerland, Türkiye, Ukraine and United Kingdom.

- b. Inclusivity is considered in terms of including all types of people, things or ideas and treating them all fairly and equally, resulting in representation of all members, groups and segments of the society, based on their diversity, and avoiding excluding any of them.
14. A focus on merit-based, objective and transparent judicial appointment procedures is emphasised by most members, and it is suggested by some that such an approach alone is sufficient. A range of more specific initiatives to enable diversity and inclusivity in the judiciary is, however, evident from most members as being required.
15. Data gathering on diversity and inclusivity in the judiciary is limited. However, progress on gender balance in the judiciary is noted by many members, though in some instances this does not extend to the higher courts. Progress on ethnic diversity is noted by some members, but such progress is not advancing at the same pace as for gender balance. Progress on other grounds is not noted by many members, though there is reference to progress on the ground of disability and, to a lesser extent, of age.
16. In relation to legislative and regulatory initiatives to increase diversity and inclusivity in the judiciary, non-discrimination legislation is noted as a bedrock to underpin any concern for diversity and inclusivity in the judiciary and a foundation for advancing such an outcome. This legislation specifically applies to the judiciary in some instances. More broadly, legislative and regulatory initiatives noted by members relate to provisions governing the institutional structures established for making appointments to the judiciary. These initiatives tend to be broadly stated in terms of ambition to achieve gender balance and reflect diversity within society. However, in instances, specific procedural steps are required of these appointment bodies to give effect to these broad principles. In some instances, positive action, as allowed under non-discrimination legislation, is noted in relation to appointments of the judiciary, in particular on grounds of disability and gender.
17. In relation to policy initiatives to increase diversity and inclusivity in the judiciary, a more limited focus among members is noted, but, in a small number of instances, policy initiatives taken through the institutional structures for the appointment of judges, established through the legislative and regulatory initiatives reported, are noted. These initiatives include plans and procedures to: stimulate a diversity of applicants; bring a diversity focus into the promotion process; and create accessible, welcoming and enabling work environments for a diversity of judges. These initiatives, in some instances, have a further focus on diversity and inclusivity in relation to access to justice.
18. In relation to practice initiatives to increase diversity and inclusivity in the judiciary, a small number of initiatives are noted, including: profiling commitment to diversity and inclusivity in the judiciary, good practice by recruitment panels, action to improve the work environment and in particular its accessibility, gathering of data to monitor progress; and expansion of the range of groups encompassed by practice initiatives on diversity and inclusivity. Further initiatives related to the practice of the judiciary, in particular the provision of training and guidance, are noted as also being beneficial to decision making of the judiciary and its impact and standing.
19. In further evolving this focus on diversity and inclusivity, members point to a number of future directions that could be taken to address diversity and inclusivity in the judiciary,

and that would inform concrete measures to achieve a more diverse judiciary, encompassing:

- Legislation and regulation: having a legal framework that promotes diversity and inclusivity in the judiciary alongside non-discrimination, and that charges independent bodies for the appointment of the judiciary to have regard for diversity and inclusivity.
- Policy development: implementing diversified professional pathways to become a judge and positive action measures in this regard; and attending to promotion within the judiciary on the gender ground and access to the judiciary on other grounds of diversity.
- Awareness and training: including a focus on diversity and inclusivity in awareness raising campaigns targeting judges, the legal education system, training programmes for judges, and mentorship and sponsorship programmes within the legal profession.
- Best practice and data collection: monitoring diversity and inclusivity in the judiciary; and sharing good practice on diversity and inclusivity in the judiciary.
- Systemic changes: moving courts from a single central location to having branches in other places, increasing remote working arrangements, and addressing systemic issues for groups in accessing and participating in education.

I. Progress made

20. Overall, data gathering in relation to diversity and inclusivity in the judiciary is noted by members as limited. It is of note that the High Council of Justice **in Belgium** recently asked the European Network of Councils for the Judiciary (ENCJ) to add questions on the background of magistrates (socio-demographic and cultural characteristics) to the survey on the independence of justice, so that this information can be collected at European level.
21. As mentioned above, progress on diversity and inclusivity in the judiciary is noted by many members specifically on gender balance in the judiciary. Progress on ethnic diversity in the judiciary is noted by some members, but it is clear that such progress is not advancing at the same pace as for gender balance. Progress on other grounds is not noted by many members, though there is reference to disability and, to a lesser extent, age.
22. It is noted that such progress is enabled by the legal and regulatory framework in place, and the institutional initiatives prompted by this framework. The role of bodies responsible for appointments to the judiciary is emphasised in this regard. Changing societal attitudes and positive public perceptions of diversity and inclusivity are another enabler noted of such progress. International standards, particularly those that focus on equality and non-discrimination, are also noted by some members as playing a role in enabling progress.

23. While most members appear to agree, not all members agree that a gender balanced and diverse judiciary has a contribution to make to the quality of decision making or the level of public trust, citing a lack of evidence for such an assertion.
24. Gender balance in the judiciary is noted by many members as an area of evident improvement over recent years, with a gradual feminisation of the courts noted. In some instances, this gender balance does not extend to the higher courts where men can still predominate. In many instances, this progress is noted as a result of increased applications for such positions by women rather than as a result of any initiative taken to target women. It is suggested by a number of members that gender equality being a topic for public discussion and an issue for public concern, has assisted progress on gender balance in the judiciary. The increased representation of women in the judiciary is itself noted by some members as an enabler of further progress, given the role models offered by these women judges.

Albania	There are 185 female judges and 139 male judges.
Andorra	Courts of first instance: 66% women, and courts of second instance: 50% women. Presidency of court: 2 men, 1 woman.
Austria	The percentage of women in the judiciary has risen considerably in recent decades. There are already more women than men among the judges of district and regional courts. There is also a noticeable trend towards an increasing proportion of women in management positions in the administration of courts.
Azerbaijan	In 2022, women constituted 58% of the newly appointed judges, with a decrease to 51% in 2023 and to 41% in 2024. The number of women as judicial assistants at the Supreme Court has increased. 60% of the Case-Processing Department were women, with four out of five divisions headed by women.
Belgium	The justice system has become more balanced over the past decade, with approximately 50% men and women.
Bosnia and Herzegovina	Out of 1,358 positions within judicial institutions, there are 831 women and 527 men. Women are more represented in almost all judicial institutions, as evidenced: 25 female judges in the Court of Bosnia and Herzegovina compared to 21 men; 32 female judges in the Supreme Court of the Federation of Bosnia and Herzegovina compared to 13 men; and 17 female judges in the Supreme Court of the Republika Srpska compared to six men. There is a total of 110 female judges and 38 male judges in cantonal courts. In district courts, the ratio is 46 to 24 in favour of women; with similar trends in municipal courts, where 253 female judges are employed compared to 157 male judges.
Bulgaria	According to the Supreme Judicial Council, as of 31 December 2023, approximately two thirds of professional judges sitting in court were women. There were 2,188 judges, of whom 1,450 were women. There were 46 junior judges, of whom 32 were women. This ratio applied across all levels and most courts. For example: there were 965 judges

	<p>at District Court level, 610 of whom were women; there were 671 judges and junior judges at Regional Court level, of whom 450 were women; there were 84 judges at Supreme Administrative Court level, of whom 60 were women; and there were 88 judges at Supreme Court of Cassation, of whom 67 were women. Overall, there were 180 Court Presidents, of whom 103 were women.</p>
Cyprus	<p>As of 15 November 2024, there were 161 judges across the various courts, with 78 being women and 83 men, including: 4 male judges and 5 female judges in the Supreme Constitutional Court; 4 male judges and 3 female judges in the Supreme Court; 9 male judges and 5 female judges in the Court of Appeal; 48 male judges and 48 female judges in the District Courts (all); 3 male judges and 7 female judges in the administrative court of international protection; 3 male judges and 4 female judges in administrative court; 2 male judges and 8 female judges in the family court; 2 male judges and 2 female judges in the labour disputes court; 1 male judge and 2 female judges in the rent control court; and 1 male judge and no female judges in the military court.</p>
Czechia	<p>There has been no statistically significant change in the representation of women among judges of the district courts and Constitutional Court. There has been a decrease in women in the regional courts, the Supreme court, and the Supreme Administrative Court.</p> <p>According to 2022 data:</p> <p>District courts: 66.68% women among judges; 64.83% women among lay judges; 50.57% women among presidents and 59.50% women among vice-presidents. Regional courts: 54.22% women among judges; 54.17% women among lay judges; 50% women among presidents (in 2024); and 34.78% women among vice-presidents (in 2024). High courts: 40.63% among judges; 0% women among presidents (in 2024); and 28.57 women among vice-presidents (in 2024). Supreme Court: 16.9% women among judges; 0% women among presidents (in 2024); and 0% women among vice-presidents (in 2024). Supreme Administrative Court: 37.14% women among judges; 0% women among presidents (in 2024); and 100% women among vice-presidents (in 2024). Constitutional Court: 26.67% women among judges (in 2024); 0% women among presidents (in 2024); and 50% women among vice-presidents (in 2024).</p>
Denmark	<p>61% of judges at first instance courts are women, 43% of judges at second instance courts are women, 17% of judges at the Supreme Court are women. 42% of Court presidents at first instance courts are women, and 68% of deputy judges (all courts) are women.</p>
Estonia	<p>Most first-degree judges are women, most Supreme Court judges are men.</p>

Georgia	There are 332 judges of Common Courts (154 men; 178 women): 218 in First Instance Courts (96 men; 122 women), 87 in Court of Appeals (42 men; 45 women), and 27 in Supreme Court (16 men; 11 women).
Germany	The proportion of female judges in leadership positions has increased at all court levels in "Bundesländer" (federal states) from 16,6% (2010) to 30,5% in 2022. In the "Bundesgerichte" (highest federal courts), the proportion has risen from 20,9% (2010) to 35,3% in 2022. At the end of 2020, the proportion of all female judges was 48%.
Hungary	In 2022, the total number of female judges came to 1,861 (69%) and the number of male judges to 832 (31%).
Ireland	There are 83 female judges of a total of 195 judges, an estimated 43% of judges.
Italy	The 2023 report "Gender distribution of judiciary personnel" of the Statistical Office of the High Council of the Judiciary identifies 4,213 male judges and 5,321 female judges. Looking only at the judges in office: approximately 56% are female; while among non-tenured judges, 53% are men. There is a prevalence of female judges in all geographical areas, but for offices with national jurisdiction women represent only 36% of the judiciary staff. Almost three out of four judges (71%) among those who exercise managerial functions are men; and out of ten judges who carry out semi-managerial functions, five of them are female. Currently there are only three women out of 15 judges in the Constitutional Court.
Lithuania	In 2023, there were 239 male judges and 470 female judges including: Supreme Court of Lithuania had 16 male judges and 14 female; Court of Appeal had 15 male judges and 17 female; Supreme Administration Court had 12 male judges and 9 female; Regional Administrative Courts had 11 male judges and 31 female; Regional Courts had 61 male judges and 95 female; and District Courts had 124 male judges and 304 female.
Netherlands	In 2023, there were 1,029 male judges (39%) and 1,617 female judges (61%).
Portugal	On 31 December 2023, the Courts of Appeal had a balanced gender representation ratio, with women around 55% of the judges (220 women and 181 men). First instance courts had a clear majority of women judges (896 woman judges and 376 men judges). The Supreme Court doesn't have equal representation of women (41 men judges and 19 women judges).
Slovenia	The gender distribution among judges highlights a strong prevalence of women across all court instances, except for the Supreme Court.
Spain	In 2023, Supreme Court: 4 men as Presidents of Chambers, 6 men and 1 woman in Civil Chamber, 11 men and 3 women in Criminal Chamber, 18 men and 5 women in Administrative Chamber, 5 men and 3 women in Labour Chamber, and 3 men and 1 woman in Military Chamber.

	<p>National Court: 1 man as President, 1 man as President of Administrative Chamber, 1 man as President of Labour Chamber, and 41 men 29 women as Members of the Court.</p> <p>High Courts of Justice: 15 men and 2 women as Presidents, 16 men and 4 women as Presidents of Civil and Criminal Chambers, 12 men and 6 women as Presidents of Administrative Chambers, 10 men and 9 women Presidents of Labour Chambers and 264 men and 184 women as Members of the Courts. Provincial Courts: 30 men and 8 women as presidents, and 541 men and 433 women as Members of the Courts.</p> <p>In 2024, there were 5,426 judges, with women making up 57.3 %. This is an increase from 56% in 2022.</p>
Sweden	In 2023, 57% of permanent judges were women and 42% heads of court were women.
Türkiye	There were 16,207 judges as of 3 April 2024, 8,617 men and 7,590 women: 10,101 judges in First Instance Courts of Jurisdictions, of which 4,844 were men and 5,257 were women; 2,369 judges at the Regional Courts of Jurisdiction (Appeal Courts), of which 1,474 were men and 895 were women; 915 judges in the Court of Cassation, of which 334 were men and 581 were women; 1,418 judges in first instance administrative courts, of which 926 men and 492 women; 449 judges in Regional Administrative Courts, of which 303 men and 146 women; 443 judges in the Council of State, of which 223 men and 220 women.
Ukraine	As of 1 January 2022, out of 4,178 judges of local courts, 55% (2,286) were women, and out of 844 judges of the appeal instance courts, 53% (447) were women. 37% (228) of presidents of courts were women and 63% (386) were men, and 34% (65) of deputy presidents were women and 66% (128) were men.
United Kingdom	The proportion of women in the judiciary has increased from below 20% ten years ago to nearly 40%. In 2023, 37% of all judges and 52% of tribunal judges were women. Women were 50% of the pool for recruitment and 51% of recommendations for appointment.

25. Ethnic diversity in relation to the judiciary is not as well tracked as gender, with limitations in data gathering noted. Where data exists, progress on ethnic diversity in the judiciary has been more limited than gender balance. There is a challenge noted by members in encouraging applications from such under-represented groups for these positions. Given that the appointment as judge is often at the apex of a legal career, the immediate challenge is noted as being to achieve change and enhance diversity within the lower levels of the legal and/or judicial profession. Change will be enabled as this diverse group rises through the profession. Growing ethnic diversity in society is noted as an enabler over time of such change, with the descendants of migrants seen as more likely to take up positions as judges.

Azerbaijan	About 30% of the current composition of the Supreme Court consist of judges who belong to the various ethnic minorities.
Bulgaria	There are judges of Bulgarian and other ethnicities (Sofia, Kardgali, Blagoevgrad, Varna, Shumen, etc.), but this is not specifically sought.
Estonia	In the largest minority, there are few Russian native judges in the system and none in the higher level, which is seen as being due to the Estonian language requirement.
Netherlands	Statistics: the Netherlands' 2020 data show 87% of judges were of Dutch origin, 3% non-Western and 10% Western. This classification has since changed to an origin classification by the Netherlands, Europe (excluding the Netherlands) and Non-European.
Sweden	In 2022 and 2023, 14% of the women and 10% of the men employed by the Swedish Courts could be placed in the category 'not born in Sweden or born in Sweden with two foreign born parents'.
Switzerland	At the level of the Supreme Court, no court can have more than one Italian-speaking judge and two French-speaking judges.
United Kingdom	In 2023, 5% of judges have Asian ethnicity; and 1% have black ethnicity. 3% have mixed ethnicity. Ethnic minority candidates were 16% of the pool for recruitment and 16% of recommendations.

26. There is limited reporting by members of progress made on grounds beyond those of gender and ethnic diversity. The ground of disability is noted by some members and, in a fewer number of instances, the ground of age.
27. There is positive reference to the ground of disability, in particular in relation to wider public sector targets and quotas set for the employment of people with disabilities, which can encompass the judiciary but do not always do so. Specific steps are taken, and in many cases must by law be taken, to make adaptations to enable the work of judges with disabilities, thus enabling them to seek and to exercise such roles.

Austria	The inclusion of people with disabilities is making progress and a visually impaired judge has been appointed to the Federal Administrative Court.
Czechia	Regulations require employers with 25+ employees to have at least 4% of their employees be persons with disabilities, which also apply to the judiciary and judges.
Lithuania	In 2023, Regional Courts had 2 judges over 64 years old, and District Courts had 2 judges over 64 years old and 12 judges under 35 years old. The number of employees with disabilities in state and municipal institutions from 1 January 2024 must make up at least 5% of the total number of employees if these organisations have 25 or more employees.

	However, it has not been found possible to apply this commitment due to Constitutional provisions on equality.
Slovenia	The age distribution chart of judges indicates a predominance of judges over 50 years old since 2016.
Spain	5% of the places called to fill judicial positions are reserved for people with more than 33% disability, and in 2023, the number of vacancies for admission to the Judicial Career was 190, with 10 places reserved for people with disabilities. In January 2024, there were 69 judges with disabilities (35 women and 34 men) of whom 57 had a disability between 33% and 64% (29 women and 28 men) and 12 had a disability of more than 64% (6 women and 6 men).

II. Legislative and regulatory initiatives

28. Non-discrimination legislation is noted by most members as being in place to secure equal treatment, equal rights and non-discrimination.³ This can take the form of multi-ground legislation and/or a number of ground specific pieces of legislation. Ground specific pieces of legislation tend to address grounds of gender, disability and/or race. In some instances, this prohibition on discrimination is provided for in the legislation that governs particular policy fields, including, in particular, Labour Law.
29. Non-discrimination legislation includes definitions for discrimination, usually in terms of less favourable treatment where the discrimination is direct, or in terms of resulting disadvantage where the discrimination is indirect. Equality tends not to be defined beyond a focus on equal rights and opportunities, but, for some members, includes positive action to be taken to address group-based disadvantage. The legislation concerned can further include the concept of reasonable accommodation in respect of the disability ground, with requirements to make adaptations to ensure access and participation for people with disabilities.
30. Non-discrimination legislation is noted by members as a bedrock to underpin any concern for diversity and inclusivity in the judiciary and a foundation for promoting such an outcome. In some instances, broad commitments to equality and non-discrimination of a constitutional nature, in a constitution or fundamental law, are noted as serving this same purpose.⁴ This includes, in many instances, a constitutional principle of equality before the law. A wider concept of enshrining equal worth of all is noted as being a focus **in Sweden**.
31. In some instances, it is noted that non-discrimination legislation specifically applies to appointments to the judiciary. In a few instances, the prohibition of discrimination is brought directly into legislation governing the appointment and functioning of the judiciary. In other instances, it is noted that the judiciary is not specifically addressed in

³ Albania, Andorra, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Czechia, Denmark, Estonia, Georgia, Germany, Hungary, Ireland, Italy, Lithuania, Netherlands, Portugal, Slovenia, Spain, Sweden, Türkiye, Ukraine, and United Kingdom.

⁴ Albania, Austria Azerbaijan, Bulgaria, Cyprus, Czechia, Hungary, Ireland, Italy, Lithuania, Netherlands, Portugal, Slovenia, Spain, Sweden and Türkiye.

non-discrimination legislation. The non-discrimination legislation is more often directed at access to public services and access to justice, rather than at the composition of the judiciary. However, members note that this legislative framework serves to stimulate equal treatment in access to judicial positions as well as ensuring equal treatment within the judicial system.

Initiatives of interest

- **In Belgium**, the “General principles relating to the ethics of effective and substitute magistrates”, which are established by the Superior Council of Justice after advice from the Consultative Council of the Magistracy, by virtue of the non-discrimination law, provide that judges are aware of the diversity existing in society, treat all parties without any discrimination and that in the matters with which they have to deal, they ensure that the people under their authority or control also respect this principle. The Superior Council of Justice emphasises that members of Commissions for the appointment of judges cannot allow themselves to be guided by reasons linked to their personal preferences or convictions or not relating to the quality or aptitude of candidate-judges.
- **In Bulgaria**, the Judiciary System Act states that the judicial authorities should apply laws accurately and uniformly in respect of all persons and cases to which such laws apply; no limitation of rights or privileges based on race, nationality, ethnicity, sex, origin, religion, education, convictions, political affiliation, personal and social status or property status should be allowed in the discharge of functions of the judiciary, as well as in occupying positions in the judicial authorities.
- **In Georgia**, the principle of non-discrimination is enshrined in the Organic Law of Georgia on Common Courts, according to which the competition for holding a position of a judge and for promotion of a judge, must be conducted in full compliance with the principles of objectivity and equality, and discrimination in any form is strictly prohibited. This applies to all court levels.
- **In Hungary**, the Judges Act requires that a selection process should be conducted in a way to guarantee that the judge’s position is filled upon an open selection procedure designed to ensure equal opportunities for all candidates who are able to satisfy the requirements prescribed in the Act and in the notice of vacancy, and in consequence, to choose the best suitable candidate for the position.
- **In Portugal**, the Statute of Judicial Magistrates, which regulates the careers of judges, guarantees equal treatment and non-discrimination in career management.
- **In Sweden**, constitutional provision is made that only objective factors, such as merit and competence, should be taken into account in the appointment of judges.
- **In Türkiye**, a policy focused on the principle of non-discrimination is applied by the Ministry of Justice in respect of the acceptance into the profession of assistant judges and by the Council of Judges and Prosecutors after they are appointed as judge and prosecutor.

32. Non-discrimination legislation tends not to hold any definitions for diversity and inclusivity. It is noted by some members that the terminology of non-discrimination, in terms of equal treatment, and the terminology of equality, in terms of positive action to

address disadvantage, emerge from this legislation to inform the understanding of diversity and inclusivity.

33. In noting this, the range of grounds covered by such non-discrimination legislation can set the parameters for the ambition held for diversity. Most members report a broad coverage of grounds. The legislation is useful in establishing those groups that have been found to be subject to both institutional, systems-based, forms of discrimination alongside individual acts of discrimination, and which have been found to experience significant levels of disadvantage across a range of policy fields.
34. A minimum coverage of core identity-based groups is noted by all, encompassing grounds of age, disability, racial or ethnic origin, religion or belief, sex and sexual orientation. Most members report a breadth of grounds covered, that goes beyond these grounds. Some members report an open list of grounds in this regard. This can be useful in capturing the full range of individual acts of discrimination and in addressing emerging grounds or grounds specific to particular jurisdictions. However, by its breadth, it can dilute the focus on discrimination and those groups subject to it, and can limit the focus on institutional, system-based, forms of discrimination.

- **In Albania**, these grounds include gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic, educational, social or parental status.
- **In Andorra**, these grounds include ancestry or nationality, nationality or lack of nationality, national, racial or ethnic origin, colour, sex or gender, femininity, religion, philosophical, political or trade union beliefs or opinions, language, age, disability, sexual orientation, gender identity or expression, or any other condition or personal circumstance or social circumstance.
- **In Austria**, these grounds include gender, ethnicity, age, sexual orientation, religion or belief and disability.
- **In Azerbaijan**, these grounds include race, nationality, religion, language, gender, origin, proprietary status, service position, conscience, affiliation to political parties, trade unions and other public associations.
- **In Belgium**, these grounds include age, sexual orientation, marital status, birth, wealth, religious or philosophical belief, political belief, trade union belief, language, health, disability, physical or genetic characteristic, origin or social condition.
- **In Bosnia and Herzegovina**, these grounds include race, skin colour, language, religion, ethnic affiliation, disability, age, national or social background, connection to a national minority, political or other persuasion, property, membership in trade union or any other association, education, social status, sex, sexual orientation, gender identity, sexual characteristics, as well as any other circumstance serving the purpose of or resulting in prevention or restriction of any individual from enjoyment or realisation, on equal footing, of rights and freedoms in all areas of life.
- **In Bulgaria**, these grounds include gender, race, nationality, ethnicity, human genome, citizenship, origin, religion or belief, education, beliefs, political affiliation, personal or social status, disability, age, sexual orientation, family position, property status or any other grounds established by law or international treaty.

- **In Cyprus**, these grounds include gender, race, ethnicity, religion, disability, age and sexual orientation.
- **In Denmark**, these grounds include gender, sexual orientation, gender identity, gender expression and gender characteristics.
- **In Georgia**, these grounds include gender, gender identity, disability, age, sexual orientation, racial or ethnic origin and religion or belief within what is an open list.
- **In Germany**, these grounds include gender, sexual orientation, religion, religious convictions, ethnicity, age and physical impairment.
- **In Hungary**, these grounds include sex, race, colour, nationality, belonging to a national minority, language, disability, state of health, religion or belief, political or other opinion, family status, motherhood (pregnancy) or fatherhood, sexual orientation, gender identity, age, social origin, property, part-time or fixed-term nature of the occupational relationship or other employment-related relationship, membership in an interest organisation, any other status, characteristic or attribute.
- **In Ireland**, these grounds include gender, civil status, family status, sexual orientation, religion ground, age, disability, race, traveller community and a housing assistance ground (only in the provision of accommodation).
- **In Italy**, these grounds include gender, age, sexual orientation, race, ethnic origin, disability, religion or language.
- **In Lithuania**, these grounds include gender, race, nationality, citizenship, language, origin, social status, faith, beliefs or views, age, sexual orientation, disability, ethnicity, religion.
- **In the Netherlands**, these grounds include race, sex, hetero- or homosexual orientation, political opinion, religion, belief, disability or chronic illness, civil status, age, nationality, working hours (full time or part time), type of contract (temporary or permanent).
- **In Portugal**, these grounds include ancestry, age, sex, sexual orientation, marital status, family status, economic situation, education, origin or social status, genetic heritage, reduced capacity for work, disability, chronic illness, nationality, ethnic origin or race, territory of origin, language, religion, political or ideological beliefs and trade union membership.
- **In Slovenia**, these grounds include gender, age, nationality, disability, race or ethnic origin, language, sexual orientation.
- **In Sweden**, these grounds include sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation and age.
- **In Türkiye**, these grounds include language, race, colour, sex, political opinion, philosophical belief, religion and sect or any such grounds.

- **In Ukraine**, these grounds include race, colour, religious and other beliefs, sex, age, disability, ethnic or social origin, family and property status, place of residence and language within what is an open list.
- **In the United Kingdom**, these grounds include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

35. Specific and positive provision addressing diversity and inclusivity in the judiciary is noted in terms of legislative and regulatory initiatives, in place or planned, in a number of instances.⁵
36. These initiatives tend to relate to regulations governing the institutional structures that have been, or are about to be, established for making appointments to the judiciary. Such initiatives tend to be broadly stated in terms of ambition to achieve gender balance and reflect the diversity of society. However, in some instances, specific procedural steps are required of these appointment bodies to give effect to these broad principles.

Initiatives of interest

- **In Austria**, federal and regional legislation standardise requirements to encourage women and plans for the promotion of women.
- **In Belgium**, legislation on recruitment of judges of the Constitutional Court has the concrete effect that, at present, the Court has as many judges of each sex. This legislation does not contain any provision relating to the diversity of the composition of the Constitutional Court from any other point of view.
- **In Bosnia and Herzegovina**, the Law on High Judicial and Prosecutorial Council (HJPC) contains references to non-discrimination in the judiciary. Concerning the composition of the judiciary, the Council must implement relevant Constitutional provisions regulating the equal rights and representation of constituent peoples and others, and appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Rules of Procedure of the HJPC stipulate that the sub-council, when proposing candidates for appointment to a judicial position, should take account of several factors, including the need to ensure the appropriate ethnic and gender representation in the court or prosecutors office. This applies to all court levels.
- **In Germany**, general legislation promoting professional equality (women) and professional integration (disabled people) applies in the judiciary.
- **In Ireland**, the recently enacted Judicial Appointments Commission Act of 2023 provides that the decision to appoint a person to judicial office will be based on merit, though diversity factors are to be taken account of, those of comprising equal numbers of women and men and of being reflective of the diversity of the population (Section 39), at all levels of courts.

⁵ Bosnia and Herzegovina, Ireland, Switzerland, United Kingdom.

- **In Italy**, Law n. 71 of 2022, with regard to measures aimed at promoting equality for the election of the members of the High Council of the Judiciary, establishes that for each constituency, there must be at least six candidates, and each gender must be represented "in an amount of no less than half of the actual candidates."
- **In Switzerland**, the Principles of Action of the Judicial Committee of the Federal Parliament address the concepts of diversity and inclusion in relation to representatives of the country's linguistic communities, to balanced representation of the sexes and to political representativeness. The judges of the Federal Administrative Court and the Federal Criminal Court are elected, as are the judges of the Supreme Court (Federal Court), according to these rules. Calls for competitions expressly mention language sought, which is the expression of the majority respectively of the country's minorities (German-speaking, French-speaking and Italian-speaking Switzerland). At the level of the Supreme Court, no court can have more than one Italian-speaking judge and two French-speaking judges.

In the United Kingdom, appointments to the judiciary (including promotions) are made by the Judicial Appointments Commission (JAC). The Constitutional Reform Act of 2005, which governs the process, states that in performing its functions, the JAC must have regard to the need to encourage diversity in the range of persons available for selection for appointments. This applies to all court levels. In addition, the judiciary itself is encouraging a wider pool of applicants.

37. Members note that the understanding of diversity and inclusivity can draw from the non-discrimination legislation. Positive action in employment is usually provided for under such legislation. Under the EU equal treatment directives, for example, which cover a range of members, positive action can be provided for with some ambition in terms of taking specific measures to prevent or compensate for disadvantages with a view to 'ensuring full equality in practice'.⁶ In some instances, positive action is noted by members in relation to appointments in the judiciary, with a particular focus on grounds of disability and gender.

Initiatives of interest

- **In Belgium**, internal regulations of the Council of State provide, with regard to the presentation of members and assessors of the Council of State, that in the event of parity of votes, preference is given to the candidate belonging to the least represented sex. The general assembly of the Council of State pays particular attention to gender balance when nominating candidates for a vacant position of Councillor of State (judge function) and explicitly motivates choices made to achieve this balance.
- **In Czechia**, regulations require employers with 25+ employees to have at least 4% of their employees be persons with disabilities, to purchase goods or services from specific entities that employ persons with disabilities, or to pay a proportional contribution to the

⁶ Council Directive 2000/43/EC implementing the principle of equal treatment of persons irrespective of racial or ethnic origin; Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; and Directive 2002/73/EC of the European Parliament and of the Council amending Council Directive 76/207/EC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

national budget, which encompasses the judiciary as concerns all its employees, not only judges.

- **In Spain**, provision of appointments for the Chief Justice of Provincial Court, High Courts of Justice, National Court, Chief of the Courts and Supreme Court members will be done taking into consideration the criteria of the Law of equality of men and women. 5% of the places called to fill judge positions are reserved for people with more than 33% disability and measures are taken so that they can perform their role. In 2023, the number of vacancies for admission to a judicial career was 190, and the number of places reserved for persons with disabilities was 10. Places for people with disabilities have been reserved since 2004.

38. A focus on merit-based, objective and transparent appointment procedures is emphasised by most members. Such appointment procedures alone, it is suggested by some members, are sufficient to enable diversity and inclusivity in the judiciary. Most members, however, point to a range of more specific initiatives as being required alongside this to enable diversity and inclusivity in the judiciary.
39. **In Cyprus**, for example, the procedural rules for the appointment of judges, introduced by the Supreme Court, advocate a merit-based and transparent approach, involving public notifications, application submission guidelines and multi-stage evaluations, culminating in a ranked list of candidates for appointment, which is noted as underpinning a fair and objective selection process for the judiciary.
40. **In Belgium**, for example, where all judges and prosecutors are recruited by the Superior Council of Justice, which is independent from government and the judiciary, this emphasis is taken further with a concern to bring some level of diversity into this recruiting body, with a specific emphasis on gender. The law provides that the presentation of a candidate for a vacant judge position can only be done on the basis of criteria which relate to the capacities and aptitude of the candidate. The law further provides that the Superior Council of Justice must be composed in a balanced manner with regard to gender: the judge members of the Council are elected by all the magistrates of the country; they must vote for three candidates who cannot all be of the same sex; and the non-judge members of the Superior Council of Justice must include among them at least four members of each sex.

III. Policy initiatives

41. A more limited focus is noted by members on policy initiatives of relevance to diversity and inclusivity in the judiciary than in relation to legislative and regulatory initiatives.
42. Diversity and inclusivity are noted by many members as being addressed in policy initiatives of a general nature, including strategies, plans, funding programmes and guides. These include a focus on the employment and the workplace. In general, there is no such policy initiative specifically related to diversity and inclusivity in the judiciary.
43. In some instances, policy initiatives for diversity and inclusivity are noted that relate to the practice of the judiciary, rather than addressing diversity and inclusivity in the appointment of judges. Such policy initiatives, including standards, guidance and

training, are of key importance. They are further addressed under the section on practice initiatives below.

44. In a small number of instances, plans, policies or strategies that address diversity and inclusivity in the judiciary have emerged from the legislative and regulatory initiatives noted. These policy initiatives are a matter of internal development by the institutional structures for the appointment of judges, established through these legislative and regulatory initiatives, rather than being a matter for mainstream policy makers.
45. These institutional structures for the appointment of judges have produced policies, plans and procedures for diversity and inclusivity in the judiciary, including a concern to stimulate a diversity of applicants; bring a focus on diversity into the promotion process; and create accessible, welcoming and enabling work environments for a diversity of judges. These initiatives, in some instances, have a further focus on diversity and inclusivity in relation to access to justice.

Initiatives of interest

- **In Hungary**, the Equal Opportunities Plan of the National Office of the Judiciary provides for the identification of staff in the priority target group for equal opportunities, the objectives and programmes in the priority areas of equal opportunities, such as employment, training, occupational health, working conditions, client relations and family, and the measures to implement the plan. In this respect, the scope of the Curia's Equal Opportunities Plan extends to the employees of the Curia, thus ensuring the requirement of equal opportunities throughout the organisation, with a specific focus on employees with three or more children, people with disabilities, people returning from childcare, workers over 60 years of age. Each court with legal personality has its own equal opportunities plan with a key objective being to eliminate discrimination, alongside measures to support inclusivity.
- **In Ireland**, the Judicial Appointments Commission Act of 2023, which has yet to be commenced, provides that the Commission should, working with the judiciary in each court, develop and publish a diversity statement to establish the manner in which the Commission will give effect to the objective that membership of the judiciary in each court in the State should reflect the diversity of the population of the State as a whole, and should include procedures in place to achieve the objective, to the extent feasible and practicable, of improving the diversity of applicants and persons recommended for appointment and for nomination for appointment or election to judicial office including the procedures in place to assist in removing barriers faced by persons within the population as a whole that are under-represented in judicial office (Section 28).
- **In Spain**, diversity and inclusivity in the judiciary for all courts is pursued in plans undertaken by the Council of the Judiciary:
 - An Equality Commission is responsible for execution of a plan to promote equality between women and men. The plan: guarantees equality of access, in a context where positive action is not required as more women are now entering the role than men and with a gender balance on examining boards; encourages equality in promotion with gender balance in the selection and evaluation bodies; facilitates reconciliation of work and family life; occupational safety and health measures in cases of pregnancy; and seeks to eliminate sexist violence. This Commission also develops guides on treatment of victims of gender-based

violence, non-sexist language, etc. A post of equality delegate has been established.

- A Disability Commission promotes access of people with disabilities to the Administration of Justice. 5% of places are reserved for people with more than 33% disability. An environment that enables the work of people with disabilities must be created. A good practice guide on access to justice for people with disabilities has been developed. A post of disability delegate has been established.

- **In the United Kingdom**, the judiciary published a Judicial Inclusion and Diversity Plan which covers the years 2020 to 2025. It has been periodically updated. The policy covers not only the principles of non-discrimination on the basis of 'protected characteristics', but also encourages more professional diversity (e.g. the appointment of non-trial lawyers, academics, etc). It was adopted by the Lord Chief Justice and is being continued by the Lady Chief Justice. It takes the form of policy documents, diversity and inclusivity training for judges, judicial work shadowing and mentoring, guidelines on expected judicial behaviour, the appointment of community and diversity judges, outreach programmes, school and other educational visits.

IV. Practice initiatives

46. A small number of members identify practice initiatives of relevance to diversity and inclusivity in the judiciary. By their nature, practice initiatives span a wide range of types of endeavour, though all serving diversity and inclusivity in the judiciary. The practice initiatives presented by members include profiling a commitment to diversity and inclusivity in the judiciary as an encouragement, good practice established by recruitment panels, initiative to improve the work environment in particular in relation to accessibility for people with disabilities, gathering of diversity and inclusivity data as a means of tracking and monitoring progress, and initiative to expand the field of focus in relation to the groups encompassed by current understandings of diversity.

Initiatives of interest

- **In Albania**, the High Judicial Council appreciates the promotion of gender equality and minority representation among actors of the justice system by encouraging strategic selection and recruitment, to help identify good candidates and encourage them to achieve this objective. Improvements have been made in new court buildings, which ensure suitable conditions for persons with disabilities, facilitating court users with disabilities as well as encouraging them to be part of the judicial system.
- **In Czechia**, while there is no formal requirement, during the selection process for judges, the panels can and sometimes do look to social background of judges, especially if they are to preside over location with given background, given the increased legitimacy and better practice that can result.
- **In Denmark**, all advertisements for judicial vacancies include the text encouraging anyone who is interested and qualified to apply for the positions regardless of personal circumstances such as age, gender, race, ethnicity, etc. The Danish Judicial

Appointments Council in its annual report also provides information on the distribution between women and men of newly appointed judges.

- **In Italy**, a study group, in the Department for Equal Opportunities, on rebalancing gender representation in appointment procedures, produced a working document (2021), noting that the case of the ordinary judiciary is particularly significant, where, although the number of women who win the relevant public competition has for years now exceeded that of men, the governing body minimally reflects a now deep-rooted evolution. It states that for all councils, which carry out important functions in relation to their respective judiciaries, it is therefore necessary to consider the need to favour a balanced gender composition and guarantee the transparency of the candidate selection procedures. Gender equality in the composition of the shortlist of candidates to be submitted to the vote of Parliament is proposed. The National Strategy for Gender Equality in 2021-2026 tracks the share of women appointed in public bodies, independent authorities and guarantee bodies of the judiciaries.
- **In Lithuania**, after amendments to the Law on Courts came into effect in 2019, judges with disabilities are granted annual leave of 27 working days (the usual is 22 working days), and may have their workload reduced at their request in accordance with the procedure established by the Council of Judges. The accessibility of court buildings is addressed under the programme 'Centralised Provision of Courts',
- **In the Netherlands:**
 - Recruitment campaigns for judges focus on showing diverse images, both on gender and ethnicity. Within the national selection policy, attention is paid to formulating objective criteria and making the selection process as objective as possible. The selection process is evaluated every six years by an independent external party.
 - In 2021-2023, the judiciary conducted the NIM (Dutch Inclusiveness Monitor) per district court/court of appeal for the first time. Any subsequent NIM to be conducted will look at whether, and if so what, measures have been taken and their impact.
- **In Portugal**, the Sociographic Studies Collection, promoted by the Centre for Judicial Studies, offers a detailed sociological overview of future judges, presenting the characteristics of the professionals who will work in the judicial system, providing insights into the training, experience, motivations, and sociodemographic characteristics of future judges.
- **In Slovenia**, the Supreme Court's initiative, "Improving the Quality of Justice" project, addressing issues of low trust in the judiciary, includes a mentorship programme to support networks offering guidance and assistance to aspiring judges from diverse backgrounds, aiding them to navigate the judicial system and advance their careers.
- **In Spain**, the Permanent Commission of the Council of the Judiciary approved a report in 2014, in favour of allowing blind people to become judges, where they would perform their duties in positions compatible with or adapted for their disability, and proposed the introduction of legislative changes that would entail a positive discrimination for disabled people. People with disabilities could access a judicial career if they pass the selection

process, where they would perform their duties in positions compatible with or adapted for their disability, and people with disabilities would be accommodated in the choice of destinations for employment as judges, so that they can access those positions without barriers.

- **In the United Kingdom**, the judiciary has begun to collect statistics from serving judges in relation to diversity criteria which include socio-economic background.

47. A number of members noted practice initiatives in relation to diversity and inclusivity, rather than practice in the appointment of judges. Practice initiatives related to diversity and inclusivity are also noted as beneficial to the decision-making process of the judiciary and have an importance for the impact and standing of the judiciary. These internally focused practice initiatives encompass training and guidance in particular.

Initiatives of interests

- **In Belgium:**

- a. Training courses for judges and future judges are organised by the Judicial Training Institute (official body responsible for training candidate magistrates and the continuing training of magistrates) to raise their awareness of diversity and inclusivity and to fight against discrimination in society. Specific training programmes include 'Fighting hate crimes and discrimination', 'Basic training on sexual violence' and 'General introduction to the theme of sexual and domestic violence'. Some of these training programmes are mandatory.
- b. The High Council of Justice launched a project to address the criticism of so called class justice. A day of inspiration was organised in 2023, with Belgian and international experts, with a sociological, journalistic and scientific perspective. Speakers stressed that there were not enough financial resources for scientific research on class justice in Belgium and that there was a lack of qualitative data. The High Council of Justice wishes to attract the attention of future political decision-makers through a published memorandum. A study day on 'class justice' is planned for fall 2024.
- c. The High Council of Justice presented the fifth edition of the 'Justice Barometer' in June 2024, an opinion poll measuring what citizens think about justice (trust, independence, fair trial, equal treatment, competence of judges, etc.). In this edition, particular attention has been paid to socio-demographic data (e.g. social class and migration background) to determine whether these citizens have a particular opinion on the exercise of justice.

- **In Georgia**, training courses for judges and future judges are organised by the High School of Justice of Georgia (official body responsible for training of candidate judges and the continuing training of judges) to raise their awareness of diversity and inclusivity. Specific training programmes include: 1) Prohibition of Discrimination - Domestic Legislation and International Standards; 2) Elimination of Discrimination and Sexual Harassment and the Judiciary of Georgia; 3) Violence against Women and Domestic Violence; 4) Fight against Hate Crime; 5) United Nations Convention on the Protection of the Rights of Persons with Disabilities; 6) Freedom of Expression including issues related to Hate Speech. Most of these training programmes are mandatory.

- **In Ireland**, judges are asked, on appointment, to abide by the Guidelines for the Judiciary on Conduct and Ethics, a set of principles designed to enable judges to come to their own decisions on the ethical and conduct issues which they face and to help the public understand the role of the judiciary and their professional standards. In Principle 6 of this code (Equality), a judge is required to be aware of, and understand, diversity in society and differences arising from various sources, including but not limited to race, colour, gender, religion, national origin, ethnicity, disability, age, marital status, sexual orientation, social and economic status and other like causes.
- **In Italy**, the National LGBT+ Strategy for 2022 – 2025 explicitly addresses training of justice operators, including judges.
- **In Portugal**, the Centre for Judicial Studies, which is responsible for training judges and prosecutors, provides modules on human rights, equality and non-discrimination, with the aim of making judges more aware of these issues and to ensure inclusion in their judicial practices.
- **In Sweden**, the Swedish National Court Administration (SNCA) provides the courts with information and educational material on gender equality and has been tasked with a government mandate to carry out follow-up work on how the work on disability issues is handled. The courts are independent agencies and the SNCA does not have a mandate to define how gender equality should be integrated into the court's activities. Its mandate is to provide support to courts. Government mandates have mainly focused on the external gender equality work, that is citizens' perceived notion of gender equality when dealing with the courts.

V. Conclusions and future directions

48. Diversity and inclusivity within the judiciary are important in contributing to delivering fair and impartial justice. Diversity, in terms of a variety of backgrounds, experiences and perspectives that reflect the complex fabric of society, among the judiciary is important in being beneficial to the decision-making process and also having the potential of increasing public confidence in justice. Inclusivity is important in offering a process whereby diversity is actively sought and achieved. Further, diversity and inclusivity enhance judicial well-being.
49. Positive progress on diversity and inclusivity in the judiciary is evident in terms of initiatives taken and outcomes achieved. This is particularly evident in relation to gender balance in the judiciary, but is also evident across some further grounds. There are challenges in relation to the limited progress made on grounds other than gender, and in relation to progression to more senior levels in the judiciary on the gender ground. Data gathering in relation to diversity and inclusivity in the judiciary is limited.
50. Non-discrimination legislation provides a valuable framework and foundation stone for such progress, both in its prohibition of direct and indirect discrimination, and in its provisions for positive action for equality and eliminating disadvantages. Overall, it enables a focus on merit-based, objective and transparent appointment procedures of judges while also enabling a concern for the common good in the achievement of diversity and inclusivity.

51. Positive legislative and regulatory initiatives for diversity and inclusivity in the judiciary are presented by members in a number of instances. Significant developments are evident in the manner in which independent bodies, established for the appointment of the judiciary, are charged to have regard for issues of diversity and inclusivity. This is often broadly stated in terms of achieving gender balance and reflecting the diversity of society, but can also involve specific steps to give effect to these broad principles.
52. Policy initiatives on diversity and inclusivity in the judiciary are evident to a lesser extent, often emerging from the legislative and regulatory initiatives taken. Policy initiatives tend to relate to action by independent bodies for appointments to the judiciary, involving their policies, plans and procedures to enhance diversity and inclusivity in the judiciary, including by: stimulating a diversity of applicants; bringing this focus on diversity into the judicial promotion process; and creating accessible, welcoming and enabling work environments for a diversity of judges.
53. Practice initiatives span a range of endeavours, including profiling a commitment to diversity and inclusivity in the judiciary as an encouragement to applicants; good practices established by recruitment panels; initiatives to improve the work environment in particular in relation to accessibility for people with disabilities; gathering diversity and inclusivity data; and action that expands the field of focus in relation to the groups being addressed.
54. Emphasis is placed on merit-based, objective and transparent procedures to secure diversity and inclusivity, but this is noted as being better balanced with a proactive approach to eliminating individual and institutional discrimination and to progressing equality through positive action to dismantle barriers and disadvantages. The concept of striking a balance between judicial excellence and judicial diversity is noted.
55. Members point to a number of future directions that could be taken to address diversity and inclusivity in the judiciary, and that enable concrete measures to achieve a more diverse judiciary to be identified. Central to this is meeting the challenge to scale up action on diversity and inclusivity in the judiciary, by replicating and applying the good practices that are evident in such endeavours.
56. Legislation and Regulation
 - a. Strengthen the legal framework by developing and improving laws that would promote diversity and inclusivity in the judiciary, with non-discrimination provisions applying to the judiciary being foundational in this regard.
 - b. Charge independent bodies for the appointment of the judiciary to have regard for diversity and inclusivity by putting in place relevant policies, plans and procedures to achieve this.
57. Policy Development
 - a. Develop diversified professional pathways other than a judge being promoted within the judicial system, such as promoting lawyers and university professors.

- b. Take positive action measures, including the use of quotas, or selection criteria along the diversity spectrum, or target group-oriented recruitment.
 - c. Look beyond access to the judiciary to promotion within the judiciary on the gender ground.
 - d. Look beyond the gender ground to other grounds of diversity that need to be recognised and included in the judiciary.
58. Awareness and Training
- a. Develop awareness raising campaigns targeted on judges and include topics in the legal education system related to diversity and inclusivity, such that this perspective can inform their work.
 - b. Develop comprehensive training programmes for judges on cultural competence and inclusive practices to ensure fair treatment and equal access to justice for all.
 - c. Implement mentorship and sponsorship programmes within the legal profession specifically to advance diversity and inclusivity in the judiciary.
59. Best Practice and Data Collection
- a. Gather data on judicial diversity to map and monitor diversity and inclusivity in the judiciary, to track the progress of the effectiveness of the measures taken.
 - b. Create opportunities and processes to identify and share good practice in relation to diversity and inclusivity in the judiciary.
60. Systemic Changes
- a. Relocate courts from a single central location, establishing branches in other places, or promote and increase remote working arrangements, as a means to increase diversity and inclusivity in the judiciary, in particular for people with disabilities and people with young children, in particular women.
 - b. Address systemic issues for minority ethnic and socially disadvantaged groups in access to education and quality of education. Elevating the material conditions and educational status of marginalised groups is noted as the most significant factor in raising the eligibility of their members for participation in the judiciary.