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REPORT  
ON THE FINDINGS OF THE  
  
**RESEARCH ON GENDER DISCRIMINATION  
IN PROFESSIONAL ENVIRONMENT OF ADVOCATES AND JUDGES IN  
UKRAINE**

Conducted by the OSCE Project Co-ordinator in Ukraine within  
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## BACKGROUND

### Introduction:

The state of gender equality in Ukraine today can briefly be summed up by looking at the Global Gender Gap Report 2016 by the World Economic Forum – where Ukraine ranks at 69<sup>th</sup><sup>1</sup>.

While there are no specific demographic and geographical guidelines explaining Ukraine's ranking (bordering nations Moldova and Belarus rank at respectively 26 and 30 – where as other bordering nations, Slovakia and Hungary, rank at 94 and 101), there are specific fields explaining Ukraine's overall ranking.

In the measurement of "Political Empowerment", Ukraine ranks at 107<sup>th</sup>. Amongst relevant statistics, only 12, 3 %<sup>2</sup> of the Ukrainian Parliament is female. Something that can seem even more staggering when considering that Ukraine also has a disproportionately higher number of women as well (ranking 6<sup>th</sup> on the list of fewest men, 86<sup>3</sup>, per 100 women).

All the while, Ukraine has also failed to ratify important decisions, such as the Council of Europe's Istanbul Convention on preventing violence against women, as well as experiencing a spike in violence against women in the aftermath of the conflict in Eastern Ukraine.<sup>4</sup> The same conflict that has so far produced close to 1, 6 million IDPs, two thirds of them being women and children.

The target audience for the survey was selected among judges and advocates who underwent trainings on human rights protection within the OSCE PCU's "Safeguarding Human Rights through Courts" Project. They studied the international standards of non-discrimination through the prism of Article 14 of the European Convention on Human Rights and respective case-law of the European Court of Human Rights. The target audience is educated, expert one, directly dealing with ethical and practical dilemmas of fighting stereotypes, protecting equality and promoting non-discrimination through professional practice.

Findings from this survey illustrated directly how attitudes on gender affected the state of gender equality in Ukraine as a whole. Most proficiently in how roughly half of both the male advocates and male judges did not identify gender equality as a problem in the area of "Participation in politics". From an objective standpoint – this signals that acknowledging

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<sup>1</sup> <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=UKR>

<sup>2</sup> [http://www.ipu.org/parline-e/reports/2331\\_A.htm](http://www.ipu.org/parline-e/reports/2331_A.htm)

<sup>3</sup> <http://www.pewresearch.org/fact-tank/2015/08/14/why-the-former-ussr-has-far-fewer-men-than-women/>

<sup>4</sup> <http://www.ohchr.org/Documents/Countries/UA/9thOHCHRreportUkraine.pdf>



the structural inequality within the political system is not as blatant as the ranking communicates. Even when surveying individuals who were specifically chosen for their legal professions and relevant backgrounds.

**Research objective:** To evaluate existence and magnitude of gender discrimination in the professional environment of advocates and judges in Ukraine.

**Sample:**

- 1) advocates – participants of OSCE trainings: 230 respondents;
- 2) judges – participants of OSCE trainings: 181 respondents.

**Sample error:** N/A

**Data collection method:** self-completion of questionnaire.



## Survey Findings: Comparison of Attitudes among Judges and Advocates

### I. Evaluation of the Magnitude of Gender Discrimination

The overwhelming majority of both judges (82%) and advocates (84%) surveyed associate gender with equality between men and women. There is, however, a difference in perceptions of gender by advocates and judges who associate gender with women's rights – such opinion was expressed by over a third of advocates, compared to 24% of judges.

Table / Diagram 1. **What do you associate gender with?**

	Advocates	Judges
Equality between men and women	84%	82%
Women's rights	33%	24%
State policy	19%	13%
An individual's gender	17%	14%
Adopted pattern	5%	2%
Feminism	5%	3%
Non-traditional sexual orientation	4%	3%
Total	230	181

Both judges and advocates acknowledge the relative importance of gender issues, without any perceptible difference in their views in this respect.

Table / Diagram 2. **How important is gender equality to the Ukrainian society?**

	Advocates	Judges
Totally unimportant	3%	1%
Important to a certain extent, but not a top priority	42%	42%
Quite important	40%	39%
This must be on the priority list of the government	14%	18%
N/A	0%	0%
Total	230	181

Judges and advocates mostly agree in their evaluation of discrimination. According to them, the highest rates of discrimination exist in the following areas: **access to top public service positions, participation in politics, socially important decision making.** Moreover, most respondents think that men dominate in those areas.

Advocates and judges perceptibly differ in their opinions on 2 issues:

- **socially important decision making** – 57% of advocates point to the prevalence of men in this area, compared to a substantially lower percentage of judges – 48%;
- **salary** rates are also regarded as more discriminatory by advocates – 52% of them point to the prevalence of men in this area. The percentage of judges sharing this opinion is much lower – 37%.

No gender discrimination is observed by both advocates and judges in the following areas: **dispute resolution, access to justice, and access to education.**

Judges are generally slightly less inclined to regard existence of discrimination in certain areas.

Table / Diagram 3. **Please indicate if gender equality is a problem in the following areas.**

	Advocates	Judges
Access to top public service positions	68%	63%
Participation in politics	62%	56%
Socially important decision making	57%	48%
Salary	52%	37%
Access to top positions in business	52%	45%
Employment	50%	54%
Dispute resolution	0%	1%
Access to justice	0%	0%
Access to education	0%	1%



## II. Gender Discrimination in Professional Environment

### a. Impact of the Gender of Advocates, Judges, Litigants

Most of the respondents believe that the gender of a judge is of no importance. There is, however, a significant difference in responses on advocates and judges. Almost 80% of judges believe that the gender of a judge is not important. In contrast, a substantially larger number of advocates believe that the gender of a judge is important for a certain category of cases (33%), with the same opinion shared by only 18% of judges.

Table / Diagram 4. **From your experience, is the gender of a judge important?**

Importance of Judge's Gender	Advocates	Judges
Not important	59%	78%
Important for a certain category of cases	33%	18%
Always important	7%	0%
N/A	1%	2%
Total	100%	100%

Compared to advocates, judges generally consider the gender of a litigant as more important – 37% of them believe that the gender of a litigant is important for a certain category of cases or is important always. The aggregate percentage of advocates sharing this opinion is 23%.

Table / Diagram 5. **From your experience, is the gender of a litigant important?**

Importance of Litigant's Gender	Advocates	Judges
Not important	74%	62%
Important for a certain category of cases	20%	34%
Always important	3%	3%
N/A	2%	1%
Total	100%	100%

Unlike advocates, judges fully deny the importance of an advocate's gender – 95% of them claim that the gender of an advocate does not matter. Instead, advocates think that



everything is not as gender-neutral as believed to be by judges – 28% of advocates believe that gender is important for a certain category of cases or is important always (9%).

Table / Diagram 6. **From your experience, is the gender of an advocate important in court?**

Importance of Advocate's Gender	Advocates	Judges
Not important	63%	95%
Important for a certain category of cases	28%	4%
Always important	9%	1%
N/A	0%	0%
Total	100%	100%

## b. Gender of Plaintiffs in Various Categories of Cases

In spite of some differences in attitudes by judges and advocates, the “female” category of cases includes cases on divorce, children, and spousal property division. Advocates single out one more “female” case – consumer rights protection.

Table / Diagram 7. **Ratio of the Prevalence of Men (Plaintiffs) in Various Categories of Cases**

Types of cases	Advocates	Judges
Marriage dissolution and disputes over children	-60% <sup>5</sup>	-43%
Division of spousal property	-36%	-24%
Consumer rights protection	-11%	4%
Labour disputes	-2%	9%
Protection of the right to property	-2%	1%
Protection of personal non-property rights	3%	7%
Compensation of damage	4%	18%
Disputes arising from residential property lease agreements	7%	21%
Invalidation of legal transactions	13%	6%

<sup>5</sup> Subzero data means prevalence of women





Termination of certain obligations	20%	18%
Disputes arising from lease agreements	20%	18%
Protection of honour and dignity	23%	29%
Invalidation of disciplinary penalties	27%	23%
Disputes arising from loan agreements	28%	10%
Independent contractor agreements	42%	30%

### c. Prejudice and Its Manifestations

According to the respondents, prejudice against men, although generally less strongly manifested than the one against women, also occurs and is acknowledged by both men and women, and, furthermore, equally among judges and advocates. On top of that, no significant difference is observed in male and female attitudes.

About 35–40% of advocates and judges, irrespective of their gender, said that they had witnessed prejudice against men manifested in **jokes** (they had observed someone telling jokes with a men-degrading undertone (e.g. about parenting or heavy drinking). Jokes about women are heard much more often – this was observed by 57–59% of advocates and judges.

Manifestations of **improper behaviour** (harassment, flirting, accosting, etc.) in relation to men were faced by about a third of judges and advocates. In the case of women, the percentage is much higher – 55% of advocates and 44% of judges.

**Comments** referring to gender (e.g. “it is disgraceful for a man to behave this way,” “you must act like a man,” “you are behaving like a hysterical woman”) are quite common – 55–60% of the respondents sometimes or often observed such situations; they, however, equally happen to both women and men. This indicates that such situations are equally experienced by men and women and are almost equally common among them, according to evaluations by both judges and advocates.

**Offensive generalisations** (e.g. “girls are not tech-savvy,” “woman driving is like a monkey with a grenade,” “men think only about sex,” “all men are bastards”) were either used or witnessed being used in relation to men by 45% of advocates and 39% of judges. Such situations are more common with women – 64% of advocates and 58% of judges.

**Remarks about behaviour, dressing** (regarding the way of behaviour or dressing style, e.g. “she dresses like an old woman” and “she dresses like a whore”) are much more



common in relation to women – according to the opinion of 43% of advocates and 44% of judges. In the case of men, this percentage is much lower – 30% of advocates and 31% of judges.

Table / Diagram 8. **Have you ever found yourself in or witnessed situations in court when men / women experience prejudice against themselves?**

Jokes	ADVOCATES		JUDGES	
	ABOUT MEN	ABOUT WOMEN	ABOUT MEN	ABOUT WOMEN
Never	54%	37%	60%	40%
Sometimes	37%	43%	34%	43%
Often	5%	17%	3%	14%
N/A	4%	3%	3%	3%
Total	100%	100%	100%	100%

Improper Behaviour	ADVOCATES		JUDGES	
	ABOUT MEN	ABOUT WOMEN	ABOUT MEN	ABOUT WOMEN
Never	60%	42%	65%	54%
Sometimes	33%	50%	31%	39%
Often	2%	5%	1%	5%
N/A	5%	3%	3%	2%
Total	100%	100%	100%	100%

Comments	ADVOCATES		JUDGES	
	ABOUT MEN	ABOUT WOMEN	ABOUT MEN	ABOUT WOMEN
Never	37%	42%	43%	45%
Sometimes	50%	46%	50%	47%
Often	10%	9%	5%	7%
N/A	3%	3%	2%	1%
Total	100%	100%	100%	100%

Offensive generalisations	ADVOCATES		JUDGES	
	ABOUT MEN	ABOUT WOMEN	ABOUT MEN	ABOUT WOMEN
Never	50%	33%	60%	41%
Sometimes	39%	49%	34%	46%
Often	6%	16%	4%	12%
N/A	5%	2%	2%	1%

Remarks about behaviour or dressing	ADVOCATES		JUDGES	
	ABOUT MEN	ABOUT WOMEN	ABOUT MEN	ABOUT WOMEN
Never	64%	52%	66%	55%
Sometimes	28%	40%	30%	39%
Often	2%	5%	1%	3%
N/A	6%	3%	3%	3%

Most of advocates and judges, irrespective of their gender, **have not** used the gender of a litigant as an argument in court. However, 8 to 27% of advocates and judges have done so. Table / Diagram 9. **Have you ever used the gender of a litigant as an argument in court?**

Address	ADVOCATES		JUDGES	
	ABOUT MEN	ABOUT WOMEN	ABOUT MEN	ABOUT WOMEN
Never	75%	72%	76%	76%
Sometimes	20%	23%	17%	14%
Often	1%	2%	1%	2%
N/A	4%	3%	6%	8%
Total	100%	100%	100%	100%

Comments	ADVOCATES		JUDGES	
	ABOUT MEN	ABOUT WOMEN	ABOUT MEN	ABOUT WOMEN
Never	70%	73%	80%	90%
Sometimes	26%	24%	16%	8%
Often	1%	1%	2%	0%
N/A	3%	2%	2%	2%
Total	100%	100%	100%	100%

Clothes, appearance, behaviour	ADVOCATES		JUDGES	
	ABOUT MEN	ABOUT WOMEN	ABOUT MEN	ABOUT WOMEN
Never	81%	81%	83%	80%
Sometimes	14%	16%	13%	17%
Often	1%	0%	0%	2%
N/A	4%	3%	4%	2%
Total	100%	100%	100%	100%

About 24% of judges believe that gender discrimination does not exist. There are only 15% of advocates thinking the same way. 43% of advocates believe that discrimination does



exist but is not perceived as such being embedded in the culture. 9% of advocates believe that discrimination exists as a problem, with the same opinion expressed by 6% of judges.

Table / Diagram 10. **Do you think gender discrimination exists in Ukraine?**

	Advocates	Judges
Does not exist	15%	24%
Exists but is not perceived as discrimination as it is embedded in the culture	43%	32%
Unfair treatment occurs in isolated cases but should not be regarded as discrimination	31%	37%
Exists as a serious problem	9%	6%
N/A	2%	2%
Total	100%	100%

**Personal experience of facing discrimination quite predictably varies among men and women.**

13% of advocates described their personal experience of facing gender discrimination in the process of **employment** or promotion, compared to 30% of judges having similar experience.

Interestingly, the magnitude of discrimination in the environment is evaluated to be substantially higher than in personal experience – gender discrimination in the environment was reported by 45% of advocates and 57% of judges. Furthermore, 9% of judges said they often face discrimination in the environment in relation to career advancement.

**In the household and public transportation**, 31% of advocates have personally experienced discrimination, with this percentage being much higher for judges – 43%. When evaluating discrimination in the household and environment, 50% of advocates and 66% of judges said that such discrimination did exist.

Discrimination **in the workplace** was personally experienced by 25% of advocates and by the same percentage of judges. Evaluation of the prevalence of this phenomenon in the environment also coincides: 54% of advocates and judges.

Discrimination **in the family** is as common as discrimination in the household and public transportation and was personally experienced by 29% of advocates and 43% of judges. Manifestations of discrimination in the environment were observed by 49% of men and 66% of women.

Thus, a conclusion can be made that gender-based discrimination is more common in household chores and in relationships outside of professional environment. Nevertheless, a significant percentage of advocates and judges believe that discrimination exists in professional environment as well. Furthermore, judges appear to witness or experience gender discrimination more often than advocates.

Table / Diagram 11. Have you ever experienced / witnessed gender discrimination?

In employment / transfer / promotion	ADVOCATES		JUDGES	
	EXPERIENCED	WITNESSED	EXPERIENCED	WITNESSED
Never	68%	41%	84%	53%
Sometimes	24%	48%	13%	41%
Often	6%	9%	1%	3%
N/A	2%	2%	3%	3%
Total	100%	100%	100%	100%

In household, transportation	ADVOCATES		JUDGES	
	EXPERIENCED	WITNESSED	EXPERIENCED	WITNESSED
Never	55%	32%	67%	48%
Sometimes	37%	51%	30%	43%
Often	6%	15%	1%	8%
N/A	3%	2%	2%	2%
Total	100%	100%	100%	100%

In workplace	ADVOCATES		JUDGES	
	EXPERIENCED	WITNESSED	EXPERIENCED	WITNESSED
Never	73%	43%	73%	43%
Sometimes	20%	46%	20%	46%
Often	5%	9%	5%	9%
N/A	2%	3%	2%	2%
Total	100%	100%	100%	100%

In family	ADVOCATES		JUDGES	
	EXPERIENCED	WITNESSED	EXPERIENCED	WITNESSED
Never	52%	31%	66%	50%
Sometimes	31%	44%	24%	37%
Often	12%	22%	5%	12%
N/A	5%	3%	5%	1%
Total	100%	100%	100%	100%

Most of judges and advocates have experience of participating in the trial of gender-sensitive<sup>6</sup> cases or discrimination cases.

Nearly 36% of advocates and 40% of judges have experience of participating in cases regarding **domestic violence** (with women acting as plaintiffs in 90% of such cases).

59% of advocates and 45% of judges have experience of participating in cases regarding **determination of the child's place of residence**.

Nearly 16% of advocates and only 6% of judges have experience of participating in cases regarding **employment and termination of employment**. Most of the plaintiffs in such cases were women.

Nearly 15% of advocates and the same percentage of judges have experience of participating in the cases on **sexual harassment**. Most of the plaintiffs were women.

Table / Diagram 12. **If you have ever participated in a trial of gender-sensitive case, please specify who mostly acted as the plaintiff.**

Cases about violence in family	Advocates	Judges
Man	3%	6%
Woman	33%	38%
Never experienced	65%	56%
Total	100%	100%

Determination of child's place of residence	Advocates	Judges
Man	27%	19%
Woman	32%	26%
Never experienced	41%	56%
Total	100%	100%

Employment and termination of employment	Advocates	Judges
Man	2%	1%
Woman	16%	5%
Never experienced	82%	94%
Total	100%	100%



<sup>6</sup> Hereafter: the cases regarding domestic violence, determination of the child's place of residence, employment and termination of employment due to gender discrimination, sexual harassment, etc.

Sexual harassment	Advocates	Judges
Man	1%	1%
Woman	14%	12%
Never experienced	85%	87%
Total	100%	100%

Effectiveness of judicial defence in relation to gender issues is rather dubious: a significant percentage of the respondents – both judges and advocates – consider it partially effective or ineffective.

Judicial defence in **domestic violence** cases is believed to be effective by 24% of advocates and 28% of judges.

Judicial defence in cases on **determination of the child's place of residence** is believed to be effective by 31% of advocates and 33% of judges. Nearly 11% of advocates and 20% of judges did not answer this question.

Judicial defence in cases relating to **employment disputes** is believed to be effective by 15% of advocates and by a much larger percentage of judges – 33%. Nearly 25% of advocates and 40% of judges avoided answering this question.

Judicial defence in **sexual harassment** cases is believed to be effective by 20% of advocates and 28% of judges. Nearly 27% of advocates and 41% of judges did not answer this question.

Table / Diagram 13. **How effective is judicial defence of the rights violated on the basis of gender?**

Cases regarding violence in the family	Advocates	Judges
Effective	24%	28%
Partially effective	39%	44%
Ineffective	19%	9%
N/A	18%	19%
Total	100%	100%

Determination of child's place of residence	Advocates	Judges
Effective	31%	33%
Partially effective	48%	40%
Ineffective	10%	7%
N/A	11%	20%
Total	100%	100%

Labour disputes relating to discrimination	Advocates	Judges
Effective	15%	34%
Partially effective	36%	23%
Ineffective	24%	4%
N/A	25%	39%
Total	100%	100%

Sexual harassment	Advocates	Judges
Effective	20%	28%
Partially effective	31%	24%
Ineffective	22%	7%
N/A	27%	41%
Total	100%	100%



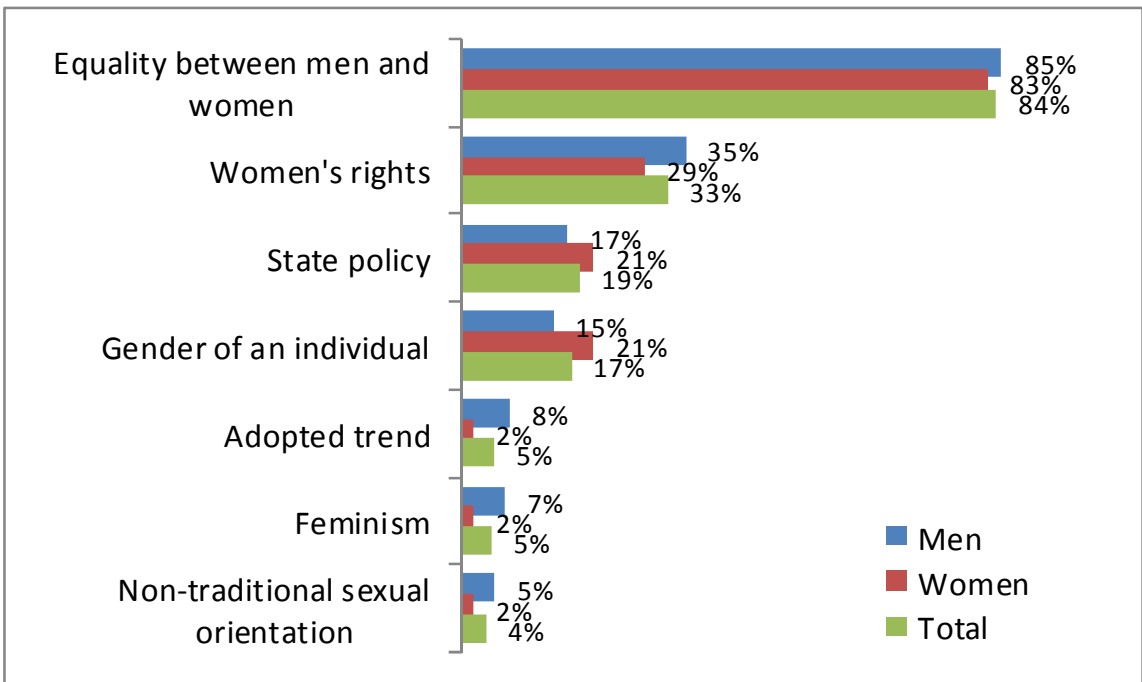
# ADVOCATES: Analysis of Gender Attitudes

## Existence of gender discrimination

The overwhelming majority of the respondents (84%) associate gender with equality between men and women. Nearly a third of them – with women's rights. 17% – with an individual's gender. There is no significant difference in the answers of men and women.

Almost a half of advocates, irrespective of their gender, believe that gender issues are important (or very important). An expected imbalance between evaluations by women and men exists at the levels of “very” and “totally” only, although almost 50% of men find this issue important, with the same opinion expressed by 63% of women.

Diagram 14. What do you associate gender with?



Majority of men and women believe that men have more opportunities for **socially important decision making** – 58%. The statistical difference is within a statistical error margin and, therefore, no conclusion regarding statistical significant difference in opinions can be made.

On the subject of **access to justice**, both male and female advocates agree – 90% of them believe that access to justice does not depend on gender aspects. The same is the case with **dispute resolution**.

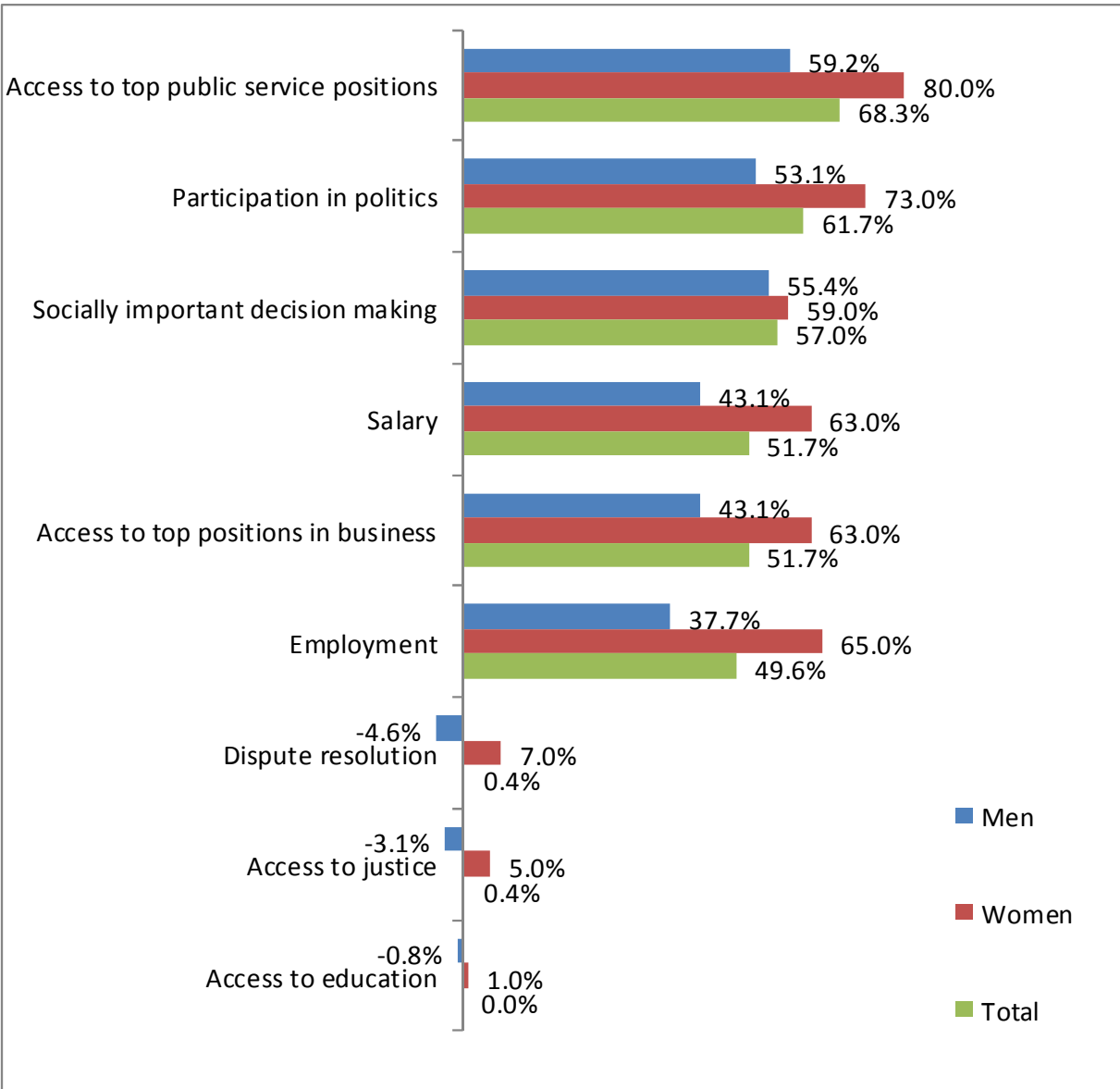


The most critical differences in attitudes are in relation to **salaries**. Most of men – 52% – believe that men have more opportunities, with 66% of women stating the same opinion. The percentage of advocates believing that women have more opportunities does not exceed 3%.

Opinions are also substantially divided on the matter of **employment** – 66% of women believe that men have more advantages in this area, with 42% of men acknowledging this fact.

**Access to education, access to justice, and dispute resolution** are regarded as the most gender-neutral areas – 90% of both women and men acknowledge equal opportunities.

Diagram 15. **Please indicate if equality between men and women is a problem in the following areas. (Men’s prevalence ratio)**



**Access to top positions in business** is regarded by women as a prerogative of men (63%), with men evenly divided in their opinions.

**Political activities** involve a significant gender component with a prevalence of men, according to 73% of female advocates. 53.1% of men also share this opinion.

The most discriminatory areas include **access to top public service positions, participation in politics, and socially important decision making**, where men allegedly dominate. Furthermore, 59, 2%, 53, 1% and 55, 4% of men share this opinion as well.

Significant differences in evaluations by men and women are observed in the areas of **access to top public service positions, participation in politics, salary rates, access to top positions in business, and employment.**

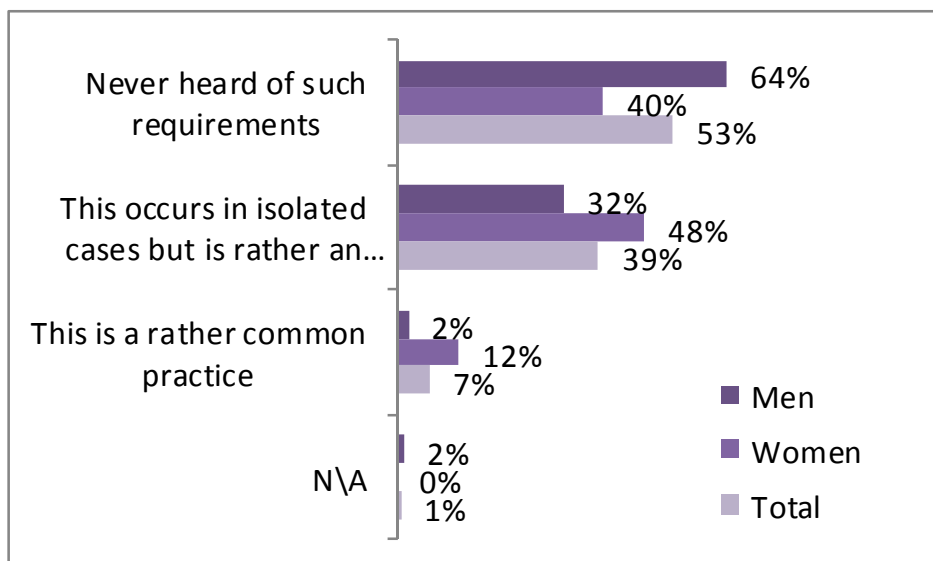
No gender discrimination is observed in the following areas: **dispute resolution, access to justice, access to education.**

### Existence of discrimination in professional activities of advocates

#### Impact of advocate's gender

Most of the respondents believe that the gender of an advocate does not matter to the client, with a significantly lower percentage of women expressing such opinion. At least 9% of respondents say that gender of an advocate is important to the client, with another 28% believing that gender matters in a certain category of cases. Men are generally more inclined to negate the importance of gender to the client.

Diagram 16. **From your experience, how often do clients insist on working with an advocate of a particular gender?**



Nevertheless, some of the advocates say that clients ultimately select an advocate of a particular gender one way or another. Furthermore, this percentage is significantly higher among women – 12% vs 2% (according to common practice), 48% vs 32% (in isolated cases).

Accordingly, 40% of female advocates say they have never witnessed such a phenomenon, compared to 64% of men.

The choice of the gender of an advocate is mainly explained by a set of stereotypes:

- **some clients prefer male advocates** – especially in criminal cases – because of the need to contact police authorities. This is believed to be more difficult for women than for men. Stereotypes that men are more enduring, persistent, and thus give more confidence to the client generally continue to be quite common as well;
- **fewer explanations are advanced in relation to women; there are two key reasons here:** (1) women better understand women, and (2) female clients are not comfortable with men in marriage dissolution cases.

At least 23% of the respondents said that a male client would prefer a male advocate. Female and male advocates share the same opinion. 73% of the respondents believe that gender does not matter.

At least 12–13% of the respondents said that a female client would prefer a female advocate. Female and male advocates share the same opinion on this matter.

**This indicates that male clients in 23% of cases choose male advocates and never insist on working with female advocates, unlike female clients, who in 8% of cases insist on having male advocates, and in 12% – female advocates. Such imbalance proves the existence of prejudice from male clients – they mostly generate demand for male advocates.**

### **Impact of judge's gender**

Most of advocates, irrespective of their gender, believe that the gender of a judge is of no importance – 60%. There is no significant difference in evaluations. Nevertheless, 40% of the respondents believe that a judge's gender is important.

Answers to the question why a judge's gender matters (an open-ended question) included the emotional instability of female judges (in 20% of cases), their leniency to women in the case (12%), and purely bad mood (10%).

### **Impact of litigant's gender**

Female and male advocates appear to be significantly divided in their evaluations of importance of a litigant's gender to the judge – 81% of women believe that gender is

important. The percentage of male advocates thinking the same way is also high – 69%. 29% of male advocates and only 13% of female advocates say that a litigant's gender does not matter to the judge.

When asked an open-ended question how this is manifested, the overwhelming majority of the respondents (65%) answered that judges are more lenient to women. This is particularly evident in family-related cases, such as divorces, determination of the child's place of residence, etc. The family-related cases are still no exception – a significant percentage of advocates point out that judges (especially female judges) treat women more leniently.

### **Gender of plaintiffs in various categories of cases**

There is no significant difference in evaluations by female and male advocates in relation to the gender of plaintiffs. The “female” category of cases typically includes those regarding divorce and children – according to advocates' estimates, women act as plaintiffs in 63% of such cases. The division of spousal property is another “female” category of cases – 40% of plaintiffs are women and 51% are equally men and women.

The “female” category of cases also includes those regarding consumer rights protection – 17% of advocates believe that female plaintiffs more often bring such cases.

The “male” category of cases includes disputes arising from independent contractor agreements (43% are mostly men), disputes under loan agreements and regarding invalidation of disciplinary penalties (27–28% are mostly men), regarding protection of honour and dignity, termination of certain obligations, and disputes arising from lease agreements (20–23% are mostly men).

### **Prejudice against men and women**

**According to the respondents' opinion, prejudice against men, although generally less manifested than the one against women, also occurs and is reported by both male and female advocates. Moreover, no significant difference is observed in male and female evaluations.**

37% of the respondents, irrespective of their gender, said that they had sometimes witnessed prejudice against men manifested in **jokes** (they had observed someone telling jokes with a men-degrading undertone (e.g. about parenting or heavy drinking); with 5% of respondents stating that they witness such situations quite often. Jokes about women are heard much more often – such situations were sometimes observed by 43% of respondents, with 17% of them saying that such situations are quite a common phenomenon.

Manifestations of **improper behaviour** (harassment, flirting, accosting, etc.) in relation to men were sometimes witnessed by 33% of the respondents, and 2% of the respondents claim this happens quite often. In case of women, the percentage is much higher – **improper behaviour** was witnessed sometimes by an average of 50% of respondents and often by an average of 5% of them. According to women's evaluations, the magnitude of improper behaviour towards women is much higher than towards men (2% of men vs 9% of women).

**Comments** referring to gender (e.g. “it is disgraceful for a man to behave this way,” “you must act like a man,” “you are behaving like a fishwife”) are quite common – 60% of the respondents have sometimes or often observed such situations; they, however, equally happen to both women and men. This indicates that such situations are equally experienced by men and women and are almost equally common among them.

**Offensive generalisations** (e.g. “girls are not tech-savvy,” “woman at the wheel is like a monkey with a grenade,” “men think only about sex,” “all men are bastards”) are heard being applied to men sometimes by 39% and often by 6% of respondents. Such situations are more common with women – 50% of them sometimes observed this and 16% say that this is quite a common phenomenon. There is, however, a significant difference in evaluations of the offensive generalisations applied to women – 11% of male advocates and 22% of female advocates. A conclusion can be made that offensive generalisations as a manifestation of prejudice are more often used in relation to women and are, furthermore, more gendered, i.e. women notice such manifestations more often than men do.

**Remarks about behaviour, dressing** (e.g. “she dresses like an old woman” or “she dresses like a whore”) are much more common in relation to women – 40% of the respondents say they sometimes witness this phenomenon and 5% of respondents claim this happens quite often. In the case of men, this percentage is significantly lower – 28% for sometimes and 2% for quite often.

### **Use of gender as an argument in litigation**

Most of the advocates, irrespective of their gender, have used the gender of a litigant as an argument in court. Furthermore, a third of them claim that this is quite a common practice. 45% of the respondents say they have never used gender arguments to prove their case.

A **form of address**, e.g. “hey woman,” “hey girl” or “hey man”, is common among both female and male advocates and is equally widespread with respect to men and women (20-23% for sometimes, 1-2% for often).

A **form of comment** e.g. “you, as a woman, must understand me,” “a true woman is not capable of this” or “a true man will not do this”, has significant gender differences:

- female judges are much more susceptible to this form – they find it more widely spread with respect to both men and women – nearly 30% of the respondents say that such form is used either sometimes or often;
- in contrast, male advocates believe that such form is much less common with regard to both men and women (19–23%).

**Form of evaluating the dress, appearance, behaviour** (commenting on the dress, accessories, appearance, or behaviour patterns, e.g. “let’s use common logic rather than a female one” or “stop complaining, you are a man”) is the least common and is evaluated by men and women as applied equally to both of them (14–16%).

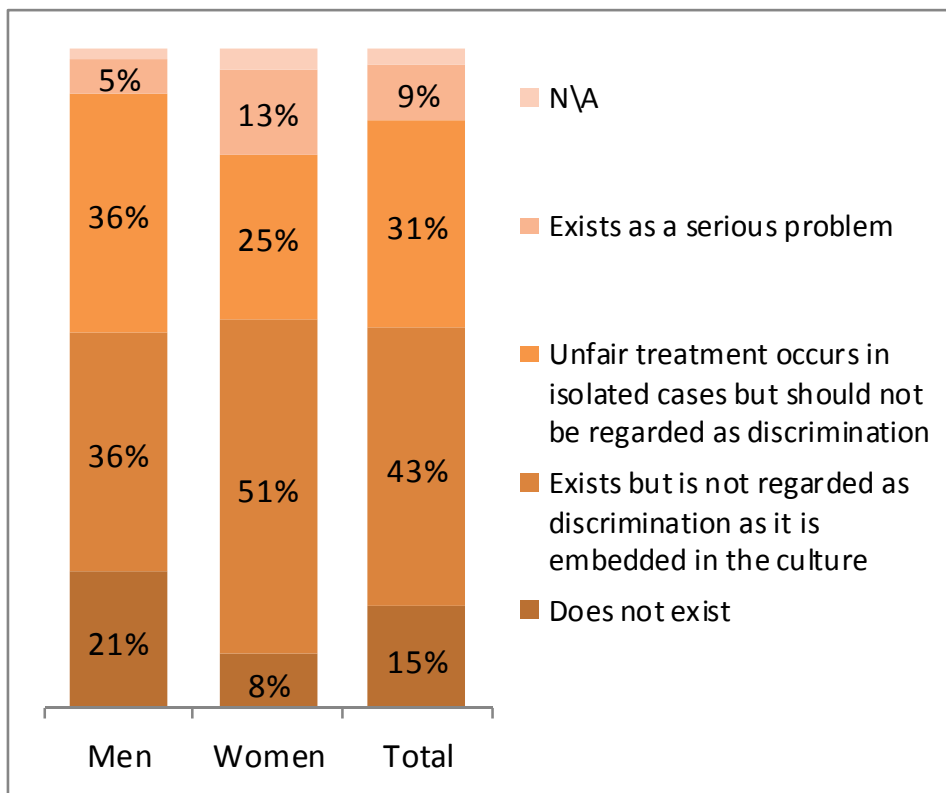
### **Existence of discrimination in Ukraine**

Only 15% of the respondents generally believe that gender discrimination does not exist in Ukraine.

43% of them believe that it exists but is embedded in the culture and is not perceived as discrimination. 31% believe that unfair treatment only occurs in isolated cases but should not be regarded as an endemic problem. 9% believe that discrimination exists as a serious problem.

Furthermore, men are more sceptical about gender discrimination – 21% of them believe that it does not exist, while only 8% of women feel the same. Only 5% of men believe that discrimination exists as a serious problem, compared to 13% of women.

Diagram 17. Does gender discrimination exist in Ukraine?



**Personal experience of facing discrimination quite predictably varies among men and women.**

12% of men describe their personal experience of facing gender discrimination in the process of **employment** or promotion, compared to 63% of women having similar experience. Interestingly, the magnitude of discrimination in the environment is evaluated to be substantially higher than in personal experience – gender discrimination in professional environment was reported by 45% of men and 72% of women. Furthermore, 18% of women said they often face discrimination in the environment in relation to career advancement.

**In the household and public transportation**, 28% of men have personally experienced discrimination; this percentage is much higher for women – 62%. When evaluating the discrimination in the household and environment, 61% of men and 78% of women say that such discrimination does exist.

**Discrimination in the workplace** is as common as discrimination in the areas of employment or promotion and was personally experienced by 16% of men and 42% of women. When evaluating the prevalence of this phenomenon in the environment, 45% of men and 72% of women say that such discrimination does exist.



**Discrimination in the family** is as common as discrimination in the household and transportation and was personally experienced by 39% of men and 59% of women. Manifestations of the discrimination in the environment were observed by 56% of men and 88% of women.

**A conclusion can thus be made that gender-based discrimination is more common in household chores and in relationships outside of professional environment. Nevertheless, discrimination in professional environment exists as well.**

### **Experience of defending clients' interests in gender-sensitive cases and evaluation of effectiveness of judicial defence**

Most of advocates have experience of representing their clients in gender-sensitive cases or discrimination cases. The percentage of advocates with a background of working with male and female clients is almost the same in such categories of cases (60–70%). No statistically significant difference is observed here.

Nearly a third of advocates have experience of participating in cases regarding **domestic violence**, with women acting as plaintiffs in 90% of such cases.

Nearly 16% of advocates, irrespective of their gender, have experience of participating in cases regarding **employment** and **termination of employment**. Most of the plaintiffs were women.

Nearly 15% of advocates, irrespective of their gender, have experience of participating in cases on **sexual harassment**. Most of the plaintiffs were women.

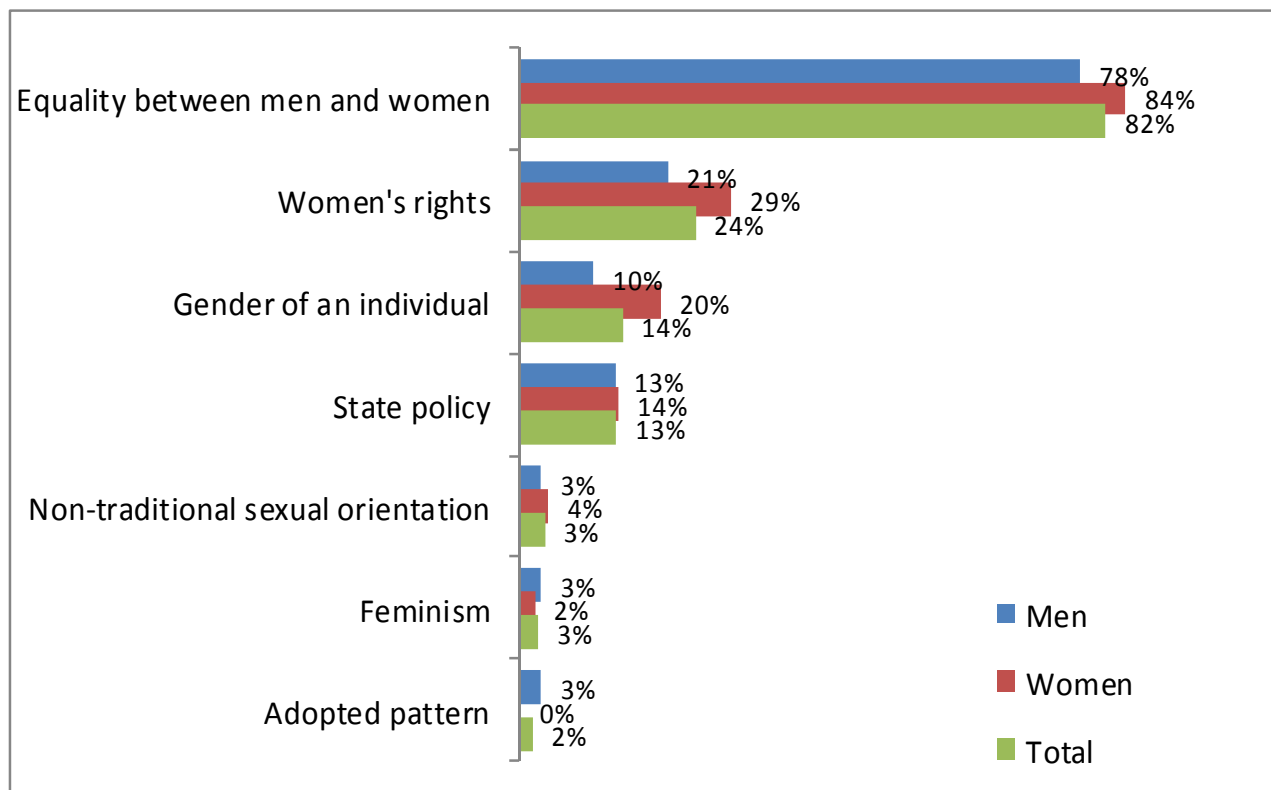
Effectiveness of judicial defence in relation to gender issues is rather dubious and most of the respondents, irrespective of their gender, consider it partially effective or ineffective. The least effective is defence in labour disputes relating to discrimination – it is believed to be effective by only 15% and ineffective by 25%. Judicial defence in sexual harassment cases is believed to be effective by 20% of the respondents and ineffective by 24%.

The most effective judicial defence is observed in cases regarding determination of the child's place of residence, with 31% of respondents finding it effective and only 10% – ineffective.

## JUDGES: Analysis of Gender Attitudes

### Existence of gender discrimination

Diagram 18. What do you associate gender with?



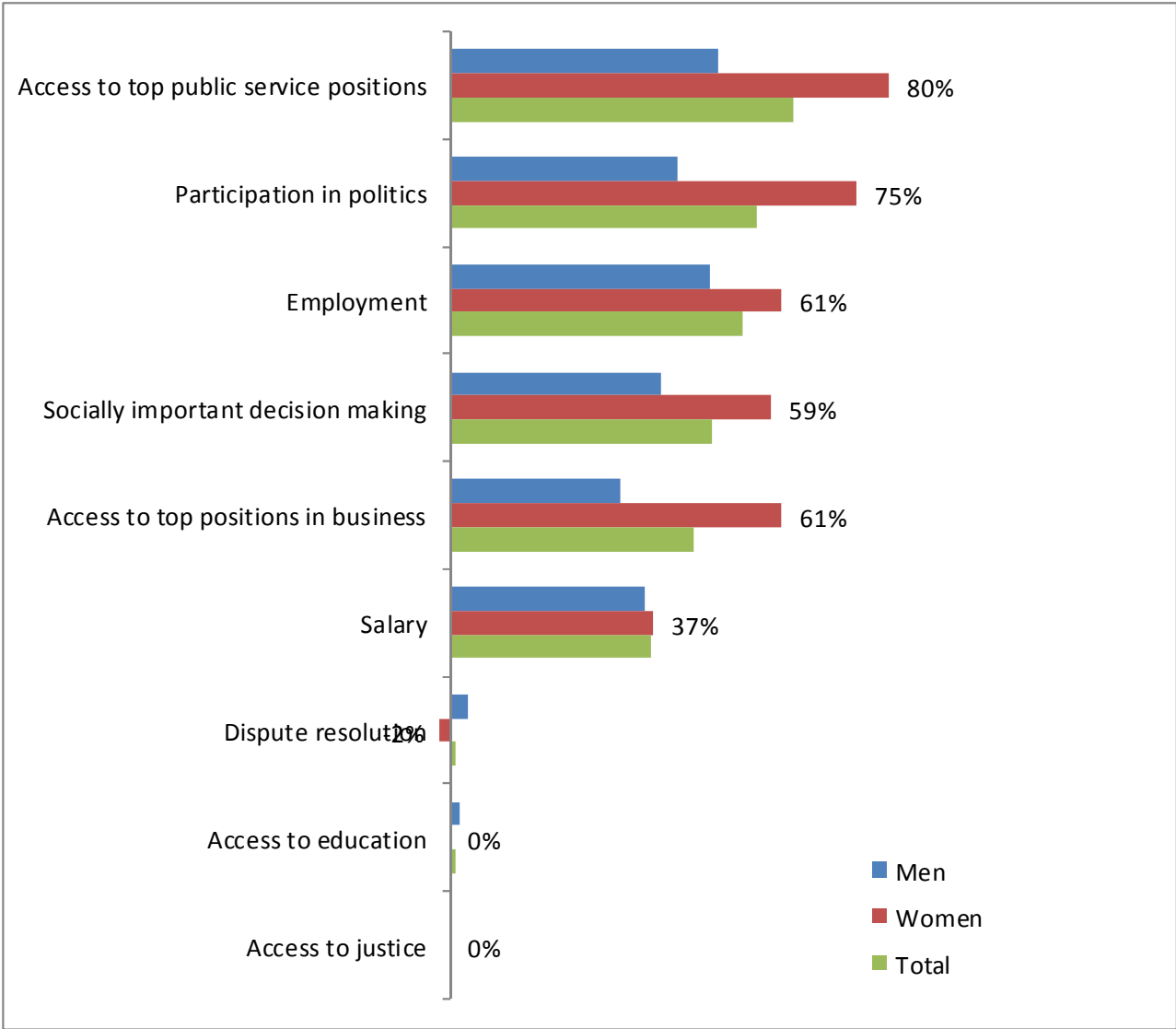
The overwhelming majority (82%) of judges associate gender with equality between men and women. Nearly a fourth of them – with women's rights. 14% – with an individual's gender. There is no significant difference in the answers of men and women.

Almost a half of judges, irrespective of their gender, believe that gender issues are important (or very important). An expected imbalance between evaluations by women and men exists at the levels of “very” and “totally” only, although almost 45% of men find this issue rather important or believe it to be a top priority, with the same opinion expressed by 74% of women.

18% of judges believe that the issue of equality between women and men must be on the priority list of the government.

A half of men and women believe that men have more opportunities for **socially important decision making**. Female judges believe that men have more opportunities – 60% of female judges, compared to 40 % of male judges.

Diagram 19. **Please indicate if equality between men and women is a problem in the following areas.**



On the subject of **access to justice**, both male and female advocates absolutely agree – 91% of them believe that access to justice does not depend on gender aspects. The same is the case with **dispute resolution**.

Interestingly enough, there is no difference in the evaluations of **salaries** (a significant difference was observed among advocates, as 52% of male advocates generally believe that men have more opportunities, compared to 66% of women) – a half of judges believe that there is no difference in pay, while 40% believe that men have more opportunities. The percentage of judges believing that women have more opportunities generally does not exceed 2%.

In contrast, opinions are substantially divided on the matter of **employment** – 63% of women believe that men are more advantaged, with 51% of men acknowledging this fact.

Generally, 56% of judges believe that men have more advantages when seeking employment.

**Access to education, access to justice, and dispute resolution** are the most gender-neutral areas – 90% of both women and men acknowledge equal opportunities here.

**Access to top positions in business** is regarded by women as a prerogative of men (61%), with only 30% of men and 45% of all respondents feeling the same.

**Access to top public service positions** is very unequal – women regard it as a prerogative of men – 80%, with 51% of men and 64% of all respondents feeling the same.

**Political activities** also involve a significant gender component with a prevalence of men, according to the opinion of 75% of women. This opinion is shared by 42% of men, which results in the total average of 56% of all respondents.

### **Existence of discrimination in professional activities of judges**

#### **Impact of judge's gender**

Most of the respondents believe that the gender of a judge is totally not important (78%), with 18% of the respondents saying that gender is important for certain categories of cases. There is no difference in evaluations by women and men.

Men believe that gender significance manifests itself in men being of higher authority and in existence of gender solidarity.

#### **Impact of plaintiff's gender**

Most of judges (62%) believe that the gender of a plaintiff does not matter. In contrast, 34% of the respondents believe that gender does matter, but for a certain category of cases only. There are significant differences in the answers of men and women.

When asked an open-ended question how this is manifested, the overwhelming majority of the respondents (65%) answered that judges are more lenient to women. This is particularly evident in family-related cases: divorces, determination of the child's place of residence, etc. Family-related cases are still no exception – a significant percentage of the respondents point out that judges (especially female judges) treat women more leniently.

#### **Impact of advocate's gender**

Unlike advocates, judges fully deny importance of an advocate's gender – 95% of them claim that it does not matter.

References to the gender of a judge do occur. However, most of men and women believe this phenomenon is the exception rather than the rule, while 11% of the respondents say

they have never come across this. Only 4% of the respondents think that this phenomenon is common.

### **Gender of plaintiffs in various categories of cases**

There is no significant difference in evaluations by female and male judges. "Female" cases typically include those regarding divorce and children – according to judges' estimates, women act as plaintiffs in 44% of such cases, with 33% of the respondents believing that the proportion of men and women is equal. The division of spousal property is a "female" category of cases – 25% of plaintiffs are women and 50% are equally men and women.

The "male" category of cases includes disputes arising from independent contractor agreements (43% are mostly men), disputes under loan agreements and regarding invalidation of disciplinary penalties (27–28% are mostly men), regarding protection of honour and dignity, termination of certain obligations, and disputes arising from lease agreements (20–23% are mostly men).

### **Prejudice against men and women**

**According to the respondents' opinion, prejudice against men, although generally less manifested than the one against women, also occurs and is reported by both male and female advocates. On top of that, no significant difference is observed in male and female evaluations.**

34% of the respondents, irrespective of their gender, say that they have sometimes witnessed the prejudice against men manifested in **jokes** (they had observed someone telling jokes with a men degrading undertone (e.g. about parenting or heavy drinking), with 3% of the respondents saying they have witnessed such situations quite often.

Jokes about women are heard much more often – such situations were sometimes observed by 43% of the respondents, with 14% of them saying that this is a common phenomenon. Male and female respondents were equally divided in their evaluations.

Manifestations of **improper behaviour** (harassment, flirting, accosting, etc.) in relation to men were sometimes witnessed by 31% of the respondents, with only 1% of them believing that this happens quite often. In the case of women, the percentage is slightly higher – **improper behaviour** was witnessed sometimes by an average of 39% of the respondents and witnessed often by an average of 5% of them.

**Comments** referring to gender (e.g. "it is disgraceful for a man to behave this way," "you must act like a man," "you are behaving like a hysterical woman") are quite common – 55–

57% of the respondents have sometimes or often observed such situations; they, however, equally happen to both women and men. This indicates that such situations are experienced equally by men and women and are almost equally common among them.

**Offensive generalisations** (e.g. “girls are not tech-savvy,” “woman at the wheel is like a monkey with a grenade,” “men think only about sex,” “all men are bastards”) are heard being applied to men sometimes by 34% and often by 4% of the respondents. Such situations are more common with women – 46% of them have sometimes observed this and 12% say that this is quite a common phenomenon. There is, however, a significant difference in evaluations of the offensive generalisations applied to women – with 9% of men and 14% of women feeling the same. A conclusion can be made that offensive generalisations as a manifestation of prejudice are more often used in relation to women and are, furthermore, more gendered, i.e. women notice such manifestations more often than men do.

**Remarks about behaviour, dressing** (e.g. “she dresses like an old woman” and “she dresses like a whore”) are much more common in relation to women – 40% of the respondents say they sometimes witness this phenomenon and 3% of the respondents claim this happens quite often. In the case of men, this percentage is much lower – 30% for sometimes and 1% for often.

### **Use of gender as an argument in litigation**

Most of judges, irrespective of their gender, **have not** used the gender of a litigant as an argument in court. The percentage is significantly higher among women than among men. However, this question was left unanswered in surprisingly many cases.

A **form of address**, e.g. “hey woman,” “hey girl” or “hey man”, is used by both women and men and is equally common with respect to men and women (14% for sometimes, 2% for often).

A **form of comment**, e.g. “you, as a woman, must understand me,” “a true woman is not capable of this” or “a true man will not do this”, has significant gender differences. Such form is much more frequently used in relation to male judges than to female judges (16% versus 8%).

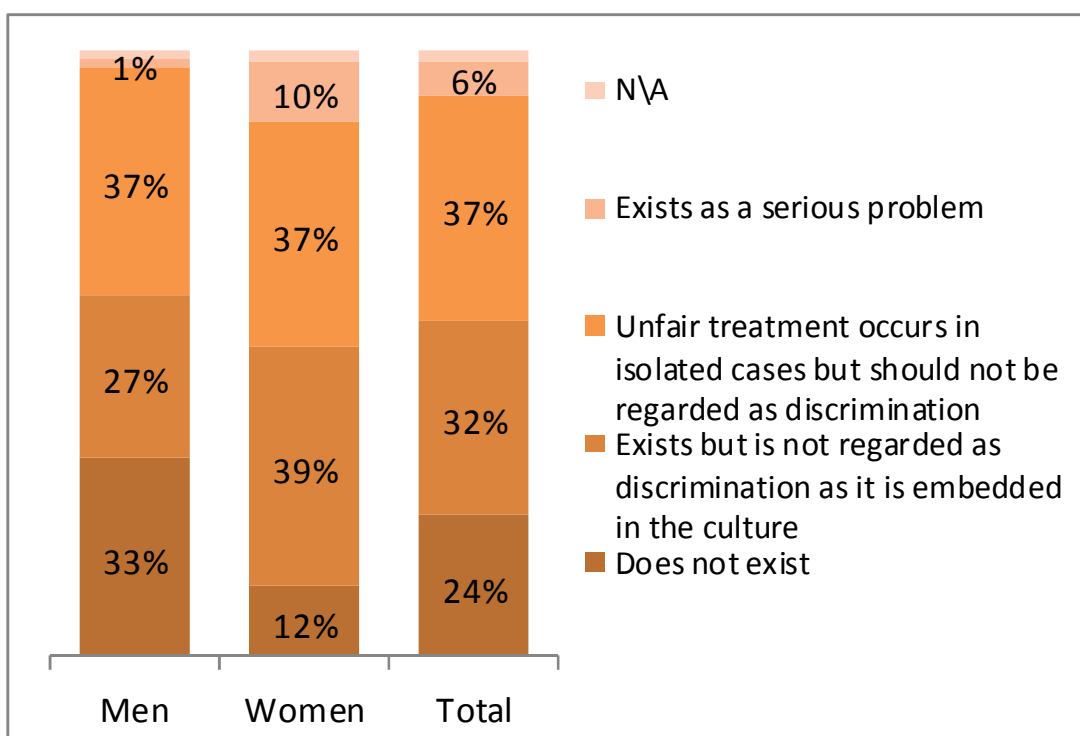
A **form of evaluating the dress, appearance, behaviour**, e.g. “let’s use a common logic rather than a female one”, “stop complaining, you are a man”, is evaluated by men and women as applied equally to both genders (13-17%).

## Existence of discrimination in Ukraine

Only 24% of the respondents generally believe that gender discrimination does not exist in Ukraine.

32% of them believe that it exists but is embedded in the culture and is not perceived as discrimination. 37% believe that unfair treatment only occurs in isolated cases but should not be regarded as an endemic problem. 6% believe that discrimination exists as a serious problem.

Diagram 20. Does gender discrimination exist in Ukraine?



Furthermore, men are more sceptical about gender discrimination – 33% of them believe that it does not exist, with only 12% of women sharing this opinion. Only 1% of male judges believe that discrimination exists as a serious problem, compared to 10% of female judges.

## Personal experience of facing discrimination quite predictably varies among men and women.

3% of men described their personal experience of facing gender discrimination in the process of **employment** or promotion, compared to 24% of women having similar experience.

Interestingly, the magnitude of discrimination in the environment is evaluated to be substantially higher than personal experience – gender discrimination in the environment was reported by 32% of men and 69% of women. Furthermore, 6% of women said they often face discrimination in the environment in relation to career advancement.

**In the household and public transportation**, 18% of men have personally experienced discrimination; this percentage is much higher for women – 47%. When evaluating the discrimination in the household and environment, 38% of men and 75% of women say that such discrimination does exist.

Discrimination **in the workplace** is as common as discrimination in the areas of employment or promotion and was personally experienced by 17% of men and 36% of women. When evaluating the prevalence of this phenomenon in the environment, 45% of men and 66% of women say that such discrimination does exist.

Discrimination **in the family** is as common as discrimination in the household and public transportation and was personally experienced by 22% of men and 35% of women. Manifestations of the discrimination in the environment were observed by 34% of men and 67% of women.

**A conclusion can thus be made that gender-based discrimination is more common in household chores and in relationships outside of professional environment. Nevertheless, a significant percentage of judges believe that discrimination exists in professional environment as well.**

#### **Experience of hearing gender-sensitive cases and evaluation of effectiveness of judicial defence**

Most of judges have experience of hearing gender-sensitive cases or discrimination cases. There appears to be an almost equal percentage of judges having experience of hearing cases brought by male (55%) or female plaintiffs (60%). No statistically significant difference is observed.

Nearly 40% of judges have experience of participating in cases regarding **domestic violence**, with women acting as plaintiffs in 90% of such cases.

45% of judges have no experience of participating in cases regarding **determination of the child's place of residence**, with women acting as plaintiffs in 60% of such cases and men in 40% of such cases.



Nearly 6% of judges, irrespective of their gender, have experience of participating in cases regarding **employment** and **termination of employment**. Most of the plaintiffs were women.

Nearly 15% of judges, irrespective of their gender, have experience of participating in cases on **sexual harassment**. Most of the plaintiffs in such cases were women.

Effectiveness of judicial defence in relation to gender issues is rather dubious and most of the respondents, irrespective of their gender, consider it partially effective or ineffective.

Judicial defence in **domestic violence** cases is believed to be effective by 28% and partially effective by 44% of respondents. Nearly 20% of the respondents evaded answering this question.

Judicial defence in cases on **determination of the child's place of residence** is believed to be effective by 33% and partially effective by 40% of the respondents. Nearly 20% of the respondents evaded answering this question.

Judicial defence in cases regarding **labour disputes** is believed to be effective by 34% and partially effective by 23% of the respondents. Nearly 40% of the judges did not answer this question.

Judicial defence in cases regarding **sexual harassment** is believed to be effective by 28% and partially effective by 24% of the respondents. Nearly 41% of the judges did not answer this question.

## Survey Results: ADVOCATES

### I. Socio-Demographic Data

On average, the survey sample includes more male advocates – 57% versus 43% of female advocates. Due to the gender-sensitive nature of the questions on the questionnaire, all further issues will be considered from the perspective of the analysis of differences between answers of advocates of both genders.

In addition, the sample over-represents younger respondents; however, this may be regarded as a peculiarity of the sample

Table 21. **Gender / age**

	Men	Women	Total
35 years+	46%	41%	44%
under 35 years	54%	59%	56%
Total	57%	43%	100%

### II. Evaluation of the Magnitude of Gender Discrimination

The overwhelming majority of the respondents (84%) associate gender with equality between men and women; nearly a third of them – with women's rights; 17% – with an individual's gender. There is no significant difference in the answers of men and women.

Table 22. **What do you associate gender with?**

	Men	Women	Total
Equality between men and women	85%	83%	84%
Women's rights	35%	29%	33%
State policy	17%	21%	19%
Gender of an individual	15%	21%	17%
Adopted trend	8%	2%	5%
Feminism	7%	2%	5%
Non-traditional sexual orientation	5%	2%	4%
Total	130	100	230

Almost a half of advocates, irrespective of their gender, believe that gender issues are important (or very important). An expected imbalance between evaluations by women and men exists at the level of “very” and “totally” only, although almost 50% of men find this issue important, with the same opinion expressed by 63% of women.

Table 23. **How important is gender equality to the Ukrainian society?**

	Men	Women	Total
Totally unimportant	4%	3%	3%
Important to a certain extent, but not a top priority	48%	33%	42%
Quite important	40%	40%	40%
It must on the priority list of the government	8%	23%	14%
N/A	0%	1%	0%
Total	130	100	230

Most of men and women believe that men have more opportunities for **socially important decision making** – 58%. The statistical difference is within a statistical error margin and, therefore, no conclusion regarding statistically significant difference in opinions can be made.

On the subject of **access to justice**, both male and female advocates agree – 90% of them believe that access to justice does not depend on gender aspects. The same is the case with **dispute resolution**.

The most critical differences in evaluations are in relation to **salaries**. Most of men believe that men have more opportunities – 52% of men, compared to 66% of women. The percentage of advocates believing that women have more opportunities does not exceed 3%.

Opinions are also substantially divided on the matter of **employment** – 66% of women believe that men are more advantaged, with 42% of men acknowledging this fact.

**Access to education, access to justice, and dispute resolution** are the most gender-neutral areas – 90% of both women and men acknowledge equal opportunities here.

**Access to top positions in business** is regarded by women as a prerogative of men (63%), with men evenly divided in their opinions.

**Political activities** involve a significant gender component with a prevalence of men, according to 73% of female advocates; 62% of men share this opinion.



Table 24. Please indicate if equality between men and women is a problem in the following areas.

Socially important decision making	Men	Women	Total
Men have more opportunities	56%	61%	58%
Men and women have equal opportunities	41%	32%	37%
Women have more opportunities	1%	2%	1%
N/A	2%	5%	3%
Total	130	100	230

Access to justice	Men	Women	Total
Men have more opportunities	1%	5%	3%
Men and women have equal opportunities	95%	90%	93%
Women have more opportunities	4%	0%	2%
N/A	1%	5%	3%
Total	130	100	230

Dispute resolution	Men	Women	Total
Men have more opportunities	2%	7%	4%
Men and women have equal opportunities	90%	88%	89%
Women have more opportunities	6%	0%	3%
N/A	2%	5%	3%
Total	130	100	230

Salary	Men	Women	Total
Men have more opportunities	44%	63%	52%
Men and women have equal opportunities	54%	34%	45%
Women have more opportunities	1%	0%	0%
N/A	2%	3%	2%
Total	130	100	230

Employment	Men	Women	Total
Men have more opportunities	42%	66%	52%
Men and women have equal opportunities	53%	30%	43%
Women have more opportunities	4%	1%	3%
N/A	2%	3%	2%
Total	130	100	230

Access to education	Men	Women	Total
Men have more opportunities	2%	2%	2%
Men and women have equal opportunities	92%	88%	90%
Women have more opportunities	3%	1%	2%
N/A	2%	9%	5%
Total	130	100	230

Access to top positions in business	Men	Women	Total
Men have more opportunities	46%	63%	53%
Men and women have equal opportunities	49%	33%	42%
Women have more opportunities	3%	0%	2%
N/A	2%	4%	3%
Total	130	100	230

Participation in politics	Men	Women	Total
Men have more opportunities	53%	73%	62%
Men and women have equal opportunities	45%	25%	37%
Women have more opportunities	0%	0%	0%
N/A	2%	2%	2%
Total	130	100	230

Summing up all of the above and calculating the men's prevalence ratio (the difference between percentages of the prevalence of men and women) we obtain the following results.

The most discriminatory areas include **access to top public service positions, participation in politics, and socially important decision making**. Men allegedly dominate in those areas. Furthermore, most of the men share this opinion as well.

Significant differences in evaluations by men and women are observed in the matters of **access to top public service positions, participation in politics, regarding salary, access to top positions in business, and employment**.

No gender discrimination is observed in the following areas: **dispute resolution, access to justice, access to education**.

Female judges are generally more inclined than men to regard certain areas as discriminatory.

Table 25. Please indicate if equality between men and women is a problem in the following areas.

Prevalence Ratio of Men (+) - Women (-)	Men	Women	Total
Access to top public service positions	59%	80%	68%
Participation in politics	53%	73%	62%
Socially important decision making	55%	59%	57%
Salary	43%	63%	52%
Access to top positions in business	43%	63%	52%
Employment	38%	65%	50%
Dispute resolution	-5%	7%	0%
Access to justice	-3%	5%	0%
Access to education	-1%	1%	0%

### III. Gender Discrimination in Professional Environment

#### a. Impact of the Gender of Advocates, Judges, Litigants

Most of the respondents believe that gender does not matter, with a significantly lower percentage of women expressing such opinion. At least 9% of the respondents say that the gender of an advocate is important to the client, with 28% believing that gender is important in a certain category of cases. Men are generally more inclined to negate the importance of gender to the client.

Table 26. From your experience, is the gender of an advocate important to the client?

Importance of Advocate's Gender	Men	Women	Total
Not important	68%	56%	63%
Important for a certain category of cases	26%	31%	28%
Always important	6%	12%	9%
N/A	0%	1%	0%
Total	130	100	230

Some advocates say that clients ultimately select an advocate of a particular gender one way or another. Furthermore, this percentage is significantly higher among women – 12% vs 2% (according to common practice), 48% vs 32% (in isolated cases). Accordingly, 40% of female advocates say they have never witnessed such a phenomenon, compared to 64% of males.



Table 27. **From your experience, how often do clients insist on working with an advocate of a particular gender?**

Relevance of advocate's gender	Men	Women	Total
Never heard of such requirements	64%	40%	53%
This occurs in isolated cases but this is rather an exception to the rule	32%	48%	39%
This is a rather common practice	2%	12%	7%
N/A	2%	0%	1%
Total	130	100	230

The choice of the gender of an advocate is mainly explained by a set of stereotypes. A part of clients prefers **male advocates**, especially in criminal cases, because of the need to contact police authorities. This is believed to be more difficult for women than for men. Stereotypes that men are more enduring, persistent, and thus give more confidence to the client generally continue to be quite common as well:

- *male clients often refuse to be defended by a female advocate*
- *male advocates give more confidence to a client*
- *most people believe a man is stronger, and so he may be entrusted with someone's destiny, in particular, with the defence in criminal proceedings*
- *if the case is too complicated, the client may think that a woman will not, at a certain stage, endure the moral burden, her emotions will take over her mind and she will refuse to defend the client*
- *clients place more reliance on men as far as it relates to criminal proceedings*
- *there is a public perception that criminal cases are to be handled by men; a client's gender and case category (determining the child's place of residence or depriving of parental rights) do matter in family disputes*
- *levels of perseverance and physical endurance are different*
- *a woman seeks defence from a male advocate in family disputes*
- *there is a public stereotype that advocacy is a male profession*
- *clients prefer male advocates*
- *ethics during negotiations; negative attitude of investigating officers towards female advocates; a higher level of confidence and efficient communication with a client in family disputes*
- *a woman is not associated with a qualified specialist*
- *women are not taken seriously; they are seen as sex objects only*

- *a client is more likely to choose a male advocate, since the client thinks of an advocate should have a strong personality*
- *female clients mostly apply to male advocates*
- *clients believe that “complicated” cases are not for women*
- *clients believe that men can work more in stressful situations and dedicate more time to the case*
- *clients believe that men are less emotional and it is easier for them to come to terms with law enforcement officers*
- *clients prefer male advocates*
- *clients tend to choose male advocates to act in criminal proceedings*
- *a client can believe that a female advocate is not able to protect them because of her weakness, since, when acting in her professional capacity, she will have to face law enforcement officers*
- *male advocates are more likely to get access to prisoners and criminal detention facilities*
- *clients believe that men are less involved in household chores and children’s upbringing*
- *it is not clear to what extent a woman can cooperate with police officers, communicate with them as an equal, and work at night if necessary*
- *protection by female advocates is not sufficiently active*
- *men are more psychologically stable*
- *intellect, strength, and status*
- *prejudice that men are more competent when acting in criminal proceedings*
- *men spend less time on themselves and, accordingly, more time on the client*
- *men are given preference*
- *men wish to have a man as their advocate, since they will better understand each other*
- *men are more goal-oriented*
- *clients see men as more confident*

Fewer explanations are advanced in relation to **female advocates**; actually, there are two key reasons: (1) women better understand women, and (2) female clients are not comfortable with men in marriage dissolution cases:

- *a female advocate has sympathy for a female client and would understand a female client better*
- *a female advocate and a female client understand each other better*
- *a female client wishes to cooperate with a female advocate in cases regarding marriage dissolution*



- *female clients choose female advocates*
- *a male client for some reason chooses a female advocate*
- *a woman has advantages, especially in family disputes*
- *a woman is perceived to be able to understand a woman better*

At least 23% of the respondents say that a male client would prefer a male advocate. Female and male advocates share the same opinion. 73% of the respondents believe that gender does not matter.

**Table 28. From your experience, is there any dependence between a client's gender and willingness to work with a female or male advocate?**

Male Client	Men	Women	Total
Prefers male advocates	21%	27%	23%
Advocate's gender does not matter	78%	67%	73%
Prefers female advocates	0%	1%	0%
N/A	1%	5%	3%
Total	100%	100%	100%

In at least 12–13% of cases, a female client would prefer a female advocate. Female and male advocates share the same opinion.

**Table 29. From your experience, is there any dependence between the client's gender and willingness to work with a female or male advocate?**

Female Client	Men	Women	Total
Prefers male advocates	11%	4%	8%
Advocate's gender does not matter	75%	78%	77%
Prefers female advocates	12%	13%	12%
N/A	2%	5%	3%
Total	100%	100%	100%

This indicates that male clients in 23% of cases choose male advocates and never insist on working with female advocates, unlike female clients, who in 8% of cases insist on having male advocates and in 12% – female advocates. Such imbalance proves the existence of prejudice from male clients – they mostly generate demand for male advocates.

Most of advocates, irrespective of their gender, believe that the gender of a judge matters (60%). There is no significant difference in evaluations. Nevertheless, 40% of the respondents believe that the judge's gender is import.



Table 30. **From your experience, is the gender of a judge important to the litigants?**

Importance of Judge's Gender	Men	Women	Total
Totally not important	58%	60%	59%
Important for a certain category of cases	35%	32%	33%
Always important	6%	7%	7%
N/A	1%	1%	1%
Total	100%	100%	100%

Answers to the question why the judge's gender is important (an open-ended question), included the emotional instability of female judges (in 20% of cases), their leniency to women in the case (12%), and purely bad mood (10%).

- *female judges more carefully examine the case*
- *female judges are more sensitive and careful in hearing the cases involving children*
- *female judges make more adequate decisions*
- *female judges favour a woman acting as a litigant*
- *female judges mostly side with the mother in cases involving children*
- *female judges often side with a woman acting as a litigant*
- *female judge is more soft-hearted when resolving criminal cases*
- *female judge has a biased attitude towards a male litigant in family disputes*
- *female judge always understands a woman who asks a question better*
- *female judge takes the position of a female litigant*

Female and male advocates are significantly divided in their evaluations of importance of a litigant's gender to the judge. 81% of females believe that gender is important. The percentage of male advocates thinking the same way is also high – 69%. 23% of male advocates and only 13% of female advocates believe that the gender of a litigant does not matter to the judge.

Table 31. **From your experience, is the gender of a litigant important to the judge?**

Relevance of Plaintiff's Gender	Men	Women	Total
Totally not important	69%	81%	74%
Important for a certain category of cases	26%	13%	20%
Always important	3%	3%	3%
N/A	2%	3%	2%
Total	100%	100%	100%

When asked an open-ended question how this is manifested, the overwhelming majority of the respondents (65%) answered that judges are more lenient to women. This is particularly evident in family-related cases, such as divorces and determination of the child's place of residence. Family-related cases are still no exception – a significant percentage of advocates point out that judges (especially female judges) treat women more leniently.

**b. Gender of Plaintiffs in Various Categories of Cases**

**Table 32. From your experience, what is the proportion of male and female plaintiffs in such categories of civil cases?**

Types of Cases	Mostly men	Equal	Mostly women	N/A	Men's prevalence ratio
Independent contractor agreements	43%	49%	1%	7%	42%
Disputes arising from loan agreements	31%	59%	3%	6%	28%
Invalidation of disciplinary penalties	32%	57%	5%	6%	27%
Protection of honour and dignity	30%	55%	8%	7%	23%
Termination of certain obligations	23%	67%	3%	7%	20%
Disputes arising from lease agreements	23%	67%	3%	7%	20%
Invalidation of legal transactions	17%	74%	3%	7%	13%
Disputes arising from residential property lease agreements	16%	67%	9%	7%	7%
Compensation for damage	12%	73%	8%	6%	4%
Protection of personal non-property rights	16%	65%	12%	7%	3%
Protection of the right to property	12%	68%	14%	6%	-2%
Labour disputes	13%	67%	15%	5%	-2%
Consumer rights protection	6%	73%	17%	5%	-11%
Division of spousal property	4%	51%	40%	4%	-36%
Marriage dissolution and disputes over children	3%	30%	63%	3%	-60%

There is no significant difference in evaluations by female and male advocates. "Female" cases include those regarding divorce and children – according to advocates' estimates, women act as plaintiffs in 63% of such cases. The division of spousal property is another "female" category of cases – 40% of plaintiffs are women and 51% are equally men and women.

The "female" category of cases also includes those regarding consumer rights protection – 17% of advocates believe that female plaintiffs more often bring such cases.

The "male" category of cases includes disputes arising from independent contractor agreements (43% are mostly men), disputes under loan agreements, regarding invalidation of disciplinary penalties (27–28% are mostly men), regarding protection of honour and dignity, termination of certain obligations, and disputes arising from lease agreements (20–23% are mostly men).

### **c. Prejudice and Its Manifestations**

**According to the respondents' opinions, prejudice against men, although generally less manifested than against women, also occurs and is reported by both male and female advocates. On top of that, no significant difference is observed in male and female evaluations.**

37% of the respondents, irrespective of their gender, said that they had sometimes witnessed prejudice against men manifested in **jokes** (they had observed someone telling jokes with a men-degrading undertone (e.g. about parenting or heavy drinking); with 5% of the respondents saying that they witness such situations quite often.

Jokes about women are heard much more often – such situations were sometimes observed by 43% of the respondents, with 17% of them saying that this is quite a common phenomenon.

Manifestations of **improper behaviour** (harassment, flirting, accosting, etc.) in relation to men were sometimes witnessed by 33% of the respondents, while 2% of the respondents claim that this happens quite often. In case of women, the percentage is much higher – **improper behaviour** was witnessed sometimes by an average of 50% of the respondents and often by an average of 5% of them. According to women's evaluations, the magnitude of improper behaviour towards women is much higher than towards men (2% of men vs 9% of women).



**Comments** referring to gender (e.g. “it is disgraceful for a man to behave this way”, “you must act like a man,” “you are behaving like a fishwife”) are quite common – 60% of the respondents sometimes or often observed such situations; they, however, equally happen to both women and men.

**Offensive generalisations** (e.g. “girls are not tech-savvy,” “woman at the wheel is like a monkey with a grenade,” “men think only about sex,” “all men are bastards”) are heard being applied to men sometimes by 39% and often by 6% of the respondents. Such situations are more common with women – 50% of them sometimes observed this and 16% say that this is quite a common phenomenon. There is, however, a significant difference in evaluations of offensive generalisations applied to women – 11% of male advocates and 22% of female advocates. A conclusion can be made that offensive generalisations as a manifestation of prejudice are more often used in relation to women and are, furthermore, more gendered, i.e. women notice such manifestations more often than men do.

**Remarks about behaviour and dressing** (e.g. “she dresses like an old woman” and “she dresses like a whore”) are much more common in relation to women – 40% of the respondents state that they sometimes witness this phenomenon and 5% of the respondents claim this happens quite often. In the case of men, this percentage is significantly lower: 28% for sometimes, 2% for often.

Table 33. **Have you ever found yourself in or witnessed such situations in court when men / women experience prejudice against themselves?**

Jokes	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	52%	56%	54%	35%	41%	37%
Sometimes	38%	36%	37%	49%	34%	43%
Often	5%	4%	5%	12%	23%	17%
N/A	5%	4%	4%	5%	2%	3%
Total	100%	100%	100%	100%	100%	100%

Improper behaviour	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	61%	59%	60%	47%	36%	42%
Sometimes	32%	35%	33%	46%	54%	50%
Often	2%	2%	2%	2%	9%	5%
N/A	5%	4%	5%	5%	1%	3%
Total	100%	100%	100%	100%	100%	100%

Comments	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	37%	37%	37%	41%	42%	41%
Sometimes	52%	48%	50%	47%	45%	46%
Often	7%	13%	10%	7%	12%	9%
N/A	4%	2%	3%	5%	1%	3%
Total	100%	100%	100%	100%	100%	100%

Offensive generalisations	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	48%	53%	50%	33%	32%	33%
Sometimes	41%	37%	39%	52%	44%	49%
Often	5%	7%	6%	11%	22%	16%
N/A	5%	3%	4%	4%	2%	3%
Total	100%	100%	100%	100%	100%	100%

Remarks about behaviour or dressing	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	66%	62%	64%	47%	58%	52%
Sometimes	28%	28%	28%	45%	32%	40%
Often	1%	4%	2%	3%	7%	5%
N/A	5%	6%	6%	5%	3%	4%
Total	100%	100%	100%	100%	100%	100%

Table 34. **Have you or your colleagues ever used a litigant's gender as an argument in court?**

Use of a litigant's gender as an argument in court	Men	Women	Total
Never	45%	45%	45%
Sometimes	22%	20%	21%
Often	32%	35%	33%
Total	100%	100%	100%

Most of advocates, irrespective of their gender, have used the gender of a litigant as an argument in court. Furthermore, a third of them claim that this is quite a common practice. 45% of the respondents say they have never used gender argument to prove their case.

A **form of address**, e.g. “hey woman,” “hey girl”, “hey man”, is common among both female and male advocates and is equally widespread with respect to men and women (20-23% for sometimes, 1-2% for often).

A **form of comment**, e.g. “you, as a woman, must understand me,” “a true woman is not capable of this” or “a true man will not do this”, has significant gender differences:

- female judges are much more susceptible to this form – they find it more widely spread with respect to both men and women – nearly 30% of the respondents say that such form is used either sometimes or often;
- in contrast, male advocates believe that such form is much less common with regard to both men and women (19–23%).

A **form of evaluating the dress, appearance, behaviour** (commenting on the dress, accessories, appearance, or behaviour patterns: “let’s use a common logic rather than a female one” or “stop complaining, you are a man”) is the least common and is evaluated by men and women as applied equally to both genders (14–16%).

Table 35. **Have you or your colleagues ever used a litigant's gender as an argument in court?**

Address	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	78%	71%	75%	72%	72%	72%
Sometimes	19%	20%	20%	24%	22%	23%
Often	1%	2%	1%	2%	2%	2%
N/A	2%	7%	4%	2%	4%	3%
Total	100%	100%	100%	100%	100%	100%

Comments	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	75%	63%	70%	78%	66%	73%
Sometimes	23%	29%	26%	19%	30%	24%
Often	1%	1%	1%	1%	1%	1%
N/A	1%	7%	3%	2%	3%	2%
Total	100%	100%	100%	100%	100%	100%

Dress, appearance, behaviour	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	82%	80%	81%	83%	79%	81%
Sometimes	15%	12%	14%	15%	16%	16%
Often	2%	1%	1%	0%	1%	0%
N/A	2%	7%	4%	2%	4%	3%
Total	100%	100%	100%	100%	100%	100%

Only 15% of the respondents generally believe that gender discrimination does not exist in Ukraine.

43% of them believe that it exists but is embedded in the culture and is not perceived as discrimination. 31% believe that unfair treatment only occurs in isolated cases but should not be regarded as an endemic problem. 9% believe that discrimination exists as a serious problem.

Furthermore, men are more sceptical about gender discrimination – 21% of them believe that it does not exist, while only 8% of women feel the same. Only 5% of men believe that discrimination exists as a serious problem, compared to 13% of women.

Table 36. **Do you think that gender discrimination exists in Ukraine?**

	Men	Women	Total
Does not exist	21%	8%	15%
Exists but is not perceived as discrimination as it is embedded in the culture	36%	51%	43%
Unfair treatment occurs in isolated cases but should not be regarded as discrimination	36%	25%	31%
Exists as a serious problem	5%	13%	9%
N/A	2%	3%	2%
Total	100%	100%	100%

**Personal experience of facing discrimination quite predictably varies among men and women.**

12% of men describe their personal experience of facing gender discrimination in the process of **employment** or promotion, compared to 63% of women having similar experience.

Interestingly, the magnitude of discrimination in the environment is evaluated to be substantially higher than in personal experience – gender discrimination in the environment was reported by 48% of men and 72% of women. Furthermore, 18% of





women said that they often face discrimination in the environment in relation to career advancement.

**In the household and public transportation**, 28% of men have personally experienced discrimination; the percentage is much higher for women and is equal to 62%. When evaluating discrimination in the household and the environment, 61% of men and 78% of women say that such discrimination does exist.

Discrimination **in the workplace** is as common as discrimination in the areas of employment or promotion and was personally experienced by 16% of men and 42% of women. When evaluating the prevalence of this phenomenon in the environment, 45% of men and 72% of women say that such discrimination does exist.

Discrimination in the family is as common as discrimination in the household and public transportation and was personally experienced by 39% of men and 59% of women. Manifestations of discrimination in the environment were observed by 56% of men and 88% of women.

**A conclusion can thus be made that gender-based discrimination is more common in household chores and in relationships outside of professional environment. Nevertheless, most of the respondents, both judges and advocates, still believe that discrimination does exist in professional environment.**

Table 37. **Have you ever experienced gender discrimination?**

In the employment / transfer/ promotion	PERSONALLY			IN THE ENVIRONMENT		
	Men	Women	Total	Men	Women	Total
Never	88%	42%	68%	52%	28%	41%
Sometimes	12%	41%	24%	45%	52%	48%
Often	1%	12%	6%	3%	16%	9%
N/A	0%	5%	2%	0%	4%	2%
Total	100%	100%	100%	100%	100%	100%

In household and transportation	PERSONALLY			IN THE ENVIRONMENT		
	Men	Women	Total	Men	Women	Total
Never	72%	32%	55%	39%	22%	32%
Sometimes	23%	55%	37%	52%	51%	51%
Often	5%	7%	6%	8%	23%	15%
N/A	0%	6%	3%	1%	4%	2%
Total	100%	100%	100%	100%	100%	100%

In workplace	PERSONALLY			IN THE ENVIRONMENT		
	Men	Women	Total	Men	Women	Total
Never	84%	58%	73%	54%	28%	43%
Sometimes	15%	26%	20%	43%	49%	46%
Often	2%	10%	5%	2%	17%	9%
N/A	0%	6%	3%	1%	6%	3%
Total	100%	100%	100%	100%	100%	100%

In family	PERSONALLY			IN THE ENVIRONMENT		
	Men	Women	Total	Men	Women	Total
Never	61%	41%	52%	46%	12%	31%
Sometimes	30%	32%	31%	42%	48%	44%
Often	9%	16%	12%	11%	36%	22%
N/A	0%	11%	5%	2%	4%	3%
Total	100%	100%	100%	100%	100%	100%

Most of advocates have experience of representing their clients in gender-sensitive cases or discrimination cases. The percentage of advocates with a background of working with male and female plaintiffs is almost the same in such categories of cases (60–70%). No statistically significant difference is observed here.

Table 38. **Have you ever had experience of representing the clients' interests in gender-sensitive cases or discrimination cases?**

Clients' interests (proven experience of representing)	Men	Women
Men	60%	64%
Women	65%	70%

Nearly a third of advocates have experience of participating in cases regarding **domestic violence**, with women acting as plaintiffs in 90% of such cases.

Nearly 16% of advocates, irrespective of their gender, have experience of participating in cases regarding **employment** and **termination of employment**. Most of the plaintiffs were women.

Nearly 15% of advocates, irrespective of their gender, have experience of participating in the cases regarding **sexual harassment**. Most of the plaintiffs were women.

**Table 39. If you have participated in such cases, please indicate who mostly acted as the plaintiff.**

<b>Cases on violence in the family</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
Man	3%	2%	3%
Woman	34%	31%	33%
Have no such experience	63%	67%	65%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<b>Employment and employment termination</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
Man	3%	1%	2%
Woman	17%	14%	16%
Have no such experience	80%	85%	82%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<b>Sexual harassment</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
Man	2%	1%	1%
Woman	13%	15%	14%
Have no such experience	85%	84%	85%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Effectiveness of judicial defence in relation to gender issues is rather dubious and most of the respondents, irrespective of their gender, consider it partially effective or ineffective. The least effective is judicial defence in labour disputes relating to discrimination – it is believed to be effective by only 15% and ineffective by 25% of the respondents. Judicial defence in sexual harassment cases is believed to be effective by 20% and ineffective by 24% of the respondents.

The most effective judicial defence is observed in cases regarding determination of the child's place of residence, with 31% of the respondents finding it effective and only 10% – ineffective.

Table 40. How effective is judicial defence of rights violated on the basis of gender?

Determination of the child's place of residence	Men	Women	Total
Effective	28%	36%	31%
Partially effective	49%	46%	48%
Ineffective	14%	5%	10%
N/A	9%	13%	11%
Total	100%	100%	100%

Labour disputes relating to discrimination	Men	Women	Total
Effective	17%	12%	15%
Partially effective	35%	37%	36%
Ineffective	23%	26%	24%
N/A	25%	25%	25%
Total	100%	100%	100%

Sexual harassment	Men	Women	Total
Effective	22%	17%	20%
Partially effective	29%	33%	31%
Ineffective	20%	24%	22%
N/A	28%	26%	27%
Total	100%	100%	100%

## Survey Results: JUDGES

### I. Socio-Demographic Data

On average, the survey sample includes more male judges – 57% versus 43% of female judges. Due to gender-sensitive nature of the questions on the questionnaire, all further issues will be considered from the perspective of the analysis of differences between answers of the judges of both genders.

In addition, the sample over-represents older respondents, although this can be explained by age requirements for judges (they are required to be over 25 years).

Table 41. **Gender / age**

Age	Men	Women	Total
35 years+	63%	63%	63%
under 35 years	37%	37%	37%
Total	57%	43%	100%

### II. Evaluation of the Magnitude of Gender Discrimination

The overwhelming majority of the respondents (82%) associate gender with equality between men and women. Nearly a fourth of them – with women's rights. 14% – with an individual's gender. There is no significant difference in the answers of men and women.

Table 42. **What do you associate gender with?**

	Men	Women	Total
Equality between men and women	78%	84%	82%
Women's rights	21%	29%	24%
Gender of an individual	10%	20%	14%
State policy	13%	14%	13%
Non-traditional sexual orientation	3%	4%	3%
Feminism	3%	2%	3%
Adopted trend	3%	0%	2%
Total	103	78	181

Almost 60% of judges, irrespective of their gender, believe that gender issues are important (or very important). An expected imbalance between evaluations by women and men exists at the levels of “very” and “totally” only, although almost 43% of men find this issue rather important or believe it to be a top priority, with the same opinion expressed by 57% of women.

18% of judges believe that the issue of equality between women and men must be on the priority list of the government. There are only 25% of women thinking the same way.

Table 43. **How important is gender equality to the Ukrainian society?**

	Men	Women	Total
Totally not important	1%	0%	1%
Important to a certain extent, but not a top priority	55%	25%	42%
Quite important	31%	49%	39%
It must be on the priority list of the government	12%	25%	18%
N/A	0%	0%	0%
Total	103	78	181

A half of men and women believe that men have more opportunities for **socially important decision making**. Female judges believe that men have more opportunities – 60% of female judges, compared to 40 % of male judges.

On the subject of **access to justice**, both male and female judges absolutely agree – 91% of them believe that access to justice does not depend on gender aspects. The same is the case with **dispute resolution**.

Interestingly enough, there is no difference in the evaluations of **salaries** (a significant difference was observed among advocates – an average of 52% of the male respondents generally believe that men have more opportunities, compared to 66% of women) – a half of judges believe that there is no difference in pay, while 40% believe that men have more opportunities. The percentage of judges believing that women have more opportunities generally does not exceed 2%.

In contrast, opinions are substantially divided on the matter of **employment** – 63% of women believe that men are more advantaged, with 51% of men acknowledging this fact. Generally, 56% of judges believe that men have more advantages when seeking employment.

**Accesses to education, access to justice and dispute resolution are** the most gender-neutral areas – 90% of both women and men acknowledge equal opportunities.

**Access to top positions in business** is regarded by women as a prerogative of men – 61%, with only 30% of men and 45% of all respondents feeling the same.

**Access to top public service positions** is very unequal – women regard it as a prerogative of men – 80%, with 51% of men and 64% of all respondents feeling the same.

**Political activities** also involve a significant gender component with a prevalence of men, according to 75% of women. This opinion is shared by 42% of men and by the total average of 56% of all respondents.

Table 44. **Please indicate if equality between men and women is a problem in the following areas.**

<b>Socially important decision making</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
Men have more opportunities	39%	59%	48%
Men and women have equal opportunities	52%	35%	45%
Women have more opportunities	0%	0%	0%
N/A	9%	6%	8%
<b>Total</b>	<b>103</b>	<b>78</b>	<b>181</b>

<b>Access to justice</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
Men have more opportunities	1%	0%	1%
Men and women have equal opportunities	90%	92%	91%
Women have more opportunities	1%	0%	1%
N/A	7%	8%	8%
<b>Total</b>	<b>103</b>	<b>78</b>	<b>181</b>

<b>Dispute resolution</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
Men have more opportunities	3%	0%	2%
Men and women have equal opportunities	90%	90%	90%
Women have more opportunities	0%	2%	1%
N/A	7%	8%	8%
<b>Total</b>	<b>103</b>	<b>78</b>	<b>181</b>

<b>Salary</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
Men have more opportunities	37%	39%	39%
Men and women have equal opportunities	52%	51%	51%
Women have more opportunities	1%	2%	2%
N/A	9%	8%	8%
<b>Total</b>	<b>103</b>	<b>78</b>	<b>181</b>

<b>Employment</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
Men have more opportunities	51%	63%	56%
Men and women have equal opportunities	40%	31%	36%
Women have more opportunities	3%	2%	3%
N/A	6%	4%	5%
<b>Total</b>	<b>103</b>	<b>78</b>	<b>181</b>

Access to education	Men	Women	Total
Men have more opportunities	1%	2%	2%
Men and women have equal opportunities	87%	84%	86%
Women have more opportunities	0%	2%	1%
N/A	12%	12%	12%
Total	103	78	181

Access to top public service positions	Men	Women	Total
Men have more opportunities	51%	80%	64%
Men and women have equal opportunities	42%	18%	31%
Women have more opportunities	1%	0%	1%
N/A	6%	2%	4%
Total	103	78	181

Access to top positions in business	Men	Women	Total
Men have more opportunities	31%	61%	45%
Men and women have equal opportunities	61%	33%	49%
Women have more opportunities	0%	0%	0%
N/A	7%	6%	7%
Total	103	78	181

Participation in politics	Men	Women	Total
Men have more opportunities	42%	75%	56%
Men and women have equal opportunities	49%	22%	37%
Women have more opportunities	0%	0%	0%
N/A	7%	4%	6%
Total	103	78	181

Therefore, summing up all of the above and calculating the men's prevalence ratio (the difference between percentages of the prevalence of men and women) we obtain the following results.

The most discriminatory areas are **access to top public service positions**, **participation in politics**, and **socially important decision making**. Men dominate in those areas. Furthermore, most of men share this opinion as well.

Significant differences in evaluations by men and women are observed in the matters of **access to top public service positions**, **participation in politics**, **salary**, **access to top positions in business**, and **employment**.

No gender discrimination is observed in the following areas: **dispute resolution**, **access to justice**, **access to education**.

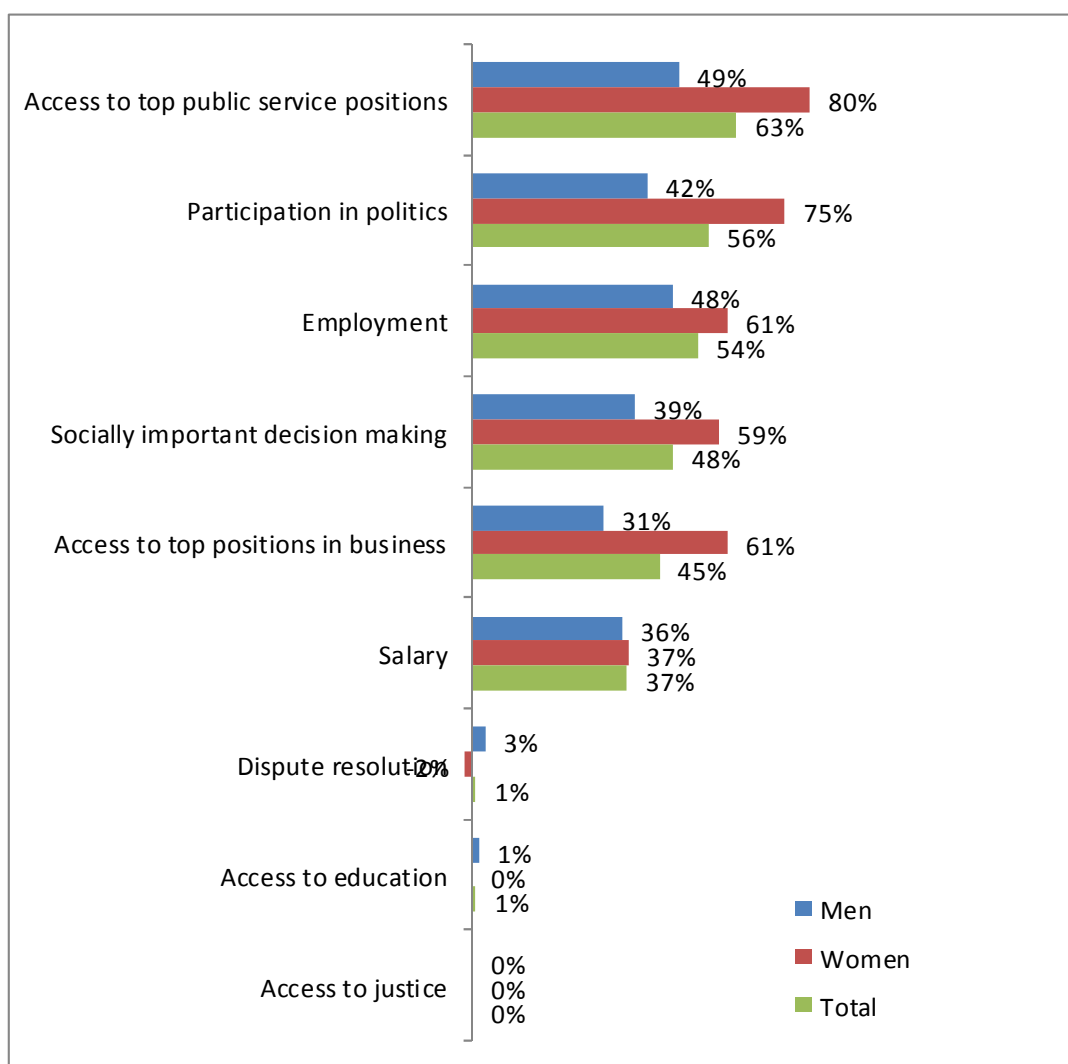


Female judges are generally more inclined to regard certain areas as discriminatory than men.

Table 45. Please indicate if equality between men and women is a problem in the following areas.

Prevalence Ration of Men (+) - Women (-)	Men	Women	Total
Access to top public service positions	59%	80%	68%
Participation in politics	53%	73%	62%
Socially important decision making	55%	59%	57%
Salary	43%	63%	52%
Access to top positions in business	43%	63%	52%
Employment	38%	65%	50%
Dispute resolution	-5%	7%	0%
Access to justice	-3%	5%	0%
Access to education	-1%	1%	0%

Diagram 46. Please indicate if equality between men and women is a problem in the following areas.



### III. Gender Discrimination in Professional Environment

#### a. Impact of the Gender of Advocates, Judges, and Litigants

Most of the respondents believe that the gender of a judge does not matter – 78%, with 18% of the respondents saying that gender is important for certain categories of cases. There is no difference in evaluations by women and men.

Table 47. From your experience, is the gender of a judge important?

Relevance of Judge's Gender	Men	Women	Total
Not important	79%	78%	78%
Important for a certain category of cases	18%	16%	18%
Always important	0%	0%	0%
N/A	1%	2%	2%
Total	103	78	181

Men believe that gender significance manifests itself in men being of higher authority and in existence of gender solidarity:

- *authority of men*
- *more loyal attitude to a litigant who is of the same gender as the judge*
- *more severe punishment for men*
- *mentality*
- *level of trust*
- *some women are more mistrustful*
- *childcare and parenting*
- *understanding of the substance of problem*
- *litigants believe a male judge is not impartial in cases on determination of the child's place of residence, recovery of the child support payments, deprivation of parental rights*
- *favouring a certain litigant*

In contrast, this is what women say about certain manipulations and disrespect for women:

- *more ways to influence a woman*
- *trust in a judge's ability to establish facts of the case and make a decision*
- *attempts to move the judge to pity*
- *more respect for a male judge by litigants during a court hearing*
- *subjective assessment of relations on the basis of gender*



- *court being regarded as biased in making its decisions in these cases*
- *no respect for women*

Most of judges (62%) believe that the gender of a litigant is not important. In contrast, 34% of the respondents believe that the gender is important, but for a certain category of cases only. Significant differences are observed in the answers of men and women.

Table 48. **From your experience, is the gender of a litigant important?**

Importance of Litigant's Gender	Men	Women	Total
Not important	67%	57%	62%
Important for a certain category of cases	28%	41%	34%
Always important	3%	2%	3%
N/A	1%	0%	1%
Total	103	78	181

Female gender appears to be more of an advantage in court:

- *children are usually ordered to stay with their mother*
- *a priority is given to women*
- *favouring a certain litigant*
- *in the case of an injured party – for establishing aggravating circumstances to punish an offender; in the case of an offender – for establishing attenuating circumstances*

Unlike advocates, judges fully deny importance of the advocate's gender – 95% of them claim that the gender of an advocate does not matter.

Table 49. **From your experience, is the gender of an advocate important in court?**

Importance of Advocate's Gender	Men	Women	Total
Not important	94%	96%	95%
Important for a certain category of cases	6%	2%	4%
Always important	0%	2%	1%
N/A	0%	0%	0%
Total	103	78	181

References to the gender of a judge do occur. However, most of men and women believe this phenomenon is the exception rather than the rule, while 11% of the respondents say that they have never come across this. Only 4% of the respondents think this phenomenon is common.

Table 50. **From your experience, how often do litigants refer to the gender of a judge?** (e.g. “You, as a woman, must understand me”)

Reference to Judge's Gender	Men	Women	Total
Never	10%	12%	11%
Sometimes but rather as an exception	63%	67%	64%
This is a quite common practice	7%	0%	4%
N/A	19%	22%	21%
Total	103	78	181

Most of judges (62%) believe that the gender of a plaintiff does not matter to them, with a third of the respondents believing that the gender is important for a certain category of cases only.

Table 51. **From your experience, is the gender of a litigant important to the judge?**

Importance of Litigant's Gender	Men	Women	Total
Not important	67%	57%	62%
Important for a certain category of cases	28%	41%	34%
Always important	3%	2%	3%
N/A	1%	0%	1%
Total	100%	100%	100%

When asked an open-ended question how this is manifested, the overwhelming majority of the respondents (65%) answered that judges are more lenient to women. This is particularly evident in family-related cases, such as divorces or determination of the child's place of residence. Family-related cases are still no exception – a significant percentage of advocates point out that judges (especially female judges) treat women more leniently.

**b. Gender of Plaintiffs in Various Categories of Cases**

There is no significant difference in evaluations by female and male judges. The “female” cases are those regarding divorce and children – according to judges' estimates, women act as plaintiffs in 44% of such cases, with 33% of the respondents believing the proportion of men and women is equal. The division of spousal property is a “female” category of cases – 25% of plaintiffs are women and 50% are equally men and women.

**Table 52. From your experience, what is the proportion of male and female plaintiffs in such categories of civil cases?**

Types of Cases	Mostly men	Equal	Mostly women	N/A	Men's prevalence ratio
Independent contractor agreements	30%	43%	0%	27%	30%
Protection of honour and dignity and compensation for moral damage	29%	50%	1%	20%	29%
Invalidation of disciplinary penalties	24%	51%	2%	23%	23%
Disputes arising from lease and hire agreements	21%	55%	0%	24%	21%
Termination (dissolution) of certain obligations and compensation for loss (damage)	19%	55%	2%	24%	18%
Disputes arising from loan agreements and regarding debt repayment	18%	57%	1%	24%	18%
Compensation for material and moral damages	18%	55%	1%	25%	18%
Disputes arising from residential property lease agreements	13%	60%	3%	24%	10%
Labour disputes	13%	63%	3%	21%	9%
Protection of personal non-property rights	11%	64%	4%	21%	7%
Invalidation of transactions	9%	65%	3%	23%	6%
Consumer rights protection	10%	61%	6%	24%	4%
Protection of title and recognition of title to property	3%	73%	3%	21%	1%
Division of common property, allotments of common property in kind, compulsory termination of title	2%	50%	25%	24%	-24%
Marriage dissolution, division of spousal property, disputes over children	1%	33%	44%	23%	-43%

The “male” category of cases includes disputes arising from independent contractor agreements (43% are mostly men), disputes under loan agreements and regarding invalidation of disciplinary penalties (27–28% are mostly men), regarding protection of honour and dignity, termination of certain obligations, and disputes arising from lease agreements (20–23% are mostly men).

### c. Prejudice and Its Manifestations

**According to the respondents' opinion, prejudice against men, although generally less manifested than the one against women, occurs as well and is reported by both male and female advocates. On top of that, no significant difference is observed in male and female evaluations.**

34% of the respondents, irrespective of their gender, said that they had sometimes witnessed prejudice against men manifested in **jokes** (they had observed someone telling jokes with a men-degrading undertone (e.g. about parenting or heavy drinking); with 3% of the respondents saying they witness such situations quite often.

Jokes about women are heard much more often – such situations were sometimes observed by 43% of the respondents, with 14% of them saying that this is quite a common phenomenon. Male and female respondents were equally divided in their evaluations.

Manifestations of **improper behaviour** (harassment, flirting, accosting, etc.) in relation to men were sometimes witnessed by 31% of the respondents and only 1% of the respondents claim this happens quite often. In the case of women, the percentage is slightly higher – **improper behaviour** was witnessed sometimes by an average of 39% of the respondents and often by an average of 5% of them.

**Comments** referring to gender (e.g. “it is disgraceful for a man to behave like that,” “you must act like a man,” “you are behaving like a fishwife”) are quite common – 55–57% of the respondents sometimes or often observed such situations; they, however, equally happen to both women and men. This indicates that such situations are equally experienced by men and women and are almost equally common among them.

**Offensive generalisations** (e.g. “girls are not tech-savvy,” “woman at the wheel is like a monkey with a grenade,” “men think only about sex,” “all men are bastards”) are heard being applied to men sometimes by 34% and often by 4% of the respondents. Such situations are more common with women – 46% of them have sometimes observed this and 12% say that this is quite a common phenomenon. There is, however, a significant difference in evaluations of offensive generalisations applied to women – with 9% of men and 14% of women feeling the same. A conclusion can be made that offensive generalisations as a manifestation of prejudice are more often used in relation to women and are, furthermore, more gendered, i.e. women notice such manifestations more often than men.

**Remarks about behaviour and dressing** (e.g. “she dresses like an old woman” and “she dresses like a whore”) are much more common in relation to women – 40% of the

respondents say they sometimes witness this phenomenon and 3% claim that this happens quite often. In the case of men, this percentage is significantly lower: 30% for sometimes, 1% for often.

**Table 53. Have you ever found yourself in or witnessed such situations in court when men / women experience prejudice against themselves?**

Jokes	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	60%	61%	60%	43%	37%	40%
Sometimes	34%	35%	34%	42%	45%	43%
Often	4%	0%	3%	13%	14%	14%
N/A	1%	4%	3%	1%	4%	3%
Total	100%	100%	100%	100%	100%	100%

Improper behaviour	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	66%	65%	65%	57%	51%	54%
Sometimes	31%	29%	31%	36%	41%	39%
Often	1%	0%	1%	6%	4%	5%
N/A	1%	6%	3%	1%	4%	3%
Total	100%	100%	100%	100%	100%	100%

Comments	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	46%	39%	43%	49%	39%	45%
Sometimes	48%	53%	50%	42%	53%	47%
Often	4%	6%	5%	7%	8%	8%
N/A	1%	2%	2%	1%	0%	1%
Total	100%	100%	100%	100%	100%	100%

Offensive generalisations	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	60%	61%	60%	46%	35%	41%
Sometimes	34%	33%	34%	43%	51%	46%
Often	4%	4%	4%	9%	14%	12%
N/A	1%	2%	2%	1%	0%	1%
Total	100%	100%	100%	100%	100%	100%

Remarks about behaviour or dressing	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	67%	65%	66%	60%	49%	55%
Sometimes	30%	29%	30%	36%	43%	39%
Often	0%	2%	1%	1%	6%	3%
N/A	3%	4%	3%	3%	2%	3%
Total	100%	100%	100%	100%	100%	100%

Most of judges, irrespective of their gender, **have not** used the gender of a litigant as an argument in court. The percentage is significantly higher among women. However, this question was left unanswered in surprisingly many cases.

Table 54. **Have you or your colleagues ever used a litigant's gender as an argument in court?**

Use of a litigant's gender as an argument	Men	Women	Total
Yes	6%	2%	4%
No	54%	65%	59%
N/A	40%	33%	37%
Total	100%	100%	100%

A **form of address**, e.g. “hey woman,” “hey girl”, or “hey man”, is equally used by both women and men and is equally common in relation to men and women (14% for sometimes, 2% for often).

A **form of comment**, e.g. “you, as a woman, must understand me,” “a true woman is not capable of this”, or “a true man will not do this”, has significant gender differences. Such form is much more frequently used in relation to men than to women (16% vs 8%).

A **form of evaluating the dress, appearance, behaviour** (commenting on the dress, accessories, appearance, or behaviour patterns, e.g. “let’s use a common logic rather than a female one” or “stop complaining, you are a man”) is evaluated by men and women as applied equally to both genders (13-17%).



**Table 55. Have you or your colleagues ever used a litigant's gender as an argument in court?**

Address	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	76%	78%	76%	73%	82%	76%
Sometimes	15%	18%	17%	12%	16%	14%
Often	1%	0%	1%	3%	0%	2%
NVA	7%	4%	6%	12%	2%	8%
Total	100%	100%	100%	100%	100%	100%

Remarks	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	78%	84%	80%	93%	88%	90%
Sometimes	16%	14%	16%	6%	10%	8%
Often	3%	0%	2%	0%	0%	0%
NVA	3%	2%	3%	1%	2%	2%
Total	100%	100%	100%	100%	100%	100%

Dress, appearance, behaviour	ABOUT MEN			ABOUT WOMEN		
	Men	Women	Total	Men	Women	Total
Never	84%	84%	83%	79%	82%	80%
Sometimes	12%	12%	13%	18%	14%	17%
Often	0%	0%	0%	1%	2%	2%
NVA	4%	4%	4%	1%	2%	2%
Total	100%	100%	100%	100%	100%	100%

Only 24% of the respondents generally believe that gender discrimination does not exist in Ukraine.

32% of the respondents believe that it exists but is embedded in the culture and is not perceived as discrimination. 37% believe that unfair treatment only occurs in isolated cases but should not be regarded as an endemic problem. 6% believe that discrimination exists as a serious problem.

Furthermore, men are more sceptical about gender discrimination – 33% of them believe that it does not exist, while only 12% of women feel the same. Only 1% of male judges believe that discrimination exists as a serious problem, compared to 10% of female judges.

Table 56. Do you think that gender discrimination exists in Ukraine?

	Men	Women	Total
Does not exist	33%	12%	24%
Exists but is not perceived as discrimination as it is embedded in the culture	27%	39%	32%
Unfair treatment occurs in isolated cases but should not be regarded as discrimination	37%	37%	37%
Exists as a serious problem	1%	10%	6%
N/A	1%	2%	2%
Total	100%	100%	100%

**Personal experience of facing discrimination quite predictably varies among men and women.**

3% of men described their personal experience of facing gender discrimination in the process of **employment** or **promotion**, compared to 24% of women having similar experience.

Interestingly, the magnitude of discrimination in the environment is evaluated to be substantially higher than personal experience – gender discrimination in the environment was reported by 32% of men and 69% of women. Furthermore, 6% of women said they often face discrimination in the environment in relation to career advancement.

**In the household and transportation**, 18% of men have personally experienced discrimination; this percentage is much higher for women – 47%. When evaluating the discrimination in the household and environment, 38% of men and 75% of women say that such discrimination does exist.

Discrimination **in the workplace** is as common as discrimination in the areas of employment or promotion and was personally experienced by 17% of men and by nearly 36% of women. When evaluating the prevalence of this phenomenon in professional environment, 45% of men and 66% of women say that such discrimination does exist.

Discrimination **in the family** is as common as discrimination in the household and public transportation and was personally experienced by 22% of men and 35% of women. Manifestations of the discrimination in the environment were observed by 34% of men and 67% of women.

**A conclusion can thus be made that gender-based discrimination is more common in household chores and in relationships outside of professional environment. Nevertheless, most of the respondents believe that discrimination exists in professional environment as well.**



**Table 57. Have you ever experienced / witnessed gender discrimination?**

In employment / transfer / promotion	EXPERIENCED			WITNESSED		
	Men	Women	Total	Men	Women	Total
Never	96%	71%	84%	66%	37%	53%
Sometimes	3%	24%	13%	31%	53%	41%
Often	0%	2%	1%	1%	6%	3%
N/A	1%	4%	3%	1%	4%	3%
Total	100%	100%	100%	100%	100%	100%

In household and transportation	EXPERIENCED			WITNESSED		
	Men	Women	Total	Men	Women	Total
Never	81%	51%	67%	60%	33%	48%
Sometimes	18%	45%	30%	34%	53%	43%
Often	0%	2%	1%	4%	12%	8%
N/A	1%	2%	2%	1%	2%	2%
Total	100%	100%	100%	100%	100%	100%

In workplace	EXPERIENCED			WITNESSED		
	Men	Women	Total	Men	Women	Total
Never	84%	58%	73%	54%	28%	43%
Sometimes	15%	26%	20%	43%	49%	46%
Often	2%	10%	5%	2%	17%	9%
N/A	0%	6%	3%	1%	6%	3%
Total	100%	100%	100%	100%	100%	100%

In family	EXPERIENCED			WITNESSED		
	Men	Women	Total	Men	Women	Total
Never	73%	59%	66%	64%	31%	50%
Sometimes	19%	29%	24%	25%	53%	37%
Often	3%	6%	5%	9%	14%	12%
N/A	4%	6%	5%	1%	2%	2%
Total	100%	100%	100%	100%	100%	100%

Most of judges have experience of hearing gender-sensitive cases or discrimination cases. There appears to be an almost equal percentage of judges having experience of hearing cases brought by male plaintiffs (55%) or female plaintiffs (60%). No statistically significant difference is observed here.

Table 58. **Have you ever had experience of hearing gender-sensitive cases or discrimination cases?**

Have the experience of hearing	Men	Women
Men	54%	55%
Women	61%	59%

Nearly 40% of the respondents have experience of participating in cases regarding **domestic violence**, with women acting as plaintiffs in 90% of such cases.

45% of judges have experience of participating in cases regarding **determination of the child's place of residence**, with women acting as plaintiffs in 60% and men in 40% of such cases.

Nearly 6% of judges, irrespective of their gender, have experience of participating in cases regarding **employment and termination of employment**. Most of the plaintiffs were women.

Nearly 15% of judges, irrespective of their gender, have experience of participating in the cases on **sexual harassment**. Most of the plaintiffs were women.

Table 59. **If you have participated in the following cases, please indicate who mostly acted as the plaintiff.**

Cases regarding violence in the family	Men	Women	Total
Man	4%	8%	6%
Woman	45%	29%	38%
No experience	51%	63%	56%
Total	100%	100%	100%

Determination of child's place of residence	Men	Women	Total
Man	22%	16%	19%
Woman	27%	25%	26%
No experience	51%	63%	56%
Total	100%	100%	100%

Employment and termination of employment	Men	Woman	Total
Man	0%	2%	1%
Woman	4%	6%	5%
No experience	96%	92%	94%
Total	100%	100%	100%

Sexual harassment	Men	Women	Total
Man	0%	2%	1%
Woman	15%	8%	12%
No experience	85%	90%	87%
Total	100%	100%	100%

The above-referred judges heard, in particular, the following cases:

- *dismissal of a single mother*
- *granting a refugee status to a female citizen of Uzbekistan in the case where the facts of forced “sterilization” of women by medical institutions were registered*

Effectiveness of judicial defence in relation to gender issues is rather dubious and most of the respondents, irrespective of their gender, consider it partially effective or ineffective.

Judicial defence in **domestic violence** cases is believed to be effective by 28% and partially effective by 44% of the respondents. Nearly 20% of the respondents evaded answering this question.

Judicial defence in cases on **determination of the child's place of residence** is believed to be efficient by 33% and partially efficient by 40% of the respondents. Nearly 20% of the respondents evaded answering this question.

Judicial defence in cases **regarding labour disputes** is believed to be effective by 34% and partially effective – by 23% of the respondents. Nearly 40% of judges did not answer this question.

Judicial defence in cases regarding **sexual harassment** is believed to be effective by 28% and partially effective – by 24% of the respondents. Nearly 41% of judges did not answer this question.

Table 60. **How effective is judicial defence of rights violated on the basis of gender?**

Cases regarding violence in the family	Men	Women	Total
Effective	27%	29%	28%
Partially effective	48%	39%	44%
Ineffective	9%	10%	9%
N/A	16%	22%	19%
Total	100%	100%	100%

Determination of child's place of residence	Men	Women	Total
Effective	36%	29%	33%
Partially effective	43%	37%	40%
Ineffective	6%	8%	7%
N/A	15%	25%	20%
Total	100%	100%	100%

Labour disputes relating to discrimination	Men	Women	Total
Effective	37%	29%	34%
Partially effective	22%	24%	23%
Ineffective	1%	8%	4%
N/A	39%	39%	39%
Total	100%	100%	100%

Sexual harassment	Men	Women	Total
Effective	34%	20%	28%
Partially effective	22%	27%	24%
Ineffective	4%	10%	7%
N/A	39%	43%	41%
Total	100%	100%	100%