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## ***SURGE OF 'FEMINISATION' IN THE SERBIAN JUDICIARY***

*In this paper, the author examines the extent to which the actual gender ratio in the Serbian judiciary is a consequence of deep-rooted stereotypes about the roles that women and men should play in the family and society. This dilemma is considered through multiple perspectives, including by analysing statistical data on gender distribution and the parity of men and women in leadership positions. Finally, the author compares gender structure in the Serbian judiciary with corresponding data from a representative sample of European judicial systems. Taking into account that in a number of countries the proportion of women in the Supreme Court is significantly higher (feminisation of the judiciary), while in others this percentage is lower ('masculinisation' of the judiciary), the author aims to determine the position of the Serbia in this context, highlighting that the Serbian judiciary is well ahead in terms of 'feminisation' compared to EU member states.*

**Key words:**      *Feminisation of the judiciary. – Gender-neutral nomination procedure. – Gender ratio. – Judicial professions.*

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## **1. INTRODUCTION**

### **1.1. Framing the Inquiry: Objectives and Hypothesis**

When focusing on gender distribution in the Serbian judiciary, it is important to first examine the data on the proportion of the men to women and determine whether there is a fair or imbalanced gender composition. An analysis could provide insight into the level of interest among contemporary legal professionals in pursuing a particular judicial career and whether success in the judiciary is in any way related to gender. If it turns out that there is a disparity between men and women in the Serbian judiciary, several important questions arise: What are the underlying causes of this gap? Do men or women dominate the field? If women prevail, is this dominance reflected solely in their numerical representation, or does it also extend to their professional status? More specifically, are women able to reach the highest positions within the judicial system, or do structural barriers hinder their advancement?

Our research began with the hypothesis that implicit gender bias is still very much present in the judicial professions. We tested this hypothesis on several levels: first, by analysing statistical data on the gender ratio in various judicial professions, and then by examining the representation of women and men in senior positions in the Serbian judiciary. To fully understand these dynamics, it is essential to compare gender structure in the Serbian judiciary with equivalent data from other European countries. These findings will help to determine whether Serbia deviates significantly from general European trends, or whether the observed patterns are part of a wider phenomenon overwhelming legal systems across the continent.

### **1.2. Clarification of Key Terms and Concepts**

Given the complexity of gender dynamics in this type of analysis, it is important to clarify the meaning and use of key terms and concepts from the very beginning. Although the phrase ‘feminisation’ of the judiciary’ frequently appears in scholarly and policy-oriented discourse, it can sometimes carry negative implications, such as suggesting a devaluation of the profession. On the contrary, in this paper, the term ‘feminisation’ is employed strictly in a structural and quantitative sense, without any normative judgment or ideological connotation. It is applied exclusively in reference to objectively measurable patterns, capturing statistically verifiable developments in the gender structure of the judiciary, without endorsing either a supportive or

a critical stance. More precisely, 'feminisation' refers to a persistent gender asymmetry in favour of women within judicial professions, accompanied by a continuous increase in this imbalance over time – most clearly manifested in the composition of the highest-level courts. Consequently, the phrase 'feminisation peak' was coined to denote the point at which women's representation reaches its highest level within a given jurisdiction or legal profession. It relates not only to numerical dominance, but also to the fact that women hold a greater proportion of senior roles and leadership positions within the judicial system.

### **1.3. Quantitative Methods and Cross-National Comparison**

The present study relies on quantitative analysis of secondary data, focusing primarily on official statistics regarding gender representation in the Serbian judiciary over an extended period of time. The core data sources include the Statistical Office of the Republic of Serbia (SORS) yearbooks and official reports, which were combined with data from the archives of the Ministry of Justice, as well as publicly available statistics from the High Court Council and the High Prosecutorial Council. To identify whether gender dynamics in Serbia are consistent with, or divergent from, broader European patterns, we conducted a comparative analysis based on publications and data from relevant international organizations, including the European Institute for Gender Equality (EIGE) and its Gender Statistics Database, as well as reports and studies published by the Council of Europe European Commission for the Efficiency of Justice (CEPEJ). The chosen methodology enables a clear, data-driven overview of gender ratios and trends in the Serbian and selected comparative judiciaries, contributing to a deeper understanding of the cultural and systemic factors underlying this phenomenon.

### **1.4. Limitations and Pathways for Deeper Insight**

Although the quantitative method provides a reliable framework for evaluating numerical disparities and trends, it is unable to capture the subjective experiences, professional trajectories, or institutional logics that may underlie gender-related patterns. Accordingly, a key methodological limitation of this study is the absence of qualitative analysis. The qualitative

insights would have enabled a more in-depth exploration of informal barriers, cultural expectations, and internal perceptions of gender roles within the judiciary.

In particular, this study could have included interviews with sitting judges and public prosecutors to illuminate whether women in the judiciary face any form of silent segregation, such as being directed towards specific courts or case categories perceived as more ‘appropriate’ for women.

A qualitative approach would also have been essential for exploring how women experience the impact of work-life balance pressures on their careers, and whether they feel constrained from taking on more demanding roles or leadership positions. Similarly, it remains unexplored whether there are a prevailing perception among women judges and women public prosecutors that their male counterparts progress more rapidly through the judicial ranks, often with less effort or fewer obstacles.

However, this limitation stems largely from ethical constraints related to confidentiality and institutional permissions, as well as the general sensitivity of researching internal dynamics within the judiciary. Subsequent research could overcome these obstacles by conducting semi-structured interviews with retired judicial professionals, in order to obtain an in-depth understanding of internal perspectives on gender disparity, investigate whether gendered patterns exist in judicial assignments, and identify perceived barriers related to motherhood and career progression.

Socially significant issues, such as the gender ratio in the Serbian judiciary, as well as the causes and consequences of the current disparity, require comprehensive qualitative research.

However, due to the current lack of resources necessary to conduct such an extensive inquiry, our study was based primarily on relevant data published by official institutions.

## **2. GENDER RATIO IN JUDICIAL PROFESSIONS**

### **2.1. Judges**

The gender composition of the judiciary in Serbia underwent substantial changes during the 1990s. As a result of the war and hyperinflation, judicial salaries were dramatically decreased, leaving many unable to support their families. Consequently, a large number of judges, mainly men, left the judiciary to join the private sector. Their departure created vacancies in the judiciary, which were largely filled by newly nominated judges, many

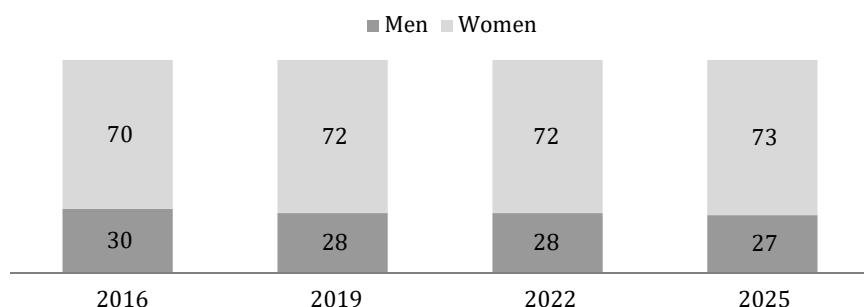
of whom were women. In order to understand the long-term trends in the gender structure of the Serbian judiciary, we reviewed the aggregated data for the period from 2016 to 2025, with the reference years chosen mainly according to the frequency of reporting by the Statistical Office of the Republic of Serbia.

Table 1:  
Gender ratio in Serbian courts – Total (2016 – 2025)

Entities	Year	Total		Men		Women	
		Number of persons (headcount)	Total in percent	Number of persons (headcount)	Per cent of total	Number of persons (headcount)	Per cent of total
Courts of general and special jurisdiction	2016	2748	100	817	30	1931	70
	2019	2703	100	762	28	1941	72
	2022	2657	100	737	28	1920	72
	2025	2655	100	712	27	1943	73

Sources: Judges by sex in 2016 (SORS 2017, 231); Judges by sex in 2019 (SORS 2020, 253); Judges by sex in 2022 (SORS 2024, 270). Data for 2025 were obtained from the Ministry of Justice archives, courtesy of Assistant Minister Vladimir Vinš.

Figure 1:  
Gender ratio in Serbian courts – Total (2016 – 2025)



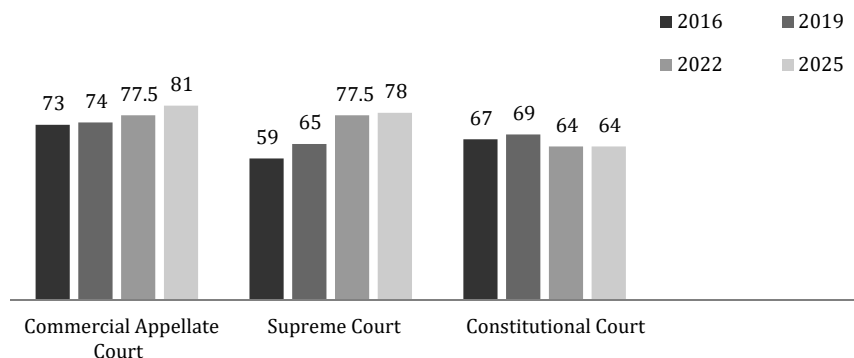
Source: Author.

Table 2:  
Gender ratio in the selected Serbian courts (2016 – 2025)

Entities	Year	Leading position	Total		Men (M)		Women (W)	
		Court president (gender)	Number of persons (headcount)	Total in percent	Number of persons (headcount)	Per cent of total	Number of persons (headcount)	Per cent of total
Commercial Appellate Court	2016	M	37	100	10	27	27	73
	2019	W	39	100	10	26	29	74
	2022	W	39	100	9	22.5	30	77.5
	2025	W	31	100	6	19	25	<b>81</b>
Supreme Court	2016	M	37	100	15	41	22	59
	2019	M	46	100	16	35	30	65
	2022	W	42	100	9	22.5	31	77.5
	2025	W	41	100	9	22	32	<b>78</b>
Constitutional Court	2016	W	15	100	10	33	5	67
	2019	W	13	100	4	31	9	<b>69</b>
	2022	W	11	100	4	36	7	64
	2025	W	11	100	4	36	7	64

Sources: Judges by sex in 2016 (SORS 2017, 231); Judges by sex in 2019 (SORS 2020, 253); Judges by sex in 2022 (SORS 2024, 270). The data for 2025 are collected from the websites of the related institutions.

Figure 2:  
Changes in the share of women justices in Serbia on the example  
of selected courts (2016 – 2025)



Source: Author.

When examining the gender structure trends in a particular legal profession, we assume that the ideal gender ratio is 50:50 men to women. Considering the gender distribution in the judiciary, it may be concluded that a gender gap exists whenever the number of men or women exceeds 50% for the entire group. If we look at the aggregated data on general and special courts in the Republic of Serbia (Table 1), we can observe that the gender ratio is skewed in favour of women, and that the number of female judges increased from 70% to 73% between 2016 and 2025. It would appear useful to verify this conclusion with regard to individual courts of higher instance. Assuming that it is possible to select certain courts as sufficiently representative for reaching meaningful conclusions about the gender structure of the Serbian justice system as a whole,<sup>1</sup> we chose the following: the Commercial Appellate Court, the Supreme Court, and the Constitutional

<sup>1</sup> We have chosen the aforementioned courts as a relevant sample for drawing conclusions on the gender pattern in the judiciary (in the strict sense) for several reasons. First, there are officially disclosed data on the number of judges of the courts of higher instance between 2016 and 2022, published by the Statistical Office of the Republic of Serbia, and it is possible to collect data on the number and gender ratio of judges in 2025 by accessing the courts' websites. In addition, the rulings of these courts are of particular importance for the citizens and economy of Serbia due to: i) the value of the disputes they decide for the legal remedies (appeals and revisions); ii) the unification of judicial practice which is entrusted to the Supreme Court; as well as iii) the indirect influence of the Constitutional Court on judicial practice, by deciding on the protection of fundamental rights on the basis of constitutional appeals.

Court.<sup>2</sup> The collected data (Table 2) show a steady feminisation trend in selected Serbian courts between 2016 and 2025.<sup>3</sup> The most striking example of feminisation is the Commercial Appellate Court.<sup>4</sup> In 2016, 73% of the judges of this Court were women, but this figure was 81% in 2025, which means that the percentage of women had increased by eight points. Furthermore, this Court has been chaired by a female justice since 2017.

A gender distribution in favour of women (78% of the total number of justices in 2025) is only slightly less pronounced at the Supreme Court of Serbia, which has been headed by women since 2021.

The gender imbalance in the Constitutional Court of Serbia also appeared to be very significant during the examined period, with women representing 64% of the Court members in 2025. In addition, the position of President of this Court has been held by a woman since 2014.

## 2.2. Public Prosecutors

Exploring the gender composition of public prosecutors in Serbia is essential for understanding potential disparities in career opportunities within the judicial system.

In order to compare the gender ratio in public prosecution with the situation in the courts and identify potential trends, we collected data for the same period, from 2016 to 2025, both in terms of the total number of prosecutors and the gender structure in selected prosecutor's offices.

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<sup>2</sup> Although, from a theoretical point of view, the Constitutional Court is not part of the judiciary, the data on the number of female and male members of this court is significant for the study of gender equality in the judiciary in a broader sense. A similar methodology is accepted by the SORS and EIGE. Consequently, academic studies on gender equality in the judiciary have considered constitutional courts as courts of last resort (Valdini, Shortell 2016, 865).

<sup>3</sup> There is also a higher proportion of women in the High Court Council – an independent body with an important function in the selection of judges and their career advancement – where seven members are women (63.64%) compared to four men (36.36%). <https://vss.sud.rs/sr>, last visited April 4, 2025.

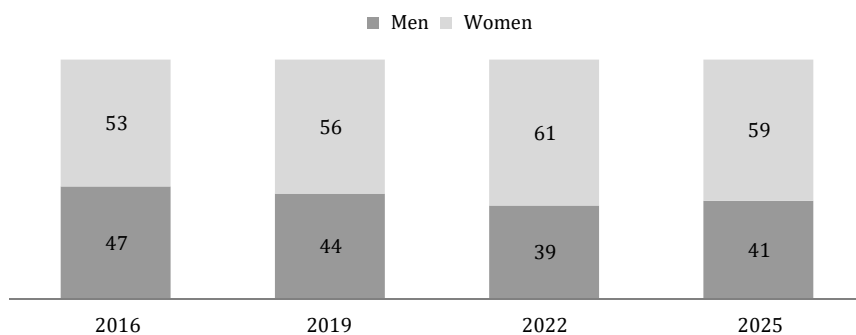
<sup>4</sup> According to the latest data, in 2022 women judges represented 77% of judges of the appellate courts, 75.0% of the Commercial Court, 86.5% of the Administrative Court, 86.5% of the Misdemeanour Appellate Court, and 74.7% of the Misdemeanour Court (SORS 2024, 270).

Table 3:  
Gender ratio in the Serbian Public Prosecutor's Offices – Total (2016 – 2025)

	Year	Total		Men		Women	
		Number of persons (headcount)	Total in percent	Number of persons (headcount)	Per cent of total	Number of persons (headcount)	Per cent of total
Public prosecutors and public prosecutor deputies	2016	722	100	341	47	381	53
	2019	785	100	343	44	442	56
	2022	728	100	282	39	446	<b>61</b>
Main public prosecutors and public prosecutors	2025	753	100	307	41	446	59

Sources: Public prosecutors and public prosecutor deputies, by sex, in 2016 (SORS 2017, 231); Public prosecutors and public prosecutor deputies, by sex, in 2019 (SORS 2020, 253). Public prosecutors and public prosecutor deputies, by sex, in 2022 (SORS 2024, 269); The Ministry of Justice archive.

Figure 3:  
Gender Ratio in the Serbian Public Prosecutor's Offices – Total (2016 – 2025)



Source: Author.

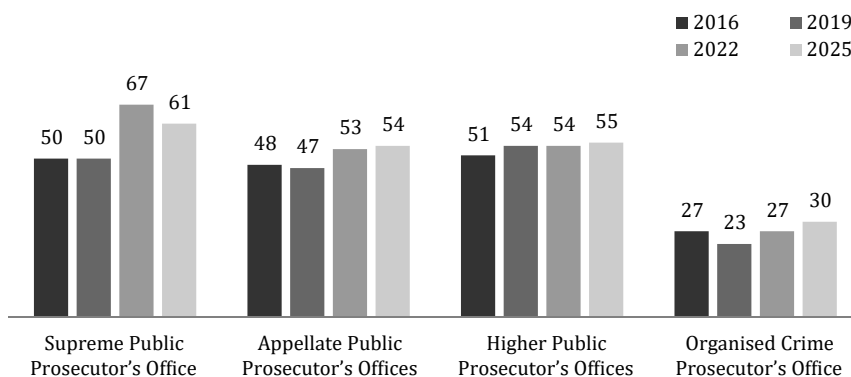
Table 4:  
Gender ratio in the selected Serbian Public Prosecutor's Offices (2016 – 2025)

Entity	Year	Leading position	Total		Men (M)		Women (W)	
		Supreme public prosecutor and main public prosecutor	Number of persons (headcount) including Supreme public prosecutor and main public prosecutor	Total in percent	Number of persons (headcount)	Per cent of total	Number of persons (headcount)	Per cent of total
Republic Public Prosecutor's Office	2016	W	14	100	7	50	7	50
	2019	W	12	100	6	50	6	50
	2022	W	12	100	4	33	8	67
Supreme Public Prosecutor's Office	2025	W	13	100	5	38	8	61
appellate public prosecutor's offices	2016	M 2 W 2	52	100	27	52	25	48
	2019	M 2 W 1	51	100	27	53	24	47
	2022	M 1 W 1	45	100	21	47	24	53
	2025	M 2 W 2	50	100	23	46	27	54
Higher Public Prosecutor's Office	2016	M	195	100	96	49	99	51
	2019	M	234	100	108	46	126	54
	2022	M	208	100	95	46	113	54
	2025	M	242	100	109	45	133	55
Organised Crime Prosecutor's Office	2016	M	11	100	8	73	3	27
	2019	M	13	100	10	77	3	23
	2022	M	11	100	8	73	3	27
	2025	M	10	100	7	70	3	30

Sources: Public prosecutors and public prosecutor deputies, by sex, in 2016 (SORS 2017, 231); Public prosecutors and public prosecutor deputies, by sex, in 2019 (SORS 2020, 253). Public prosecutors and public prosecutor deputies, by sex, in 2022 (SORS 2024, 269); High Prosecutorial Council.<sup>5</sup>

<sup>5</sup> The Ministry of Justice archive (2025) and <https://dvt.jt.rs/spisak-nosilaca-javnih-tuzilackih-funkcija/>, last visited July 14, 2025.

Figure 4:  
Changes in the share of women public prosecutors in Serbia, example of the  
selected public prosecutors' offices (2016 – 2025)



Source: Author.

Looking at the overall picture (Table 3), we can note that between 2016 and 2025, the portion of women in prosecutors' offices increased from 53% to 59%, or by 6 percentage points. In addition, there are significantly more women than men in the Public Prosecutor's Office in the Republic of Serbia (called the Supreme Public Prosecutor's Office after 2023). Between 2016 and 2025, the percentage of women in this Office increased by 11 percentage points, from 50% to 61% (Table 4). Furthermore, the highest position has been held by a woman since 2010. The above can be summarised as very strong feminisation.

In appellate prosecutors' offices, the proportion of women increased from 48% to 54% over the given period, and in higher prosecutors' offices from 51% to 55%, which can be considered a moderate feminisation.

It appears that men still 'enviously guard' the Office of the Public Prosecutor for Organised Crime as an exclusively male domain: the proportion of women in this office is only 30% and it is headed by a man.

### 2.3. Public Notaries and Public Bailiffs

Latin notaries have traditionally contributed to legal certainty by notarising and certifying legal documents (Tešić 2014, 482).<sup>6</sup> In modern times, especially in the field of non-judicial procedures (Dika 2009, 1153–1777), there is a clear tendency to delegate judicial powers to notaries, who enjoy *fides publica*. Although it is not feasible to equate notaries with courts or administrative judges, it remains true that the nature of the notarial function can give rise to the ‘right to (complete) the notarial procedure within a reasonable time’ under Article 6 of the European Convention on Human Rights (ECHR), as well as a ‘right of access to a notary’ (Marguénaud, Dauchez, Dauchez 2018, 7).

Although it is controversial to claim that notaries belong to the judiciary in the strict (normative) sense, it cannot be denied that this legal profession is part of the judicial system,<sup>7</sup> and can be classified as the *judiciary in the substantive (functional) sense* (Tešić, Kovačević, forthcoming).

In its leading judgment, the European Court of Human Rights (ECtHR) has linked the enforcement of judicial decisions to the requirements of the right to a fair trial.<sup>8</sup> The ECtHR asserted that the right of access to a court ‘would be illusory if a Contracting State’s domestic legal system allowed a final, binding judicial decision to remain inoperative to the detriment of one party. It would be inconceivable that Article 6 §1 should describe in detail procedural guarantees afforded to litigants [...] without protecting the implementation of judicial decisions. [...] Execution of a judgment given by any court must therefore be regarded as an integral part of the “trial” for the purposes of Article 6’ of the ECHR.<sup>9</sup>

<sup>6</sup> In 2015, Serbia became one of the states with Latin notaries. For more on the functions of notaries, see CEPEJ 2021, 6–7.

<sup>7</sup> According to contemporary legal literature, public notaries improve access to justice (Zendeli, Selmani Bakiu 2017, 145).

<sup>8</sup> ECtHR, *Hornsby v. Greece*, App. No. 18357/91, 19.3.1997.

<sup>9</sup> For more on entrusting the conduct of enforcement processes to enforcement agents, see CEPEJ 2015.

Table 5: Gender ratio of the Serbian judiciary in the functional sense, in 2025

Members of the judiciary in the functional sense	Total		Men		Women	
	Number of persons (headcount)	Total in per cent	Number of persons (headcount)	Per cent of total	Number of persons (headcount)	Per cent of total
Public notaries	225	100	94	42	131	58
Public bailiffs (enforcement agents)	248	100	137	55	111	45

Source: The Ministry of Justice archive.

## 2.4. Attorneys

Attorneys are recognized in the Constitution of the Republic of Serbia as an independent and autonomous profession providing legal assistance.<sup>10</sup> Their role is crucial in ensuring the right to a fair trial and access to justice. Examining the gender structure of attorneys is vital to address potential disparities within this judicial profession. Understanding these dynamics helps to identify potential structural barriers that may prevent women from achieving equality in career advancement. Limited access to financial resources and networking opportunities, due to the desire to maintain a work-life balance,<sup>11</sup> make it more difficult for women to start their own practices, and in most cases they seek a secure salary at another law firm or as in-house counsel.

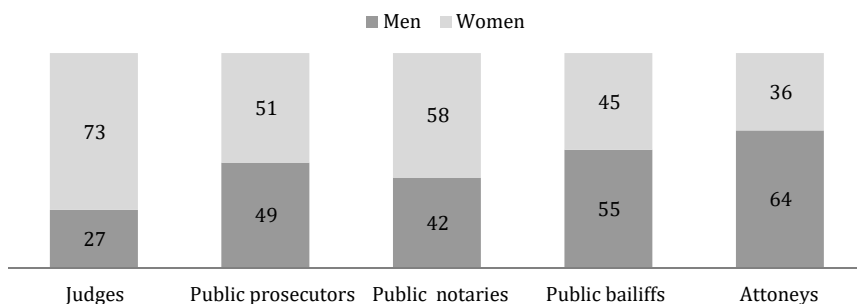
<sup>10</sup> Constitution of the Republic of Serbia, *Official Gazette of the Republic of Serbia*, 98/2006 and 115/2021, Art 67 (2).

<sup>11</sup> For more on work-life balance in terms of informal care of children, see Barbieri *et al.* 2019.

Table 6: Gender ratio of the Serbian judiciary in the broadest sense (2023)

Members of the judiciary in the broadest sense	Total		Men		Women	
	Number of persons (headcount)	Total in percent	Number of persons (headcount)	Per cent of total	Number of persons (headcount)	Per cent of total
Attorneys	9,661	100	6,183	64	3,478	36

Source: Petrović 2018.

Figure 5: Gender ratio in judicial professions in Serbia, in 2025<sup>12</sup>

Source: Author.

## 2.5. Leading Positions in Judiciary

A higher number of women among judges and public prosecutors does not necessarily mean that they have equal opportunities for career advancement or that they can at some point reach the highest positions in the judicial hierarchy.<sup>13</sup> Structural barriers, unconscious biases and a lack

<sup>12</sup> The last data available on the gender ratio among attorneys are from 2023.

<sup>13</sup> The issue of women's access to the highest levels of the judiciary has been highlighted in France, resulting in an over-representation of men at the top of the judicial hierarchy (Bessière, Gollac, Mille 2016, 175–180). German authors make a similar argument that women move up the career ladder more slowly than their male colleagues with noted glass ceiling effects (Schultz 2015, 145), as do their

of gender-sensitive policies may still hinder their progression to leadership roles. Ensuring true gender equality in the judiciary requires not only numerical representation but also the creation of an environment where females have the same access to promotions and leading positions as their male counterparts.

Table 7:  
Men and women in leading position in the Serbian judiciary, in 2025<sup>14</sup>

Judiciary in the normative sense			Judiciary in the functional sense		Judiciary in the broadest sense	
	Women in leading positions	Men in leading positions	Women in leading positions	Men in leading positions		
Courts	Commercial Appellate Court, Administrative Court, Misdemeanour Court in Belgrade, Misdemeanour Appellate Court, Supreme Court, Constitutional Court	Higher Court in Belgrade, Higher Court in Novi Sad, Appellate Court in Belgrade, Appellate Court in Novi Sad, Appellate Court in Kragujevac				
Public prosecutors	Supreme Prosecutor's Office, War Crimes Prosecutor's Office, Appellate Public Prosecutor's Office in Novi Sad, Appellate Public Prosecutor's Office in Kragujevac	Organised Crime Prosecutor's Office, Appellate Public Prosecutor's Office in Belgrade, Appellate Public Prosecutor's Office in Niš				

Italian counterparts: 'a closer look at the gender distribution of top-level offices and to the composition of judicial self-governing bodies [...] shows that the so-called "glass ceiling" is far from being broken' (Cocchi, Guglielmi 2020, 385).

<sup>14</sup> For the sake of simplicity, we have focused on the higher courts and the higher public prosecutor's offices. Data regarding men/women in leadership positions was collected from the official websites of the selected institutions.

			Chamber of Public Notaries	Chamber of Public Bailiffs	Serbian Bar Association, Belgrade Bar Association, Novi Sad Bar Association, Niš Bar Association, Kragujevac Bar Association	
Other judicial bodies	High Court Council	High Prosecutorial Council				

Source: Author.

## 2.6. Intermediate Conclusion

The aggregated data undoubtedly confirms the assumption that there are gender stereotypes in the judicial professions in Serbia that are particularly manifested through an imbalance in representation in favour of women compared to men, leading to the continuous increase in the percentage of women on courts and public prosecutor's offices, i.e. feminisation of the judiciary (in the normative sense). On the other hand, there are almost equal representation of women and men in judicial professions that are generally perceived as more desirable, such as public notaries and public bailiffs (judiciary in the functional sense). A slight imbalance in favour of women in relation to men in the case of notaries (women 52%, men 48%) and men in relation to women in the case of public bailiffs (men 55%, women 45%) is an indication of the existence of gender stereotypes that the function of notary is more suitable for women, while procedural actions within the scope of bailiffs are more appropriate for men.<sup>15</sup> This bias is also reflected in the fact that the Chamber of Public Notaries is headed by a woman, while the Chamber of Public Bailiffs is chaired by a man.

<sup>15</sup> For the survey confirming the existence of unconscious social bias towards legal professions that are more suited to men, see Tešić, Kovačević, Forthcoming.

Women are underrepresented among attorneys (judiciary in the broadest sense), which, according to prevailing opinion, is the most desirable judicial profession.<sup>16</sup> Consequently, we cannot confirm that the feminisation trend present in the Serbian judiciary (in the normative sense) exists to the same extent in other judicial professions.<sup>17</sup>

If we ask ourselves who the decision maker is in the Serbian judiciary, we can conclude that women have definitely broken the glass ceiling. In addition to already mentioned Constitutional Court since 2014, Supreme Court since 2021, Commercial Court of Appeal since 2017, Administrative Court since 2022, Supreme Public Prosecutor's Office since 2017, and Chamber of Public Notaries since 2024), women are the heads of the High Court Council<sup>18</sup> since 2021, the State Attorney's Office since 2015,<sup>19</sup> as well as the Ministry of Justice in the Government of the Republic of Serbia since 2016.<sup>20</sup> On the other hand, the leading position in attorney ship is still firmly

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<sup>16</sup> Some survey showed that the most desirable legal profession for students of both sexes in their final year of study in Serbia was that of an attorney, while only one in ten students wanted to become a judge. However, these findings should be interpreted with caution, as respondents were at a stage in life where factors such as work-life balance typically do not play a significant role in career decisions. Instead, priorities tend to focus on career progression, job autonomy, and earning potential (Đorđević 2022, 685).

<sup>17</sup> We did not offer any conclusions about gender structure trends in terms of public notaries and public bailiffs since they are relatively new professions in Serbia: public bailiffs have existed since 2011. Law on Execution and Security, *Official Gazette of the Republic of Serbia*, 106/2015, 106/2016 – authentic interpretation, 113/2017 – authentic interpretation, 54/2019, 9/2020 – authentic interpretation and 10/2023 – other law. and public notaries since 2015 Law on Public Notaries, *Official Gazette of the Republic of Serbia*, 31/2011, 85/2012, 19/2013, 55/2014 – other laws, 93/2014 – other laws, 121/2014, 6/2015, 106/2015 and 94/2024). As there has been little change in the individuals first entrusted with public authority, it is not possible to observe trends in the gender structure with sufficient certainty. The modern attorney ship was introduced in Serbia in 1862, but unfortunately we could not find any relevant data on the changes in the share of women attorneys in the study period from 2016 to 2024.

<sup>18</sup> 'Judicial Councils are sui generis bodies. Their function is multi-dimensional, i.e. judicial when they perform disciplinary competences, administrative when they organize the operation of courts, and legislative when they propose laws related to the judiciary and the judicial budget' (Stanić 2022, 6).

<sup>19</sup> State Attorney's Office of the Republic of Serbia, <http://www.rjt.gov.rs>, last visited July 14, 2025; and <https://dpb.gov.rs/en/state-attorney-and-deputies>, last visited July 14, 2025.

<sup>20</sup> Ministry of Justice of the Republic of Serbia, <https://www.mpravde.gov.rs>, last visited July 14, 2025.

held by a male. There are only men in the highest positions, as presidents of the Serbian Bar Association and the regional bar associations in Belgrade, Novi Sad, Niš, Kragujevac, and Šabac.

### **3. WHERE DOES SERBIA STAND COMPARED TO SIMILAR JUDICIARY SYSTEMS?**

#### **3.1. Judiciary in the Normative Sense**

In order to complete the picture of the gender structure in the Serbian judiciary, it is important to determine the similarities and differences of the gender distribution in the judicial professions in Serbia and in other judicial systems. To achieve this, we have created a representative sample of European judiciaries consisting of the following states: Germany, France, Austria, and Italy, as the legal systems that have influenced the development of the judiciary in Serbia the most; Slovenia and Croatia, as states that, like Serbia, have emerged from the dissolution of former Yugoslavia and which have since become EU members; Montenegro, Bosnia and Herzegovina, and North Macedonia, as states that emerged from ex-Yugoslavia and, like Serbia, are in the process of accession to the EU; Hungary, Romania, and Bulgaria, which are EU members that are Serbia's neighbours and share a similar socialist heritage; Sweden and the UK, states commonly cited as examples of good practice in the protection of human rights and gender equality; the IPA beneficiaries<sup>21</sup> with which Serbia is currently affiliated; and the EU-28, a group of states that Serbia would like to join. We have taken 2016 as the reference year from which we started to follow the trend in Serbia, with the same being applied with regard to European countries, in order to make the comparability consistent.

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<sup>21</sup> Western Balkans countries and Turkey, participants in the EU's Instrument for Pre-accession Assistance (IPA). See EIGE 2019.

Table 8:  
Women justices in Supreme Courts. Comparison of Serbia and the  
representative sample of European judiciaries in terms of percentages  
and feminisation peak (2016 – 2024)

Regions and states	2016	2024	Year of feminisation peak
EU-28	39.5	44.9	(2023) 44.9
IPA	22.2	(2023) 24.6	(2017) 26.8
Austria	21.7	41	(2023) 41.7
Bulgaria	74.5	76.6	(2017) 76.8
Germany	31.1	41.2	(2023) 37.5
France	47.2	51.2	(2019) 53.8
Sweden	33.3	31.3	(2016) 33.3
UK	8.3	16.7	(2019) 25
Italy	28.1	37.4	(2017) 43.1
Hungary	48.1	58.4	(2022) 61.8
Romania	84.1	74	(2016) 84.1
Slovenia	38.7	48.3	(2023) 48.3
Croatia	39.0	31.3	(2017) 40.0
North Macedonia	47.4	(2023) 38.5	(2016) 47.4
Montenegro	63.2	(2023) 80.0	(2022) 82.4
Bosnia and Herzegovina	39.1	(2023) 55.6	(2023) 55.6
Serbia	59.5	78	(2024) 78

Source: EIGE 2024a.

Table 9:  
Women in decision-making positions in the judiciary. Comparison of Serbian  
judiciary and the representative sample of European judiciaries (2024)

Regions and states	President of the Supreme Court		President of the Constitutional Court		(Supreme) Public Prosecutor	
	Number of persons	Per cent of total	Number of persons	Per cent of total	Number of persons	Per cent of total
EU-28	11	39.3	2	10	12	30.8
IPA	3 (2023)	42.9	5	71.4	2	28.6
Austria	0	0	0	0	1	100
Bulgaria	1	100	1	100	0	0
Germany	1	100	0	0	0	0
France	0	0	0	0	0	0
Sweden	0	0	N/A	N/A	1	100
UK	0	0	N/A	N/A	1	100
Italy	1	100	0	0	0	0
Hungary	0	0	0	0	0	0
Romania	1	100	0	0	0	0
Croatia	0	0	0	0	0	0
Slovenia	0	0	0	0	1	100
North Macedonia	1 (2023)	100	1	100	1	100
Montenegro	1 (2023)	100	0	0	0	0
Bosnia and Herzegovina	0	0	1	100	0	0
Serbia	1	100	1	100	1	100

N/A – not applicable.

Sources: EIGE 2024a; EIGE 2024b; EIGE 2024c.

If we assume that the best way to understand trends in the gender structure of the judiciary is to look at the number of women serving on the Supreme Court, it is not difficult to see, on the basis of the consolidated data (Table 8), that gender dynamics vary considerably from country to country.

In the majority of countries, we are witnessing a feminisation trend in the judiciary (in the normative sense).<sup>22</sup> This phenomenon has several particular aspects for the judicial profession: the dominance of women in relation to men, the growth in the proportion of women over time, and the leadership role of women – especially if it is long-term.

If we compare the data on women justices on the Supreme Court of Serbia to other states from the representative sample, we can conclude that feminisation of the judiciary in Serbia, according to all important parameters, reached its highest level in 2024 (feminisation peak).

The proportion of female judges on the Supreme Court is 78%, with the share of women increasing from 59% to 78%, or by 19 pp, between 2016 and 2024.<sup>23</sup> Since 2021, a woman has been the head of the Supreme Court. If we add to this the previously mentioned fact that women hold leading positions in the Constitutional Court and the Supreme Prosecutor's Office, we can conclude that the judicial system in Serbia is 'super-feminised'.

In terms of increasing the number of women on the Supreme Court, Serbia is following a broader regional trend, as reflected in Austria (where the percentage of women rose from 21.7% to 41%, a gain of 19 percentage points), Montenegro (which saw a rise from 63.2% to 80%, or 17 pp), Germany (where the figure grew from 31.1% to 41.2%, or by 10 pp), Slovenia (with an increase from 38.7% to 48.3%, or 10 pp), and Hungary (where the share climbed from 48.1% to 58.4%, or 10 pp).

The same tendency, but to a lesser extent, is notable in UK (from 8.3% to 16.7%, or by 8 pp), in the EU-28 (from 39.5% to 44.9%, or by 5 pp), and in France (from 47.2% to 51.2%, or by 4 pp).

An important difference is that the increase in the number of women justices in Serbia is by far the greatest of all the countries included in the analysis, except for Austria, with which it is on a par (19 percentage points).

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<sup>22</sup> This phenomenon has also been observed in some countries not included in our analysis, and is what some authors call the 'new reality in the judicial structure' (Duarte *et al.* 2014, 30).

<sup>23</sup> The trend of feminisation of the judiciary is also evident in other statistical data. According to the Statistical Office of the Republic of Serbia, the share of women is highest at the Misdemeanour Appellate Court and the Administrative Court, at 86.5% (SORS 2024, 268).

Another significant distinction is that the peak of feminisation in the Serbian judiciary (78%) is significantly higher than in the other countries with a long-term increase in the number of women on the Supreme Court.<sup>24</sup> For instance, the peak of feminisation in Sweden, which is often cited as an example of good practice in human rights protection, was reached in 2014, when 37.5% of the Supreme Court judges were women.

During the same period, between 2016 and 2024, some countries showed opposite patterns ('masculinisation' of the judiciary). For example, in Romania, the number of female judges on the Supreme Court decreased from 84.1% to 74%, or by 10 pp. It is similar in North Macedonia (9 pp)<sup>25</sup> and Croatia (8 pp).<sup>26</sup>

There are interesting examples of countries with fluctuating gender dynamics, such as Hungary, where the peak of feminisation 61.8% occurred in 2022, after which the percentage of female members of the Supreme Court fell to 58.4%. Similarly, in the UK, the proportion of female judges on the Supreme Court rose from 8.3% (2016) to 25% (2019) at the peak of feminisation, before falling significantly to 16.7% (2024).

To sum up, although every classification is conditional, in this specific case the following division of the judiciaries seems possible, based on an examination of the gender structure of the Supreme Courts:

- 1) Montenegro, Serbia, Bulgaria, and Romania can be classified as countries with an extremely pronounced gender gap in favour of women (*highly feminised judiciary*);
- 2) France, Hungary, and Bosnia and Herzegovina as countries with a medium gender imbalance in favour of women (*moderately feminised judiciary*).

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<sup>24</sup> With the exception of Montenegro, where women hold 80% of the seats on the Supreme Court (EIGE, 2024a).

<sup>25</sup> Going a step further back, in 2014 the share of women on the Macedonian Supreme Court was 56%, so the decline in the proportion of women by 2023 is much more pronounced – 17 pp.

<sup>26</sup> The gender ratio in the Supreme Courts does not seem to be directly linked to EU accession. For example, in Croatia, the percentage of female judges on the Supreme Court was 47.6% in 2012. Between EU accession, in 2013, and 2023, this percentage decreased to 32.3%. On the other hand, in Slovenia, the percentage of women on the Supreme Court was 36.1% in 2003, prior to EU accession, and increased to 46.4% over the 2004 – 2023 period (EIGE 2024a).

- 3) Germany, Austria and Slovenia, on the other hand, are countries with a medium gender imbalance in favour of men (*moderately 'masculinised' judiciary*).
- 4) UK, Sweden, Italy, Croatia, North Macedonia, and the IPA beneficiaries (Barbieri *et al.* 2019) can be described as countries with an obvious gender imbalance in favour of men (*highly 'masculinised' judiciary*).<sup>27</sup>

Looking at the leading positions in judiciaries other than Serbia, the function of president of the supreme court is held by women in Bulgaria, Germany, Italy, Romania, Montenegro, North Macedonia, as well as in 35.7% of the EU-28 countries and 42.9% of the IPA beneficiaries.<sup>28</sup>

In Serbia, Bulgaria, North Macedonia and Bosnia and Herzegovina, the presidents of the constitutional courts are women, as is the case 10% of the EU-28 countries and 30.8% of the IPA beneficiaries (EIGE 2024b).

The function of supreme public prosecutor is performed by women in Austria, Sweden, UK, Slovenia, North Macedonia and Serbia as well as in 30.8% of the EU-28 and 28.6% of the IPA beneficiaries (EIGE 2024c).

Despite all the socioeconomic and cultural differences that limit the possibility of a qualitative comparison between Serbia and countries in a representative sample, the general conclusion that can be drawn is that the degree of feminisation in Serbia is greater than in any of the other analysed states and regions – which could be considered alarming. While the EU-28 average is very close to gender balance (44.9%), the actual percentage of female justices on the Serbian Supreme Court (78%) is even higher than in Bulgaria (76.6%) and Romania (74%), and very close to the highest share of women judges – in Montenegro (80.0%). In terms of the number of women in decision-making positions, the feminisation of the Serbian judiciary is mirrored only by that of North Macedonia, as in both countries all three of the most important judicial functions are held by women (Table 9).<sup>29</sup>

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<sup>27</sup> For comparison, in the USA, 4 of the 9 Supreme Court Justices are women, as are 32% of sitting federal judges (excluding the Supreme Court), and 34% of state court judges (Represent Women 2025).

<sup>28</sup> This is a considerable increase since 2019, when only 21.4% of EU-28 and 14.3% of the IPA beneficiaries had a woman in a leading position in the supreme court (EIGE 2024a).

<sup>29</sup> It is difficult to find a rational explanation that in terms of the extent of feminisation, Serbia is at the very top, alongside North Macedonia and Montenegro. It differs from these countries according to many other parameters, even though they are from the same region. For example, Serbia: population – 6.6 million, current GDP USD 75.6 bln, current GDP per capita – USD 11,447.00; North Macedonia:

These data are not extreme in themselves, simply because they testify to the dominance of women. However, we cannot turn a blind eye to an obvious imbalance. On the other hand, it is necessary to investigate the causes of the gender gap, which is not typical of developed European countries. In other words, we need to ask ourselves why the Serbian judiciary (in the normative sense) does not seem to attract the best legal professionals, regardless of gender.

### 3.2. Judiciary in the Functional and Broadest Sense

A representative sample of the European judiciary, similar to that used for judges, was selected in order to determine the position of other judicial professions in Serbia – public notaries, enforcement agents (public bailiffs), and attorneys – the difference being that we used data on Council of Europe (CoE) member states collected in 2016 by CEPEJ. Therefore, no comparison with the EU-28 countries and the IPA beneficiaries has been made in this context.

Table 10:

Women's participation in the judiciary in the functional and the broadest senses (in per cent). Comparison of Serbia and other CoE member states<sup>30</sup>

Regions and states	Notaries	Enforcement agents	Attorneys
CoE member states	54	43	41
Austria	N/A	N/A	29
Bulgaria	No data	No data	No data
Germany	16	N/A	40
France	39	34	55
Croatia	62	37	46
Sweden	33	63	30

population 1.8 million, current GDP – USD 14.8 bln, current GDP per capita – USD 8m146.50; Montenegro: population 0.6 million, current GDP USD 7.6 bln, current GDP per capita, USD 12,252.60 (World Bank Group 2024).

<sup>30</sup> See CEPEJ 2018, 181. Aiming to achieve a consistency in comparison, we used CEPEJ data from 2016, even though the actual data for the Serbian judiciary is slightly different. For fine adjustment, see Tables 5 and 6 in this paper.

Regions and states	Notaries	Enforcement agents	Attorneys
UK – England and Wales	28	N/A	48
Italy	34	52	47
Hungary	N/A	N/A	N/A
Romania	No data	No data	No data
Russian federation	84	79	41
Slovenia	59	11	45
North Macedonia	56	43	42
Montenegro	60	30	27
Bosnia and Herzegovina	51	N/A	29
Serbia	57	40	36

N/A – not applicable.

Source: CEPEJ. Studies 26, 2018, 8–9.

It appears that feminisation is less pronounced in the judiciary in the functional and the broadest sense. The gender distribution in other judicial professions in Serbia and in the sample of CoE countries under consideration is quite similar. Females are a slight majority among notaries, but form a minority among public bailiffs and attorneys. A general characteristic of the countries created by the dissolution of the former Yugoslavia is the gender imbalance in the notary profession in favour of women, with feminisation being most prominent in Croatia (62% of women). Such participation of women notaries can be explained by the common socialist heritage<sup>31</sup> and the absence of the long-standing tradition that exists in other European countries where the representation of women notaries is significantly lower (e.g. Germany 16%, France 39%). On the other hand, there is a substantial gender gap in the public bailiff profession, but in favour of men. Women are underrepresented the most in Slovenia (with only 11% of public bailiffs being female).

<sup>31</sup> According to the 2018 CEPEJ report on the legal professions, in certain Eastern European countries, the proportion of women in the notarial profession is higher than 70%. For instance, the feminisation of notary service is especially evident in Armenia, Estonia, Georgia, Lithuania, Moldova, Russia, and Slovakia, possibly for reasons related to the stability of the profession compared to that of attorneys (CEPEJ 2018, 183).

The imbalance in favour of men is particularly notable in attorney ship. The share of women attorneys is lowest in Montenegro (27%) and Bosnia and Herzegovina (29%). It appears that, in addition to the reasons presented in the Table 11, the causes for the gender gap in terms of judicial professions can be found in the strong religious and cultural stereotypes that exist in these patriarchal states.<sup>32</sup>

Summarising the data collected in Serbia and the states in representative sample on the proportion of women in other judicial professions, it appears that the vast majority of the analysed judicial systems exhibit the same pattern of gender stereotypes in relation to public notaries and public bailiffs, according to which women are more predisposed to be notaries, while men are more suited for the role of public bailiff (enforcement agent).

#### **4. WHY IS THERE A GENDER IMBALANCE IN THE SERBIAN JUDICIARY?**

When identifying the main socioeconomic and cultural causes of gender disparity, as well as the principal differences between judges and public prosecutors (the judicial profession in the strict sense), notaries and bailiffs (the judicial profession in the functional sense), and attorneys (the judicial profession in the broadest sense) that might influence a lawyers' career, the following key indicators of choice can be highlighted: earning potential, employment security, autonomy at work, and work-life balance.

In comparison to other judicial professions, judges and public prosecutors have the lowest salaries and the least professional freedom. Given the permanent nature of these functions, their employment security is very high, as is the possibility of combining parenthood with work.<sup>33</sup> The overall effect of these factors is that there are significantly more women than men in the judiciary in the strict sense.

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<sup>32</sup> In a 2020 questionnaire, the majority of the interviewees consider Bosnia and Herzegovina a patriarchal society. Some even claimed that it is 'a deeply patriarchal and deeply religious society' (Kusyová 2020, 42). Similar qualifications are expressed with regard to Montenegro: 'Montenegrin society, despite rapid developments in the process of EU accession, remains highly patriarchal' (GIZ and FAO 2021, 1).

<sup>33</sup> The judicial profession offers much greater security and stability, making it significantly easier to perform this role in later years compared to legal practice. Judges have more free time than attorneys, for example, as they are not as dependent on clients and often very short deadlines. Unlike attorneys, who operate in a highly competitive environment, judges do not need to actively seek clients

In the case of notaries and bailiffs, there is less job security compared to judges and public prosecutors, but the earning potential is significantly higher;<sup>34</sup> and there is greater freedom in everyday practice. Independent legal professions, vested with prerogatives of public power, can be reconciled with parenthood, but this is much more difficult than with a career in the public sector. The above characteristics of notaries and bailiffs allow us to label as minor the differences in the representation of women and men in these two professions.

In the case of attorney ship, the earning potential is the highest, although there are great income differences within the profession.<sup>35</sup> Moreover, we should not lose sight of the reality that the attorney profession often ensures workplace autonomy. Employment, on the other hand, is uncertain, and it is difficult to balance professional commitments with family life.<sup>36</sup> As a result, men dominate the profession.

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to maintain their workload (Posner 2010, 163, 166–167). Unlike attorneys, whose earnings have no upper limit, judges do not receive bonuses or financial incentives for extra work or effort. Generally, all judges of the same rank receive equal salaries, and there are rarely consequences for those who fail to fulfil their duties on time or neglect their responsibilities (Posner 2010, 140).

<sup>34</sup> For instance, in Serbia public notaries have exclusive jurisdiction over the solemnisation of real estate sale contracts. There was a total of 31,138 sale contracts in the real estate market in Serbia in Q3 2024 (Republic Geodetic Authority 2024, 3).

<sup>35</sup> Income depends on specialisation, professional experience, and length of service (women are more likely to have career breaks due to family responsibilities), but also the size and location of law firms, especially if one takes into account the trend of 'informal corporatisation of the attorney profession' (women are more likely than men to work in smaller law firms or in lower positions in medium-sized or large firms). According to the results of a recent survey, the average annual income of attorneys in Serbia is EUR 27,500, which is almost twice the average annual income of judges and four times more than the average annual salary in the country (Vuković 2017, 105–106).

<sup>36</sup> 'Women continue to confront the profession's lack of accommodation for family responsibilities, as well as negative career repercussions associated with motherhood (Kay, Gorman 2008, 323). According to some studies, in Serbia, 67.9% of women and only 11.5% of men engage in daily household chores. When it comes to caring for the elderly, children, and family members with disabilities, the gender disparity is slightly smaller but still significant – 41.2% of women aged 18 and older take on these responsibilities every day, compared to just 29.5% of men (Babović, Petrović 2021, 37).

Table 11: Potential causes of gender imbalance in the Serbian judicial system

Judicial professions	Earning potential	Employment security	Autonomy at work	Work-life balance	Gender ratio	Leadership positions
Judges and public prosecutors (judiciary in the normative sense)	low	high	low	high	women prevail	women dominate
Public notaries and public bailiffs (judiciary in the functional sense)	high	medium	medium	medium	relatively equal	women dominate among notaries, men dominate among bailiffs
Attorneys (judiciary in the broadest sense)	high	Low	high	low	men prevail	men dominate

Source: Author.

## 5. RETHINKING THE FEMINISATION OF THE SERBIAN JUDICIARY

### 5.1. Feminisation Factors

Although statistics on the Serbian judiciary show that women dominate both as members and leaders in the courts and prosecutor's offices of the highest instance, the picture is not black and white. It is a fact that during the period of transition in Serbian society, most men left the judiciary in search of higher-paying jobs.<sup>37</sup> Women, on the other hand, opted for the judiciary in the strict sense, which meant lower earnings, but also advantages in terms of reconciling work and parenthood. It should be noted that such a scenario is in line with social patterns and customs linked to certain stereotypes about gender roles, in which men are allocated 'the role of breadwinner', while women are assigned the 'maternity role'<sup>38</sup> or, more generally, the 'role

<sup>37</sup> Highly paid jobs appear to be more attractive and potentially more accessible to men. For example, in 2022, 91% of tax payers with the highest income were male, compared to 9% for women (Tax Administration of the Republic of Serbia 2023).

<sup>38</sup> Although Serbian society is not an exception in this regard. "The classical career stop is to be a mother. Maternity and educational leave makes women "disappear" (Schultz 2015, 146).

of caregiver'.<sup>39</sup> However, this is an important, but not the only reason for greater representation of women in the judiciary (in the strict sense). The causes of such a gender ratio can be grouped into three categories: internal, external, and mixed.

- 1) The internal reasons for feminisation stem from the inherent failures of the Serbian judicial system: non-transparency of selection criteria, slow and uncertain career prospects, etc. In such circumstances, women appear to show greater patience and commitment.
- 2) On the other hand, external factors such as digital transformation also must be taken into account.<sup>40</sup> A significant number of males are opting for careers in the IT sector, which are at the heart of the Fourth Industrial Revolution and thus bring greater economic<sup>41</sup> and social power.<sup>42</sup>
- 3) The mixed causes of feminisation are the result of internal weaknesses of the judicial system as well as external influences. For example, a large number of court associates are abandoning the judiciary due to dissatisfaction over the low number of new judges appointed (internal reason). In addition, the private sector (banks and companies) is very interested in hiring employees who have successfully completed judicial training, particularly in commercial courts, and are therefore likely to offer higher salaries to attract them (external reason).

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<sup>39</sup> For more on expectations related to family and reproduction of women in Western Balkan as 'a region dominated by patriarchal gender norms', see Duhaček, Branković, Miražić 2019, 88.

<sup>40</sup> In addition to the difficulties faced by women in professions dominated by masculine values, research on the feminisation of professions is mainly concerned with the link between feminisation and the devaluation of the profession (Mouhanna 2023).

<sup>41</sup> Analyses of similar issues point out that a growing number of women have opted for more stable positions, whereas men have selected positions with higher economic remuneration and benefits in the private industry (Gómez-Bahillo, Elboj-Saso, Marcén-Muño 2016).

<sup>42</sup> In the past several years, the most popular field of education in Serbia has been information and communication technologies, with 24,107 students enrolled in state and private universities in 2021/22, of which 16,616 (68.3%) were males and 7,491 (31.7%) were females (SORS 2022, 127).

## 5.2. How Can We Get Closer to Gender Equality?

According to the law, a judge can be elected from among the citizens of the Republic of Serbia who meet the general requirements for employment in a state body, have graduated law school, passed the bar exam, and possess the necessary expertise, competence, and integrity to perform judicial duties.<sup>43</sup> Discrimination on any grounds is prohibited in the nomination and selection of judges.<sup>44</sup>

In practice, in order to ensure that the judicial system is truly meritocratic and free from gender bias, it is essential to establish gender-neutral procedures in three key areas: recruitment, compensation, and career advancement.

- 1) A fair and transparent selection process is the foundation of an inclusive judiciary and this can be achieved in the following ways:<sup>45</sup>
  - i. Anonymous application procedures that minimise the impact of gender on the selection process. By removing personally identifiable information – such as names and gender – from applications, selection committees can focus solely on the candidate's work history and competencies. This helps to prevent unconscious bias from influencing initial assessments and ensures that candidates are assessed on their credentials rather than perceived gender roles.<sup>46</sup>
  - ii. Diverse selection committees that include both men and women, to ensure balanced decision-making. A gender-inclusive approach to selection committees is vital for bringing different perspectives and experiences to proceedings. This also strengthens public confidence in the impartiality of the judiciary.

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<sup>43</sup> Law on Judges, *Official Gazette of the Republic of Serbia*, 10/2023, Art 48 (1).

<sup>44</sup> Law on Judges, Art 52 (1).

<sup>45</sup> 'Member States should ensure that the procedures of recruitment are conducted transparently, the criteria are clear, detailed and implemented in an impartial manner, and women are equally involved in the decision-making process of recruitment' (CEPEJ 2022).

<sup>46</sup> Legal literature indicates that one of the key factors in female dominance in the Russian judiciary is the influence of recruiting practices. 'The work in the court administration consists of office-type work that is considered to be a 'female' job. Because of this, the overwhelming majority of those working in the court administration are women. Thus, when recruitment is carried out by the court administration the majority of recruits turn out to be women' (Ivanova 2015, 579).

- iii. Structured interviews and standardized assessment methods, to evaluate candidates based on their legal expertise and integrity. Rather than subjective impressions, interviewers should use predefined criteria that focus on the candidate's professional achievements and legal problem-solving abilities. Uniform scoring systems and objective evaluation metrics ensure that all candidates are evaluated on a level playing field.
- 2) Transparent salary structures are essential for ensuring that judicial professionals receive equal pay for equal work,<sup>47</sup> eliminating disparities based on gender or other non-objective criteria.<sup>48</sup> The introduction of a competency-based system reinforces this approach by linking pay to non-arbitrable achievements rather than subjective or discretionary decisions.<sup>49</sup>
- 3) A truly gender-neutral judiciary must ensure equal opportunities for career growth and leadership positions by implementing policies that eliminate structural biases. To achieve this, several strategic measures should be adopted:
  - i. Merit-based promotion standards within the judiciary, based on objective and transparent criteria that rank candidates according to their legal expertise and professional contributions. This approach ensures that career advancement is determined by an individual's achievements rather than personal biases, subjective impressions, or gender-based assumptions.<sup>50</sup>

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<sup>47</sup> 'Remuneration may vary depending on length of service, the nature of the duties which judges are assigned to discharge in a professional capacity, and the importance of the tasks which are imposed on them, assessed under transparent conditions' (Council of Europe 1998, 6.2).

<sup>48</sup> 'The statute provides a guarantee for judges acting in a professional capacity against social risks linked with illness, maternity, invalidity, old age and death' (Council of Europe 1998, 6.3).

<sup>49</sup> The Bangalore Principles of Judicial Conduct identify financial independence as one of the minimum requirements for ensuring judicial independence, alongside the security of tenure and institutional independence. Financial independence is defined as the judge's right to a salary and pension prescribed by law, which must not be subject to arbitrary interference by the executive authority (United Nations Office on Drugs and Crime 2007, 29).

<sup>50</sup> 'Decisions concerning the selection and career of judges should be based on objective criteria pre-established by law or by the competent authorities. Such decisions should be based on merit, having regard to the qualifications, skills and capacity required to adjudicate cases by applying the law while respecting human dignity' (Council of Europe 2011, Art 44).

- ii. Secondly, the elimination of barriers to equal footing in the pursuit of leading positions is key to promoting gender equality. Outdated perceptions of leadership, unequal access to networking and political connections often hinder gender equality. Judicial institutions must actively identify and dismantle these barriers to ensure fair leaders selection. Furthermore, the judiciary should encourage work-life balance policies that allow both men and women to pursue leadership roles, without facing disproportionate challenges.<sup>51</sup>
- iii. Thirdly, structured mentorship initiatives play a crucial role in supporting career progression. By connecting aspiring judicial professionals with experienced mentors, these programs provide career advice and networking opportunities. The implementation of mechanisms in which senior leaders actively advocate for talented individuals, can further promote equitable career advancement by ensuring that both men and women are given the visibility and support needed to attain leadership positions.

In addition to general measures for achieving gender balance in the judiciary, it seems that, given the degree of feminisation, some specific measures should be taken in Serbia to attract the best law students, regardless of their gender. For example:

- 1) Organising student internships in courts and public prosecutor's offices, coordinated by the Judicial Academy which, in addition to practical training, would also have the important purpose of creating a special 'emotional bond' with the judiciary;
- 2) Providing a large number of scholarships for the best students, established by the High Judicial Councils;
- 3) Development of programmes to meet the housing needs of young judges and prosecutors, both through leasing and through the possibility of purchasing an apartment under favourable conditions. On the other hand, the holders of a judicial function would be required to devote a certain number of years to the administration of justice.

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<sup>51</sup> 'Members States should adopt and implement measures to promote work and family life balance for all judges' (CEPEJ 2022, 6).

### 5.3. All Powers Are Equal, But Some Are More Equal Than Others

The existing gender imbalance in judiciary leadership positions indicates that the real power of the judicial branch in the Republic of Serbia is highly debatable. When there is widespread belief in society that almost everything is dependent on policy-makers,<sup>52</sup> and that, despite the proclaimed separation of powers, the judiciary is second in line and subordinate to the executive branch,<sup>53</sup> the primary interest of men may be directed towards establishing leadership in political parties.<sup>54</sup>

This phenomenon confirms gender stereotypes on the roles of men and women in society,<sup>55</sup> where leading a political party requires strong ambition<sup>56</sup> and a 'firm hand' (attributes believed necessary to succeed

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<sup>52</sup> Some studies show that the formal separation of powers is insufficient to assure the independence of the judiciary. Although judges are not directly dependent on politicians, denying politicians formal power in the appointment and promotion of judges still does not fully protect judges from political influence. Politicians attempt to manipulate the court through various kinds of favours and threats; for example, they can offer the family of 'friendly judges' easier access to public sector jobs, but they can also make the careers of 'stubborn judges' more difficult, limit the budget for courts, etc. Cf. Lambais, Sigstad 2023.

<sup>53</sup> For more on similar dilemmas, see Chemin 2021.

<sup>54</sup> Political parties in Serbia remain highly segregated organisations in which women are underrepresented in leadership positions. This data provides a slightly different perspective on the EIGS's findings that Western Balkan countries have made noticeable progress in the political power sub-domain, due to the increased representation of women in the legislative and executive branches at different levels of government, which could be attributed to the introduction of legal electoral quotas (EIGE 2023, 27).

<sup>55</sup> Sexism is still widespread in politics and women are often unwelcome. A number of social, political, and institutional barriers limit women's participation in national and local decision-making. Women have less confidence to run for high office, and when they do their election campaigns often receive less funding than those of their male counterparts (Margaras 2019, 2).

<sup>56</sup> According to some authors, gendered socialization leads to different levels of political ambition among men and women (Fox, Lawless 2014, 499). In Serbia, the traditional patriarchal model prepares women to be second-tier, more like collaborators than allies of the men. This means that women are sometimes unprepared for the challenges of taking on more important positions in a party or government bodies. Because of the private/public duality, women in politics do not feel that they are on their own territory and are, in a way, constantly tested (Vuković 2008, 361–362).

in male gender-typed positions),<sup>57</sup> whereas heading a court requires a high level of responsibility,<sup>58</sup> as well as extensive theoretical and practical knowledge<sup>59</sup> – which are currently more often attributed to women.<sup>60</sup>

In this context, it is important to underline the difference between the apparent “supremacy” of women over men in the judiciary and how things might work in reality.<sup>61</sup> Although the feminisation of the judiciary (in the strict sense) is at its highest level in the Republic of Serbia (feminisation peak), numerical superiority still does not imply real dominance.

For instance, if the most important judicial decisions are potentially being made “in the political shadows”, the statistical feminisation might be a distorted picture (feminisation of the judiciary paradox).

This further means that although vital, the role of legislation – as an instrument for achieving gender equality – is nevertheless limited. Ultimately, achieving genuine gender equality requires the active involvement of society as a whole. Specific measures aimed at ensuring gender balance in the judicial professions should be integrated into a broader strategy that promotes equality between women and men in all areas of social life.

By implementing gender-neutral policies in recruitment, compensation, and promotions, the judiciary can create a truly inclusive environment that allows judicial professionals to advance based on merit rather than gender.<sup>62</sup> Systematic reforms that incorporate the recommended measures would not only enhance gender equity but also significantly impact the

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<sup>57</sup> In accordance with same gender bias pattern, women are likely to hold ministerial positions on environment (32%), public administration (30%), and education (30%), and are in leadership positions on gender equality, human rights, and social rights. In contrast, globally, men continue to dominate ministries such as economy, defence, justice, and the interior (UN Women 2023).

<sup>58</sup> Some authors suggest that a feminine gender identity is related to power construed as a responsibility and a masculine gender identity is related to power construed as an opportunity (Weltevreden 2022, 1 *et seq.*).

<sup>59</sup> Women are more likely than men to engage in adult (lifelong) learning in the majority of EU Member States (Barbieri *et al.* 2019).

<sup>60</sup> Perceptions about gender stereotypes evolve over time. Furthermore, women are no longer regarded as less competent than men (Eagly *et al.* 2020, 301 *et seq.*).

<sup>61</sup> ‘The explanation [of male and female leadership stereotypes] is usually psychological: both women and men unconsciously view men as leaders and women as followers, so that when a woman is promoted to senior management, she disrupts unconscious collective norms’ (Baxter 2013).

<sup>62</sup> “Professional associations should consider creating mentoring opportunities for women judges.” CEPEJ 2022, 9.

judiciary's impartiality<sup>63</sup> and integrity.<sup>64</sup> Moreover, ensuring that the most capable individuals are chosen to uphold justice is essential to restoring and strengthening public confidence in the judiciary,<sup>65</sup> which serves as a fundamental pillar of the rule of law in democratic society.

#### 5.4. A Starting Point for Future Qualitative Research

The presented analysis is primarily based on a descriptive statistical method, which is particularly well-suited to this type of research as it allows for the identification of structural patterns, gender-based asymmetries, and longitudinal trends. This approach provides sound empirical grounds for determining where disparities exist, how they have evolved over time, and which judicial sectors are most affected. Furthermore, the included data could serve as a valuable platform for subsequent research integrating qualitative analysis. It would be important to examine whether female judges and public prosecutors have merely adapted to traditional structures and unwritten rules, or whether their numerical dominance has genuinely resulted in changes to the legal culture and judicial practice. A key question is whether differences in decision-making and legal reasoning, depending on the gender of the judge, can be observed for instance, in family law proceedings – such as child custody, maintenance, or protection against domestic violence, how the 'best interests of the child' standard is interpreted, and whether any implicit bias emerges when joint custody is not a feasible option in cases of parental divorce.

In addition to a comprehensive analysis of a significant number of concrete cases, these issues could be further explored through semi-structured interviews with judges and legal practitioners, aimed at identifying subjective attitudes to gender roles. For instance, how do respondents perceive women in decision-making roles in the courtroom? Are women seen as more inclined to compromise and be empathic, or are they regarded as having a different level of authority in the eyes of counsel and colleagues?

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<sup>63</sup> "Judge should have unfettered freedom to decide cases impartially, in accordance with the law and their interpretation of the facts." Council of Europe 2011, Art 5.

<sup>64</sup> For more on the relationship between personal and professional morality of judges, see Dabetić 2023, 90.

<sup>65</sup> For more on public confidence in the judiciary, see Vuković 2007, 491–507.

In parallel, focus groups with justice system users (e.g., parents who have gone through divorce proceedings) could be conducted to examine their experiences and perceptions of judicial behaviour, and whether they noticed any difference depending on the gender of the judge.

For instance, respondents could be asked whether they believe the outcome would have been different with a male or a female judge. The aforementioned qualitative lines of inquiry constitute a logical extension of the present research, however, they substantially exceed its defined analytical scope and core objectives. Accordingly, the particular social relevance of gender dynamics in the judiciary constitutes an open invitation for continued scholarly engagement.

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