**Gender Discrepancies in Sentencing – The Effect of Amending the Law Allowing for Judicial Discretion in Sentencing**

**Summary**

**Background**: The principle of sentencing equality is a central one in a democratic society. Much of the literature on this subject has focused on examining and analyzing this principle, especially with regard to equality and/or discrimination on the basis of ethnicity, socio-economic status, age, or gender.

**Aim of the paper**: This paper will examine gender discrepancies in sentencing for offenses involving the physical assault of minors by their parents, by comparing the period prior to the implementation of the law allowing for judicial discretion in sentencing to the period thereafter.

**Method**: The study is based on an analysis of 99 sentences heard in Magistrates’ courts. The cases involved 60 defendants (30 men and 30 women) tried in the period prior to the implementation of the law allowing for judicial discretion in sentencing, and 39 (30 men and 9 women) tried in the period thereafter.

**Findings**: The study’s findings indicate a significant gender discrepancy in the severity of punishment, ranging from imprisonment to community service. We found that more severe punishments were imposed on men than on women who had committed similar offenses involving physically harming minors, regardless of the date of sentencing. We further found that the application of judicial discretion clearly led to the imposition of harsher sentences. Finally, no significant statistical differences were found between men and women in terms of the severity of their sentencing as a function of the application of judicial discretion in sentencing.

**Conclusions**: Due to the fact that gender discrepancies in sentencing for physical harm caused to children do still exist, steps must be taken to limit them in order to better respond to the severe and devastating consequences that physical harm has on the normal development of children, to acknowledge and reflect the central role women play in child rearing, and to address the intergenerational transfer of violent behavior.

**Keywords**: Discrimination, the law to allow judicial discretion in sentencing, assaulting minors, gender.

**Declaration:** The authors declare that the article has not been published or submitted for publication in any another journal.