



AJUFE Women Federal Judges' Gender Initiative

Report n. 1

***GENDER INEQUALITY IN THE
BRAZILIAN FEDERAL JUDICIARY:
A REPORT ON THE ISSUES AND
PREFERENCES OF FEMALE JUDGES***

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AJUFE Women Report n. 1

AJUFE Women is a group of female federal judges created in February 2017 to promote gender equality in the Brazilian judiciary. There are more than 100 judges in the initiative and since its foundation it has released 03 publications, organized 04 seminars and promoted media coverage on the lack of women in the judicial branch.

According to data provided by the Brazilian National Council of Justice in the year 2018, women represent only 32% of the judicial workforce. Even though more than half of the country's population is of African descent, black female judges are only 1% of the contingent of magistrates. One of the five Brazilian Circuit of Appeals has never had a female judge promoted to take a seat at the Court.

This report is the result of an inquiry into the profile of AJUFE's members held in order to guide the entity's actions by the real expectations and needs of female judges. Based on an online questionnaire available during the year of 2017, the survey was answered by 185 magistrates. The sample is representative considering that the universe of federal judges in Brazil and AJUFE's members correspond to 2,000 people.

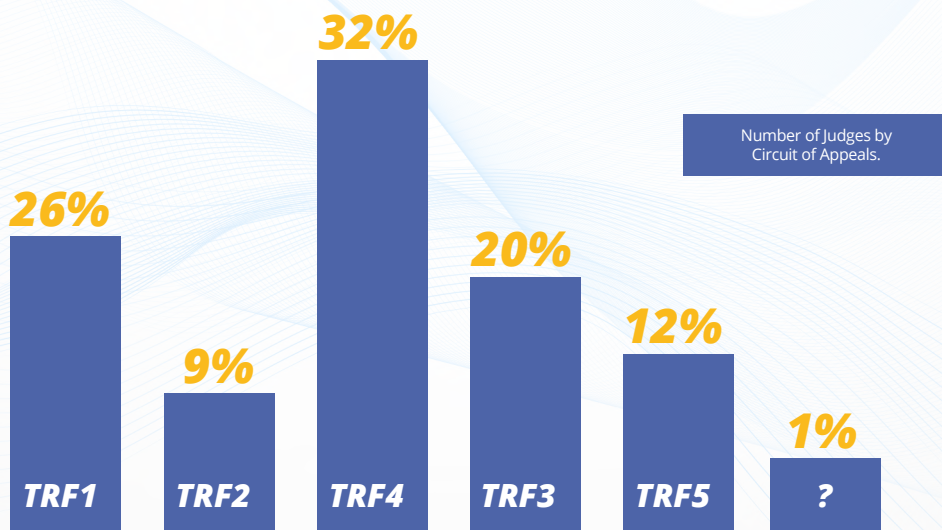
The survey was divided into two sections. The first one concerned personal and functional data. The second part addressed the female judges' opinions and expectations about their work.

Along with the survey, a total of 72 qualitative replies were submitted. Although data could be considered according to several other variables, this report highlights some of the most important aspects collected in the sample, at the same time proposing priority actions to foster gender equality.

Female judges' profile

The survey was answered by 51% of the female federal judges affiliated to AJUFE, according to the following proportion among different Circuits:

- ⚙ 32% of judges linked to the 4th Circuit of Appeals;
- ⚙ 26% linked to the 1st Circuit of Appeals;
- ⚙ 20% linked to the 3rd Circuit of Appeals;
- ⚙ 12% linked to the 5th Circuit of Appeals;
- ⚙ 9% linked to the 2nd Circuit of Appeals
- ⚙ 1% did not consider themselves linked to any Court.



On women's participation in general

More than 86% of the respondents consider that the representation of women is low (*"There is still much to do"*) or reasonable (*"Things are improving but we still have to work to increase the feminine presence in the Federal Justice"*).

Regarding the factors that contribute most to the low female representation, for 93.66% of the respondents, they are the women's double shift, and, according to 83.88% of the judges, the fact that women are not accompanied by their spouses/partners when they have to move away because of work.

This second factor has been the subject of comments by the judges since career advancement often entails breaking up the family unit. For cultural reasons, it is much more common for a woman to follow her spouse/partner to the detriment of her work than for a man to do the same.

As can be inferred from the answers presented, these cultural issues affect most of the women judges, whether or not they already have formed a family. "The difficulties faced by women are related to the predominantly sexist social behavior, regardless of the marital status of each judge or whether or not they have a double journey", said one respondent. Another judge added that "(...) even women who do not have children care for the elderly of the family and other loved ones that need care". Family and social

burdens on women were also highlighted in another response that stressed that “male candidates have much more logistical and material support”.

The survey reflects the existence of a strong belief of women’s judges that they rather exercise a position of authority than work in a different kind of activity. 65% of them say they like to hold a position of power and that their careers are compatible with their lives. However, 81.08% of the respondents understand that their personal life is much more deeply affected by the the judicial profession than the lives of their male colleagues. This opinion shows that public and private spaces influence each other simultaneously.

KEY REASONS HIGHLIGHTED BY THE MAGISTRATE, FOR LOW FEMALE REPRESENTATIVITY IN FEDERAL JUSTICE

DOUBLE WORKLOAD	BEING FOLLOWED BY HUSBANDS/ PARTNERS WHEN THEY HAVE TO MOVE FROM ONE CITY TO ANOTHER FOR WORKING REASONS	THE PERSONAL LIFE OF A WOMAN IS MORE DEEPLY AFFECTED BY THE EXERCISE OF THE MAGISTRATURE THAN THAT OF MALE COLLEAGUES
93,66%	83,88%	81,08%

On getting promoted

The rules of promotion in the Brazilian federal judiciary usually involve the transfer of the judge from one city to another. This circumstance was considered by 81.87% of the respondents to be a hurdle that affects them more than their male colleagues. The judges said that they experience greater difficulties mainly due to the “breakdown of the family unit” and “distance from the family”.

“*Female judges are not encouraged to grow in the career to the same extent as male judges,*”
commented one magistrate.

Also, in the qualitative questionnaire, most respondents cited the problem of moving away in order to obtain promotion as the main cause of the low female presence. “Moving someplace else to obtain promotion impacts women differently”. Another judge affirmed that this is “a barrier to a greater number of women judges”.

Promotion to Circuit of Appeals

74.71% of the respondents considered that female judges have more difficulties in reaching the Courts, confirming the so-called “glass ceiling” effect. The most important reason mentioned was that “fewer women apply” (53.51%) to be part of higher Courts. On the other hand, it was said that “male judges of higher Courts identify with male candidates” (52.97%) and “males judges often have mentoring that makes their access to Courts easier” (41.08%).

The survey showed that female judges note an “identification” among male judges, thus ratifying international studies that link gender perspective to the design of formal and informal institutions.

It was also stressed that “the disparity in the Court of Appeals shows the difficulty in getting career promotion”. A judge stated that there is “resistance to promotions. For men, it is often enough to present a resumé showing some **POTENTIAL**. Women have to prove excellent **PERFORMANCE**”.

RECOMMENDATIONS TO ENHANCE WOMEN'S PARTICIPATION IN THE FEDERAL JUDICIARY

Regarding actions to ensure greater participation of women in the judiciary, more than 70% of the respondents emphasized the importance of the topic, pointing out that women should be in management and higher positions inside the Courts. Thus, the vast majority of respondents are troubled by the current rates of female presence in judicial power circles.

Three actions were considered necessary to increase the participation of women: i) a structural career change in order to address the gender gap, putting an end to transfers as a condition for promotion (47.03%), home office (45.41%) and courses and campaigns to change institutional culture and call attention to the lack of gender representativeness (44.86%).

Among those who chose to answer the qualitative questionnaire, 35.71%

pointed out home office as the most appropriate answer to the difficulties faced by women in their careers, without, however, reducing their productivity. "Careers impose many hurdles and must be adapted to facilitate family life, such as the home office, which is permitted for female employees with children, but not allowed for judges," according to a judge.

The proposals presented, however, were diverse. Some suggested that actions should be allowed for all judges. Some proposed home office only for pregnant judges or for those with young or disabled children. Some said that an alternative should be allowing home office partially, just a few days per week.

Judges mentioned that AJUFE Women should promote "campaigns to change institutional culture", making their peers aware of the current status

of gender inequality. It has been said that “male awareness” is necessary in order to eradicate sexist attitudes considered normal. A colleague also said that the AJUFE Women should “keep the issue on the agenda, because many male colleagues do not even realize that there are difficulties for women, which contributes to the repetition of discriminatory standards.”

Another respondent asserted the importance of departing from the idea that some functions are more suitable for men. According to him, it is important to “disclose the fact that women produce and manage as well as men; and show women in activities that are stereotyped as masculine, like criminal lawsuits”.

Repeated comments pointed out that the AJUFE Women’s Committee should engage in “campaigns to strengthen the presence of women in the courts” and in all areas of the judiciary, as well as “to develop actions that guarantee female representation in all events promoted by the Association and also in the positions

related to the administration of the Courts. “In addition, there should be forums to discuss the topic. Accordingly, they say it would be good if AJUFE Women created a “platform to contact judges for mentoring and coaching”, encouraging men to also become allies in that goal.

Some colleagues have also made it clear that they expect a proactive stance from the Committee by “following up on promotions for Courts of Appeals and higher courts” and by adopting “policies to encourage the promotion of women to these Courts.” “I think it is time for affirmative action toward changing the 5th Court of Appeals, the one in which a female? federal judge has never been promoted to”, said one judge. Others focused on the need to support women judges toward promotion.

One respondent affirmed that AJUFE Women should play a role in “encouraging federal judges (women) in studies or productions that may aid in promotion (masters, PhDs, articles and books).”

Great emphasis was also given to the need for career restructuring. One colleague pointed out that “the need, as a rule, for at least two domicile changes discourages women from entering careers because of family issues.” There was also a clear perception that “securitization do you mean safety or security? (...) especially affects women”.

In addition, the research has brought forward proposals for affirmative actions to change the federal judiciary when it comes to lack of women. Some judges argued that “gender/racial quotas would enhance representation of women in leadership positions and high courts”.

Some expressed concern about the security of magistrates, especially those who live in the border areas, asking for support for female magistrates that are working in countryside and small towns.

The out importance of setting up day care centers in places without this service was also pointed out. In contrast,

one colleague said that no action would be necessary. “It is up to women whether to achieve the largest female representation in the Federal Judiciary,” according to their point of view.

RECOMMENDATIONS

Considering the results that show the obstacles faced by female judges, the AJUFE Women's Committee proposes some actions to increase the participation of women in the judiciary, such as:

- (i)** the organization of events in all Courts of Appeals on the topic of gender inequality;
- (ii)** the institutionalization of a support network for judges;
- (iii)** the creation of a working group to regulate and implement home office for judges;
- (iv)** studying and adopting actions to eliminate the barriers against the promotion of female judges;
- (v)** the inclusion of the AJUFE Women at the AJUFE Statute as a permanent group;
- (vi)** increasing female participation in events promoted by AJUFE itself.

SURVEY RESULTS* HELD BY THE AJUFE WOMEN COMMITTEE

** 185 federal women magistrates affiliated to AJUFE answered the survey*

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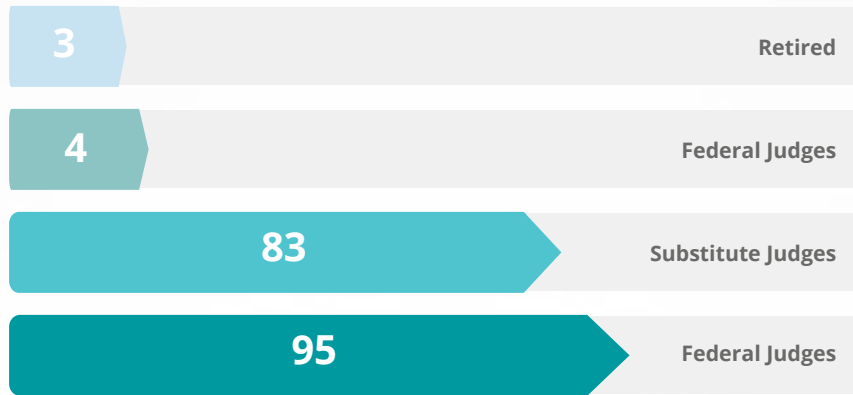
- 1) What is your position? | **p. 15**
- 2) Which court are you bound to? | **p. 15**
- 3) How long have you worked in this career? | **p. 16**
- 4) Do you have children? | **p. 16**
- 5) In your opinion, do women face the same difficulties as men in entering the career of the judiciary? | **p. 17**

***For the answer to questions 6-10, the question was
"There are few women in the Federal Magistracy,
because ..."***

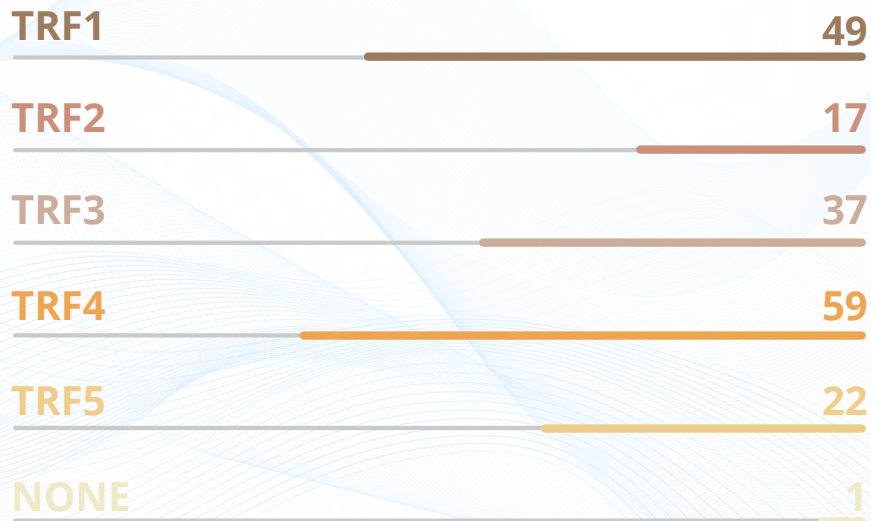
- 6) ... the Federal Justice reproduces the sexism of society | **p. 18**
- 7) ... women make a double workload | **p. 18**
- 8) ... women tend not to be accompanied by their spouses / partners when they have to move because of work | **p. 19**
- 9) ... women prefer not to hold an office of authority | **p. 19**
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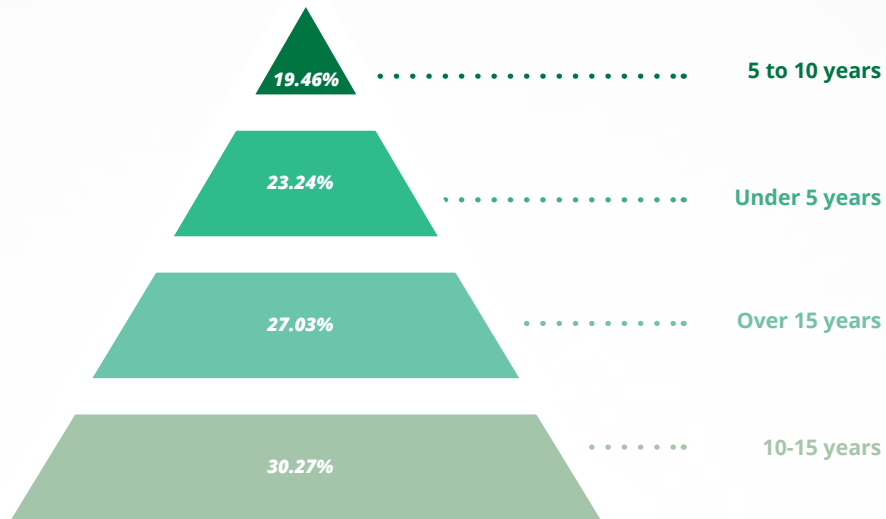
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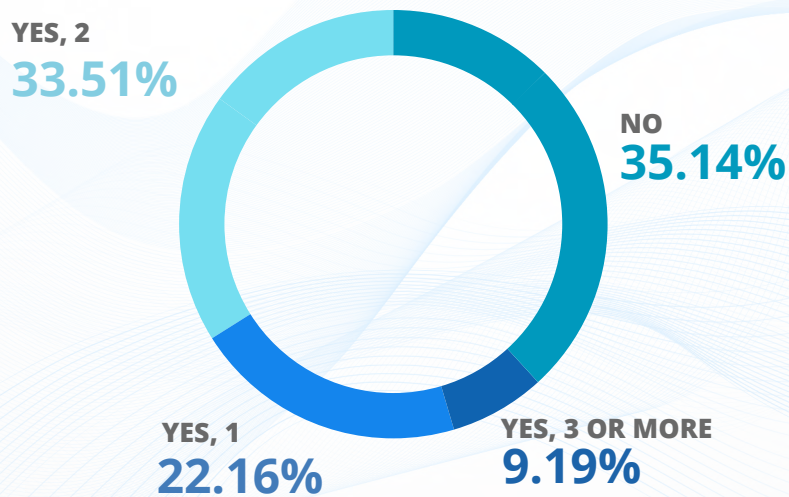
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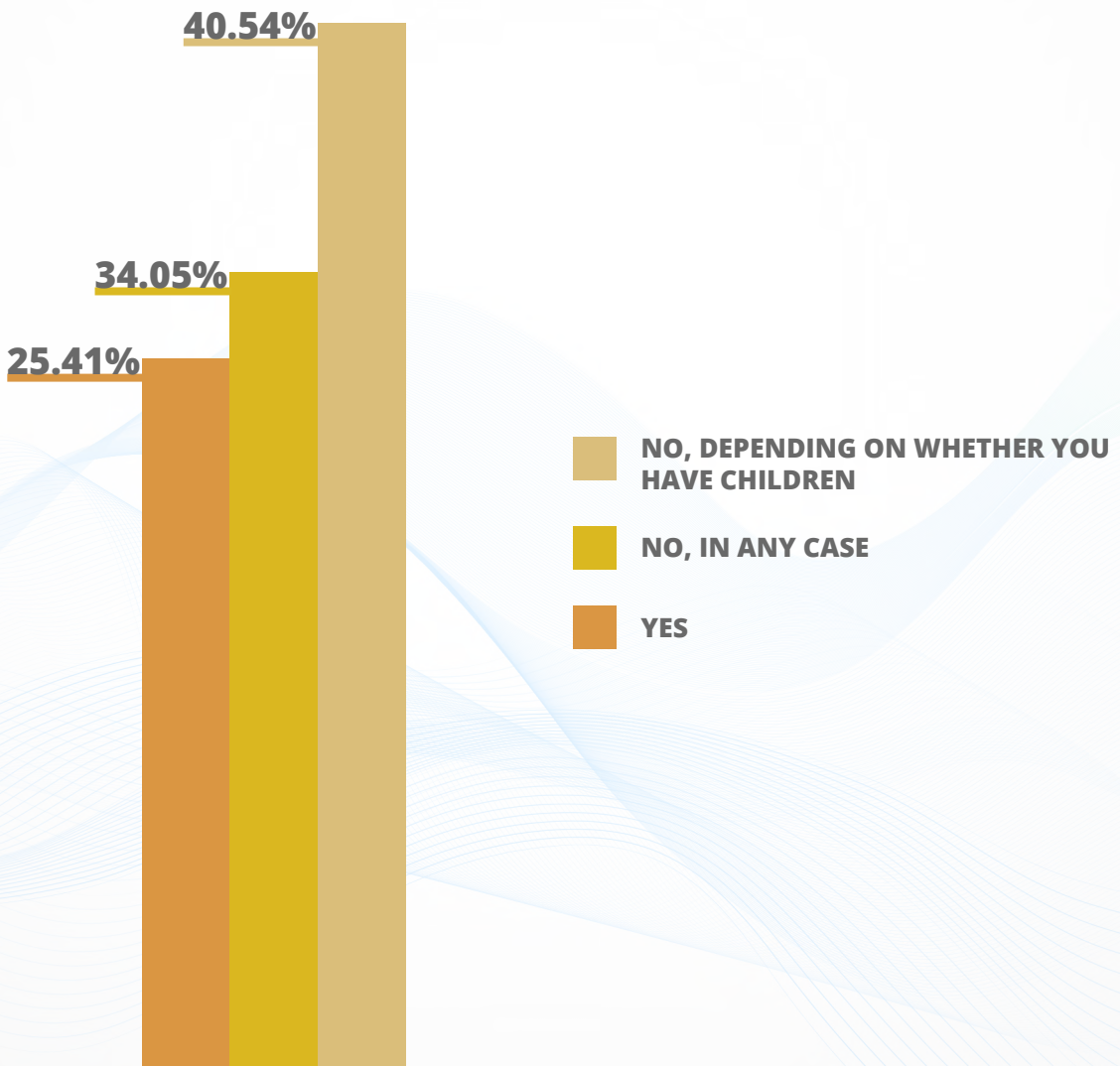
3) How long have you worked in your present career?



4) Do you have children?

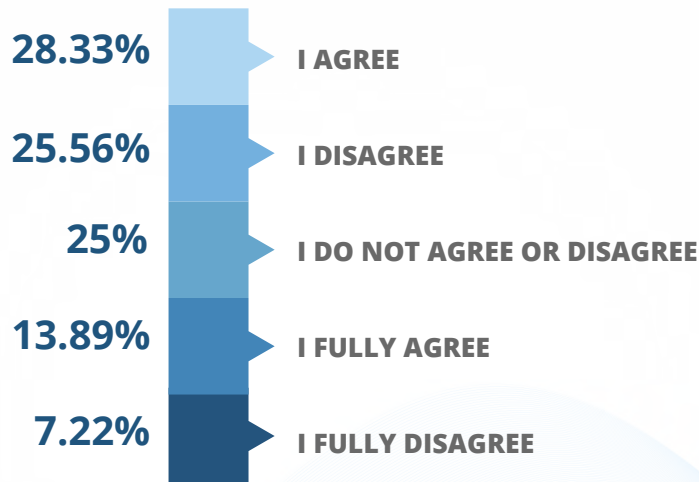


5) In your opinion, do women face the same difficulties as men when entering the career of the judiciary?

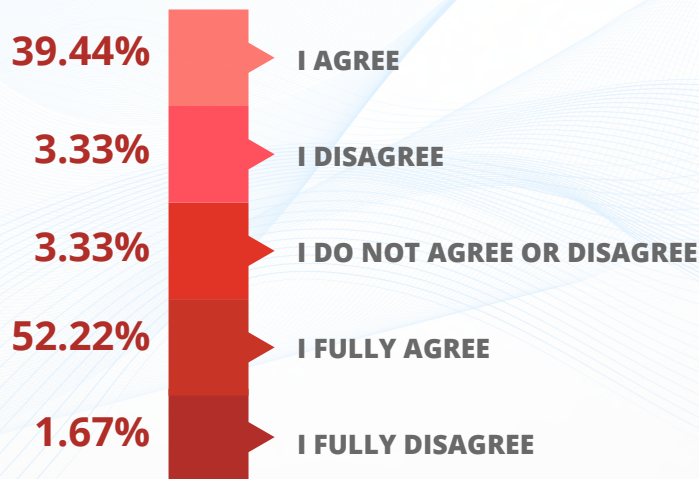


For the answer to questions 6-10, the magistrates were asked: "Evaluate how much you agree with the following statements," followed by the sentence: "There are few women in the Federal Judiciary, because..."

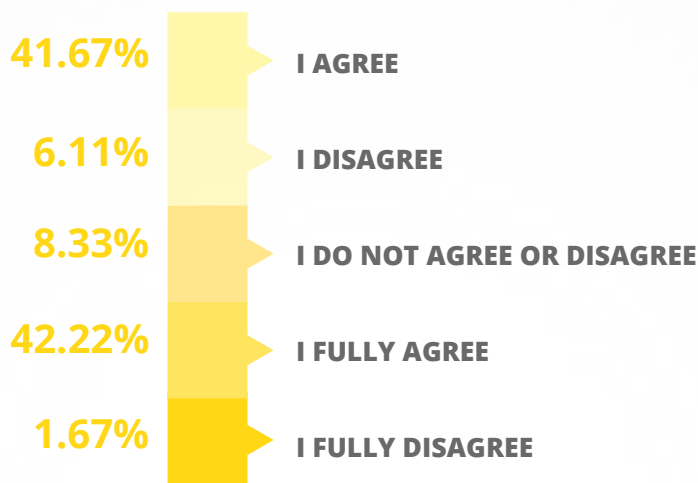
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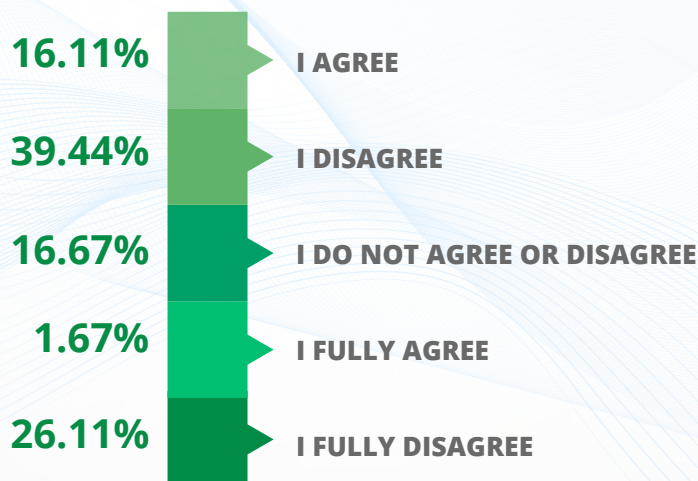
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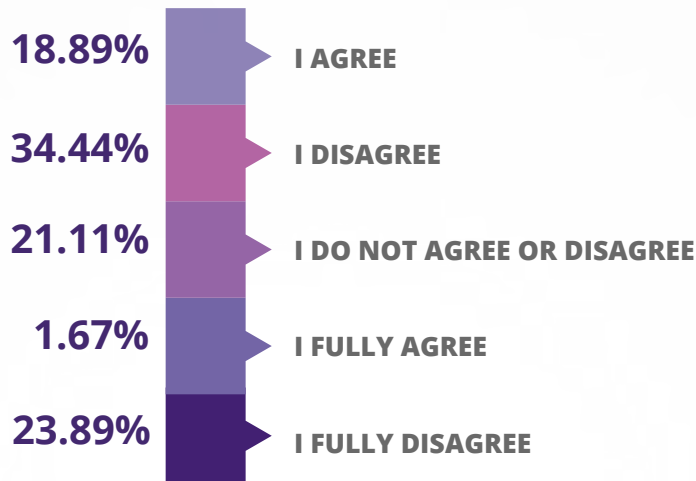
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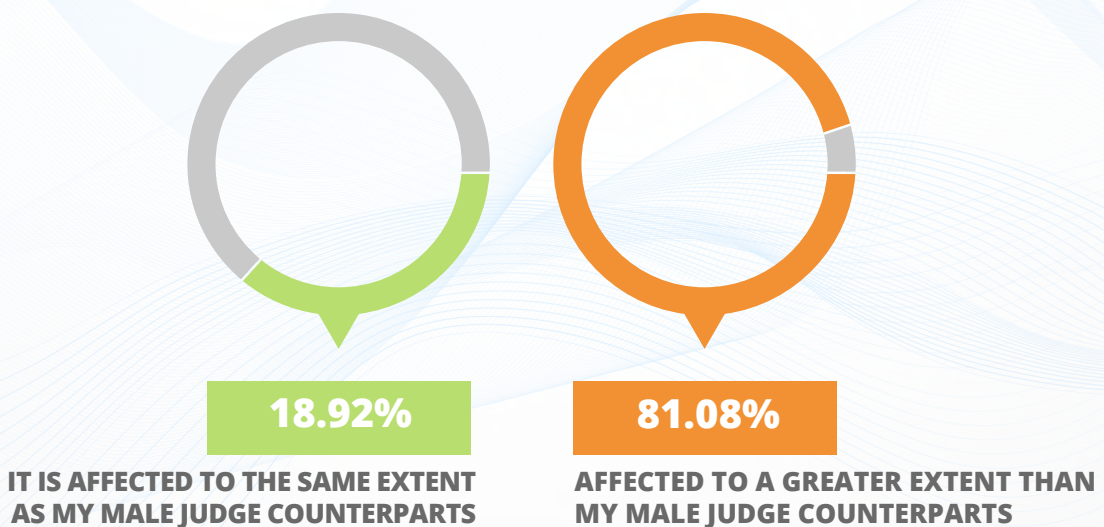
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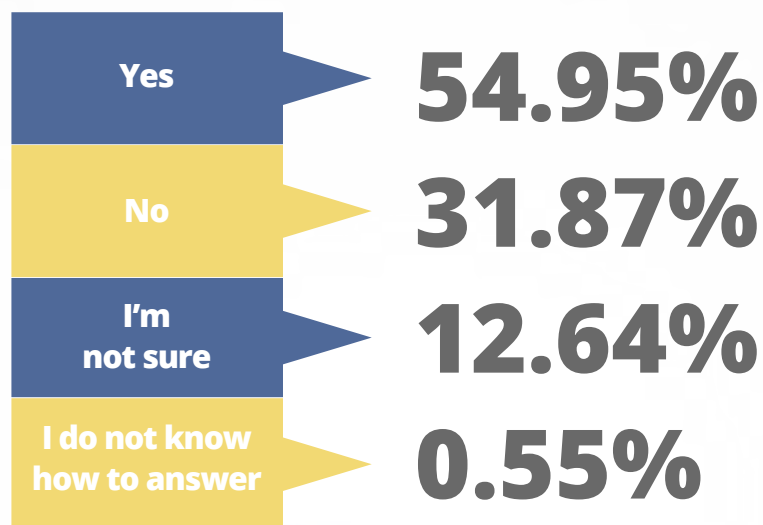
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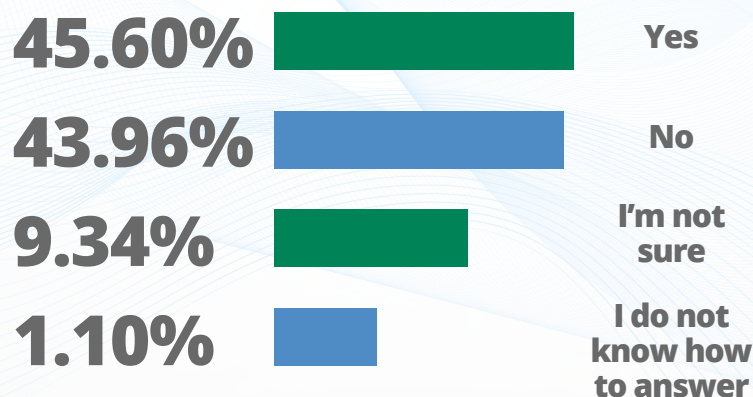
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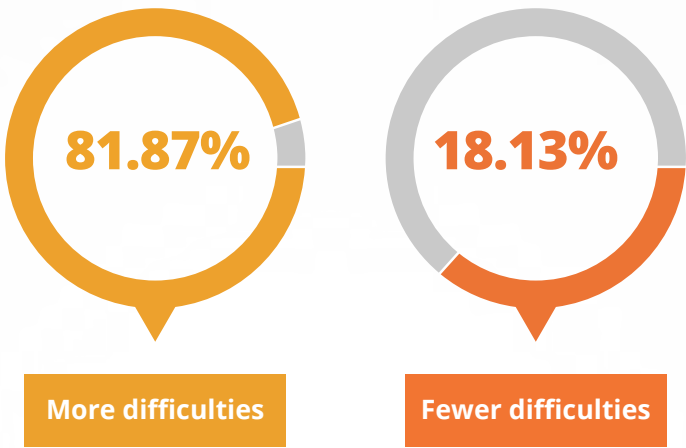
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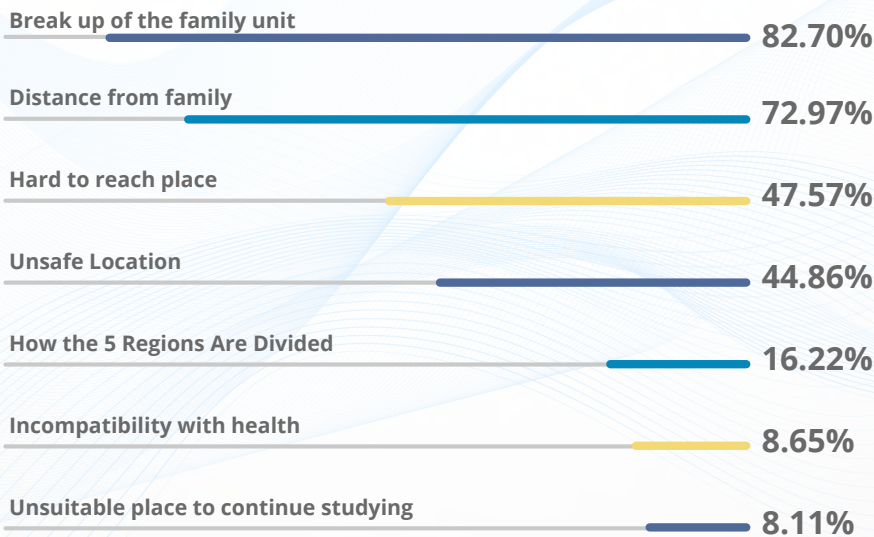
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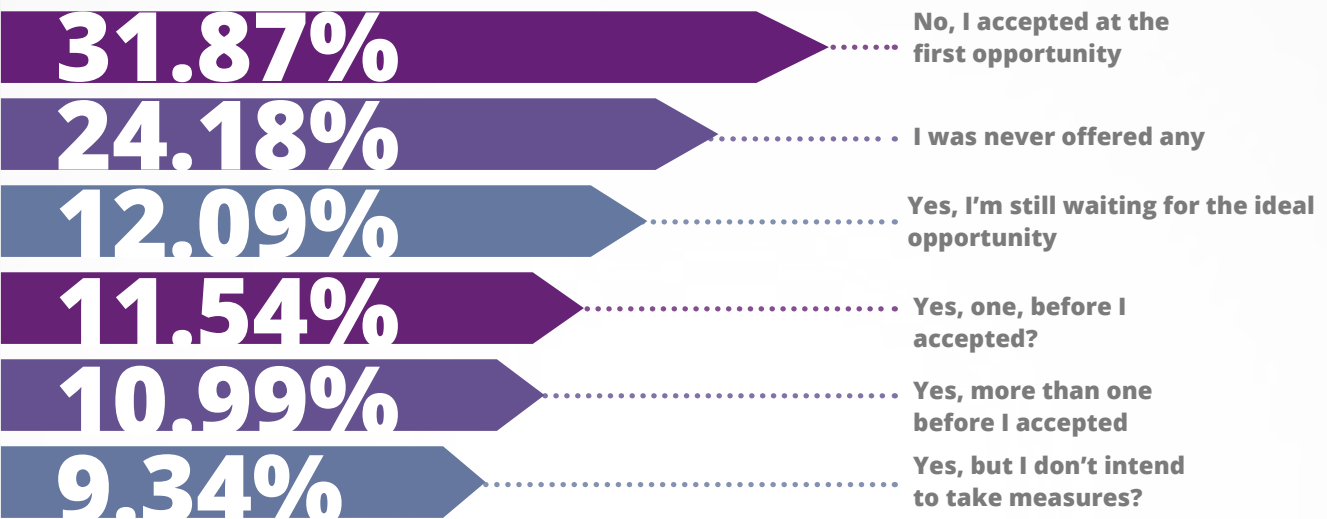
14) Overall, compared to your fellow (male) judges, what do you perceive about difficulties?
With promotion?



15) In your opinion, what factors affect women more than men in relation to promotion?

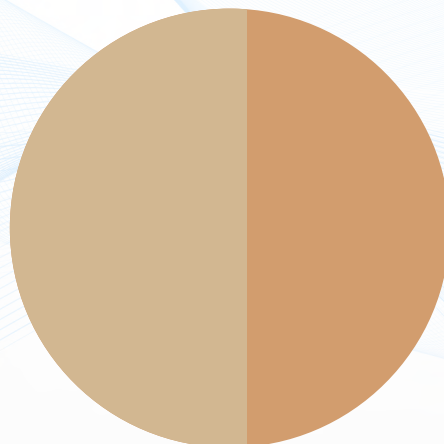


16) Have you ever declined any opportunities to promotion?



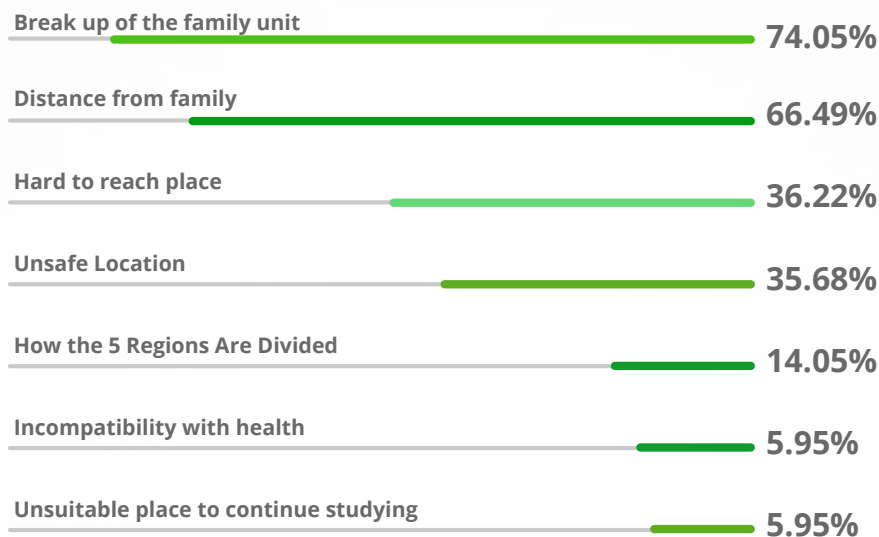
17) Overall, compared to your fellow (male) judges, what do you notice about the difficulties in the transfer process?

51.10%
More difficulties

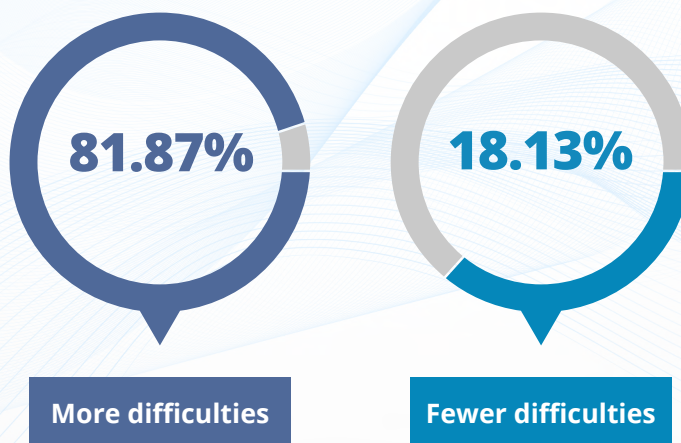


48.90%
Fewer difficulties

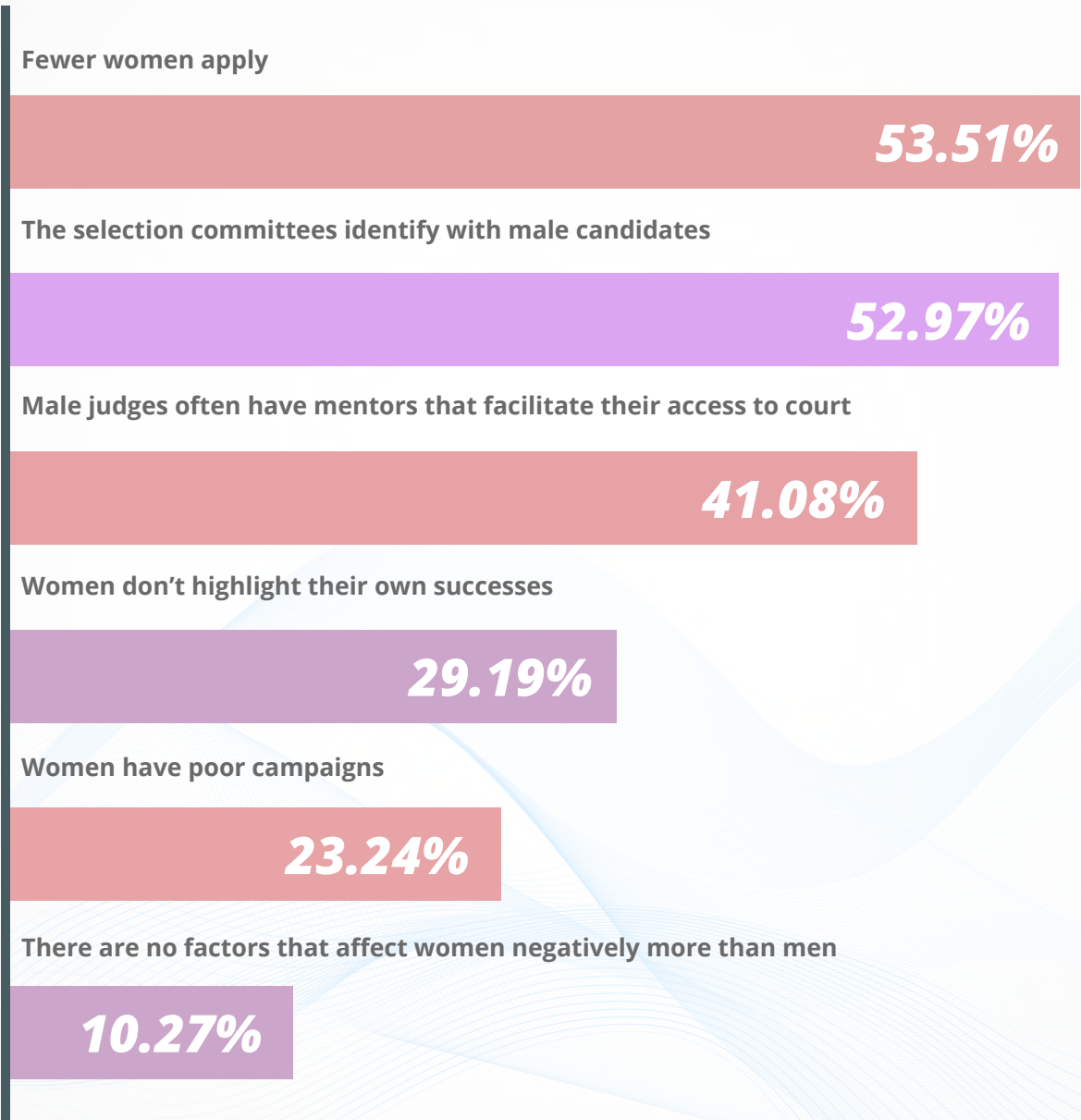
18) What factors do you think affect women more than men in relation to transfers?



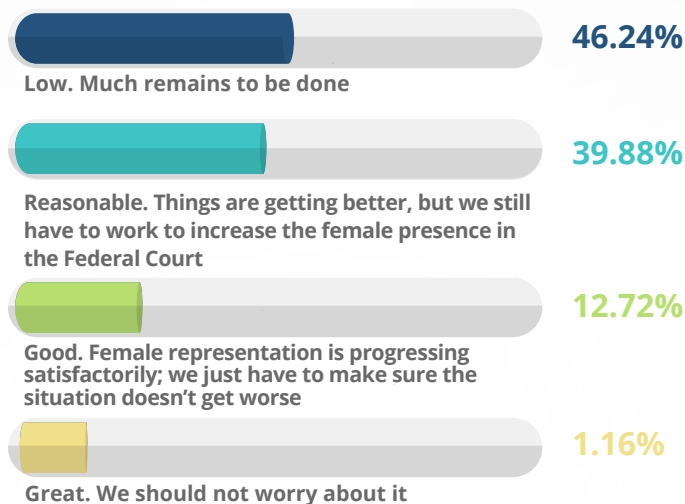
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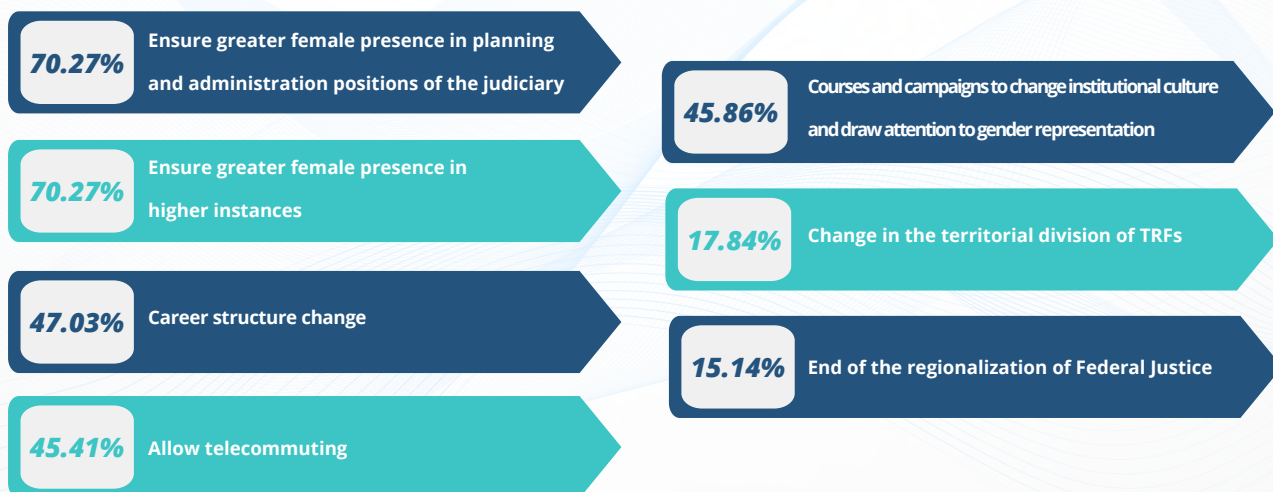
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21) What is your opinion about the representativeness of women in the Federal Judiciary?



22) What measures are appropriate to ensure greater representation of women in the Federal Judiciary?





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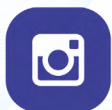
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