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**GENDER EQUALITY
PERSPECTIVES
IN THE JUSTICE SYSTEM
PUBLIC PROSECUTION SERVICE**

COMMITTEE OF THE REGIONAL CONFERENCES OF PROMOTERS AND PROSECUTORS

Raquel Elias Ferreira Dodge

President of the National Council of Prosecution Services and Prosecutor-General of the Republic

Ivana Farina Navarrete Pena

Head of the Human Rights and Collective Protection Unit of the National Council of Prosecution Services (in short SDH/CNMP, in Portuguese)

Cristina Nascimento de Melo

Representative in the First National Conference of Prosecutor-Generals

Valter Shuenquener de Araújo

President of the Commission for the Protection of Fundamental Rights of the National Council of Prosecution Services

Jacqueline Orofino da Silva Zago de Oliveira

Representative of the Working Group on the fight against domestic violence and on the protection of sexual and reproductive rights of the Commission for the Protection of Fundamental Rights of the National Council of Prosecution Services

Dulce Helena de Freitas Franco

Representative of the National Human Rights Group and of the Permanent Commission for the fight against Domestic and Family Violence against Women of the National Council of Prosecutor-generals of the Prosecution Services of the States and of the Union

Ana Teresa Silva de Freitas

Representative of the National School of the Public Prosecution Service

Mariana Seifert Bazzo

Representative of the National Women's Movement of the Public Prosecution Service

Adriana Zawada Melo

Secretary-general of the National Council of Prosecution Services

Angela Salton Rotunno

Representative of the National Human Rights Group of the Permanent Commission for the Fight against Domestic and Family Violence against Women of the National Council of Prosecutor-generals of the Public Prosecution Services of the States and of the Union

Maria Gabriela Prado Manssur Trabulsi

Representative of the National Women's Movement of the Public Prosecution Service

Lais Glauce Antonio dos Santos

Representative of the National Human Rights Group of the Permanent Commission for the Fight against Domestic and Family Violence against Women of the National Council of Prosecutor-generals of the Public Prosecution Services of the States and of the Union

Solange Linhares Barbosa

Representative of the National Women's Movement of the Public Prosecution Service

Valéria Diez Scarance Fernandes

Representative of the National Human Rights Group of the Permanent Commission for the Fight against Domestic and Family Violence against Women of the National Council of Prosecutor-generals of the Public Prosecution Services of the States and of the Union

Maria Clara Azevedo

Representative of the National Women's Movement of the Public Prosecution Service

SPECIAL COLLABORATION

João Akira Omoto

Director-general of the Graduate School of the Prosecution Service of the Union (in short, ESMPU, in Portuguese)

DELEGATION OF THE EUROPEAN UNION TO BRAZIL

Minister Claudia Gintersdorfer

Chargé d'Affaires a.i. of the European Union Delegation to Brazil

Advisor Domenica Bumma

Head of the Political, Economic and Public Affairs Section of the European Union Delegation to Brazil

First Secretary Maria Rosa Sabbatelli

Head of the Foreign Policy Instruments Regional Team of the European Union Delegation to Brazil

First Secretary Cecile Merle

Political Officer of the European Union Delegation to Brazil

Civil Attaché Costanzo Fisogni

Project Manager for the European Union Delegation to Brazil

AUTHOR

Antónia Martin Barradas

European Senior Gender Equality Expert of the EU-Brazil Sector Dialogues

CONTACTS

NATIONAL DIRECTORATE OF THE FACILITY

+ 55 61 2020.8698

dialogos.setoriais@planejamento.gov.br

www.sectordialogues.org

NATIONAL COUNCIL OF PROSECUTION SERVICES

+ 55 61 3366-9100

<http://www.cnpm.mp.br/portal/>

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List of acronyms, initials and abbreviations of the EU Member-States

ACA-Europa	Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DELBRA	Delegation of the European Union to Brazil
DK	Denmark
CCBE	The Council of Bars and Law Societies of Europe
CEAF	Study Center for Professional Advancement
CEPEJ	European Commission for the Efficiency of Justice
CNDH	National Human Rights Council
CNMP	National Council of Prosecution Services
CNUE	Council of the Notariats of the European Union
CSM	Superior Council of the Judiciary
ECLA	European Company Lawyers Association
EE	Estonia
EIGE	European Institute for Gender Equality
EJTN	European Judicial Training Network
ENCJ	European Network of Councils for the Judiciary
ERA	Academy of European Law
ES	Spain
ESPMU	Graduate School of the Prosecution Service of the Union
USA	United States of America
EWLA	European Women Lawyers Association
FEMM	Committee on Women's Rights and Gender Equality
FI	Finland
FR	France
GR	Greece
HR	Croatia
HU	Hungary
IE	Ireland

IT	Italy
JURI	Committee on Legal Affairs of the European Parliament
LT	Lithuania
LU	Luxembourg
LV	Latvia
MP	Public Prosecution Service
MT	Malta
MPDFT	Prosecution Service of the Federal District and Territories
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
ECHR	European Court of Human Rights
TFEU	Treaty on the Functioning of the European Union
ECJ	European Court of Justice
ICC	International Criminal Court
EU	European Union
UK	United Kingdom

A- BRAZIL

The **North, Northeast, Midwest, Southeast** and **Southern** regions of Brazil were the object of analysis in this report. In total, a sample of **263** answers from all the thematic workshops of women who are state and federal level prosecutors and promoters of the Public Prosecution Service from all five regions of Brazil were analyzed for the purposes of this report.

The **Northern Region** encompasses the following regions: Acre, Amazonas, Amapá, Pará, Rondônia, Roraima and Tocantins. The **Northeastern Region**, in its turn, includes the States of Alagoas, Bahia, Ceará, Maranhão, Paraíba, Pernambuco, Piauí, Rio Grande do Norte and Sergipe. The States of Mato Grosso, Mato Grosso do Sul and Goiás are located within the **Midwestern Region**. The **Southeastern Region** includes the States of Espírito Santo, Minas Gerais, Rio de Janeiro and São Paulo. And, finally, the **Southern Region**, encompasses the States of Paraná, Santa Catarina, and Rio Grande do Sul.



1. Workshop methodology of the six Thematic Areas

The diversity among those who make up the Brazilian Justice system, including gender balance, adds knowledge, skills and complementary experiences, while reflecting reality in society. The existing references regarding the participation of women within the context of the careers of the Public Prosecution Service (*Projeto Cenários – CNMP/CPE*) show an imbalanced scenario, particularly in the Northern, Midwestern and Southeastern regions. The general inequality in the composition of the institutions connected to the Public Prosecution Service and the Justice System is pointed out as consequence of the data collection made by the National Council of Prosecution Services (*Conselho Nacional do Ministério Público* or *CNMP* in Portuguese) regarding the participation of women in careers within the justice system in Brazil.

This inequality varies among regions within the country and the type of position held within those same institutions. At the outset, there is an imbalance in the several States between the number of women who are promoters and prosecutors compared to men promoters and prosecutors. Looking at the numbers advanced by the most recent report from the *Cenários de Gênero* Project, **by region**, regarding **the year of 2018**: in the **Northern Region**, we had **598 men** who were promoters and prosecutors, in comparison with **377 women** who were promoters and prosecutors; in the **Northeast** there were **1.498 men** and **1.158 women**. In the **Midwest**, the region had **560 men** who were promoters and prosecutors and only **325 women**. In the **Southeastern Region**, there were **2.502 men** who were promoters and prosecutors, versus **1.690 women**. And finally, in the **Southern Region**, there were **1.169 men** who were prosecutors and promoters in comparison to only **760 women**.

With the purpose of accomplishing gender equality, at the outset, this project has the exchange of good practice and experiences regarding the representation of women in the Public Prosecution Service as an objective; this is in order to identify affirmative actions and to enable a comparative approach of the contexts and challenges lived out in Brazil and in the European Union and its Member States. The discussion on gender equality in these conferences also includes the debate of the measures which promote and value racial diversity in the workplace.

In order to disseminate the issue of a gender perspective regarding the career in a qualified and face-to-face manner, the Presidency of the National Council of Prosecution Services and the Delegation of the European Union to Brazil - EU, developed this project, entitled **“Gender Equality Perspectives in the Justice System – Public Prosecution Service”** (*“Perspetivas da Equidade de Gênero no Sistema de Justiça – Ministério Público”* in Portuguese) with que objective of stimulating dialogue stemming from the five regional conferences which were carried out during the first semester of 2019; there was one in each region of the country and, after the formulation of a diagnosis, the promotion of exchanges between representatives of the Public Prosecution Service/ Nacional Council of Prosecution Services (in short *MP/CNMP*, in Portuguese) and those of the European Union.

Along these lines, the project proposed to promote the exchange of knowledge in the context of the five regional conferences, following the geographical division of Brazil (northern, northeastern, midwestern, southeastern and southern regions). It contemplated the Public Prosecution Services of the 26 States, as well as the Prosecution Service of the Federal District and Territories, following the model used in the successful “First National Conference of Prosecutor-Generals”, which took place on the 15th and 16th of June 2018. The events were organized by the presidency of the National Council of Prosecution Services, with the support of the Head of the Human Rights and Collective Defense Unit (in short *SDH/CNMP*, in Portuguese), as well as the Commission for the Defense of Fundamental Rights (in short, *CDDF/CNMP*, in Portuguese) together with the General-Prosecution Offices at state level - North, Northeast, Midwest, Southeast and South- and with the Delegation of the European Union to Brazil – EU.

The Presidency of the National Council of Prosecution Services (CNMP) opened a selection procedure regarding women interested in participating in each Regional Conference of Promotors and Prosecutors of the Prosecution Service at state level. Each selection procedure had the objective of selecting 100 (one hundred) Promotors and Prosecutors from the several State Prosecution Services.

1.1. Objective of the Workshops

This pedagogical project included support material and texts on equality and gender equality, which were previously discussed with the pedagogical coordination and with the workshop coordinators and *rapporteurs*.

The debates occurred simultaneously in the six workshops, according to previously defined thematic areas, with the mediation of two *rapporteurs* and one coordinator for each thematic area. This was carried out with the purpose of gathering the opinions of women Promotors and Prosecutors on the flow and on the obstacles regarding **career admission, occupancy, internship, professional qualification and career progression**, reflecting on problems, solutions and good practice.

The debates took place in **six thematic areas** related to careers in the form of workshops, with the objective of establishing a reflection in the groups about the thematic areas and their ramifications from the answers to questions which had been previously placed, for the construction of alternatives to the problems which were diagnosed and to propose actions to be carried out on an institutional level.

1.2. Thematic Area Workshops

I. Career admission: recruitment, selection and professional qualification

1. Attractiveness of the career;
2. The Public Prosecution Service: an institution for women?
3. Content of the public notices for the public exams in order to be admitted to the career;
4. Academic activity model program for enrollment and in order to carry out the internship;
5. Quota systems.

II. Working conditions: health, security, and internal and external professional recognition

1. Equal treatment;
2. Labor discrimination;
3. Moral and sexual harassment;
4. Labor and environmental risks;
5. Does being a woman require special conditions?
6. Sorority versus discrimination among women.

III. Internship: institutional policies, courses, professional qualification, training and good practice:

- Necessary specificities;
 - Incentives;
 - Attributions;
 - Specializations regarding skills;
 - Professional qualification- needs; participation difficulties in pedagogical activities, etc.
-

IV. Career progression: criteria, difficulties and equality policies

- Promotions/transfers – necessary specificities with an impact on career progression (maternity and looking after family);
- Professional qualification – criteria for progress and promotion due to merit;
- Occupying facilities with harsh conditions.

V. Career and other responsibilities: Gender and Family

- Career and private life;
- The incomplete revolution: the double shift at home and at work;
- Is it necessary to opt: children or career?

VI. Empowerment, leadership and political and institutional participation: gender equality and equality policies

- Composition of collegiate bodies;
- Participation in coordinating roles;
- Participation in working groups or task forces;
- Participation in panels, conferences, seminars and courses promoted by the Public Prosecution Service;
- Are there some more feminine and other more masculine topics?

1.3. Composition of the Workshops

The Workshops were carried out simultaneously in each group with a: coordinator; two *rapporteurs*; and the other participants who had previously been distributed according to their preferences.

Coordinator: The coordinator had the task of initiating the work to be carried out; explain the rules; control the time of each intervention; propose the questions; stimulate the debate; mediate possible conflicts.

Thematic *rapporteur*: Reported with a focus on the problematization which was carried out, as well as with the proposals and theories presented; previously organized the proposals and theories which were presented or developed; drew proposals and institutional actions from the accounts in the Workshop which were voted in the Plenary meeting.

***Rapporteur of the minutes*:** Reported on what was said with a focus on the subjective accounts presented, the testimonies, and the illustrative facts which were presented (in the format of a descriptive memorial, in the minutes).

1.4. Structure of the Workshops

There were two parts of in the simultaneous Thematic Workshops:

1st part of the Workshops (180 minutes);

2nd part of the Workshops (150 minutes);

a) First part of the Workshops

Opening: Presentation, functioning, time distribution and participation rules – Coordinator and *rapporteurs*.

Time: 20 minutes.

Round of presentations: where you are placed; under which public competition procedure; where you have been; where you want to be; how do you see yourself as a woman in the Public Prosecution Service. 2 to 3 minutes per participant.

15 previously determined participants (approximate number).

Time: 60 minutes.

Questions and debates: questions from each thematic area. Mentimeter.com tool.

Time: 100 minutes.

Questions previously inserted in the tool. Each question was placed and answered in 3 to 4 minutes on the menti.com tool. After the 7 answers were inserted the debate could begin.

Proposals which generated immediate consensus were taken note of so they could be sent to be voted on in the Plenary meeting.

b) Second part of the Workshops

Opening: Coordinator

Time: 5 minutes.

Presentation of the Conclusions of the previous day (Workshop 1): *Rapporteur 1*

Time: 10 minutes.

Problematization: *Rapporteur 2*

Time: 15 minutes.

3 issues maximum + complementary questions

Debates: Proposed issues – debates

Time: 40 minutes.

Voting: Proposals and theories (maximum of 10 per group).

Time: 80 minutes.

Demanded coordination and drafting skills. The proposals were written with verbs in the infinitive and in the form of specific actions with the possibility of institutional implementation or which allowed for effective results.

Voting rules in the groups:

- The time was divided by the number of elaborated proposals, allocating a part to each one of them;
 - At least 2 defences and 2 oppositions were admitted, respecting the previously established time division;
 - The proposals or theories which obtained the simple majority of the votes were considered approved.
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2. Most relevant results from the data analyzed in the Workshop of the Thematic Areas in the five regions:

I. Career admission: recruitment, selection and professional qualification:

Regarding the theme **career admission: recruitment, selection and professional qualification**, the women from the **Northern Region** who responded as to **why they applied for the public exams to be admitted to their career in the Public Prosecution Service**, essentially made reference to the affinity and identification they felt with these functions; they also brought up the fact that they had this career in mind as the ideal career during their youth, as well as the desire to fight criminality and to defend people's rights. The fact that the 1988 Federal Constitution brought new functions was also highlighted by some women as a reason to have chosen to apply to the public exams for this career.

In the **Northeastern Region**, most of the answers focused on the fact that the women considered they had a vocation for the career, or that they had always dreamed of a legal career serving others, as well as their desire for a more just society, guaranteeing compliance with constitutional principles and the defence of inalienable rights; lastly, they also expressed the desire to act and to be active in this context. There were also answers which referred that the public competition for the Public Prosecution Service was the first public exam available after the end of their Law degrees.

In the **Midwest**, most of the answers provided by the women concentrated on the fact they identified with the attributions, ideals and agenda of the Public Prosecution Service. The promoters and prosecutors also referred that they had great sympathy for the way other promoters and prosecutors and teachers who were promoters and prosecutors acted in the performance of their tasks, as well as those in jury court.

In the **Southeast**, several answers concentrated on the fact that the women at stake felt an affinity with the attributions of the Public Prosecution Service, as well as a general appreciation for the justice system. In particular, the promoters and prosecutors stated their interest in collective and diffused rights, the environment, defending human rights and social justice. Other women pointed out the attractive salary and the financial stability provided by the profession, as well as their identification with the work carried out by a specific promotor or prosecutor, or a special interest for the area of criminal law.

And lastly, **in the South**, several women who participated in this group also noted that what motivated them was the desire to provide justice and to fight for the rights of people most in need of support. They also stated a specific interest in the powers of the state Public Prosecution Service which had a social dimension. Again, other participants focused their answers on the fact that this career allowed them a high degree of independence, not only on a financial level but also at a functional level, or also the fact that their internship sparked what they considered to be a calling for this career. Furthermore, they mentioned that they had identified with the scope of action of the Public Prosecution Service, for example, because they learnt about the work of a certain promotor or prosecutor.

When they were asked whether this career had any specific appeal for women, a total of 68,5% of the promoters and prosecutors who participated in the workshops of all the regions responded affirmatively, versus 31% who considered that the career was not particularly compelling due to the fact that they were women.

Dividing up the answers per region, the following results were obtained:

In the **North**, 66,6% of the enquired participants responded that the Public Prosecution Service did not have a specific pull factor from them as women. Several prosecutors and promoters responded that there were no particularly compelling factors for them but, on the other hand, that there were elements which did not stimulate their choice (for example, the balance with maternity, internal challenges, mobility issues, and a lack of infrastructures in court districts). Others pointed out that there were more attractive careers. The remaining participants responded positively that there were appealing elements, such as wanting to change the situation of women, to contribute to the access to justice, and the fact that it was an inspiring career.

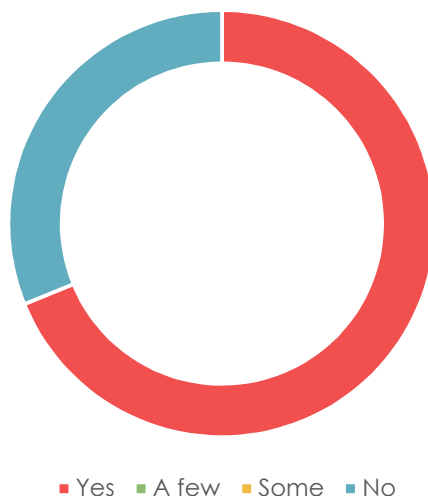
In the **Northeast**, 87,5% of women said yes, that there were specific factors which attracted women to the career, mainly referring the purpose of changing the *status quo*, rendering justice and promoting social change, as well as defending minorities and women's rights. Another enticing facet which was referred was on an economic level, since their salary was financially rewarding.

In the **Midwest**, 66,6% of the promoters and prosecutors pointed out the existence of appealing elements for them as women, referring specifically to the financial independence provided by the profession. Self-time management, functional independence or a greater degree of freedom in their scope of work, as well as job satisfaction were also referred as some of the most appealing elements. And, even when the answers were negative, financial independence was still noted as a reason for interest in the career as well as salary factors and the guarantee of emancipation on a personal and social level, along with respect and credibility.

In the **Southeast**, all participants answered affirmatively, that there were elements of appeal for women, while highlighting in their answers the fact that they could fully use their maternity leave without any salary reduction, the stability the profession brought them, and the possibility of being selected by a public competition procedure with objective criteria based on merit, without the influence of external factors, so that they could carry out their career in this area.

Finally, in the **South**, 57,1% of women also described the existence of "pull" factors, indicating the financial independence factor as an advantage again, as well as the fact that their position as prosecutors or promoters was valued by society. They also mentioned that the working environment in the Public Prosecution Service was more respectful of women on a professional level.

Does a career in the Public Prosecution Service have "pull" factors for women?



As for the question regarding whether women promotors and prosecutors had behavioral restrictions in comparison to their colleagues who were men, 85,7% of the promotors and prosecutors who participated in the workshops of all regions responded affirmatively, versus 13,9% who indicated they did not feel behavioral restrictions when compared to their counterparts who were men.

The division of the answers by region produced the following results:

In the **North**, the women to whom this question was put were unanimous – yes, there were restrictions in comparison with their colleagues who were men – pointing out that those restrictions were essentially regarding behavior, attitude, the need for modesty, as well as authority and respectability. Several promotors and prosecutors also mentioned social pressure as one of the restrictions, and some mentioned limitations in interaction, in the way they spoke and in the clothes they wore.

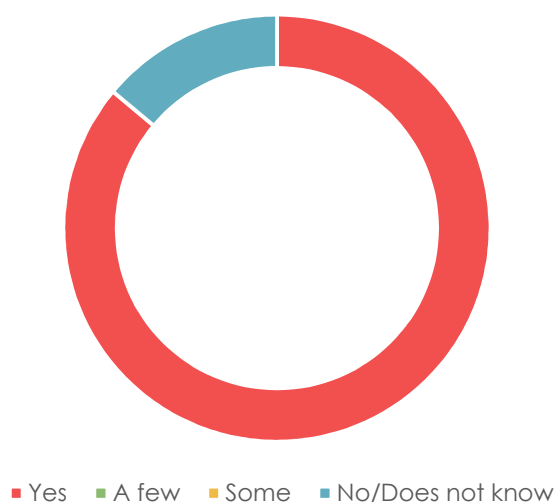
In the **Northeast**, 87,5% of women considered that being a promotor or a prosecutor effectively involved behavioral restrictions in comparison with their colleagues who were men, with explanations ranging from situations of discrimination or constant harassment (mostly focused on their clothes), as well as psychological harassment. Other promotors and prosecutors indicated inappropriate comments regarding their social behavior, love life or sexual life, including, for example, regarding photos on social networks, the way they dressed or even regarding the age of their partner (particularly if the partner was a man and was younger than the woman prosecutor or promotor).

Again, in the **Midwest**, all women who were questioned regarding this issue considered that being a prosecutor or promotor involved conduct constraints in comparison with their counterparts who were men. Accounts were mostly focused on limitations regarding social gatherings, or the socially imposed obligation to dress a certain way. A more severe scrutiny of their general behavior was also referred, as well as the requirement of what was described as an “ultraconservative” social behavior. Restraints due to marital status were also identified by the promotors and prosecutors, particularly due to the fact they were single or divorced. Finally, the women mentioned criticism directed at them because they were married and had to leave work early due to the fact they had children.

The same applied to the **Southeast**, where all the women who were asked this question responded that being a promotor or prosecutor involved a conditioning of their demeanor, unlike their colleagues who were men. Justifications were mostly centered on the fact that they felt their conduct and behavior were observed and judged by their colleagues at work, as well as their clothes and social life in general. Several limitations were pointed out in their respective district courts, and the participants referred that the difficulties in integration in their respective districts had affected the career they wanted to have within the institution.

In the **Southern Region**, 57,1% of prosecutors or promotors who participated in this group said that they did not feel any constraints or that they could not say for sure if behavioral restrictions in comparison with their colleagues who were men existed or not, while 42,8% of the participants said yes, that these limitations existed regarding their conduct. From those who answered affirmatively, statements were centered on the fact that society still demands that women are more reserved than men, and the promotors and prosecutors also referred that this pressure happened more when they worked in smaller court districts in Brazil.

Do you have behavioural restrictions in comparison to your colleagues who are men?



When the participants were asked to make suggestions on **how to increase diversity among the women of the Public Prosecution Service while taking into account race, color, ethnicity and social condition**, the promotors and prosecutors of the **Northern** region pointed out the need to promote inclusion, attract women and to ensure diversity. The organization of conferences, the dissemination of this issue in Academia, the Public Prosecution Service and in the media were also suggested; finally, the need to comply with the law where diversity issues were concerned was also pointed out.

In the **Northeast**, several answers went in the direction of implementing a quota system, namely, racial quotas, as well as to guarantee parity and equality. Other suggestions were also made, such as strengthening the participation of women in the bodies of the Higher Administration of the Public Prosecution Service, as well as the existence of courses to reassert affirmative actions, with a 50% placement guarantee for women in the teaching body and 50% places for women to study in these courses. They also recommended allowing promotors and prosecutors to carry out their duties without conflicting with other encumbrances, through concrete and regulated measures. Lastly, the need to work on diversity issues was underlined regarding the members of the Public Prosecution Service, so that

they were effectively upheld, as prejudice from members and public servants within the institution affected selection procedures.

In the **Midwest**, several answers went in the direction of the need to rethink evaluation criteria, for example, in the public competition procedures for the Public Prosecution Service (with quotas, places in public competitions and special timetables for women). Other participants referred the need to comply with the resolution of the Public Prosecution Service regarding the admission of people of African descent to the institution, as well as the fact that it was important to foster diversity (for example: in the panels for public competition procedures) and for the existence of institutional policies to eliminate racism (for example, the creation of a unit to work on diversity issues). The possibility of enacting discussion strategies in the various bodies of the institution and the possibility of increasing powers or responsibilities to fight discrimination and to promote human rights were also raised.

In the **Southeastern** region, the most frequent suggestions focused on the existence of quotas for people of African descent, as well as the existence of more affirmative actions within the institution. The need for human rights to be a part of the public competition procedures was also referred to, as well as the necessity for human resources to be prepared for diversity. Lastly, the issue of it being essential to give voice to those already occupying these spaces within the Public Prosecution Service was also pointed out, namely, people who have already broken down certain barriers regarding diversity (for ex. regarding their sexual orientation), in order to enable them to participate in the panels for the public competitions to enter the career.

Finally, in the **South**, many propositions were directed at the need for more debates and gatherings to allow for a discussion around the topics of race, color, ethnicity, social condition, and the need to stimulate the dialogue to strengthen the institution in itself. The participants also recommended that the initiative was taken in order to advertise the work developed by the Public Prosecution Service on these themes, as well as for the dissemination of its attributions. The promoters and prosecutors also suggested handing out scholarships based on race, color, ethnicity and social condition, as well as the possibility of quotas for the preparation course to enter the Public Prosecution Service. Lastly, the women also raised the possibility of preparatory courses of the Public Prosecution Service focused on these particular groups.

As for the question related to the adequacy of the public competition procedure for women in order to enter the career and the internship period, in 50% of the answers from all 5 regions women considered the public competition procedures and the internship to be adequate, versus 30,6% of the answers, where the promoters and prosecutors considered they were not adequate.

In the **Northern Region**, in 50% of the answers, the women noted that the public competition procedure in order to enter the career was somewhat adequate, as it depended on the organic law of each State. Some of the participants suggested the need for specific modules in the training courses for women, as well as others which approached topics around psychological issues, in order to prepare promoters and prosecutors to face potential difficulties in their respective district courts.

However, 33,3% of answers indicated that the procedure to enter the career and the internship were not adequate nor were they focused on women and on the particular needs involving their scope of work, as it did not explain the difficulties they faced; with regard to the internship, it was also mentioned that there was a need the immediate effectiveness of their full qualification to act. The lack of a standard period of time and subjects for training courses was also mentioned.

As for the answers which considered the public competition procedure and internship procedures to be adequate, it was mentioned that women did not jeopardize their length of service regarding the seniority criteria for the purpose of being considered fully qualified, as the only period of time which was the object of suspension was the period for the internship.

In the **Northeast** most women responded affirmatively to this question (62,5%). On the other hand, 25% of the participants answered that the public competition procedure and the internship were not adequate to women, highlighting, for example, that the issue of gender inequality should be a part of the content

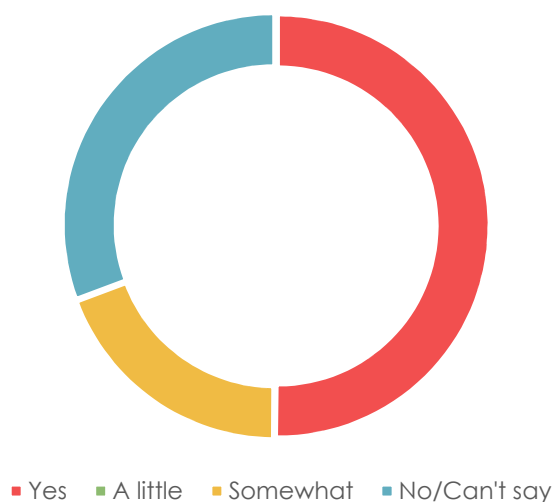
of the programmes, and that the course in order to enter the career should be longer than a month. These promoters and prosecutors also pointed out that the training should be ongoing until the moment they are fully qualified, with special attention given to gender issues. The other 12,5% of the statements produced by the participants were centered around the fact that in the moment of enrollment at the beginning of their careers only domestic violence was seen as a gender issue, and also pointed to the absence of an approach to topics such as psychological or sexual harassment, and the fact that most of their instructors were men.

Most of the participants who were asked this question in the **Midwest** responded that the public competition procedure to enter the Public Prosecution Service as well as the internship were not adapted to women (83,3%). Most of the answers highlighted that the institution did not take their specificities into account, namely, in what concerned pregnancy, breastfeeding, and care for children and other relatives. The fact that the course did not involve a gender perspective was also mentioned.

As for the **Southeast**, 50% of the women who were asked this question also pointed out the inadequacy of the public competition procedures and the internship, while 33,3% of the promoters and prosecutors stated that the courses in order to enter and to remain in the career were only "somewhat" adequate to women. Most of the negative answers focused on the fact that it was necessary to foster and establish an adequate representation of women, not only in the evaluation and entry course to the career, but also in the internship course period. The participants who considered the internship only "somewhat" adequate mentioned the need for the existence of more activities directed at the integration of women, and also the possibility of a Gender Commission, for example.

Lastly, in the **South**, 71,4 % of the women responded affirmatively that, in general, the public competition in order to enter the career and the internship were adequate for women, as they considered the that entering the career after the internship period and evaluation was in itself a guarantee that they could act as promoters and prosecutors without being subject to any pressure. However, the participants pointed out that they considered that the internship period might not be adequate to women with children, having suggested that the necessary adjustments be made to the internship course where pregnant women were concerned. The promoters and prosecutors also mentioned the need to enhance the internship programme so it could foresee gender issues.

Is the internship programme adequate for women?



II. Working conditions: health, security and internal and external professional recognition

As for health, security and internal and external professional recognition, when they were questioned on whether being a woman required special conditions for the job, 97,7% of the promoters and prosecutors globally answered affirmatively in the 5 regions, in comparison to only 2,2%, who said no.

In the **Northern** Region, promoters and prosecutors were unanimous in their opinion that being a woman required special conditions for the job. One of the main reasons which were presented were the physical conditions of women and their gender specificities, which required a differentiated analysis and special working conditions. Particular needs according to specific health conditions were also mentioned, such as pregnancy, maternity (for ex. breastfeeding), as well as security issues, particularly regarding bathrooms and other restricted areas. The “double shift” of their profession and an excessive workload at home were also pointed out in this context.

In the **Northeast**, all the participants said yes. The justifications were centered mostly around the fact that those promoters and prosecutors who were asked this question considered women were different than men for biological and hormonal reasons. Health issues were also referred to, particularly psychological issues such as depression and isolation in their early career due to the distance from their families, and due to maternity. Finally, situations related to their children were pointed out, as well as the fact that personal life overloaded women, particularly with regard to the family, home, and even concerning emotional issues and their own wellbeing.

Also, in the **Midwest**, when they were questioned on whether being a woman involved special conditions for the job, all the promoters and prosecutors responded affirmatively. Explanations were mostly around the fact that women had certain specificities (physical, psychological, personal, emotional and biological) which should be considered, under penalty of perpetuating the fact that women were forced to abandon their professional aspirations. Problems regarding maternity, particularly breastfeeding, were also referred, since they were viewed as factors which created difficulties in being substituted in distant district courts. The fact that women were overburdened with their jobs and housework was also mentioned.

Once again, in the **Southeast**, almost all the women responded affirmatively (88,8%). Situations involving maternity, particularly in what concerned breastfeeding, were pointed out again, as well as the need to be away from work in order to benefit from maternity leave, which often occurred without institutional support. The specificities related to the work of the promoters and prosecutors were also highlighted, such as different “roles” outside work, with so-called “double” and “triple shifts”, frequently involving added responsibilities with children. The participants also mentioned that they needed more flexibility in the management of their day-to-day lives, precisely since many of the promoters and prosecutors had children. Harassment cases in an institutional context were also referred to.

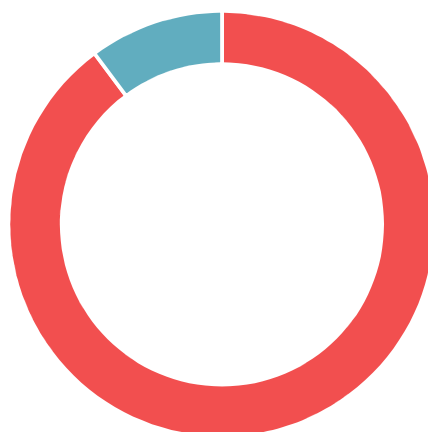
Lastly, all the women who were placed this question in the **Southern Region** also answered affirmatively when they were asked if being a woman involved special requirements for the job. Responses were particularly directed at the fact that the participants considered that these special conditions were related to issues regarding their children, mostly when they were young, as well as issues related to maternity in general, for example, the need for spaces in the workplace which enabled breastfeeding.

The need to care for older relatives was also raised as an issue, as well as relatives with special needs, who were frequently the responsibility of women. Participants pointed out that this involved so-called “double” and sometimes “triple shifts”, also stating that the fact they carried out domestic chores required solutions for these specific situations, namely differentiated working conditions. The possibility for daycare centers which

were closer to the workplace or the existence of specific breastfeeding periods during the workday were raised as a possibility.

Lastly, promoters and prosecutors pointed out that with better working conditions women would be able to combine their family and labor situations, and thus take on new responsibilities in their careers in the Public Prosecution Service. This could also encourage them to make decisions to take on new challenges on a professional level.

Does being a woman require special conditions for the job?



■ Yes ■ A few ■ Some ■ No

When they were asked whether they had suffered or witnessed maninterrupting, mansplaining, or gaslighting in work meetings (inside or outside the Public Prosecution Service), 85,6% of the enquired women of the 5 regions answered affirmatively.

In the **Northern Region**, all the women said yes regarding this question. As for their reactions in these situations, several participants stated that they said they did not want to be interrupted, excused themselves and continued talking, or tried to fight back. Other promoters and prosecutors stated having been so shocked they were unable to respond or were incredulous during the hearings, and that judges interrupted them, corrected them in a subtle manner, or advanced unnecessary explanations.

The percentage of answers where women said yes was also high in the **Northeast**, as 80% of the women responded affirmatively, while 20% said that they did not suffer or witness maninterrupting, mansplaining or gaslighting in work meetings. Within the range of those who did, prosecutors and promoters mostly referred to having witnessed chauvinistic comments, not only inside but also mostly outside the Public Prosecution Service. The women who were asked this question pointed out that they were the direct victims of these phenomena in general. Most of the reactions reported were incisive, as the women at stake stated that they automatically demanded respect and imposed their stance, pointing out that they did not want to be interrupted.

In the **Midwest**, the percentage of women who stated having suffered from or having witnessed *mansplaining*, *maninterrupting* or *gaslighting* was lower than the other two previous regions (62,5%). On the other hand, 37,5% of these promoters and prosecutors answered that they had not been victims of these situations. Among those who were, some reported having witnessed and having suffered from this, particularly in the form of mansplaining and gaslighting, not only inside but also outside the Public

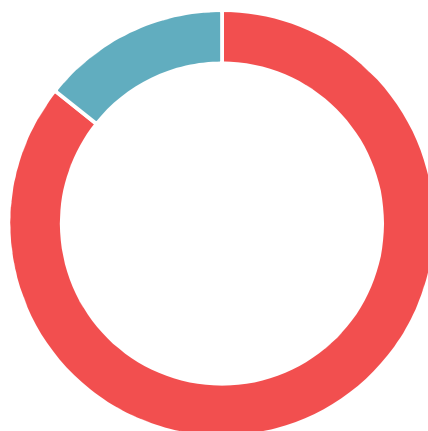
Prosecution Office (mostly in the context of the judiciary). Examples were provided of prosecutors who were men that mocked women from a certain institution, considering them mentally unbalanced and making subjective evaluations of these women promoters and prosecutors; this did not occur regarding men promoters and prosecutors. The reactions reported by the participants ranged from having opted to respond in a calm manner, to contest with strong verbal arguments, to request to speak again, or to try to express themselves better when they replied.

In the **Southeast**, just like in the Northern region, 100% of the answers from the promoters and prosecutors were affirmative. Most women pointed out that these situations occurred frequently, considering them recurring behaviors and that they were often purposefully ignored. The participants noted that they did not only witness but also suffered from these behaviors several times, not only in the beginning of their career, but also all throughout their professional path (even when they got to the “top” of their career). Lastly, one of the worst factors involved in these situations was the fact that the promoters and prosecutors at stake tried to intervene, but were unsuccessful, having reported they felt undermined, and opted not to respond in some cases. In the cases where the participants decided to react, they referred having responded back in an assertive manner, or having called the Prosecutorial Council. However, these women pointed out that, even speaking firmly, they saw that even their opinions did not have the same weight as those of the men involved in those situations, even when they were technical.

In the **Southern** region, once again, a majority of 85,7% of the women responded they had suffered or witnessed mansplaining, maninterrupting or gaslighting, not only inside but also outside the Public Prosecution Service. An example of maninterrupting was provided in a meeting which had only men in it, and promoters and prosecutors also mentioned that these situations occurred tendentially in the interior of the country. When they were questioned about how they reacted, their answers were divided, and the women reported several types of reactions: in a first group of answers the participants referred having reacted in every situation which occurred. Some of the women pointed out the fact that they were interrupted, having asked for more time to speak, for example. Others mentioned that, when men stole their ideas, they made a point of making it clear that they were theirs, and that they had previously commented on them with their colleague.

Another group of answers focused mostly on the fact that the promoters and prosecutors remained silent, not being able to react. The maximum they could say was that they had said exactly the same thing that their colleague who was a man had said in that situation. Lastly, in a third group of answers, the participants gave the example of having reacted by taking the microphone and questioning the promotor or prosecutor on the matter, which the colleague at stake was unable to answer. Other women mentioned having waited until their colleague finished speaking, and then highlighted the situation, informing that they would be starting again, and asking people to let them finish.

Have you witnessed or suffered from interrupting, mansplaining or gaslighting in work meetings?



■ Yes ■ A little ■ Some ■ No

When questioned on whether they considered if the working hours and workload in the Public Prosecution Service impacted differently on women and men, 98,1% of the answers of the promoters and prosecutors were affirmative in all the 5 regions which were analyzed.

In the **Northern** Region, affirmative responses by prosecutors and promoters were unanimous. The participants pointed out the “double shift” for women (at home and at work) again, noting their extra family duties and the overload of household work they faced.

In the **Northeast**, a great number of participants (equivalent to 90,9%) also said yes, that they considered that the working hours and workload of the Public Prosecution Service had a different impact on women and on men. Of the answers which were collected, most of the participants considered that they accumulated their work hours and their house chores, responsibilities towards their children and personal life, as well as other domestic duties and activities. They highlighted the burden they felt regarding the so-called “double shift” because they were women, and that they considered they were busier than men due to gender issues and cultural reasons. As possible solutions, these women suggested remote working and flexible working hours.

In the **Midwest**, all the promoters and prosecutors answered affirmatively. Most referred that women had other household chores, pointing out many activities. They pointed out that this “double shift” (work and kids) left them no time for physical or social activities in comparison with men, point out that men had time to have a personal life, frequently working exclusively for the institution and not taking on domestic duties.

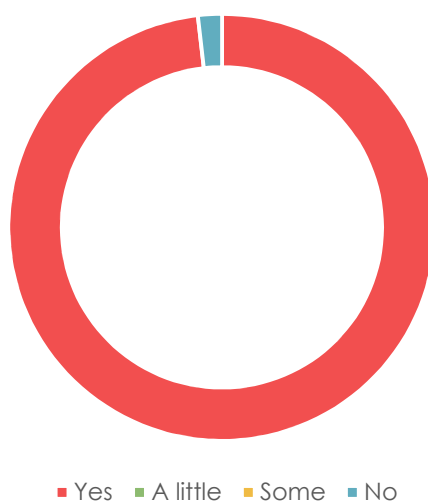
In the **Southeast**, once more, the women were unanimous, as they evaluated that their working hours and workload in the Public Prosecution Service had a different impact on women and men. They mentioned the fact that they considered they spent on average 8 to 10 hours more a week on domestic chores and activities than men. Their responsibilities regarding their family, their house, and excessive working hours made it hard for them to make this compatible with work. The women also pointed out that, even though they considered that men promoters and prosecutors had the same “mental burden” at work as them,

they did not have the same obligations outside work, as they did not assume responsibilities regarding the household.

Lastly, some of the participants stated not knowing how to solve this buildup of chores, as they saw themselves in this "double shift" but they were not able to reduce their working hours or their workload. They also mentioned that, consequentially, their family life was jeopardized. One of the proposed solutions in this group was the possibility of a system of working from home.

Lastly, all promoters and prosecutors also answered affirmatively in the **Southern** region. In their answers, participants pointed out the "double and triple shifts" women faced, cumulating not only family commitments but also other social duties with work. They also referred that, culturally, more chores were attributed to women, who generally were in charge of caring for the children, which made them less available for work in comparison to their promotor and prosecutor colleagues who were men. In conclusion, the participants in this group stated that the reality was that their effective working hours and workload at the Public Prosecution Service had a different impact on women and men. Therefore, they suggested a negotiation of solutions for this problem between women and men who were promoters and prosecutors.

Do working hours/workload have a different impact on men and women?



53,2% of women promoters and prosecutors who were asked if their age interfered with their internal and external professional recognition answered affirmatively, while 19,2% said no.

In the **North**, 44,4% of women said their aged didn't interfere with their internal and external professional recognition, either because they never felt such that kind of interference (including when they were younger), or because they had not felt it up to the moment when they answered this question, or because they started their career at an older age. On the other hand, 33% of women considered that their age interfered in their career when they were younger and that for this reason it was difficult to be respected while carrying out their functions.

In the **Northeast**, 72,7% of the participants who were asked if their age interfered with their professional internal and external recognition answered yes. They pointed out that young women were tendentially considered incapable or inept for the functions they were carrying out and were also discredited due to the fact they were seen as lacking experience. Women referred that the mere fact that they had a

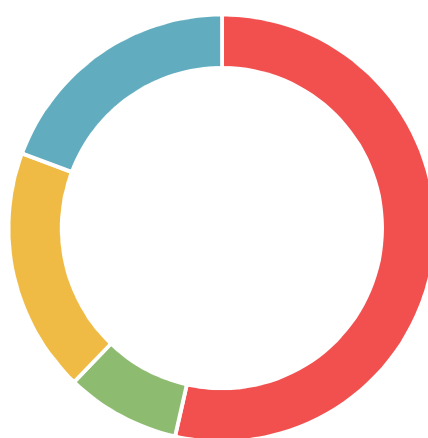
youthful appearance was interpreted as being synonymous of incompetence. On the other hand, it was also referred that the competence of older women was also questioned (older persons were generally designated as “Jurassic”). It was also mentioned that older women were considered “outdated” and were even questioned regarding the reason they had not yet retired.

In the **Midwest**, 50% of the participants responded affirmatively, mentioning it was harder to accept younger promoters in positions of power (for ex. from the part of the population), and that there was prejudice as it was considered they did not have enough experience due to their youth; it was mentioned again that their appearance led to them being treated as immature. Some of the promoters and prosecutors pointed out that they had been discriminated at the beginning of their career but were progressively respected as the years went on in their career.

In the **Southeastern** region, an inferior percentage of women (37,5%) responded that their age effectively interfered with their recognition, pointing out that younger people had more internal than external recognition, as society in general and external entities (such as judges and lawyers) doubted their competence, particularly in their early career. However, promoters and prosecutors pointed out again that they were not respected by their colleagues who were men due to the fact that they looked younger, even though this was not the case. Another 37,5% of the participants explained that currently their age did not interfere with their professional internal and external recognition, but when they were younger this did occur; according to their statements, being young was a factor of mistrust regarding their competence on the part of other professionals when they entered the career.

Lastly, 85,7% of promoters and prosecutors in the **Southern** region who were questioned on whether their age interfered with their professional recognition on an internal and external level responded affirmatively. The explanations presented by the participants were centered on the fact that youth was associated to inexperience in the case of women, particularly in the external context. However, it was also pointed out by these women that prejudice also existed when promoters and prosecutors were older, as was the case when women were asked why they did not retire due to their age. The existence of very conservative men promoters and prosecutors in the new public competitions for the Public Prosecution Service was also mentioned.

Does age interfere with internal/external professional recognition?



■ Yes ■ A little ■ Somewhat ■ No

When they were questioned regarding whether they felt at ease to perform typically masculine tasks, 92,7% of women promotors and prosecutors from the five regions which were analyzed responded affirmatively, while only 7,2% said they didn't feel comfortable carrying out these chores.

In the **North**, when questioned if they felt at ease to carry out these activities, most women– 88% - said yes, with “no problem”, and some of them stated that they did not believe in the existence of “masculine tasks”.

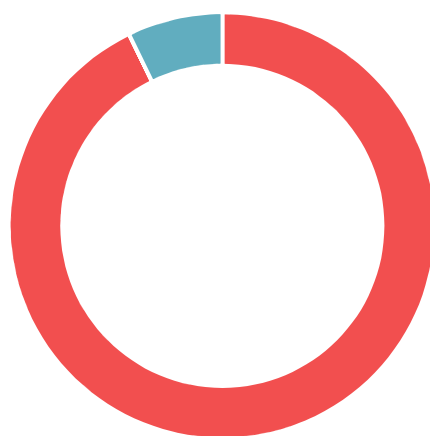
In the **Northeast**, women were unanimous in their affirmative responses, and some pointed out that they felt completely at ease to carry out these activities without any difficulty. The argument that there were no masculine tasks also appeared in this group.

In the **Midwest**, when questioned on whether they felt comfortable performing typically masculine tasks, 87,5% of women said yes, and some of the participants said they carried out these duties even when they felt there was prejudice against them in doing so. Other promotors and prosecutors pointed out again that both women and men are prepared to perform the same tasks, even with one or other physical limitation which may represent a barrier for women; the participants even mentioned the existence of activities considered to be “masculine” which they were not “authorized” to perform.

In the **Southeast**, 87,5% of the promotors and prosecutors responded affirmatively (exactly the same percentage as in the Midwest). In several answers, the women highlighted that they did not feel any constraints or difficulties, and that they did not see anything which differentiated women and men in carrying out any kind of activity within the institution; some of the participants noted their preference for political cases, as well as other more complex activities. They reiterated that the concept of “masculine activities” was a cultural concept, and that women could gain ground in demonstrating that there were other ways to perform tasks, sometimes in a more effective way than the ones used by men. The issue of discrimination was also brought up. Women considered this something typical in the Public Prosecution Service, and pointed out that they were subject to discrimination when, for example, they were asked to perform certain tasks that, in their opinion, were attributed to them due to the fact they were the only woman present (for example, to write the minutes of a meeting).

Lastly, in the **Southern Region**, when they were questioned regarding if they felt comfortable carrying out typically masculine tasks, all the answers of the group in question were affirmative. The promotors and prosecutors of this group also mentioned the fact that they considered they could do anything men did.

Do you feel comfortable carrying out typically masculine tasks?



■ Yes ■ A little ■ Somewhat ■ No

Still in the context of this theme, at a moment where there is a debate regarding **working conditions, health, security and internal and external recognition**, several suggestions were made in the **Northern Region**.

The first topic which was debated was on how to deal with the fact that **the specificities related to gender issues regarding women members were often invisible for the Higher Administration of the Public Prosecution Service**. The need for regulation on the part of the Public Prosecution Service was pointed out regarding these problems, as well as the promotion of the participation and increased awareness of administrators and colleagues in relation to these subjects. The need for more attention regarding women's health issues (for ex. illness, pregnancy, children), as well as the need for multidisciplinary teams of psychologists, doctors and social workers was also referred.

The **absence of regulation on the part of the Higher Administration of the Public Prosecution Service regarding the specific health situations of their women members and their close family** was also approached in the debate, and the need for regulation was pointed out again to avoid women being at the mercy of administrators (for ex. in situations of pregnancy, breastfeeding, or serious illness).

As for the **need for the physical adaptation of the workplace to attend to gender specificities regarding women members**, once again, the suggestions ranged from the need for more physical security (for ex. specific bathrooms, more private and safer spaces for women), as well as the adaptation of spaces for breastfeeding and pregnancy situations, as well as the need for so-called "kid spaces".

Regarding the **need to foster the debate between members of the Public Prosecution Service to include gender equality issues**, recommendations varied from the need to detect hidden harassment situations to the creation of the internal means to receive complaints. In this context, the setting up of specialized commissions within the Public Prosecution Service was also suggested regarding situations of sexual abuse and harassment. The importance of support being given by psychologists and social workers to these victims was also highlighted, as well as the dissemination of information of general interest among coordinators who were men.

Lastly, the issue of the **absence of institutional policies focused on the preservation and funding for the good health of the members** was also debated, and in this context the suggestion of the creation of a specialized multidisciplinary team with psychologists, social workers and doctors for specific women's issues came up again.

III. Internship: institutional policies, courses, professional qualification, training and good practice

As for incentives, professional improvement, further qualification and training in the context of remaining in the career, when they were asked if they had considered giving up as promotor or prosecutors, 64,5% of women of all the regions combined said yes, while 35,4% said that they had not considered giving up their career.

In the **North**, 90% of the participants who were asked this question answered affirmatively. The reasons brought forward were mostly to do with the lack of infrastructures and of quality of life at the workplace (for ex. in the interior of the country), and also due to family, personal, or relationship reasons, as well as those related to the needs of their children (for ex. academic reasons). Distance (for ex. from the family) and the lack of mobility from the workplace were also referred to as reasons for promotor and prosecutors to consider quitting. The women of this group also mentioned the lack of perspectives and the delay in promotions as factors which made them consider giving up their career. As for the reasons

which made them stay, the desire for the search for justice came up, as well as the promotion of social change, or the will to contribute to the Public Prosecution Service and to carry out changes in their own institution. A calling for the career or the urge for new challenges, as well as the support provided by the administration were also mentioned as motivational factors for the promoters and prosecutors at stake to remain in the career.

In the **Northeast**, 54,5% of the women said they had not thought of giving up their career, while 45,4% stated they had. As the main justifications to remain, the promoters and prosecutors pointed out that they considered the career a life mission, a job that allowed for personal fulfillment and that enabled them to contribute to reduce social inequalities. They also highlighted that their greatest challenges involved dividing their time with their family and the postponement of maternity. It was even referred that this career option affected their pregnancies and led women to not want to have more children, or that it hampered adequate attention to their children. As for reasons to give up, the main ones focused on the lack of physical conditions to reach their workplace, as well as its lack of infrastructure.

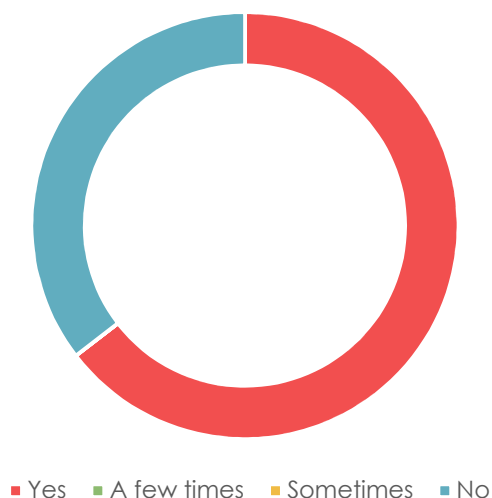
In the **Midwest**, all the promoters and prosecutors responded that they had thought of giving up their career. The main reasons pointed out were the sacrifices involved in order to carry out their functions, while balancing family life with work life, namely, the distance from their families. The participants also stated that there were other sources of pressure, like the fact that their workplace was in the interior of the country, or psychological pressure, referring episodes of anxiety and depression. As for their motives to remain in the career, answers were divided in 3 different areas: the salary and financial stability provided by the profession, the possibility to contribute to social transformation through the Public Prosecution Service, and vocation.

Contrarily, in the **Southeast**, 87,5% of the participants said they had not thought of giving up their careers. However, they did refer that the idea crossed their minds in certain moments, and there were women who mentioned they did not think of it simply because they saw no other career option. Other promoters and prosecutors pointed out the fact that they always liked the profession, but they had felt difficulties engaging their colleagues around human rights causes, for example. Lastly, some of the participants pointed out that giving up their career would be to abdicate from their dream to provide justice. Therefore, it was not an option in their particular case. As for their reasons to stay in the profession, on one hand, a certain degree of resignation was mentioned and, on the other hand, participants pointed out the existence of moments of personal fulfilment that motivated them to remain in the career.

Lastly, in the **South**, when they were asked if they had thought of giving up their careers as promoters and prosecutors of the Public Prosecution Service, 75% of the promoters and prosecutors said they had not thought of doing it. Nevertheless, even though the women in this group referred they had never thought of abandoning the profession, they did mention that they sometimes thought of acting differently, for example, in a more contained manner. The participants of this group also pointed out that their will to carry out their duties in a passionate manner (which they felt they had sometimes lost) came back when they found out about the possibilities of success that their work at the Public Prosecution Service involved.

As for the participants who responded that they had thought of giving up their career, some mentioned they had felt like giving up at the beginning of the career, for example, due to the fact they wanted another profession, while others reported more serious situations involving the loss of family members, which were also referred as reason for some of the participants to quit the profession.

Have you thought of quitting the Public Prosecution Service?



And when they were asked about the reason they did not retire before the age for retirement, 43,1% of the answers of women from 4 of the regions (Northeast, Midwest, Southeast and South) were focused on the fact they wanted to continue to contribute to the work of the Public Prosecution Service. In the answers with the next highest percentage (40%), the participants stated that they had not completed the necessary time to retire yet, and that this criteria did not apply to their situation; other women pointed out that their current working conditions did not allow them to retire.

In the **Northeast**, the larger percentage of the women who were questioned (40%) stated that they wanted to continue working. The main justifications were based on the fact they still felt able to work even when they could retire, as well as the desire to contribute to the Public Prosecution Service and to defend justice. The promoters and prosecutors in question also pointed out that they still had professional dreams they wanted to fulfill. In the group of answers which gathered the next higher percentage (30%), the women noted that they still had not completed the necessary time to retire or that they had just started their career. Lastly, 20% of the participants said they had more availability and time nowadays than before due to the fact their children were already out of school/college.

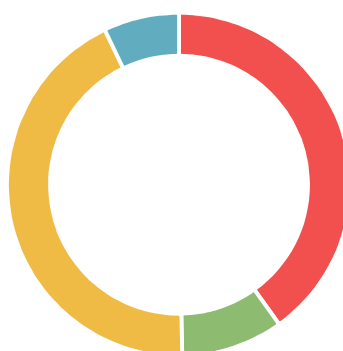
In the **Midwest**, the larger percentage of women who were asked this question (42,8%) mentioned that their current working conditions did not allow them to reach the necessary age for retirement, whether it was due to health reasons or other reasons, such as the sacrifices required in what concerned their personal life. Some of the promoters and prosecutors referred they were considering this possibility, and others pointed out that they would retire on the condition that they had their full salary and/or more quality of life.

In the **Southeast**, the larger percentage of the participants (62,5%) stated that they never thought of retiring before retirement age, or that this option did not interest them, as even if they completed the requirements, they did not think of doing so. Other promoters and prosecutors pointed out that, even if they could, they would not do it because they considered they still had a lot to achieve and to accomplish in their careers.

Lastly, in the **South**, the answers of the women were split in two groups (50% of answers from each group). The first group referred they wanted to continue to contribute as a justification not to retire before retirement age. The participants also pointed out the fact that they loved what they did as promoters

and prosecutors, and that they had no intention of giving up as they considered having a calling for the profession. Other women mentioned they were not interested in retiring so soon; the example was given of a promotor/prosecutor who could have retired 10 years ago but who still felt she could continue to contribute to the Public Prosecution Service, so she was thinking of working up to such a time where she considered she had nothing further to give to the institution. The second group of answers (equivalent to the other 50% of the participants) focused on the fact that the promotors and prosecutors in question had not completed the necessary career time for early retirement to be possible.

Why didn't you retire before retirement age?



- Does not apply/did not complete time/current conditions don't allow it
- Lack of options/only if full salary is provided
- Wants to continue to contribute/more available now
- Is considering it

When they were asked why they remained in the career having completed their necessary period for retirement, 57,8% of the promotors and prosecutors from the five regions pointed out they wanted to continue to contribute. The other 35,2% noted they had not yet completed the necessary time for retirement or that they were waiting for retirement age, and so that specific criteria did not apply in their case.

When this issue was approached in the **Northern Region**, 40% of women referred that they had not completed the necessary time to retire, while another 40% stated they wanted to continue to work. The will to remain active, personal balance and the difficulty to begin again in another professional area were some of the main justifications these promotors and prosecutors put forward in this group. The remaining 20% of the answers were focused on the fact that financial reasons influenced their option to remain in the career after these participants completed their time for retirement.

In the **Northeast**, 63,3% of the answers were that they remained in the career after they completed their time for retirement due to the fact they wanted to continue to contribute to the work of the Public Prosecution Service. The motives stated by the participants were not only wanting to continue to contribute but also the fact that they felt motivated and able to continue to serve due to the fact they enjoyed work, and for personal fulfillment reasons as well. On the other hand, 36,3% of promotors and prosecutors referred not having had the opportunity to complete the necessary time for retirement.

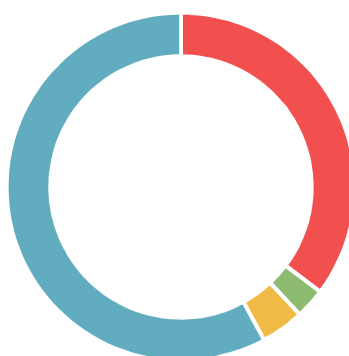
In the **Midwest**, 85,7% of the answers of the participants were also centered around the fact they wanted to remain in the career. Explanations essentially were focused on the fact that these promotors and

prosecutors felt a calling for this profession, and they also wanted to contribute to social change that the work of the Public Prosecution Service generated; affinity with their institutional mission, as well as the institutional encouragement which was offered to them at a professional level were also given as justifications to stay in this career. Other justifications to remain were based on personal fulfillment reasons, but promoters and prosecutors from this group also pointed out the need to have a greater quality of life, as well as other working conditions.

Again in the **Southeast**, 50% of the answers of women were in line with remaining in the career, as they liked what they did, while another 25% referred that this situation did not apply to their specific case. The participants who said they wanted to remain in this profession because they liked what they did also justified their answers with the fact they felt accomplished and happy in this way, and that they wanted to continue to contribute with their work, namely, social work, and to continue to produce good results. These promoters and prosecutors also pointed out that they felt satisfied not only at a professional level, with the fact that they felt that their work was valued, but also on a personal level.

Lastly, in the **Southern** region, just like in the Southeast, 50% of the answers of the participants indicated that they wanted to remain in their career at the Public Prosecution Service due to the fact they wanted to continue to contribute. These promoters and prosecutors stated that they felt they still had many challenges and new interests ahead of them, that they continued to have a lot of enthusiasm for the profession, and that therefore they considered they still had a lot to give the institution. Some of the women also highlighted the fact that the activity which they carried out at the Public Prosecution Service allowed them to be the interlocutors of their own ideas, and that the work at the institution enabled them to remain updated, and this gave them a feeling of belonging. The social aspect of the profession was also mentioned, as the women stated this as an advantage to them. The other 50% of the answers which were obtained in this group focused on the fact the promoters and prosecutors pointed out that in these cases they remained in the career because they didn't have the necessary career time in order to retire.

Why do you remain in the career even after having completed time for retirement?



- Did not complete time/waiting for retirement age/does not apply
- Once time completed would not remain
- Financial reasons
- Want to continue to contribute/like what they do/would remain even if time completed

Regarding the question of which areas of the Public Prosecution Service they liked the most and the least, the distribution of answers among four of the regions (Northeast, Midwest, South, Southeast) was the following:

In the **Northeast**, regarding the question of the areas of work of the Public Prosecution Service which they liked the most, the majority of the women pointed out fundamental rights and citizenship as their favorite areas of work, as well as defending the rights of vulnerable groups and criminal law. The areas they liked the least to work on were family law, matters related to children, and juvenile justice in general.

In the **Midwest**, most of the participants pointed out as preferential areas criminal law, communication with the public regarding complaints and contact with the population, defending diffused or collective rights, and areas of work which involved a more proactive approach. The area of civil law was referred by the promoters and prosecutors of this group as one of the areas which they liked the least to deal with.

In the **Southeast**, most of the women highlighted the area of criminal law as their preferential area of work, due to the fast response which has provided to the population in this context, as well as collective rights, namely monitoring and proposing public policies for people who were more socially vulnerable in the area of the protection of human rights. On the other hand, the area of the environment was referred to by the promoters and prosecutors of this group as being one of the areas they liked the least to work on.

Finally, most of the women from the **South** to who were questioned on this point noted the areas of the environment and microenvironment, family law, children and juvenile justice, and the area of human rights as their favorites. They also pointed out the area of education, administrative probity, management functions, carrying out their competencies, the criminal and public security area, appeals and professional qualification as an atypical area which involved consensus building. As for the areas they liked the least, the participants from this group also mentioned the areas of childhood and youth, partially since they felt a personal involvement in these cases.

As for the question regarding if they thought the Public Prosecution Offices was a good place to work (as a member, a public servant, an intern or a subcontracted worker), most of the enquired promoters and prosecutors from the several regions responded affirmatively (70,5%).

In the **Northern** region, all the participants who were asked this question said yes. However, several necessities were pointed out, namely, the following ones: On one hand, the need for a differentiated incentive policy was pointed out, as well as more incentives for professional advancement, as professional qualification policies could adapt to the specificities of each region, and the need for a professional advancement policy. On the other hand, the promoters and prosecutors in this group pointed out the need for more structure, namely, institutional safety for women, as well as institutional policies (for example, to avoid moral and/or sexual harassment). The women also referred the need for adequate spaces for kids, as well as monitors in the institution in order to support children. As for the more positive aspects of the Public Prosecution Service as a workplace, the participants noted the guarantee of equal rights between women and men, gender equality, good salaries and the professional valorization of public servants and members in general. Lastly, they highlighted the possibility for professional advancement and growth provided by the Study Centers for Professional Advancement.

In the **Northeast**, 63,6% of promoters and prosecutors said that the Public Prosecution Service was a good place to work, while 36,3% said it wasn't. The justifications for the affirmative answers were distributed in three areas: the first area focused on the fact that the Public Prosecution Service promoted justice, was democratic, valued professional careers and provided gender equality; the second area which the answers provided by women focused on was centered not only around the fact that women were more rigorous in complying with public policies, but also on the fact that a women could contribute from a technical perspective but also with their sensitivity; and lastly, the fact that women could be an example

for other women in society was also pointed out. Most of the negative answers were around the fact that the Northeast was very chauvinist, and some of the participants referred that the Public Prosecution Service reproduced that same patriarchal and chauvinist culture.

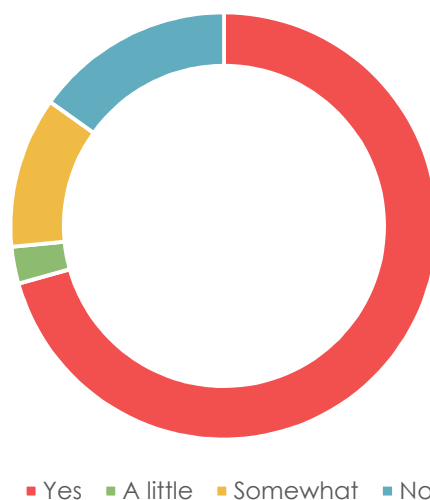
As for the **Midwest**, 57,1% of women also responded affirmatively, considering the Public Prosecution Service a good place to work, distributing their answers by several explanations, such as their personal fulfillment, institutional guarantees or their working hours. Some of the participants of this region referred that one could consider there were fewer gender disparities in the career of the Public Prosecution Service than in other professions, in comparison not only with other public entities but also with the private sector itself. Other promoters and prosecutors pointed out that the Public Prosecution Service involved difficulties for women which were like the difficulties felt in other professions, namely, the lack of social conscience regarding gender inequalities.

In the **Southeast**, regarding whether or not the Public Prosecution Service was a good place to work (as a member, a public servant, an intern or a subcontracted worker), 57,1% of women answered affirmatively, while 28,5% of promoters and prosecutors referred that the Public Prosecution Service was only a relatively good place to work and, finally, 14,2% of the participants said that it wasn't a good place to work.

Lastly, 75% of the answers of the promoters and prosecutors in the **Southern** region were also affirmative, while 25% of the women who were asked this question stated that the Public Prosecution Service was not a good place to work. However, in the affirmative answers, the participants pointed out that they were a minority in the Southern region, and that even though there were no major difficulties there was room to evolve. Among the answers of the promoters and prosecutors who considered the Public Prosecution Service was not a good place to work, the women referred that chauvinism dominated the work scene as, for example, men took over speaking time in meetings without asking whoever was presiding for permission, while women, even when asking the chair for permission to speak, were frequently interrupted. Harassment cases were also pointed out and it was mentioned that often it was made to look like women were taking over places destined for men in the career.

In conclusion, the Public Prosecution Service in this group of answers was portrayed as not being a good or easy place to work for women. For these promoters and prosecutors, the lack of gender equality in this career made it harder to achieve gender balance within the profession.

Do you think the Public Prosecution Service is a good place to work?



As for the question regarding which institutional policies could be developed to protect women at work, suggestions by the promoters and prosecutors from the **North, Southeast and South** were the following:

In the **North** several recommendations were presented, and the main ones were around the importance of the establishment of an internal complaint mechanism (for example, anonymous), with swift answers and disciplinary procedures, as well as the need to fight moral and sexual harassment (using, for example, political means). The need for the existence of courses, conferences and specific training for this purpose was also referred, as well as the creation of more security conditions for women, adapted to regions (particularly in the interior of the country) and paid for by the public prosecution services.

In the **Southeast**, the answers divided up in different areas. The main suggestions focused on the need for regular campaigns in order to report harassment, as well as to avoid new reports. The need for educational campaigns was also raised as an option, for example, for the clarification of how to face gender discrimination and harassment, as well as campaigns related to other important issues. The existence of more internal measures for harassment cases was also proposed. Another group of suggestions focused on the need for the existence of more incentives and more democratic opportunities for studying in order to progress with professional qualification, as well as with public policies supporting and encouraging women's institutional improvement. The need was also referred for the existence of equality policies, as well as of parity in the concession of leave of absence for reasons related to studies, and also incentives for women's participation in the higher administration of the Public Prosecution Service. Fostering studies, conferences and debates about gender, as well as other thematic gatherings and educative internal actions were also the object of several suggestions, as well as the rise in the proportion of women on examination panels and other strategic positions. In the cases of harassment, the need for well-known and accessible complaint mechanisms, as well as the possibility for specialized assistance in all the spheres of the institution was pointed out. The need to respect confidential hearings (without any possibility of information leaks) regarding complaints brought to the institution for clarification, as well as to motivate women to complain were also highlighted.

Lastly, the answers in the **South** also focused on several recommendations. Most of the answers were to do with the creation of a commission and of a protocol regarding moral and sexual harassment at work. The need was also pointed out for gender parity in events, courses, and among members and course instructors in training courses in all areas for new members who had just started their careers. The women further noted the necessity to provide a better organizational climate, as well as the possibility of developing and making training and the public realm more prestigious for women. Lastly, the need was also pointed out in this region for informative and frequent campaigns regarding this topic, as well as a requirement for greater regulation and training courses in this area.

IV. Career progression: criteria, difficulties and equality policies

In the area of career progression: promotions, transfers and appointment to positions, when questioned if they had refused to apply or given up promotions, 68,1% of the answers of the promoters and prosecutors of the five regions of Brazil were affirmative, while 31,8% were negative.

When they were questioned, 70% of the women of in the **Northern** region stated that they refused to apply or gave up promotions, having presented as justifications distance, particularly from their families, or the fact that they had opted for another position. 30% of the promoters and prosecutors referred that they did not refuse or give up promotions due to the fact they did not have an interest in changing areas of work.

In the **Northeast**, when questioned if they had refused to apply or if they had given up promotions, 81,8% of the participants responded affirmatively, and the more frequent explanation was the fact that the

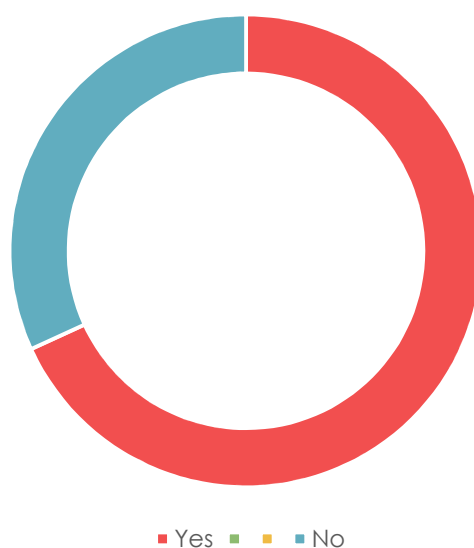
duties at stake were incompatible with the duties around childcare or, for example, the fact that they were in a faraway court district, or for family budget reasons. Only 18,1% of women answered no to this question in this region.

In the **Midwest**, 55,5% of women responded affirmatively, and the most frequent reasons presented by the enquired participants were making their personal and family lives compatible, as well as caring for their children and the fact that they did not want to be away from their place of residence.

Inversely, in the **Southeast**, 66,6% of the promoters and prosecutors of this group answered that they had not refused to apply and/or did not give up on promotions. However, these same participants pointed out cases in which, even though they were promoted, they saw themselves obliged to opt between a promotion and pregnancy. The other 33% of the participants answered affirmatively, as they had refused to apply or given up on promotions, pointing out similar reasons, such as the fact that they had to think about their families or that they had to opt for giving priority to work in the court district they were in.

Lastly, all the women from the **Southern** region said yes, that they had indeed refused or given up on promotions, having justified their refusal mostly due to family commitments, in other words, they were acting in the interest of their families, to be able to be near them in general, and more particularly to be near their children.

Did you refuse to apply/give up on a promotion?



Regarding the same question, but in relation to the enrolment in public competitions in order to be transferred, 77,3% of the promoters and prosecutors answered affirmatively: they did not enroll in transfer competitions, while 22,6% of the participants responded that they had.

In the **North**, when they were questioned about if they did or did not enroll in these competitions in order to be transferred, 80% of the women answered that they didn't, and half of them presented the following reasons: lack of structure of difficult access to services (health included) and lack of educational conditions for their children in the place of the promotion.

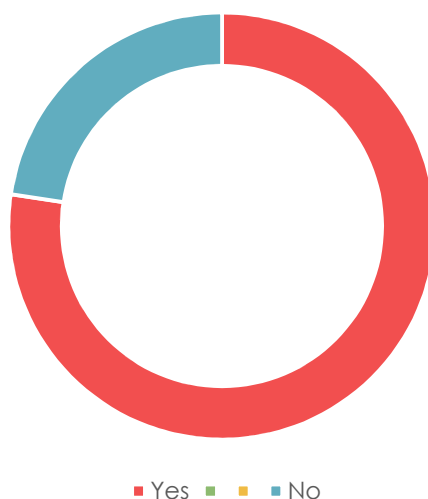
Regarding the same question, but in the **Northeast**, percentages were more distinctive, with 90% of the participants stating that they had not enrolled in transfer competitions. The reasons mostly pointed out by the women in this case were family reasons, as these transfers made compatibility with family life harder. The distance from their workplace in relation to their families and their lack of interest regarding the specialization area on offer were referred to as reasons why these promoters and prosecutors did not enroll in transfer competitions.

In the **Midwest**, percentages were divided *ex aequo*, having 50% of promoters and prosecutors affirmed that they did not enroll in transfer competitions, and another 50% answered in the opposite sense, pointing out that they had enrolled in these competitions.

In the **Southeast**, 66,6% of participants said they did not enroll in transfer competitions, while 33,3% of the participants said that they did enroll in these competitions in order to be transferred. Justifications for not enrolling ranged from family reasons, the fact they their partner worked in the same city, or the fact that they wanted to continue to work in the district court they were currently in. The smaller percentage of women referred that they still had not had the opportunity to participate in these competitions.

Lastly, the answers of the participants from the **South** were unanimous, as all the promoters and prosecutors in this group pointed out that they did not enrol in these transfer competitions due to the fact that they prioritized the proximity to their families, to their partners and children over the possible transfer. Personal reasons as a motive to not enrol were also mentioned by the women in this group.

Did you ever stop enrolling in transfer competitions?



Regarding the issue of not having enrolled or having refused invitations for advisory positions, 48,3% of the promoters and prosecutors referred that they had applied and enrolled for these positions, while 35,2% of the participants of the several regions answered that they hadn't, and that they had refused invitations or had not enrolled for advisory positions. Another 16,3% of the answers indicated that the women never had the opportunity to enroll in advisory positions, or had never received an invitation, or that the possibility of enrolling simply did not exist.

When the women in the **North** were questioned on whether they stopped enrolling or refused invitations for advisory positions, 60% of the promotor and prosecutors answered affirmatively, unanimously justifying their refusal of the invitations or failure to enroll with the incompatibility of the position in question with their domestic chores, family obligations, or with the accumulation of their professional and personal duties.

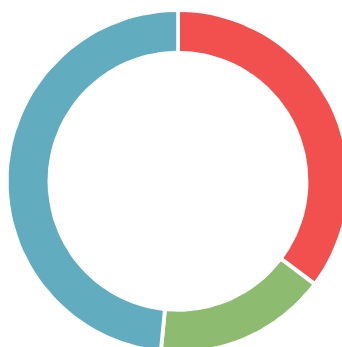
In the **Northeast**, 40% of the enquired women on this topic pointed out the fact that in their case there was no possibility to enroll for these advisory positions, having half of them referred as a justification the fact that they had not received any invitation for this kind of position. The remaining answers were equally divided between positive and negative answers (30% yes and 30% no). The reasons pointed out by the participants for the lack of enrollment or the refusal of invitations for advisory positions were mostly due to the need for time for their families, children and personal lives. However, it was also mentioned that the invitations were few and very late on in their careers.

As for the **Midwest**, 62,5% of the women regarding this topic said they had not enrolled or had refused invitations for advisory positions. However, certain promotor and prosecutors pointed out they had never been invited for such positions. Lastly, other participants noted the fact that they accepted certain positions in order to be close to their families, and therefore either didn't enrol or refused invitations for the referred advisory positions.

In the **Southeast**, 66,6% of the promotor and prosecutors answered that they had never not enrolled or had refused advisory positions. However, some participants justified this fact with their short career periods, while others pointed out that they considered that these positions were always a political choice. Other answers from this region were distributed in two groups with equal percentages (16,6%), and one of the groups of the enquired participants answered that they had stopped enrolling or refused invitations for advisory positions, while the other group of women referred that they had never had that opportunity.

Lastly, 57,1% of the women who were asked this question in the **South** answered that they had stopped enrolling or had refused invitations for advisory positions. The reasons which were pointed out were centered around the fact that the promotor and prosecutors had considered that they wanted to maintain their autonomy, or that they did not want any sort of political involvement. Other explanations which were put forward by the participants were the fact they had very small children at the moment they received the invitation, as well as personal reasons, such as the fact that they had other projects underway which made it impossible to enroll or accept invitations for advisory positions. Again, the remaining answers (42,8%) focused on the fact that the enquired participants never received an invitation for an advisory position.

Did you refuse invitations for advisory positions/not enroll for them?



- Yes
- No possibility for enrollment/never had opportunity/never received invitation
- No

Lastly, regarding the question related to whether they had suffered any sort of disadvantage in what concerned their performance evaluations, 73,1% of the women of the several regions said they had suffered a disadvantage, in comparison to 19,8% of the promoters and prosecutors who said they had not suffered from any disadvantage.

All the women who were questioned on this in the **Northern** region answered affirmatively. The main reasons pointed out by the participants who considered they had suffered from some sort of disadvantage in a performance evaluation were centered around maternity and children (for example, due to the fact they took a leave of absence). The lack of support structures, which made moving in the career harder and jeopardized or limited their possibility to become more qualified and productive were also mentioned. Justifications also involved the fact that these promoters and prosecutors considered that there was a chauvinistic culture in the Public Prosecution Service, involving a vision regarding women with children which implied an unavailability to carry out professional duties. The women in this group also referred the existence of gender inequality, due to the so-called "care factor" regarding the family, which they thought hampered competition on an equal footing between men and women.

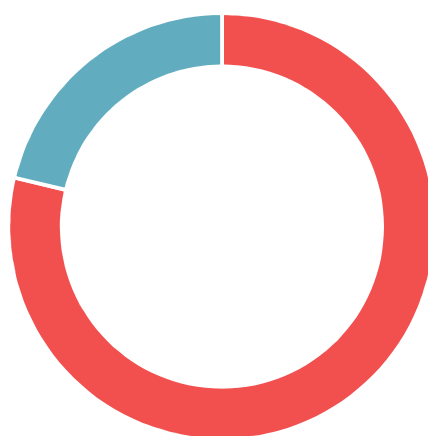
In the **Northeast** there was also a majority of women (80%) who categorically said yes, that they had suffered a disadvantage in performance evaluations, while 10% considered they had been "somewhat" disadvantaged, and another 10% said they had not suffered any kind of disadvantage. The main reasons referred to by the promoters and prosecutors were, for example, the fact that the colleagues who substituted them did not do a good job when they were away from their duties due to leave of absence. On the other hand, family issues with which the women of this group had to deal with were pointed out, which led to requests for absence and for transfers, and resulted in bad evaluations as a consequence. The subjectivity of the performance evaluation was also mentioned, as the participants considered that they suffered a disadvantage in this process in comparison to men due to the chauvinism and chauvinistic culture which dominated some public prosecution services.

In the **Southeast**, 50% of the women said they considered they suffered a disadvantage in performance evaluation procedures, while the other 50% of the enquired participants said they did not suffer any sort of disadvantage. The main reasons pointed out by the participants who said they had suffered from a disadvantage was the fact they considered that it was harder for women to participate in these competitions, which, in its turn, made the fulfilling of the performance requirements and opportunities for

further qualifications harder to obtain. One of the motives which was pointed out for this difficulty was the reconciliation of work and family. As for the participants who stated that they did not suffer from disadvantages in performance evaluation, even though they answered that they did not feel any impairment, they referred that, in some States, only seniority was considered. They pointed out that even though they did not feel hampered in a direct manner, they considered they had suffered an indirect disadvantage due to the multiple circumstances which influenced the performance evaluation, such as courses or commissioned posts.

Finally, regarding the **Southern** region, 85,7% of women said that they had suffered from a disadvantage in evaluation procedures, while 14,2 % said they had not. One of the explanations which was proffered was the fact that the Federal State in question did not have that possibility, as the criteria which was used for career progression was seniority. In most of the answers in which the promoters and prosecutors of this group considered they had been disadvantaged in performance evaluations, explanations pointed to a lack of gender balance regarding the positions which were available to women, in their detriment. The fact of women having or not having children being taken into account by the Public Prosecution Service was also given as an example of inequality in the evaluation for positions. It was also pointed out that specialization courses, Master's degrees and PhD's were valued in this context, and that many women could only carry out these courses either before or after maternity, or after having grown up children. Thus, for women promoters and prosecutors in this region, the difficulties for women to become more qualified were associated to priorities regarding the family.

Do you consider to have suffered from a disadvantage in performance evaluations?



■ Yes ■ A little ■ Some ■ No

V. Career and other responsibilities: Gender and Family

In the context of their careers and other working hours, namely with regard to issues relating to gender and family, when they were questioned on whether or not being a promotor or prosecutor made personal relationships harder or easier, 42,5% of the women of the several regions considered it made them harder, in comparison with 27,7% who stated that it made them somewhat harder.

When they were questioned, 45,4% of women of the **Northern** region stated that being a promotor or prosecutor made their private lives harder, pointing out the lack of understanding and closeness in relationships due to the challenges of the profession. On the other hand, participants also pointed out that the profession impaired their personal relationships due to other factors, such as lack of time and other pressures, even pointing out that, in some cases there were relationships which were not based on true emotional intentions but rather on potential financial gains from being with the promotor or prosecutor in question.

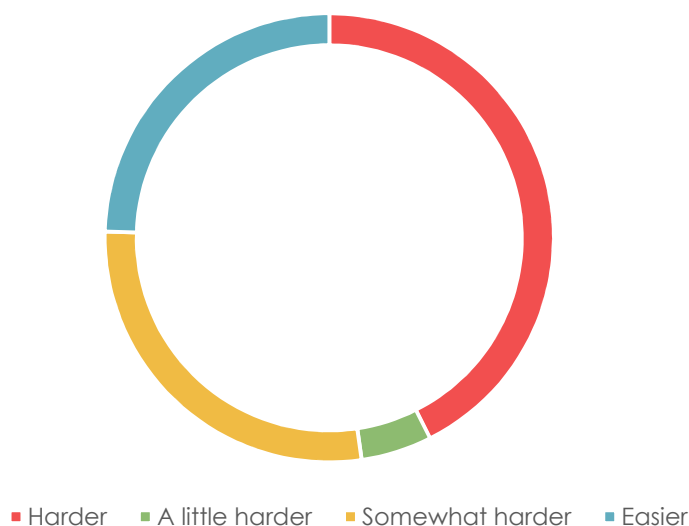
In the **Northeast**, most of the women who were asked this question answered that their career made their personal relationships harder (58,3%). Other participants (16,6%) referred that it only made their relationships harder sometimes. Among the several reasons which were put forward, it was pointed out mainly that it was not always possible to coordinate a career with a family, that the family context made moving places difficult, and that dividing time and attention between personal and professional life was difficult too. Other promotors and prosecutors highlighted that their career limited some opportunities but enabled others, for example, due to the degree of independence it provided; the participants also mentioned the existence of strategies in order to minimize these difficulties.

In the **Midwest**, the promotors and prosecutors to whom this question was directed divided their answers essentially in two groups. Some of the participants answered that their career sometimes made their emotional relationships harder (42,8%), while the same percentage of participants referred that their personal relationships were favored due to their careers. As for the difficulties, it was pointed out by the women in question that this depended on the degree of understanding provided by their institution and their families, and that the difficulties depended on the perspective in which people who had personal connections with them viewed these relationships. Professional accomplishment, bringing greater potential to all interpersonal relationships and a greater sensitivity regarding the profession were all pointed out as factors which favored personal relationships.

As for the women of the **Southeast**, their answers basically were divided up into two groups. 57,1% of the participants responded categorically that their career made their personal relations harder, while 42,8% referred that their emotional relationships were only sometimes made harder since they were promotors and prosecutors. As for the difficulties, women pointed out that the fact they were in these positions meant that they faced social barriers; moreover, another difficulty was the fact that their salary was above average, and the power of their professional status hampered potential relationships (For example, the promotors and prosecutors earned more than their respective partners, thereby instilling a certain fear in them). It was also pointed out that there were men who could not tolerate women in positions of power or with strong personalities.

Lastly, in the **Southern** region, the answers of the promotors and prosecutors to whom this question was asked divided up in two groups. Most of the women said that being a promotor or prosecutor favored their relationships (62,5%), while 37,5% of those questioned pointed out that their emotional relationships were harder due to their profession.

Does being a promotor/prosecutor make your relationships harder or easier?



When they were questioned whether their household chores were equally distributed among themselves and their partner, 43,1% of the promotors and prosecutors from the regions said that this was not the case, and that this balanced distribution did not exist, while 40,8% answered that there was an equal distribution.

In the **North**, 63,6% of the women stated that there was an equal distribution of household chores, and that their partner was very participative, while 36,3% answered that there was not an equal division of chores, pointing out that it was the woman promotor or prosecutor who carried out more household chores.

In the **Northeast** many participants stated that this balanced distribution did not exist (40%), specifically referring a case where a total absence of any division of chores was a point of distress in the relationship with a partner. In other cases, it was noted that the partner of the promotor/prosecutor had more chores due to the woman's professional commitments. As for the 30% of the answers of the women who referred that equality existed in the distribution of chores, another case was mentioned of a partner who assumed more household duties that the promotor or prosecutor in question. Lastly, in the other 30% of the answers which indicated that there was some balance in the division of chores, it was highlighted that the greater overload of domestic duties was still in the hands of women promotors and prosecutors.

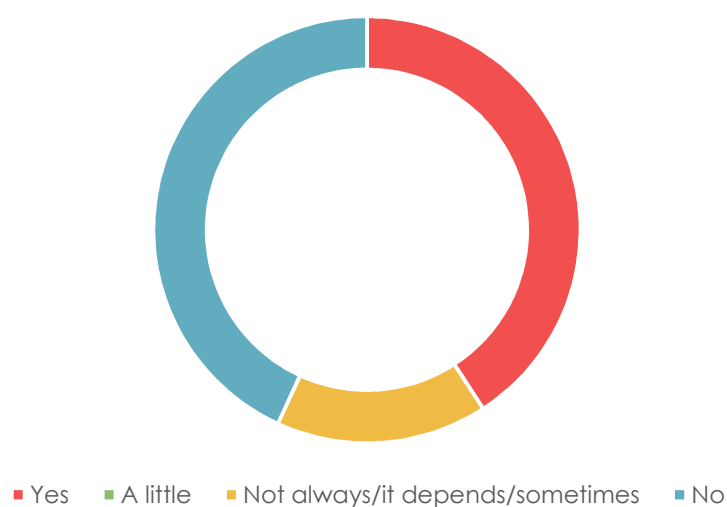
In the **Midwest**, 57,1% of the women highlighted that this balanced distribution did not exist, specifically noting that however much they divided or tried to divide the chores, they would always be responsible for most of or even all them. One of the proposed solutions was to bring up children to contribute in order to change the current reality.

As for the **Southeastern** region, the same percentage of women (57,1%) pointed out that this equal distribution did not exist, that the promotors and prosecutors at stake were not responsible for their partner's domestic chores, and that their partner tended be (or wanted to be) responsible for financial matters in the home. It was also mentioned that the partner only collaborated specifically with household chores, leaving the other responsibilities related to children in the hands of the promotors and prosecutors.

42,8% of the women responded that there was an equal distribution of domestic chores with their partner, pointing out that all the household chores were divided.

Lastly, in the **South**, 50% of the answers of the women from this group indicated the fact that domestic chores were not always evenly distributed between the promotor and prosecutor and their respective partners. Most of the explanations were concentrated around the fact that, even though the partner did contribute to domestic chores, the distribution was not balanced. On the other hand, 25% of the answers confirmed that there was a balanced distribution of household chores between women promotors/prosecutors and their partners, and another 25% of the remaining answers pointed out that this balance did not exist, as the participants categorically referred that there was no equal distribution of domestic chores between themselves and their respective partners.

Are domestic chores equally distributed between you and your partner?



Regarding the issue of solving the accumulation of family care chores and work responsibilities, the higher percentage of answers was centered around the fact that promotors and prosecutors delegated family duties to employees and/or family (34,6%), while 31,4% pointed out that it was hard for them to manage this accumulation, frequently multitasking and solving issues at long distance. Only 13,2% of promotors and prosecutors mentioned that they divided chores with their partner or family. Many women also pointed out that they opted either to put work or family first (5,3%), others noted they could not manage this accumulation (7,2%), and some participants said they could resolve this situation (7,8%).

In the **North**, regarding how to resolve the cumulation of family and work duties, 36,3% of women stated they could not manage it, abdicating from their quality of life and time for themselves on one hand, and not managing to deal with all the responsibilities on the other. 27,2% of the participants said they divided chores with their partners but pointed out they still felt overloaded in this context. Lastly, 18,1% of the women mentioned that they managed family chores long distance (and with difficulty) or that they delegated them to an employee.

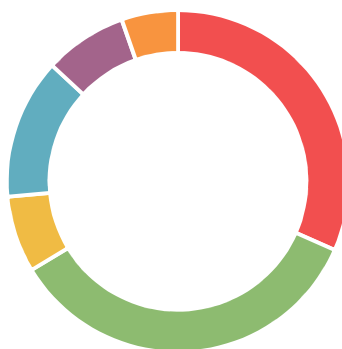
In the **Northeast**, 50% of promotors and prosecutors pointed out that they resorted to employees or to family to carry out or support family tasks. 25% of the participants noted that they could coordinate work with family chores, while putting family first and carefully and masterfully juggling these two aspects of their lives.

As for the **Midwest**, 57,1% of the participants answered that they hired employees or resorted to family in order to carry out or support with family care issues. 42,8% of the women highlighted that they had difficulties coordinating family duties and work, splitting their time up, working in shifts and during weekends, or taking work home. Loss of quality of life was also pointed out, for example, not having time to practice any sort of physical activity.

In the **Southeast** 57,1% of the participants also said they solved the accumulation of family and work responsibilities with difficulty. Most of the women stated that they tried to organize their timetable and divide their time up in order to deal with family and work tasks, but they were exhausted at the end of each day. As for the 14,2% of answers pointing out that they managed to reconcile these two aspects of their lives, the women in question also highlighted that, even with the discipline which was necessary to resolve the cumulation of tasks, there was little free time, even when alternating and dividing tasks with their partners (the other 14,2% of answers). Lastly, it was also mentioned by the promoters and prosecutors that they had more free time when their kids were adults, which enabled them to dedicate themselves more to their work (14,2%). On the other hand, they said that having elderly fathers/mothers and/or other adults who were dependent on them was also a factor which required their attention.

Lastly, in the **South**, 62,5% of the answers of the participants pointed in the direction of the delegation of some chores or trying to outsource them to helpers, employees, nannies or housekeepers. However, these promoters and prosecutors said that there was still a greater quantity of tasks in their hands as women. 12,5% of the answers in this group indicated that they made efforts not to be so controlling and to allow themselves to delegate, as well as not to be such perfectionists. Another 25% of the women stated that they had help from their partner and family in solving the cumulation of family care tasks and work. It was also mentioned that most of the time some women saw themselves obliged to work double, and cases were also mentioned of promoters and prosecutors who took their children to work. Lastly, some of the participants mentioned wanting to be more present in caring for their children, as well as fostering their independence.

How do you resolve the accumulation of family chores and work?



- With difficulty and long distance
- Delegates in employees
- Can't manage it
- Divides it with partner
- Manages it
- Puts family or work first

When they were questioned on whether or not they had been through any constraint on the part of the Public Prosecution Office related to pregnancy or with using their maternity leave, 55,7% of all promoters and prosecutors said yes, while 31,9% pointed out that they did not go through any constraints. However, 8,5% of the participants stated that they still hadn't had children.

In the **North**, 54,5% of the promoters and prosecutors said that they did not go through any constraints. However, the reasons given for this answer involved the fact that in most cases the women in question already had or had not yet had children. 27,2% of the women were categorical when they said they had suffered constraints. The explanations involved loss of career time and the fact they had suffered a disadvantage due to unfair or discriminatory rules of the Public Prosecution Office regarding children, such as the fact that maternity leave led to interruptions in career time; the lack of flexibility and discrimination from the institution in the name of the so-called "public interest" was also mentioned as an unfair or discriminatory rule (for example, with situations where maternity leave is joined up with holiday time).

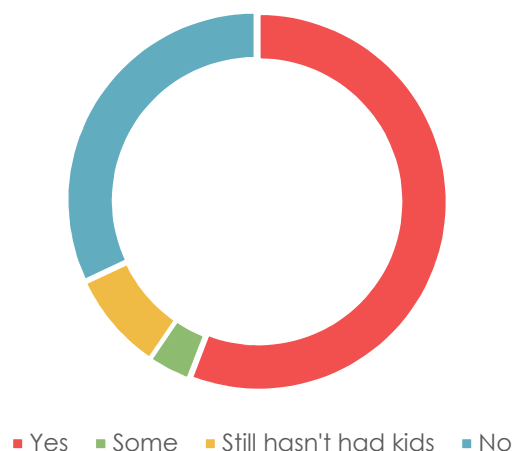
In the **Northeast**, 62,5% of the women said they had met with constraints, while 37,5% said this did not happen. Some participants pointed out having been obliged to make inspections while working when they were pregnant, and others said they had met constraints since the moment they started working, such as direct references made by their superiors as to being pregnant meaning they would not get into the Public Prosecution Service, and colleagues who were after these women on the entry list ending up getting in before them.

In the **Midwest**, 71,4% of the participants said they also had been through constraints related to pregnancy or with maternity leave, while 28,5% said they didn't. Among the constraints these women went through, the absence of concern on the part of the institution was mentioned, as well as the fact they were obliged to work even though they were going through high pressure labor situations at the end of their pregnancies, with the consequent health problems. A change in the way they were treated at work due to the fact they used their maternity leave, as well as criticism from their colleagues who said that multiple pregnancies were an excuse for women to get multiple leaves were also pointed out.

In the **Southeast**, 42,8% of women said they had been through constraints related to pregnancy and/or maternity leave, while an equal percentage of women said they still had not had children. The amount of accumulated work women faced when they got back from a period of leave, the frequent need for substitution, and the interruption of breastfeeding due to the fact that promoters and prosecutors had to go back to work were among the constraints which were brought up. It was also mentioned by some promoters and prosecutors that, even though they did not suffer from any direct constraints, they had heard several complaints from colleagues, some of them having abdicated from other activities outside work (for example, giving classes or writing) due to the fact they went back to their jobs, even after using their maternity and breastfeeding leaves.

Lastly, in the **South**, 75% of the promoters and prosecutors also said they had been through these types of constraints, while 25% of the women said they had never been through any situation of the kind. Several of the reported constraints related once again to the fact the participants felt a lack of understanding and support from their respective offices when they came back to their jobs after their maternity leaves; cases of promoters and prosecutors who were questioned regarding their pregnancies when being interviewed after they passed the public competition to enter the institution were also mentioned. They also spoke of other cases of lack of conditions in order to breastfeed during the waiting periods for oral exams at the Public Prosecution Service, as well as substitution difficulties for promoters and prosecutors at the end of their pregnancies for medical reasons. Lastly, cases were brought up of promoters and prosecutors who substituted colleagues on maternity leave having to attend to the needs of 5 municipalities simultaneously and, lastly, a delay of 6 months regarding one participant's internship which happened due to the fact she had a child during the internship probation period was mentioned, as this led to her internship being suspended.

Did you go through any constraint at the Public Prosecution Office due to pregnancy/maternity leave?



Lastly, regarding the question of whether they harbored feelings of guilt regarding their families due to their choice of profession, 81,9% of the promotors and prosecutors said no, while only 14,4% of women from the several regions said they had guilty feelings.

In the **North**, 45,4% of women said they had harbored these feelings, most of them due to the fact they had been absent (for example, displaced) due to professional reasons, working most of the time and having lost moments they considered important in the upbringing of their children. However, 36,3% of the participants said they did not feel guilty regarding their families; instead, some of them said they managed to give full support to their families, even with the difficulties inherent to their professional situation. 18,1% of the promotors and prosecutors stated that currently they did not feel guilty, but they had felt guilty in the past.

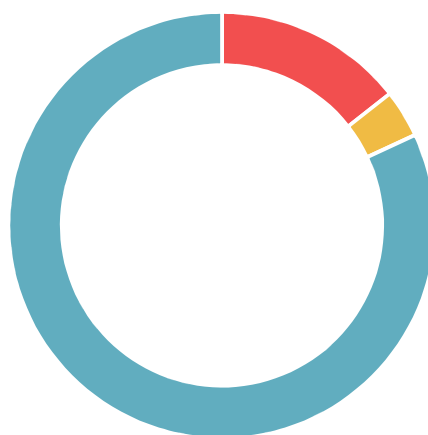
In the **Northeast**, 87,5% of women to whom this question was asked answered they did not feel guilty regarding their family due to their professional choices, while 12,5% of promotors and prosecutors from this group said they felt guilty.

In the **Midwest**, all the participants who were asked this question answered that they felt no kind of guilt. Justifications were around the fact that their professional choices had allowed them to have personal fulfillment, and it was a reason for their family to be proud, even though they reported they had a notion of the limitations which were imposed on them due to their gender. They also pointed out the importance of the understanding on the part of their families that they could not be present on many occasions.

In the **Southeast**, 85,7% of women to whom this question was placed also answered they did not feel guilty regarding their family and their career. Several participants were categoric in their answers, referring that they would never feel guilty, and that their families were proud of their profession. Some of the participants pointed out that, even though they felt guilty initially, this was no longer the case nowadays. Lastly, other women highlighted having counted on the support of their respective family members throughout their professional lives, expressing the desire to have more time for their families.

Lastly, all the promotors and prosecutors who answered this question in the **South** also said that they did not feel guilty regarding their family due to their professional circumstances. Several participants were categoric in their answers, noting that, on the contrary, they felt pride in the profession they had chosen, and that their career enabled a financially stable life not only for them but also for their respective families.

Do you feel guilty regarding your family due to your profession?



■ Yes ■ Somewhat ■ No

VI. Empowerment, leadership and political and institutional participation: gender equality and equality policies

As for the topic of empowerment, leadership and political and institutional participation, when the promoters and prosecutors were questioned on whether they had difficulties in the coordination and leadership of working groups and taskforces due to their gender, 52,3% of the participants from the 5 regions said they did have difficulties, in comparison with 34,9% of the participants who said they had no difficulties.

In the **North**, 60% of the women stated not having difficulties in the coordination and leadership of working groups due to their gender, as they considered that gender was not the only reason for the difficulties faced by the promoters and prosecutors. However, the participants did point out lack of objectivity, lack of transparency and lack of the consideration of merit due to their gender by the Public Prosecution Service's selection procedures, as the institution frequently favored men. The women in this group also mentioned feeling a lack of family support, as well as added responsibilities due to maternity.

In the **Northeast**, 63,6% of the participants said they did not feel difficulties in the coordination and leadership of working groups and taskforces. But 18,1% of the women said that as a rule they felt difficulties due to the fact they were women, pointing out that they did not choose these roles due to the impossibility of coordinating their personal and family lives. Among the answers of the women who felt difficulties in the coordination of working groups and taskforces (9%) the issue of the culture in the Public Prosecution Service in Brazil being mostly masculine emerged, as well as the existence of unequal institutional relations.

In the **Midwest**, 88,8% of the promoters and prosecutors pointed out that they had difficulties coordinating and leading working groups and taskforces. The reasons for the difficulties stated by the participants were, for example, the fact that they considered there were less opportunities for women to be invited to

occupy certain positions, and that the institution considered them less for the more sought-after roles. These promoters and prosecutors also pointed out the existence of unfavorable criteria for women which were used on a conscious or unconscious level by the Public Prosecution Service.

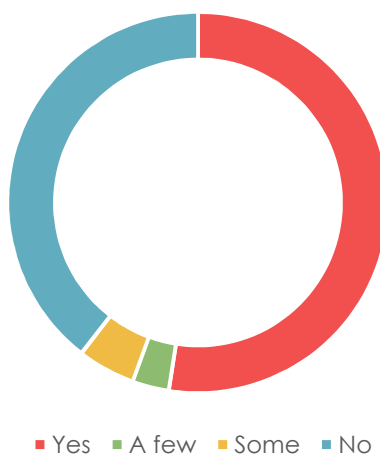
Impediments related to family, children, and the difficulty in reconciling their personal and professional lives were highlighted, as these types of positions took away time from their families. Lastly, certain areas in taskforce and working groups were pointed out by the promoters and prosecutors as being dominated by men due to the fact women had the already mentioned "double shift", which required more sacrifices from them.

In the **Southeast** of Brazil, 75% of the women also responded they felt difficulties in the coordination and leadership of working groups and taskforces. The reasons for the difficulties stated by the participants regarded the fact that they considered their opinions were not heard nor were they validated, as well as the fact that the leadership roles were normally occupied by men and that there was a lack of these positions for women. They also stated that there was often no way to get the administration to know about the work they carried out.

Finally, in the **South**, 62,5% of the women said they also felt these difficulties, while 37,5% responded that they did not face difficulties due to their gender in the coordination or leadership of working groups or taskforces. The promoters and prosecutors from the group who responded affirmatively noted having faced many challenges and having seen the same happening to other women colleagues. Difficulties in the evaluation criteria which was used as a basis for the recognition of women for these coordination and leadership positions were given as an example. The reasons for the difficulties invoked by the participants involved the fact that gender inequality was visible in the institution, as was the fact that many times women's initiatives were halted when coordination jobs or leadership positions of working groups or taskforces were at stake. They also noted that the invitations to these positions were often directed at others (in other words, to men promoters and prosecutors) and not to women. It was also mentioned that it was harder to receive an invitation to participate in projects if you were a woman than to carry out the positions in question.

Lastly, the promoters and prosecutors who indicated they did not have any difficulty in the coordination or leadership of working groups or taskforces due to their gender highlighted that this was due to the fact that they had not competed for or carried out any position up to that point in time, and they mentioned that they considered the women had the tendency not to give up their positions because of their families.

Do you have trouble coordinating or leading working groups or taskforces due to your gender?



As for the fact that the institutional or associative policy discourages women to apply for and participate in leadership positions, 48,9% of the promoters and prosecutors from the 5 regions answered affirmatively, while 31% of the participants said they did not feel discouraged.

In the **North**, a large majority of women – 92,8% - considered that the current institutional and associative policies did not discourage women to apply for or participate in leadership positions, but had barriers to their participation, namely, the lack of internal institutional encouragement and the lack of stimulation and opportunity due to personal or family reasons.

Another 17% of the promoters and prosecutors who were asked this question in the **Northeast** said that there was some lack of encouragement, essentially because men's leaderships chose and protected men more, thereby discouraging women. They also pointed out the fact that as a rule, men, and this choice carried out in an informal manner, by word of mouth, and based on "unwritten" rules. The remaining participants answered negatively and affirmatively in the same percentages (16,6% yes and 16,6% no). However, the group which provided the most explanations was the group of affirmative answers, where it was pointed out again that, historically, more names of men emerged for these leadership positions, and that these same men repeated the occupancy of the positions with more public visibility, with the support of their other colleagues who were men. Therefore, and even though the participants stated that the lack of encouragement (many times covert) on the part of the institutional policy regarding the presence of women in leadership positions has been changing throughout the years, they considered that there were still very few leadership positions in the Public Prosecution Service in the hands of women, as they occupied more supporting positions. The women from this group also highlighted that specific qualification and empowerment policies were not promoted by the institution.

In the **Midwest**, 66,6% of promoters and prosecutors who were asked this question stated that there was a lack of encouragement for women to run for leadership positions, namely due to the way institutional policies were made. They pointed out the low participation rate of women in spaces where contacts were made and where networking occurred, which ended up happening in environments which were frequented by men. Other participants noted the need for change in masculine patterns in order to allow women to occupy positions of power and the fact that they faced implicit barriers with the existing institutional policies. Lastly, they highlighted that the promotion of gender equality was not a mere option but a constitutional obligation, and that they considered that the Public Prosecution Service should take a formal stance regarding these issues.

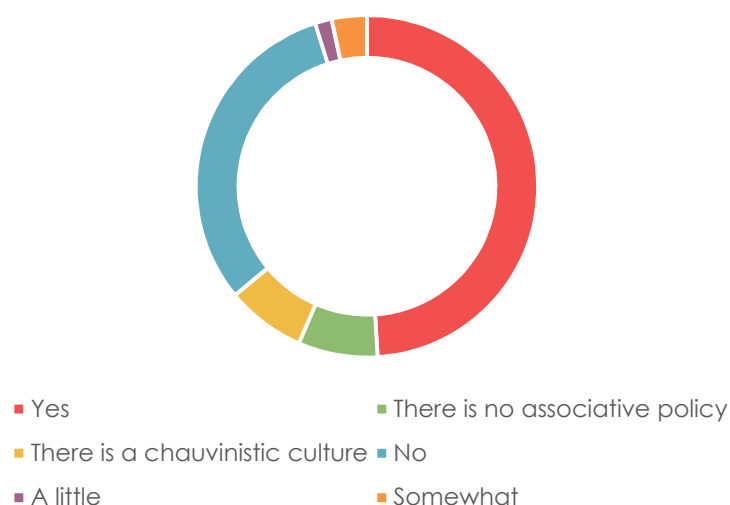
In the **Southeast**, all the promoters and prosecutors who were questioned on this responded that the institutional and associative policy discouraged women to participate and run for leadership positions in the Public Prosecution Office, and pointed out several reasons, among which the fact that there was always contact among men outside work (for example, soccer championships) which, in the opinion of these participants, allowed them to create more empathy and that consequentially it was in these spaces that institutional policies were made. The women in question also highlighted that these groups were encouraged by associations and that they raised the possibilities of networking among men, which led to a more natural accomplishment of mutual support among men's groups.

On the other hand, the participants noted that women were accused of not having the ambition or the necessary disposition for these kinds of positions, referring the existence of a culture in the Public Prosecution Service which demoralized them and tended to diminish the higher purposes of women who were running for these positions, who frequently saw their personal lives invaded in these circumstances. The existence of topics reserved for men and women often being left out of meetings was also mentioned.

Finally, in the **South**, the two groups with the majority of the answers (37,5%) were divided up *ex aequo* among finding that there was a chauvinistic culture in the Public Prosecution Service, and the fact that an associative policy did not exist. As for the lack of an associative policy, explanations involved the fact that women promoters and prosecutors could not participate or run for leadership positions on one hand, but also the lack of encouragement for that same participation on the other. As for the chauvinistic

culture which was said to exist in the Public Prosecution Service, it was characterized as being “clearly underlying” and present in the day-to-day life of the institution, including among women themselves, as men promoters and prosecutors did not foster the necessary connection among women so that they were encouraged to run for leadership positions. As a consequence, women did not, in fact, get together in order to run for or participate in these positions. The remaining 25% of the answers were also divided into two groups in equal percentages; the participants categorically pointed out on one hand that the institutional or associative policy discouraged women from running and participating in leadership positions (12,5%), and the other 12,5% of the answers of the women were focused on the fact the institutional or associative policy did not stimulate the participation of women.

Does institutional/associative policy discourage running for/participating in leadership positions?



And what could facilitate or make these positions easier to be carried out by women?

In the **Northern Region**, several answers went in the same direction: the selection criteria needed to be more objective, clear and proportional regarding gender and based on merit. The need for women to have more self-confidence regarding their capacities, competencies and potential was also pointed out, as well as the need for more solidarity among women. Incentive policies, gender proportionality in positions and a greater recognition of women's capacities were also mentioned as being a necessity.

In the **Northeast**, two groups of similar answers were ascertained, in which it was suggested that women united more, for example, through women's political groups with the purpose of promoting their empowerment in electoral procedures, as well as leadership positions for women. Participants also suggested the existence of quotas or percentages in order to guarantee the presence of women in leading roles (which were normally occupied by men), or also the nomination of women for those positions. Lastly, in a third group with a slightly inferior number of answers, recommendations were made to encourage and value women's leadership, as well as to raise the number of applications and the selection of women with specific strategies to stimulate representation.

In the **Midwest** there were also several recommendations, with a greater incidence on the need for affirmative action policies at an institutional level in order to promote women in leadership positions and in working groups, as well as for them to be the presidents of associations or to be Prosecutor Generals. In a second group of answers, the need for limited and flexible working hours was pointed out, as well as the possibility to work from home. In a third group of answers, the focus was on the need to change what

the participants considered to be simultaneously a paradigm and a stigma regarding their exclusive dedication to work, and to empower them to accept more invitations for leadership positions.

The remaining responses noted the need for the democratization of the discussion around institutional policies (for example, policies involving more family support), as well as the need for the existence of more heterogeneous associative environments, more training for women's leadership, as well as professional qualification courses on gender equality and training courses for both men and women promoters and prosecutors. The need for more objective methods to choose people for the above-mentioned positions was also pointed out.

In the **Southeast**, the more common suggestions focused on the promotion of reunions, round tables and the promotion of collective spaces- particularly leisure related- as well as less formal gatherings and mechanisms to encourage greater union among women as well as to encourage women to run for these positions. The need to participate in women's awareness groups to debate this topic so that they applied for these kinds of roles, and the need to increase awareness among colleagues who were men as well as other women regarding the importance of women's participation in those realms of power was also pointed out. Mentorship programs were also recommended in order to empower women, to stimulate their application to these types of jobs, as well as the creation of leadership groups. Finally, the need for the democratization of power positions was suggested to make them more accessible to all promoters and prosecutors.

Lastly, in the **South**, several recommendations were made, with a greater quantity of them being focused on spaces for dialogue at an institutional level and at the level of associative movements, as well as on the need for permanent internal debate groups on these issues in order to strengthen women, and also for greater awareness regarding this particular topic. The creation of incentives for the existence of feminist groups in the Public Prosecution Service was another of the ideas which were presented by the promoters and prosecutors from this group, as well as the creation of an environment which welcomed debates and institutional discussions that dealt with this subject. Finally, the creation of mechanisms which enabled the empowerment of women in these fora was also suggested. A second group of answers highlighted the need for a greater engagement and moral support between women, as well as a need for greater stimulation so they value each other more as well as their capacities, and also to encourage women to discover their talents in the different areas of the profession. The remaining answers were centered on the importance of quotas, as well as the creation of opportunities for women to act on an equal footing, and also on the need for professional qualification and women's empowerment with the purpose of motivating them to want these kinds of positions, added to their initial desire to make themselves available and to aspire to these positions.

Finally, regarding whether or not there were difficulties in participation in trainings, post-graduations, courses, schools or Study Centers for Professional Advancement (in Portuguese "Centros de Estudo de Aperfeiçoamento Profissional" or CEAFs), 48,3% of women of the 5 regions answered that they did not have these difficulties, and 44,9% said that they had.

In the **Northern Region**, 25% of the women answered affirmatively, as they had difficulty in participating in these courses, pointing out limitations due to personal and family issues. On the other hand, 75% of the promoters and prosecutors said they did not feel these difficulties, referring that it was not a gender issue, but a budget issue instead.

In the **Northeast**, 41,6% of promoters and prosecutors also answered affirmatively, highlighting the buildup of work and their family obligations as a justification for the difficulty in participating in these courses above all other reasons. 33,3% of women referred there was some difficulty in participating in training, post-graduations, courses, schools and in Study Centers for Professional Advancement, having noted that the participation in these cases was also more difficult due to the fact that the course options were not compatible with personal and family life.

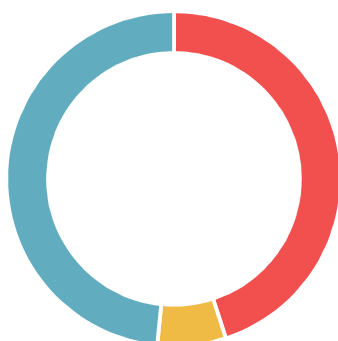
In the **Midwest**, all the women who were asked this question stated they had difficulties in frequenting these courses, pointing out (among others) the following reasons: in general, women are not invited or people don't remember them in order to give classes, courses or to be on panels; the invitations never happen, or only appear regarding topics which are considered "feminine". Finally, the participants pointed out that there was not a proportional representation of women and men on panels or in teaching positions, as practically all of them were dominated by men, so they considered it was necessary to conquer spaces and break down barriers at that level.

In the **Southeast** of Brazil, 75% of the promoters and prosecutors considered they didn't feel difficulties in participating in training, courses, schools or Study Centers for Professional Advancement. However, justifications and explanations were varied, and several difficulties were pointed out, such as the difficulty in following the quantity of courses offered while accumulating several functions, and cases of colleagues who had difficulties due to the need to create a compatibility between family and work. Being in the interior of the country and difficulties regarding mobility were also mentioned as barriers, as well as the size of the Federal States. Among the proposed solutions were online classes or long-distance courses, with the necessary technological enhancement and access to internet this involved.

To conclude, in the **South**, 66,6% of women who were questioned answered that they did not have difficulties in this respect, in comparison with 33,3% who said yes, that they had had difficulties in participating in courses, schools or CEAFs. These latter answers were focused on the fact that the promoters and prosecutors considered that some trainings could be carried out in the interior of the country. Colleagues from the interior had difficulties in participating in these types of courses due to the distance between the location where the courses were carried out and their workplace, particularly if they did not live in capital cities of the Public Prosecution Service where they normally occurred.

The women who said they didn't feel difficulties in this area presented as justifications, on one hand, the fact that the participants did not have an interest in the training courses and, on the other, that they didn't have much difficulty in frequenting them. However, the fact that there were work commitments which made it impossible to participate was pointed out as an exception to this situation, and some of them even referred that they worked long-distance during classes. Finally, it was referred that many women did not participate in these courses, and cases were mentioned of promoters and prosecutors who were barred access to courses and training in the area of gender violence, for example.

Do you have difficulties participating in training/professional qualification sessions/post-graduations/schools/study centers?



■ Yes ■ A little ■ Some ■ No

B- EUROPEAN UNION



1. Compilation of the speeches and scientific contributions presented by the European Union in the five regional conferences in Brazil and conclusions

1.1. Introduction

This initiative gives continuity to an already very positive collaboration between the European Union (EU) and the National Council of Prosecution Services (or CNMP in Portuguese, in short) in the area of gender equality and in the fight against violence against women. The partnership between the EU and the CNMP is strong. It is based on deep convictions and shared principles, which firmly defend that gender equality is a fundamental aspect of a democratic, fair, tolerant, and inclusive society which is committed to guaranteeing equal opportunities between men and women.

This is a very fruitful cooperation, with concrete results, such as the National Risk and Life Protection Form (FRIDA) in Brazil, a very important instrument to prevent and fight crimes practiced in the context of domestic and family violence against women. On the 8th of March 2019, the High representative of the Union for Foreign Affairs and Security Policy Federica Mogherini stated that: "The fight for equality is one of the fundamental values of the European Union and a principle which we will continue to fight for. Equality between men and women does not constitute an exception to this. It is not only a moral duty, but also a question of social justice and equal opportunities".

These conferences about "Gender equality perspectives in the Public Prosecution Service" started with the conference entitled "A Feminine Perspective-Challenges and Horizons of a Career in the Federal Prosecution Service" in June 2018.

This activity coined the work model and the methodology for the National Council of Prosecution Services (CNMP) to be able to analyze and strengthen its gender equality policy. It was a pioneering and very interactive initiative, in order to hear issues and propose solutions, and it coincided with the vision of the European Union on this topic. For this reason, the EU supported the extension of this initial model to the five other regions of Brazil. These five Regional Conferences were of vital importance in the dialogue process between Brazil and the European Union. This project was a pioneering initiative and will certainly be an example in the exchange of good practices in this area.

Since its creation 60 years ago, the European Union has defended women's rights and gender equality, not only in Europe but also on a global level. Guaranteeing the same rights to women and men makes our society richer and safer. One can add that equality between women and men is a fundamental value of the European Union and this fact has been evident since the beginning of its construction and organization as, since the beginning, in 1957, the Treaty of Rome included a provision on equal pay.

On the last International Women's Day in 2018, the Commissioner for Justice, Consumers and Gender Equality of the European Commission, Věra Jourová, also stated that: "*Gender Equality does not only concern women. It is about our society, our economy and our demography. We want to guarantee that women are truly equal to men before the law. We will also continue to work in order to help women gain qualifications so that they can make their own choices when it comes to their careers and their families*".

The fight for equality is one of the fundamental values which the European Union always fought for. However, when one studies the history of the European Union, little is mentioned about the fundamental role women had in its construction. As soon as they could, women started occupying space in politics at a local level, and also fought to occupy their space in EU institutions.

Simone Veil, who passed away in 2017, left her mark in the European construction. She survived the Auschwitz-Birkenau concentration camp and the traumatic experiences she lived during the Second World War were at the origin of her commitment to a unified Europe.

After her death, the president of the European Parliament, Antonio Tajani, referred to her as «the great president of the European Parliament, the conscience of the EU, an activist against antisemitism and a women's rights defender», adding that "her message about women and antisemitism is still fully relevant". As one of the most feminist judges of all time in France, she was also a woman from politics, known for her fight in the country for the legalization of abortion and for her efforts to make women's lives better, as well as the conditions of women in detention. In 1979, she was the first of two women Presidents elected to the European Parliament, having carried out her mandate until 1982. She was simultaneously the president of the first directly elected Parliament, and the first woman to occupy the position of president, presenting herself as the "alibi woman" due to the several ministerial functions which she occupied in the seventies and eighties. In her words: *"equality between men and women should not only be equality as a principle but also an enrichment factor for society"*.

As for **Louise Weiss**, a french nurse during the First World War, she founded the first international politics magazine called New Europe. Her commitment towards peace led her to reflect on the possibilities of reconciliation among European countries, especially between France and Germany, in order to avoid another war. She specifically published a "memorandum about the Federal European Union", considered by some to be one of the bases of the European construction. For her, peace included the involvement of women in politics. Since 1934, she fought to promote the women's vote, creating "The new woman" movement. After being a member of the French Resistance during the Second World War, she took up her career as a journalist and concentrated on the roots of the conflict in Europe and in other places. In 1968, she published "Memoirs of a European", a book in which she accounts for her commitment to a united and more respectful Europe regarding gender equality. Louise Weiss was elected in the first European elections in 1979. She was 86 at that time and became the oldest member of the European Parliament. As a Member of the European Parliament, she dedicated herself mostly to culture and youth, including the creation of a European university, and an exchange of a large number of teachers, having been in office until the day of her death in 1983.

Another woman who made the EU an even bigger project was Sofia Corradi, the mentor of the "Erasmus" program. Her fight was born from a setback. In 1958, the Italian came back from the United States of America (USA) with a Master in Comparative Law. As the diploma was not recognized in her country, she had to repeat a year of study in Italy in order to become a teacher in education science. Years later, not having gotten over this setback, she decided to do something so that the same situation did not happen again to other people. She then tried to convince the deans of universities, as well as the Italian and European political class of the need of university exchange programs. In her numerous letters and interviews, she explained that studying abroad changed her life. The first victory came in 1976, when courses and diplomas in french were recognized in Italy. But only in 1987, in the era of Jaques Delors, did the European Commission create the concept of "Erasmus". Making reference to the Dutch theologist Erasme, the acronym also means European Action Scheme for the Mobility of University Students. Since then, over four million students have already benefited from a scholarship to spend a semester or a year in another European country. It is estimated that 1 million "Erasmus babies" have been born from couples who have met during these exchange programs. Erasmus was then broadened to people in training and young workers and is one of the most solid EU accomplishments. These are just some of the inspiring women in the history of the European Union.

There is a collective responsibility for the new generations in the European Union and in Brazil, and also on the part of women in positions of leadership, so that women and girls understand that they too can be leaders one day. The empowerment of women is not only something correct that should be done. It is also the most intelligent and more humane option. Women's empowerment also involves a vision of an image of success of women in power. If young women only see men in the judicial system, this does not represent a positive message on a political level, which must be in the direction of encouraging and propelling girls and women to accept these kinds of challenges.

Another important challenge is to avoid taking backward steps, defending what has been accomplished and defending it together with men who helped women in these conquests.

Currently Europe is among one of the safest more egalitarian places for girls and women in the world. The number of employed women reached historically high levels, and more and more women are in positions of power nowadays.

But this does not mean the fight is over, or that these accomplishments should be taken for granted. In Europe many women also still face challenges, inequalities and threats in their day-to-day lives: abuse and harassment, lower salaries, as well as fewer job and career opportunities. And this is unacceptable. A particularly concerning factor is also the trivialization of sexist hate speech, particularly *online*, but also in public. Words are important and may lead to actions. They may be the first step to unequal treatment or even to physical violence. It is important that everyone shows zero tolerance regarding hate speech and all forms of violence and discrimination against women.

Therefore, the idea of gender equality cannot be reduced to the simple elimination of differences, as differences among genders can be mutually enriching. Gender issues are, most of the time, a lack of mutual recognition. It is impossible not to recognize the enrichment which emerges from these differences if we consider the profound transformation produced by the entrance of women into the judiciary, in politics, as well as in all areas of the working world. Women must be able to fully participate in all aspects of society – political, social, as well as economic and legal aspects. Without them, a truly sustainable development for all people will never be accomplished.

Thus, the value of difference does not have to be seen as a “negative” value, to the contrary. There are numerous studies of various international research institutes which confirm the huge potential of women. The global economy would grow from 12 to 28 trillion dollars (US\$) until 2025 if women participated in the workforce in the same proportion as men – a 26% rise and almost equivalent to the Gross Domestic Products (GDP) of the USA and China combined. Furthermore, according to the OECD, if women had the same access to production resources as men, they could raise the profit of their farms between 20% to 30% and expand total agricultural production. This could bring 100-150 million people in the entire world out of famine.

The presence of women in the labor world must not only be visible, but it also must allow men to release themselves for good from the heavy historical role which placed them as the paradigm and as the model for the “other gender”. In conclusion, the fight for gender equality cannot reduce itself to the celebration of the 8th of March or to the organization of seminars and conferences. The fight for equality has to go beyond everything and everyone, both men and women, and it has to be a fight at every moment of every day. It is not possible to construct a progressive society without working on gender equality.

1.2. The promotion of gender equality in the European Union – challenges and progress made

Since gender equality is necessary to accomplish sustainable development in order to benefit future generations, it is not by chance that the European Union has been fighting incessantly to guarantee that objective number five regarding gender equality, is clearly included in the UN Sustainable Development Goals (SDG). The European Union fought for this objective to be autonomous in the SDG agenda, so that it was not merely included in a gender mainstreaming approach regarding the other UN sustainable development goals.¹

Not only the European Union (UE) but also Brazil face challenges regarding the topic which was the object of this report.

¹ Contribution given during the first regional conference in Manaus by Councilor Domenica Bumma, Head of Political, Economic and Information Affairs Section of the European Union Delegation in Brazil.

For example, European women still earn less for equal work in comparison to men, and this disparity is more accentuated after they retire. In other words, even though European women have a better education than men, they still earn 16% less per hour (in the same jobs) in comparison to men.² These wage disparities between men and women are not only unfair as a principle, but also, in practice, due to the fact they place women in precarious situations throughout their careers, which only grow bigger after they retire: disparities between women and men regarding pensions is 36,6 %.

Also, women in Europe represent only ¼ (one forth) of higher directive positions in the bigger EU registered companies, and the active and numerically significant participation of women in politics has not yet been accomplished. Only three EU Member States have over 40% of women members of parliament, and only 6 have over 20%. Also, in Brazil, even with a greater education level, women continue to be under-represented in management positions in the Public Prosecution Service and in the spheres of public life;³ for example, Brazil was in position number 152 among 190 countries which belonged to the UN regarding the percentage of places occupied by women in Parliament.⁴ In elective positions, women's participation is very low, which is also reflected at the municipal level.⁵

Going back to the European Union, there has been a rise in women with PhDs, from 43% (in relation to the total) in 2004 up to 47% in 2014, as well as 16% of women in leadership positions in EU research institutions in 2004, going up to 21% in 2013.

Thus, we can verify that, even though there is growth, it is very slow. Specifically, regarding the legal sector, even though women in the European Union were late to arrive, there has been progress, as recent data showed that 60% of students and graduates in law were women.⁶ However, it is demonstrated here that the proportion of women in legal professions goes down according to seniority in positions. In the European supreme courts, the average division is of two thirds men to one third women.

One of the explanations which was put forward by the study is the fact that women are still disadvantaged by outdated perceptions that they are emotional, easily influenced, biased and incapable of seeing the "big picture".⁷

Another of the reasons regards the fact that women do not have connections between them at their disposition which exist for men – what is known as *networking*.⁸ This factor, in conjunction with the masculine culture which dominates the legal professions in general, and the fact that the promotions and appointment procedures lack transparency, with weak commitments towards diversity, leads women to find themselves in a position of considerable disadvantage.⁹

² According to the latest data from the European Commission, wage disparity is at 16%. See "European Equal Pay Day", the Commission for Equality in Labor and Employment 2018, available at: <http://cite.gov.pt/pt/acite/3novembro2018.html> (consulted 15.02.2019). See also "The gender pay gap situation in the EU", European Commission, 2018, available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/equal-pay/gender-pay-gap-situation-eu_en (consulted 15.02.2019).

³ "Women occupy only 39% of positions of power in the Public Prosecution Service", available at: <https://www.conjur.com.br/2018-jun-24/mulheres-ocupam-apanas-39-cargos-poder-ministerio-publico> (consulted 15.02.2019). See also study entitled "Gender Scenarios- Reflection, Research and Reality", of the National Council of Prosecution Services, 2018, pg. 5, available at: http://www.cnpm.mp.br/portal/images/20180625_CENARIOS_DE_GENERO_v.FINAL_3.1_1.pdf (consulted 15.02.2019).

⁴ "Gender Scenarios- Reflection, Research and Reality", of the National Council of Prosecution Services, 2018, pg. 5, available at: http://www.cnpm.mp.br/portal/images/20180625_CENARIOS_DE_GENERO_v.FINAL_3.1_1.pdf (consulted 15.02.2019). See also "In ranking of 190 countries about the presence of women in Parliaments, Brazil occupies position 152", available at: <https://g1.globo.com/politica/noticia/em-ranking-de-190-paises-sobre-presenca-feminina-em-parlamentos-brasil-ocupa-a-152-posicao.ghtml> (consulted 15.04.2019). See also: "Nadine Gasman, UN Women representative in Brazil, will be the new Minister of Women in Mexico", available at <https://agenciapatriciagalvao.org.br/tag/onu-mulheres/?print=pdf-search> (consulted 14.05.2019); "The conquests of Brazilian women are irreversible", available at: <https://www.metropoles.com/brasil/direitos-humanos-br/nadine-gasman-conquistas-das-mulheres-brasileiras-sao-irreversiveis> (consulted 10.03.2019) and "Women occupy only 39% of positions of power in the Public Prosecution Service", available at: <https://www.conjur.com.br/2018-jun-24/mulheres-ocupam-apanas-39-cargos-poder-ministerio-publico> (consulted 15.02.2019).

⁵ "Women lead Public Prosecution Services in only 3 States", available at: <https://politica.estadao.com.br/noticias/geral,mulheres-chefiam-procuradorias-em-apanas-tres-estados,70001902615> (consulted 14.05.2019).

⁶ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate-General for Internal Policies of the Union, 2017, pg. 15, available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

⁷ Idem, pg. 20.

⁸ Idem, pgs. 35,43,45, 86, 90.

⁹ Idem, pgs. 20, 33, 44.

Another transversal result which was found was the difficulty in dealing with the double role of mother and professional, with the frustrating clash with the so-called "maternity wall", due to the lack of support and flexibility in labor practices.¹⁰

Women in Europe also continued to have more difficulties than men accessing project financing, such as "crowdfunding", even though they were more successful in comparison to men when they managed to get funded. Lastly, one of the most disturbing statistics involves the fact that, on average, 44% of Europeans think that women should take care of their homes and families. This means that a third of EU Member States or at least 70% of Europeans think like this.

According to a study from the Directorate General for Internal Policies of the Union, stereotypes also persist in this professional area in the EU. This is concerning, due to the fact that, as the Study points out, this professional sector has the implicit conscience of the creation of rules in the area of equality.¹¹

1.3. Answers from the European Union regarding these challenges

At the end of 2017, the European Commission launched an Action Plan (2017-2019) to fight wage inequality,¹² with 8 big action areas, among which the enhancement of the application of the principal of equal pay, the fight against professional and sectorial segregation, breaking the "glass ceiling", and also denouncing inequalities and stereotypes, as well as reinforcing partnerships and fighting wage disparities between men and women.

In the context of the European Pillar for Social Rights, the EU also took measures to allow parents and caretakers to carry out a professional activity in order to better progress in their career, while having the possibility to take care of their families at the same time.¹³ A document with long term action guidelines was also produced: the EU Strategic Engagement for Gender Equality (2015-2019), which is a document with long term guidelines for action. Among the five principles of this Strategic Engagement, there is equality in economic independence, and also salary equality between men and women for equal work. The gender equality situation is measured in the European Union on an annual basis and is also measured with regard to all Member-States together through reports on equality between men and women in the EU.

The European Equal Pay Day was also created, and was celebrated on the 3rd of November in 2018, symbolically pointing out in that year the moment when women stopped being paid when compared with their colleagues who were men, and when 16% of the working year was still to come.¹⁴

Recently, 3,3 million euros were granted to projects for the fight against stereotypes regarding professional orientation and career options. And, lastly, on the 13th of June 2019, the European Council adopted conclusions encouraging actions to be implemented by Member-States to enable them to end wage inequality.

Lastly, a revision of the legislation in the European Parliament and European Council from the 5th of July 2006 was also carried out regarding the application of the principle of equal opportunities and equal treatment between men and women in areas connected to employment and professional activities.¹⁵

¹⁰ Idem, pg 31.

¹¹ Idem, pg 13.

¹² "Delivering on the European Pillar of Social Rights– Commission adopts first concrete initiatives ", European Commission, 2017, available at: http://europa.eu/rapid/press-release_IP-17-1006_pt.htm (consulted 28.04.2019).

¹³ "European Pillar of Social Rights: building a more inclusive and fairer European Union", website of the European Commission, available at: https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en (consulted 15.07.2019).

¹⁴ "Equal Pay Day: Statement of the first vice-president Frans Timmermans and of the commissioners Marianne Thyssen e Věra Jourová", European Commission, 2018, available at: http://europa.eu/rapid/press-release_STATEMENT-18-6184_pt.htm (consulted 15.06.2019).

¹⁵ Directive 2006/54/CE of the European Parliament and of the Council, Official Journal of the European Union, 2006, available at: <https://eur-lex.europa.eu/legal-content/PT/TXT/?uri=CELEX:32006L0054> (consulted 17.07.2019).

These are only a few of the elements which can be mentioned in this report to highlight the daily and continuous effort of the EU to strengthen gender equality and to put it into practice.

Another fact which is noteworthy is that in at least 15 Member-States, gender equality policies are included in the law with a mandatory basis. 24 Member-States have specific chapters on this in their action plans, and 3 Member-States have specific action plans entirely dedicated to gender equality.¹⁶

The “*watchdog*”¹⁷ role of civil society regarding these topics has also not been forgotten, not only regarding the private sector, but also regarding public service.

We are now before a process which is still evolving. For the EU, achieving gender equality is therefore “work in progress”. Thus, gender equality is not a mere dream, but it is an achievable goal. This project with these conferences is a demonstration of this fact. On the long and hard road to gender equality each step forward is a conquest.

1.4. Conclusions

The EU introduced legislation to promote labor equality which was ratified by all Member States, many of which enacted additional measures to ensure women and other under-represented people in society were no longer in a position of disadvantage; as examples, there are parity policies in France or quotas in the public service in Germany.¹⁸ But there are also other measures, such as transparent and impartial recruitment procedures, with the establishment of independent monitoring entities, with clear mandates and sufficient powers.¹⁹

More specifically, as possible solutions for the gender imbalance in legal professions in the European Union, the EU applied quotas in order to reduce the imbalance, and there are cases of success, such as quota systems for the selection of women judges for the International Criminal Court (with 50% of women in 2016) or the European Court of Human Rights (with 36% of women in 2016).²⁰ Some EU countries also applied similar systems- for example Belgium, France, or the Netherlands.²¹ However, progress can also be achieved with other measures, such as more flexible labor practices in order to fight the tendency for women seeing themselves obliged to change their behavior in order to be “assimilated” by the dominant labor culture.²²

Among the measures proposed to specifically guarantee more gender equality in the legal professions, a greater analysis and development of action plans is proposed, as well as the establishment and encouragement not only of *networking*,²³ but also of *mentoring*²⁴ for women in legal professions; this reinforces the structure of those same networks. Lastly, another proposal was the education of the judiciary regarding gender equality with the involvement of the academic world.²⁵

It is also important to be able to understand the possible connection between the situation of women in an institution and the performance of that same institution regarding gender. Without the participation of women as actors in the process of elaboration of the rules which regulate the functioning of an

¹⁶ “*Governmental Gender Equality Bodies*”, Website of the European Institution for Gender Equality, available at: <https://eige.europa.eu/gender-mainstreaming/institutions-and-structures/eu-member-states> (consulted 18.07.2019).

¹⁷ *Watchdog*: English term which defines the role of social monitoring from a certain entity of specific activities, people or situations.

¹⁸ “*Mapping the representation of Women and Men in Legal Professions across the EU*”, Directorate General for Internal Policies of the Union 2017, pg. 27, available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

¹⁹ *Idem*, pgs. 32-35.

²⁰ *Idem*, pg 36.

²¹ *Idem*, pgs 25,37,40.

²² *Idem*, pg. 44.

²³ *Networking*: English term which indicates the capacity to establish a network of connections or a connection with something or someone. It is a support system where the services and information are shared among people or groups with common interests.

²⁴ *Mentoring*: English term synonymous to “tutoring” or “mentorship”. Instrument for personal development which consists of a more experienced person helping a less experienced person.

²⁵ “*Mapping the representation of Women and Men in Legal Professions across the EU*”, Directorate General for Internal Policies of the Union, 2017, pgs. 35-36 e 88. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

institution, it will be hard to achieve effective equality in institutional practices (for example, public competition panels, performance evaluation mechanisms, etc.).

With specific regard to the internal structure of the European External Action Service (EEAS) of the European Union, according to data from September 2018, the EEAS had a total of 4.150 employees, divided between 2.015 in the headquarters and 2.135 at the EU Delegations. Even though there has been a rise in the proportion of women at the head of delegations (Ambassadors) since their creation, the percentage of nominations of women as chiefs of EEAS delegations was at 25% in September 2018. There was also progress in relation to data from the same month in 2011, which was at 17%. So, there is an evolution but it is, once again, small.

The European authorities presently intend to achieve 40% of women chiefs of EU Delegations (Ambassadors) until the end of 2019. An ambitious goal, but which the European Union believes is possible. As for Brazil, the "Gender Scenarios" study, launched by the National Council of Prosecution Services, analyzed the representativity of women in their leaderships, and concluded in its most recent report that women occupied a mere 39% of positions of power.²⁶

The objective of the report is to allow the construction of strategic policies in the area of equality, to stimulate the debate of the obstacles which make women's access to higher positions harder. In Brazil we can also see an incorrect perception of the role a woman will carry out in a position of power.²⁷ Overcoming these stereotypes is therefore essential, in order, for example, to abandon the perspective of the naturalization of the relationship of a woman with her family, with maternity or with the home, as these stigmas do not only represent an economic and social cost, but also are psychologically damaging for women, as they involve their devaluing, their degradation and – in many cases - their silencing.²⁸ It is men who assume so-called "positions of trust" more often, as they are predominantly chosen as secretary-generals, chiefs of staff and advisors, also being the majority in higher councils, collegial bodies of promoters and in the sub-Public Prosecution Services.²⁹

The Brazilian Institute on Geography and Statistics concluded that women still earn salaries $\frac{3}{4}$ (three quarters) lower than men.³⁰ Women represent more than 50% of the Brazilian population,³¹ but they continue to be under-represented.³² And we must not forget, in particular, women of African descent and indigenous women, as well as other under-represented groups of women.³³ But representation is not enough, it is necessary to challenge spaces of power in their careers and to create mechanisms which break the *status quo*. More assertive measures are necessary.³⁴

²⁶ Study "Gender Scenarios- Reflection, Research and Reality", of the National Council of Prosecution Services, 2018, pg. 5, available at: http://www.cnmp.mp.br/portal/images/20180625_CENARIOS_DE_GENERO_v.FINAL_3.1_1.pdf (consulted 15.02.2019)

²⁷ ("Gender Scenarios" Study is presented in the 9th Brazilian Congress for Public Prosecution Service Management), website of the CNMP, 2018, available at: <http://www.cnmp.mp.br/portal/todas-as-noticias/11568-estudo-cenarios-de-genero-e-apresentado-no-9-congresso-brasileiro-de-gestao-do-mp> (consulted 11.02.2019).

²⁸ "Women in the Public Prosecution Service: debating gender inequality", available at: <https://agenciapatriciagalvao.org.br/mulheres-de-olho/politica/mulheres-no-ministerio-publico-em-debate-desigualdade-de-genero/?print=pdf> (consulted 08.02.2019).

²⁹ Study "Gender Scenarios- Reflection, Research and Reality", of the National Council of Prosecution Services, 2018, pg. 15-17, available at: http://www.cnmp.mp.br/portal/images/20180625_CENARIOS_DE_GENERO_v.FINAL_3.1_1.pdf (consulted 15.02.2019) and "Women occupy only 39% of positions of power in the Public Prosecution Service", available at: <https://www.conjur.com.br/2018-jun-24/mulheres-ocupam-apenas-39-cargos-poder-ministerio-publico> (consulted 15.02.2019).

³⁰ "Women occupy only 39% of positions of power in the Public Prosecution Service", available at: <https://www.conjur.com.br/2018-jun-24/mulheres-ocupam-apenas-39-cargos-poder-ministerio-publico> (consulted 15.02.2019).

³¹ "Women lead Public Prosecution Services in only three States", available at: <https://politica.estadao.com.br/noticias/geral,mulheres-chefiam-procuradorias-em-apenas-tres-estados,70001902615> (consulted 14.05.2019).

³² "Women occupy only 39% of positions of power in the Public Prosecution Service" available at: <https://www.conjur.com.br/2018-jun-24/mulheres-ocupam-apenas-39-cargos-poder-ministerio-publico> (consulted 15.02.2019).

³³ "Women lead Public Prosecution Services in only three States", available at: <https://politica.estadao.com.br/noticias/geral,mulheres-chefiam-procuradorias-em-apenas-tres-estados,70001902615> (consulted 14.05.2019).

³⁴ "Women in the Public Prosecution Service: debating gender inequality", available at: <https://agenciapatriciagalvao.org.br/mulheres-de-olho/politica/mulheres-no-ministerio-publico-em-debate-desigualdade-de-genero/?print=pdf> (consulted 08.02.2019).

Fighting for gender equality is therefore, undoubtedly, a political decision,³⁵ and gender equality is also a pillar of democracy.³⁶

So, today more than ever, it is necessary to raise public consciousness and to change mentalities and social stereotypes. UN Women in Brazil recommends total parity (50/50), and the first step for this is through affirmative actions. But for this to be achieved, a social commitment is necessary, as well as political will to propose laws, public policies and appropriate resources.³⁷ But even with the so sought after gender equality between people who work in the legal sector, everyone must guarantee that the application of the law itself is not an oppressive instrument, but an instrument for the promotion of equality.³⁸ Gender equality is not only a women's fight, it is everyone's fight. This is why the EU considers it is important to take into account all the men who, every day, in silence, simply respect and apply rules, helping women and not discriminating them, advancing this topic in each of their companies, in each of their offices, whether they are public or private. Therefore, men can and should be allies in this context.³⁹

This report was intended to evaluate the barriers to the progression of women in the Public Prosecution Service in Brazil, asking, among other things, how much time a woman took to get to a capital city or to a permanent position, and if her career was compromised due to maternity or to the displacement of her family.⁴⁰ It was also intended to question if there was gender balance or not in the approval procedure of women to enter the career, if there was gender parity in the public competition panels and in the main spaces where power and decision making took place.⁴¹ It also questioned whether changes in behavior on a professional level occurred, if women were equally consulted in decision making procedures, and what the level of tolerance was to women in leadership positions.⁴² These were only some of the questions which were considered to be essential in order to continue to eradicate exclusion mechanisms and gender discrimination.⁴³

The law must actively contribute to the fight against gender inequality, as well as other inequalities and oppressions, forbidding any sort of discrimination, and making the appropriate entities take the necessary measures to fight these situations of true social inequality.⁴⁴

The law is always in a process of continuous revision, because it is socially constructed. Therefore, it is social dynamics which operate this transformation, which force the alteration of legal mechanisms, and which may introduce visions focused on human rights and equality in legal systems, and feminist legal theories are a vital contribution to this fight.

In conclusion, the EU Strategic Engagement for Gender Equality sets out five principles:

- 1- Equality in economic independence.
- 2- Equal pay between men and women for equal work.

³⁵ "Women occupy only 39% of positions of power in the Public Prosecution Service", available at: <https://www.conjur.com.br/2018-jun-24/mulheres-ocupam-apenas-39-cargos-poder-ministerio-publico> (consulted 15.02.2019) and "Women lead Public Prosecution Services in only three States", available at: <https://politica.estadao.com.br/noticias/geral,mulheres-chefiam-procuradorias-em- apenas-tres-estados,70001902615> (consulted 14.05.2019).

³⁶ "Women in the Public Prosecution Service: debating gender inequality", available at: <https://agenciapatriagalvao.org.br/mulheres-de-olho/politica/mulheres-no-ministerio-publico-em-debate-desigualdade-de-genero/?print=pdf> (consulted 08.02.2019).

³⁷ "Women lead Public Prosecution Services in only three States", available at: <https://politica.estadao.com.br/noticias/geral,mulheres-chefiam-procuradorias-em- apenas-tres-estados,70001902615> (consulted 14.05.2019).

³⁸ Duarte, Madalena (2011): "Domestic violence and its criminalization in Portugal: obstacles to the application of the law" *Sistema Penal & Violência, Revista Eletrônica da Faculdade de Direito, Programa de Pós-Graduação em Ciências Criminais, Pontifícia Universidade Católica de Rio Grande do Sul - PUCRS*, pgs. 1,4,5,7, available at: <http://revistaseletronicas.pucrs.br/ojs/index.php/sistemapenaleviolencia/article/view/9842/7583> (consulted 20.02.2019).

³⁹ Gloria Cordes Larson Center for Women and Business, "Men as Allies: Engaging Men to Advance Women in the Workplace", Curated Research Report, Bentley University, available at: https://wit.abcd.harvard.edu/files/wit/files/cwb_men_as_allies_research_report_spring_2017.pdf (consulted 20.02.2019).

⁴⁰ "Women in the Public Prosecution Service: debating gender inequality", available at: <https://agenciapatriagalvao.org.br/mulheres-de-olho/politica/mulheres-no-ministerio-publico-em-debate-desigualdade-de-genero/?print=pdf> (consulted 20.02.2019).

⁴¹ Idem.

⁴² Idem.

⁴³ Idem.

⁴⁴ Duarte, Madalena (2011): "Domestic violence and its criminalization in Portugal: obstacles to the application of the law", *Sistema Penal & Violência, Revista Eletrônica da Faculdade de Direito, Programa de Pós - Graduação em Ciências Criminais, Pontifícia Universidade Católica de Rio Grande do Sul - PUCRS*, pg. 10, available at: <http://revistaseletronicas.pucrs.br/ojs/index.php/sistemapenaleviolencia/article/view/9842/7583> (consulted 20.02.2019).

- 3- Equality in decision making.
- 4- The fight against gender violence, protecting and supporting victims.
- 5- The promotion of gender equality and of the rights of women in the entire world.

Specifically in Brazil, the EU Delegation, along with the EU Member-States, is fully involved in the implementation of the 2016-2020 Gender Action Plan, with the following priorities:

- i) contribute to the elimination of all forms of violence against women and girls, and gender violence;
- ii) promote access to health and sexual and reproductive rights, with a focus on the fight against sexually transmissible diseases;
- iii) contribute to the access to dignified work and to professional qualifications;
- iv) promote the participation in political governance, including climate change and the environment, and
- v) promote change in institutional culture.

The EU firmly considers it shares these general principles with Brazil, as well as the specific principles with the Public Prosecution Service. Moreover, this partnership was created based on these principles and on the value of the exchange of experiences between the EU and Brazil. The EU went to the regions of Brazil where regional opinions could bring experiences and essential visions to break down barriers that still did not allow for sharing and exchanging ideas in the institutional culture.

Lastly, the European Union reiterates its firm commitment to support the National Council of Prosecution Services in its agenda to promote gender equality, fight violence against women and protect human rights. The EU continues to be side by side with Brazil, supporting the tireless fight for the search for gender equality, which is a priority of the EU, as the EU believes that women are the hope for change in the world.

2. Introduction and summary of the gender equality situation in the judiciary in the European Union

The “Gender Scenarios” Study of the National Council of Prosecution Services (CNMP) in Brazil analyzed the representativity of women in their leaderships, concluding that they occupied only 39% of positions of power. It also points out that the women of the Brazilian Public Prosecution Service continue to receive only ¾ of the amounts made by men in the institution.

The report was launched in order to create strategic policies in the area of equality, thus stimulating the debate regarding the obstacles which make women's access to the Public Prosecution Service leaderships harder.

These and other questions are approached in this report, with the purpose of contributing to a more detailed picture of the “gender scenario” which is lived out in the State Prosecution Services of Brazil, presenting suggestions to reduce the problems suffered by women in these contexts, and comparing them with the results of the study on gender balance in legal professions in the European Union.

The EU carried out research for the 5 regional conferences of Promotors and Prosecutors of the State Public Prosecution Services of Brazil during the first semester of 2019. These conferences on gender equality perspectives were considered to be of vital importance in the dialogue process between Brazil and the European Union. Therefore, this research on the part of the EU aims at pointing out some perspectives about the representation of women in legal careers in the EU in general, as well as in the judiciary and Public Prosecution Services in some Member-States in particular.

This research intends to be an additional element regarding the study of the barriers to the progression of women in legal careers in the European Union, with a particular focus on the Public Prosecution Services of some Member-States where, just as in Brazil, questions like these ones were asked: How long does a woman take to get to a capital city, to a permanent position? Does she compromise her career due to maternity or the displacement of her family?

On the other hand, it is necessary to verify the existence or not of behavioral changes in the professional relationship between women and men. Are women equally consulted in decision making procedures? What is the level of tolerance to women in leadership positions?

Furthermore, it is necessary to confirm if there is or isn't a gender balance in the approval of women in order to access the career, and if there is or isn't gender parity in the public competition panels and the main power and decision making positions. These are only some of the essential issues which need to be approached in order to contribute to eradicate exclusion and discrimination mechanisms.⁴⁵

⁴⁵ “Women in the Public Prosecution Service: debating gender inequality”, available at: <https://agenciapatriciagalvao.org.br/mulheres-de-olho/politica/mulheres-no-ministerio-publico-em-debate-desigualdade-de-genero/?print=pdf> (consulted 08.02.2019).

3. General overview of women in legal careers in the European Union and research objectives⁴⁶

The **European Union** fought seriously for Sustainable Development Goal number 5 regarding gender equality to be an autonomous objective on the SDG agenda. The point was that this goal was not merely integrated from a “gender mainstreaming” perspective regarding the other UN Sustainable Development Goals.⁴⁷

Among the several aspects of this SDG, which consists of achieving gender equality and empowering all women and girls, several subpoints can be highlighted in the context of this research:

- Guaranteeing the full and effective participation of women and equal opportunities for leadership at all levels of decision making in political, economic and public life;
- Adopting and strengthening solid policies and legislation for the promotion of gender equality and the empowerment of all women and girls at all levels;
- Recognizing and valuing caretaking work and unpaid domestic work through making public services, infrastructures and social protection policies available, as well as the promotion of shared responsibilities in the home and the family, according to national contexts;
- Ending all forms of discrimination against all women and girls all over the world;
- Eliminating all forms of violence against all women and girls in public and private spheres, including trafficking, sexual exploitation, and other forms of exploitation;
- Raising the degree of use of base technologies to promote women's empowerment, particularly information and communication technologies.

3.1. Summary

The data from the EU which is presented here is mostly from a Study from the European Parliament carried out by the Directorate General for Internal Policies of the Union on gender balance in legal professions. The results of the 2017 Study indicated that **gender stereotypes also persist in the European Union**, which is concerning, considering the sector of legal professions has an implicit and explicit conscience of the creation of rules in the area of equality.⁴⁸

Even though women were late to arrive in the legal sector in the EU, there was progress, as recent data shows that **60% of law graduate students are women** (data from 2012 to 2015).⁴⁹ However, according to the 2015 results, there were a mere **43% of women lawyers**, which indicates a significant disconnection

⁴⁶ “Mapping the representation of Women and Men in Legal Professions across the EU”, Directorate General for Internal Policies of the Union, 2017, pg. 13. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

⁴⁷ “Objective 5. Achieving gender equality and empowering all women and girls”, UN Website in Brazil, available at: <https://nacoesunidas.org/pos2015/ods5/> (consulted 11.05.2019).

⁴⁸ “Mapping the representation of Women and Men in Legal Professions across the EU”, Directorate General for Internal Policies of the Union, 2017, pg. 13. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

⁴⁹ Idem, pgs. 12 e 88.

between the number of women finishing law school and women who become lawyers.⁵⁰ Moreover, according to the latest data, **general wage disparity in the EU is situated at 16%**.⁵¹

This European Parliament Study on gender balance in legal professions points out several key results obtained regarding women in the **legal sector**, namely, that the proportion of women in legal professions diminishes according to the seniority of the positions in question.⁵²

It confirms that the average division between women in men in the **supreme courts of the European Union** is of 2/3 (two thirds) of men compared to 1/3 (one third) of women.⁵³ And, in the **private sector**, data revealed that more men than women manage to carry out the first internship of their choice.⁵⁴ The collected data shows that **European women who are lawyers are also working in areas of law which have clients with a lower income level**, have less prestige and are not so well paid in comparison with their colleagues who are men.⁵⁵ The results of the Study also show that there are growing numbers of women law graduates who decide not to work in the private sector, preferring industry, the non-profit sector, or public service.⁵⁶

As a possible solution, quotas to reduce the imbalance were applied and there are some examples of successful cases, such as quota systems for the selection of women judges at the International Criminal Court which, in 2016, had 50% women or the **European Court of Human Rights (ECHR)** – with 36% women, also in 2016. As a result of the regulatory measures regarding the **ICC**, it can be verified that the proportion of women was never under 39% and 47% of all judicial slots have gone to women since their establishment. Some EU countries also applied similar systems – for example, Belgium, with its Constitutional Court functioning according to a quota system, and we also verify the existence of quota systems in France and the Netherlands.⁵⁷

The **Court of Justice of the European Union (CJEU)** seeks to allow the use of quotas, although it is on a limited basis. For example, this court applies them to under-represented women in certain areas (or where they are somehow disadvantaged), as long as it is a proportional measure. As automatic appointment is not possible, the merit of the candidates must be duly taken into account before taking a positive action measure with the purpose of choosing a person who belongs to an under-represented group.⁵⁸

Lastly, as for the **private sector**, this European Parliament Study for the Directorate General for Internal Policies of the European Union about gender balance in the legal professions **recommends** several measures in order to encourage women to progress in their respective careers. Some of the measures are changes within their working places, namely, of the existing labor practices in order to provide more flexibility for women in the working world. However, the Study shows that, unfortunately, these types of measures are not the most prevalent ones; other measures to adapt women to a culture dominated by men are more prevalent instead (for ex. training for women).⁵⁹

Among the **future measures** indicated by the Study, this analysis points out that the EU introduced legislation to promote equality in the workplace which was ratified by all Member-States. Many of the countries introduced additional measures in order to ensure that women and other under-represented

⁵⁰ Idem, pgs. 12 e 62.

⁵¹ "European Equal Pay Day", Commission for Equality in Labor and Employment 2018, available at: <http://cite.gov.pt/pt/acite/3novembro2018.html> (consulted 15.02.2019); See also "The gender pay gap situation in the EU", European Commission, 2018, available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/equal-pay/gender-pay-gap-situation-eu_en (consulted 15.02.2019).

⁵² "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pg. 86. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted on 15.05.2018).

⁵³ Idem pg 51.

⁵⁴ Idem, p.23.

⁵⁵ Idem, ibidem.

⁵⁶ Idem, p.26.

⁵⁷ Idem, pgs. 25,36-37e 40.

⁵⁸ Idem, 41.

⁵⁹ Idem, 44.

people in society managed to get out of their position of disadvantage. As examples, there are internal policies of political parties in France and quotas in the public service in Germany.

However, the report recommends that all measures are taken in the future in order to ensure that the issue of gender balance is approached in legal professions. **Some of the suggested measures are the following:**

- Impartial and transparent recruitment procedures, including the establishment of independent nomination entities, with clear mandates and enough powers to act;
- More analysis and the development of action plans;
- Establishing, increasing and promoting professional networking and mentoring among women in legal careers, including the enhancement of the capacity of the infrastructures of these same networks;
- Education in the judiciary for gender equality, particularly with the involvement of the academic world;⁶⁰
- Introducing more flexible working conditions.

3.2. Methodology⁶¹

a) Some of the instruments used to gather information and basis of the data

The Study of the Directorate General for the Internal Policies of the Union was based on three main study methodologies for this report:

- an extensive analysis of the existing literature on the topic;
- a collection of data from secondary sources;
- a consultation procedure of the participants and the interested parties.

Therefore, the Study was based mostly on secondary sources, with the data already available from other sources. So, the content of this Study of the Directorate General for Internal Policies of the Union used and quoted in this report did not cover gaps in previously existent data, and the only primary source which was used was an enquiry among the participants.

b) State of the art – existing literature regarding this topic

In order to show the quantitative data in a broader context, an extensive analysis of the existing literature was carried out, including papers (or articles), studies and research on the topic of gender equality in legal careers, as well as the collection of information from inside and outside the European Union.

The literature was analyzed on the basis of arguments in favor of gender equality in the judiciary, barriers to equality, measures to promote gender equality, and also the debate on quotas in legal professions.

⁶⁰ Idem, 32-36 e 88.

⁶¹ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pg. 15-17. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

The main focus of the analysis were judges and lawyers, as these are the most widely researched legal professions. There is not much research or debate regarding other legal professions.

This report from this EU Parliament Study mainly extracted data regarding gender balance in legal professions, namely, on the judiciary in general, as well as, in particular, data regarding Public Prosecution Services.

c) Data regarding legal professions

The methodology of the above-mentioned Study was mostly based on the collection of quantitative data from openly available European statistical sources in order to provide the relevant data on a comparative level throughout time. Data includes judges, presidents, prosecutors from Public Prosecution Services, members of professional bar associations and law offices from each EU country, as well as people registered as notaries in the Member States. Lastly, some data was added regarding students and academics.

Data from the judiciary was used (including judges from the Public Prosecution Service, public servants and subcontracted collaborators) from each of the Member-States of the European Union, using information published by the European Commission for the Efficiency of Justice (CEPEJ in Portuguese in short), namely, the comparative data resulting from the analysis of the year of 2014. However, the 2012, 2014 and 2016 CEPEJ reports recognize the limitations of the data which was collected.⁶²

Therefore, the reader must take into consideration that all the collected information is subjected to the interpretation of the questions asked by the researchers and the available information which better “fit” each Member-State. Another of the difficulties which was found was the lack of consistency of the information or its unavailability (identified in the report with the expression “*Not Available*” or by the acronym NA), or that it was not applicable (identified in the report with the expression “*Not Applicable*” or NAP). In many cases, data was not applicable regarding some of the years, or was not available regarding other years; Furthermore, in certain cases, the institutions had data and their practices had not changed (for example, cases where data was not available for one year, and then was not applicable in the year after that, and the year after the collection of the data it was not available again).

This suggests some inconsistencies in the data collection or in the existing definitions of these same groups of data. In other words, numerous methodological challenges were encountered in the data collection for this European Parliament Study on gender balance in legal professions, of which this report is extracting data regarding the judiciary in general, and the Public Prosecution Service in particular. These methodological challenges result from the limitations of European statistics at the national level. During the process of the consolidation and processing of these databases, gaps in the existing data were identified in some cases, and in others the available data seemed improbable or far-fetched. While the collected data from the CEPEJ reports was quite overarching and solid, this was not always the case regarding other data. However, the collection of reliable data on a comparative level beyond the scope of this Study would require an extensive collection of data from primary sources.

Furthermore, some of the tables with data do not include the 28 Member-States. So, even though a systematic data research was carried out in each one of the areas at stake in each Member-State, not all of the countries had complete and comprehensive data. In other cases, the information which was found was not relevant or did not apply to the country in question. Therefore, the compilation of some of the tables where the data of the country in question was incomplete was not used.

⁶² Reports available at: <https://www.coe.int/en/web/cepej/documentation/cepej-studies>.

With the agreement of the European Parliament, a wide consultation procedure was carried out with interested parties and participants on a European level in the area of legal professions by means of a questionnaire with open and closed questions. The objective of the enquiry in question was to gather the opinions of the participating organizations and interested parties on a European level regarding the gender situation in legal careers, the existing gender imbalances in the legal sector, and the underlying reasons of these imbalances, as well as the ways it is possible to fight them. So, after the *websites* of the participating organizations and interested parties had been analysed, a model questionnaire was elaborated and adapted to each organization. The questionnaires were then sent to the Academy of European Law (ERA); to the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA-Europa); to the Council of Bars and Law Societies of Europe (CCBE); the Council of the Notariats of the European Union (CNUE); the European Network of Councils for the Judiciary (ENCJ); the European Judicial Training Network (EJTN); the European Women Lawyers Association (EWLA); and the European Company Lawyers Association (ECLA).

However, even with numerous requests and follow up phone calls, the level of feedback from the participant organizations unfortunately continued to be reduced, as only half of the organizations which were approached responded to the enquiry at stake. Furthermore, the answers from these organizations suggested that gender equality issues were not their main focus at the time.

3.3. Historical context⁶³

Women arrived late in the legal professions. The constitutions approved in the course of the XIX century in countries of the European continent foresaw principles of equality, but women were not included. Civil rights were systematically denied to women by the civil codes from great legislations, as, from a legal perspective, women owed subordination to their fathers and their husbands. They did not have access to higher education and there were professions considered inadequate for their gender characteristics, as it was assumed that their presence would undermine status, prestige and the salary level of those professional occupations. It was the initial women's movement which strongly criticized this situation as being discriminatory and fought for women to be admitted first to universities and later to enable them to have access to professions and to public service. With the introduction of a formal qualification system in professional associations and at the level of education, women had the opportunity of demonstrating that they were capable of corresponding to the established criteria.

The advent of socialist movements opened the path to some of the new constitutions of the XX century, which gradually introduced a greater degree of equality between men and women. This fact eliminated any excuse for the exclusion of women from legal professions without having to compromise the legitimacy of the demand of the State of a scrupulous compliance with the law. After the turbulent social, political and moral period which followed the First World War, egalitarian visions became more acceptable and women started to be appreciated in the new social order as a valuable human resource, even though moral considerations which suggested that women should be granted the same rights still had little weight.

The Second World War and the period which followed it brought a consolidation of the path in the direction of the integration of women in society and in professions; however, the full transposition of the concept of gender equality to social reality involved more battles, which are still ongoing today.

Even though some countries gave women access to legal professions in the beginning of the 20th century, access to public service was limited due to the fact the complete and full exercise of civil rights (in which suffrage was included) was barred to women. In many western countries women had the right to vote

⁶³ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pg. 18. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

under the new constitutions either before or after the First World War (in Finland in 1906 and in the United Kingdom in 1928) and, in other countries, only after the Second World War (for example, in France in 1944, in Hungary in 1945 and in Italy in 1946). Some countries were even later (for example, Greece in 1952).

Until the 1950's, in some countries, there were clauses regarding the celibacy of women in the public service and in the judiciary, which meant that they had to leave their respective institutions when they got married. Later on, debates regarding the issue of the existence of more than one person generating income in families denounced women in these professions. In the context of communism, Eastern European countries were faster in giving women access to legal professions than Western European countries. But this did not necessarily mean that the women in question occupied prestigious positions.

As was previously demonstrated in this report, the history of women in legal careers in Europe is diverse. Antidiscrimination policies and legislation in the EU ended up creating a common legal framework, but the social reality of Member-States still shows deficiencies in access to higher positions and income. Women in law were and still are more vulnerable in their positions than men.

This overview of the history, development and situation of women in legal professions and occupations was concentrated on the judiciary (including prosecutors) and lawyers. Information on other groups performing legal tasks, such as paralegals, legal personnel and staff etc., who at least traditionally had no academic training, are even more diverse and their history and situation is not well documented.

3.3.1. Factors that have an impact on the gender equality situation in legal careers:

- **Gender distribution among judges and prosecutors of the Public Prosecution Service⁶⁴**

After slow beginnings in Western Europe, women judges and prosecutors in civil law countries have taken the judiciary by storm. In former communist countries the increase of women in the judiciary and in prosecution started earlier due to the more pronounced gender equality dogma in these countries. As posts were mainly allocated on the basis of academic merit, women's chances of getting a position were excellent in civil law countries. Meanwhile, in many countries, women are the majority of judges and prosecutors. In some countries, for example, France and the Netherlands, measures were taken to achieve a better gender balance by hiring more men. These measures contrast with the situation in Common Law Countries,⁶⁵ where selection traditionally was based on a form of self-reproduction, through the famous "tap on the shoulder" for men as new members by older members of the profession who were men. In this way, judges were handpicked among lawyers from certain groups, from the moment they applied to the equivalent entity to the Bar Association. Therefore, even though the selection process of candidates from the judiciary has changed, the participation of women in the judiciary is still not happening and the number of women judges is rising slowly.⁶⁶

Career options are limited, not only for women judges but also for women who are prosecutors. In almost every country, the higher the position, the lower the proportion of women. There are fewer women as presiding judges of chambers and holding positions at appeal courts and in supreme courts. In the British Supreme Court there has been only one woman throughout its entire history. Presidents of Supreme Courts are overwhelmingly men. Thus, this is not a generational problem which will be solved by a trickle-up process, as informal qualification structures for career posts and selection mechanisms favor men.

⁶⁴ *Idem*, pg. 25-26.

⁶⁵ *Common Law*: English term, meaning "Common Law", referring in this context to the countries of the legal English system, which exists not only in EU countries, but also in other non-EU countries.

⁶⁶ Malleon, Kate (2013): *Gender Quota's for the Judiciary in England and Wales*. In: Ulrike Schultz e Gisela Shaw, eds. *Gender and Judging*. Oxford: Hart, pp. 481 – 499 e Malleon, Kate (2003): *Prospects for Parity: The Position of Women in the Judiciary in England and Wales*. In: Ulrike Schultz e Gisela Shaw: *Women in the World's Legal Professions*. Oxford: Hart, pp. 175-190.

Intriguingly, in **Italy**, feminisation brought on a structural change and has led to the disappearance of hierarchies. Therefore, seniority (and not merit) is now a crucial element for promotion decisions.

In **France**, the judiciary has for some time suffered from a loss of image brought about by the feminisation of the area, as well as by other factors, such as the standardisation of procedures which are necessary in a mass society, and also declining prestige, poor pay, lack of up-to-date facilities and unattractive office environments. To add to this, in France, according to the analysed EU Parliament Study, recruitment problems have resulted from young men increasingly giving preference to other fields of law which they considered more challenging, especially commercial legal practice, which leaves the judicial field largely for women. There are even reports by women judges who express their dissatisfaction due to the existence of such a high degree of feminisation of the judiciary in France.

Due to these problems, two measures have been presented to halt this loss of image of the judiciary: a differentiation of professional functions to allow for some possibility of distinctiveness for men (France), and the chance of a sideways move into higher positions in the judiciary (France and the Netherlands). In the **Netherlands**, the judiciary has remained almost exclusively an area which is chosen by men (97%), while in France the proportion of women and men opting for this route has been 40 per cent and 60 per cent respectively.

Added to this, in **France**, non-jurists have been allowed by the government to enter the judiciary through a newly created non-traditional "concours", thus increasing the proportion of men judges. In conclusion, a new strategy began to emerge aimed at increasing gender balance in the judiciary by encouraging movement between the judiciary, law offices and industry, and this opportunity was taken up mostly by men.⁶⁷

- **Special regulations and measures to protect professional women**⁶⁸

All EU member States have introduced legislation for the protection of women and as means of compensating them for the disadvantages they suffer due to women's family duties (family, medical leaves, pension benefits due to care work, etc). In the past three decades, additional legislative and other measures have been introduced to promote women in the labor market: equal opportunities programmes (United Kingdom), parity policies (France), quota systems in civil service (Germany). In continental Europe measures of this kind tend to focus on the public service, therefore also covering women in the judiciary, the Public Prosecution Service and Public Administration. In some countries, law societies and bar associations have equal opportunities programmes or women's advancement plans.

The equal rights and anti-discrimination legislation and other relevant measures have borne fruit in that they have kept the issue alive in public awareness and create more willingness for the advancement of women. They have also encouraged women to exchange their experiences and to set up their own networks. However, the direct effects of this cannot be measured.

⁶⁷ Schultz, Ulrike (2003): *Women in the World's Legal Professions. Overview and Synthesis*. In: Ulrike Schultz e Gisela Shaw (eds.): *Women in the World's Legal Professions*. Oxford, Hart 2003, p. XLVIII.

⁶⁸ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies for the Union, 2017, pg. 27. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

4. Literature review on gender equality in the legal field⁶⁹

Most literature and research dealing with gender equality in the legal field focuses on the judiciary and, more recently, on law firms. It can be assumed, however, that most arguments and conclusions are also applicable to other legal professions. This section also includes research and evidence from outside the EU, as in the **United States of America** (EUA), for instance, there is already extensive research on the topic.

The first part of this section focuses predominantly on the judiciary and will review the most common arguments made for gender equality in this profession. The barriers that many women still face as well as possible measures to promote gender equality in the legal field will also be approached.

4.1. Arguments in favor of gender equality in the judiciary⁷⁰

Various different rationales have been given in the literature in order to answer the question about the benefits of a more diverse judiciary. Some of these arguments are more contentious than others, but while there is no universal consensus, it is possible to identify some basic arguments as to why there is a need for gender equality in the legal professions, particularly in the judiciary. These issues are discussed in the following sections.

a) Equal opportunities and fairness⁷¹

This principle is sometimes also referred to as “equity principle”. The underlying idea is that it is inherently unfair if men almost have a monopoly of judicial power. This argument takes as a fact that women and men are equally qualified as judges and there are no – learned or genetic- qualities or characteristics that would justify the fact that men dominate decision-making bodies.⁷² In fact, since one of the primary functions of the judiciary is to promote equality and justice, it would be contradictory if the very instrument in charge of this goal should exclude women from its ranks. Moreover, the fact that women judges are present indicates equal opportunities for women in legal professions who aspire to be a part of the judiciary and demonstrates that judicial appointment procedures are what they claim to be – fair and non-discriminatory.⁷³

This argument is particularly important for Common Law Countries. In some Civil Law Countries, however, the situation is reversed, with a strong feminization of the judiciary, although this degree of feminization is mostly concentrated in the lower ranks. A possible explanation is the fact that in Civil Law Countries, being successfully appointed to these positions depends on performance in academic examinations, where women do just as well as men. Furthermore, the decrease in the number of appointees who were men in some countries might not point to discrimination but might be due to the fact that men with top examination results tend to prefer high salaries and high-profile positions in large international law firms.⁷⁴

⁶⁹ Idem, pgs. 28 -44.

⁷⁰ Idem, pgs. 28 -30.

⁷¹ Idem, pg. 28.

⁷² Malleon, Kate (2003): *Justifying Gender Equality on the Bench: Why difference won't do*. Feminist Legal Studies Vol 11, Issue 1, pp 1-24.

⁷³ Hunter, Rosemary (2015): *More than Just a Different Face? Judicial Diversity and Decision-making*. Oxford University Press.

⁷⁴ Schultz, Ulrike (2013): *Introduction: Gender and Judging: Overview and Synthesis*. In: *Gender and Judging*, Schultz, Ulrike, Gisela Shaw (eds) Oxford, Hart.

b) Democratic legitimacy⁷⁵

Another argument is based on the concept of democratic legitimacy. The idea is that a judiciary which operates in a diverse society must itself be diverse in order to better understand and respond to diverse social and individual contexts and experiences. It is not only important that justice is done but also that justice is seen to be done. If the judiciary is not reflective of society, justice will not be seen to be done and the process and the result will both lack legitimacy.⁷⁶

This argument draws on the well-established principle that exists for juries, that is the fact they, in order to deliver justice, must represent a reasonable cross-section of society. Thus, one may ask the question: how is diversity necessary for the impartiality of juries, but not for the impartiality of judges?⁷⁷

In the **USA**, comprehensive studies of the perception of courts have demonstrated that judicial diversity can have a powerful symbolic value in promoting public confidence in the courts. Studies on the effect of judicial diversity on decision-making by collegiate appellate courts in the United States have indicated that when cases were decided by panels of judges from diverse backgrounds, (1) that the judges on these judicial panels were more likely to debate a wider range of considerations in reaching their judgements than homogenous groups of judges would be, (2) that the existence of such diversity on judicial panels was more likely to move the panel's decision in the direction of what the law requires, and (3) that a diverse bench was an increasingly important element in achieving an independent judiciary. Judicial diversity enriches the decision-making process because, as judges interact with one another, they affect each other's views of particular cases or entire bodies of law, especially on multi-member decision-making bodies such as appeals courts.⁷⁸

c) Women making a difference⁷⁹

The question whether women will bring a unique contribution to the judiciary, based on their different life experiences, values and attitudes, is probably the most contentious one. These arguments go much further than those presented earlier as they not only require the presence of more women on the bench but also that these women will actually make a difference in judging. Thus, the inclusion of women's experiences will make law more representative of the variety of human experience. If there is a predominance of judges who are men, there might be a systematic tendency for judgements based on men's life experiences, so there is a persistent bias, and therefore the presence of more women judges is needed to correct this.⁸⁰

Numerous studies have been carried out on this question but there is no conclusive empirical evidence to support the theory that women "make a difference". There is also considerable criticism of this idea. One argument brought forward is that this view is incompatible with the crucial principle of the impartiality of a judge. This sentiment is also shared by many women judges who often feel the need to distance themselves from any notion of difference in order to establish their judicial authority and to be taken seriously by their peers and hierarchy.⁸¹

Consequently, the "differences" argument has been redefined, arguing not that women judges "make the difference" but that they bring different perspectives, thus focusing rather on the process of delivering

⁷⁵ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pg. 28. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

⁷⁶ See for example: Cahillane, Laura (2016): *Judicial Diversity in Ireland*. Irish Journal of Legal Studies, Vol.6(1) e Hunter, Rosemary (2015): *More than Just a Different Face? Judicial Diversity and Decision-making*. Oxford University Press.

⁷⁷ Thomas, Cheryl (2005): *Judicial diversity in the United Kingdom and other jurisdictions: A review of research, policy and practice*. Commission for Judicial Appointments: London, UK.

⁷⁸ Idem.

⁷⁹ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 29-30. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

⁸⁰ Gilligan, Carol (1982): *In a Different Voice: Psychological Theory and Women's Development*. Cambridge: Harvard University Press.

⁸¹ Hunter, Rosemary (2015). *More than Just a Different Face? Judicial Diversity and Decision-making*. Oxford University Press.

justice than possibly different judgements. This argument, however, still goes against an objection with the initial argument of “women making a difference” as it postulates certain “feminine” ideals perceived as unique to women and fails to account for significant differences between women.⁸²

A further development of this idea therefore focuses not on the contribution that women judges might make to the judiciary, but the impact of the presence of feminist judges, thus not necessarily only women but also men may be included. This concept is informed by feminist theories and an understanding of a gendered experience and includes for instance, the need to point out the gender implications of apparently neutral rules and practices, challenging gender bias in legal doctrine and judicial reasoning, or promoting substantive (or *de facto*) equality.⁸³

In the context of the “*Feminist Judgements Project*”,⁸⁴ for instance, a group of feminist socio-legal scholars have re-written judgements from a feminist perspective in a series of famous cases in English law. Sometimes they reached exactly the same conclusion but with a different reasoning, and sometimes they reached a different conclusion, demonstrating with varying degrees of success that your starting point can have an effect on where you end up. This might suggest that, even if this is not the case of all women judges, certainly feminist judges might make a difference to substantive decision-making.⁸⁵

d) Further arguments⁸⁶

As for further arguments to promote gender equality in the judiciary and other legal professions, they include, for instance, the utilitarian argument that modern societies cannot afford to lose the intellectual power and energy of half the population.⁸⁷ Furthermore, the presence of women judges, particularly in the higher courts, can provide encouragement and mentoring for younger women in these professions, namely law students and young women and girls in general, to seek judicial appointment, thus creating a virtuous circle enabling the gender balance in the judiciary to be improved.⁸⁸

Advancing women's full participation in the judiciary can also play a role in promoting gender equality in broader ways, for example, (i) women's judicial appointments, particularly at senior levels, can shift gender stereotypes, thereby changing attitudes and perceptions as to appropriate roles of men and women; and (ii) women's visibility as judicial officers can pave the way for women's greater representation in other decision making positions, such as legislative and executive branches of government.⁸⁹

⁸² Cahillane, Laura (2016): *Judicial Diversity in Ireland*. Irish Journal of Legal Studies, Vol.6(1).

⁸³ Substantive or *de facto* equality: Combination of formal (or *de iure*) gender equality with equality regarding results. This means equality before the law, equal opportunities and equal treatment of women and men are complemented by equality at the level of impact, of results or of effects. As for the effects, the base idea is that equality is achieved in a more ample, redistributive manner, and more focused on results, based on a vision that equal opportunities and equal treatment may not be enough to compensate women for the historical disadvantages and oppressions they suffered (information available on the website of the European Institute for Gender Equality (EIGE), at: <https://eige.europa.eu/thesaurus/terms/1074>).

Hunter, Rosemary (2015): *More than Just a Different Face? Judicial Diversity and Decision-making*. Oxford University Press.

⁸⁴ For more information on the project entitled “*Feminist Judgements Project*”, see website available at: <https://kar.kent.ac.uk/35675/> and the website available at: <https://kar.kent.ac.uk/35675/3/FLS%20accepted%20version.pdf>.

⁸⁵ Hunter, Rosemary (2015): *More than Just a Different Face? Judicial Diversity and Decision-making*. Oxford University Press.

⁸⁶ “*Mapping the representation of Women and Men in Legal Professions across the EU*”, Directorate General for Internal Policies of the Union, 2017, pgs. 29-30. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

⁸⁷ Cahillane, Laura (2016): *Judicial Diversity in Ireland*. Irish Journal of Legal Studies, Vol.6(1).

⁸⁸ Hunter, Rosemary (2015): *More than Just a Different Face? Judicial Diversity and Decision-making*. Oxford University Press.

⁸⁹ International Commission of Jurists (2013): *Women and the Judiciary*. Geneva Forum Series no 1. Materials regarding the 2013 Geneva Forum of Judges and Lawyers organized by the International Commission of Jurists.

4.2. Barriers to gender equality in the legal professions⁹⁰

a) Examples of obstacles women face to enter or progress in legal careers

There has been wide research about the barriers and obstacles women face to enter or advance in the legal professions. Many barriers are similar to those encountered in other areas of public life. They include, for instance:

- **Implicit gender bias**⁹¹ based on prevailing, if often unconscious, gender stereotypes. This includes for instance that men are presumed to be competent while women often have to prove their competence over and over again. Another example is the so called 'double bind'.⁹² Women also often face the "maternal wall" stemming from stereotypes that link motherhood with lack of competence and commitment.
- **Difficulties in balancing personal and professional life.** For example, while men often give family responsibilities as a reason for their desire to get promoted, women rather tend to see them as a reason for not seeking promotion.⁹³ There are also stronger social expectations imposed on women about their role as mothers. Furthermore, inflexible workplaces can also make it difficult for women, who are usually still the primary caregivers, to reconcile professional and family life. Part-time work, if available at all, is often seen as an indication of reduced commitment and thus hampers career progression.
- **A paucity of effective mentors and support networks.** While there are usually well-established networks of men providing support to each other, women often lack these supportive networks. The literature also suggests that often effective mentoring is lacking for women.⁹⁴
- **Hitting the glass ceiling:** characterized as an unfair system or set of attitudes that prevents women from obtaining upper-level positions. Many countries have already put in place catalogues of competencies, qualities and abilities by which applicants are to be measured. This does not exclude, however, problems regarding the choice of these criteria, the subjective assessments regarding their fulfillment, and the tendency towards system self-replication, which results in men being preferred for exposed and visible (top) positions. See section on the argument regarding merit for more details (further on in this report).⁹⁵

And, as for the judiciary, there is a more specific barrier for women,⁹⁶ which consists of the **lack of transparency in the appointment procedure:**⁹⁷

⁹⁰ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 30-31. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

⁹¹ See, for example, Brenner, Hannah (2014): *Expanding the Pathways to Gender Equality in the Legal Profession*. Legal Ethics, Volume 17, Part 2.

⁹² As they are frequently evaluated according to "masculine" leadership parameters, regardless of their performance as leaders, women end up with limited and unfavorable options. Particularly, there are three dilemmas which place women in the so-called "double bind", and that may potentially hamper their leadership, as well as their options to advance in their careers:

- Extreme Perceptions: women are perceived as too soft or too harsh, but never in the right measure.

- The "Level of High Competency": women leaders face the demand for higher levels of competency, but lower salary levels in comparison to leaders who are men.

- "Competent but unpopular": women leaders are perceived as competent or popular, but only rarely are both perceptions simultaneously verified.

For more detailed information, see: CATALYST (2007): *The Double-Bind Dilemma for Women in Leadership: Damned if You Do, Doomed if You Don't*. Available at: <https://www.slideshare.net/veredneta/the-double-bind-dilemma-for-women-in-leadership-damned-if-you-do-doomed-if-you-dont>

⁹³ Thomas, Cheryl (2005): *Judicial diversity in the United Kingdom and other jurisdictions: A review of research, policy and practice*. Commission for Judicial Appointments: London, UK.

⁹⁴ See, for example, Schultz, Ulrike and Shaw, Gisela (2013): *Gender and Judging*. Oxford, Hart & Thomas, Cheryl (2005): *Judicial diversity in the United Kingdom and other jurisdictions: A review of research, policy and practice*. Commission for Judicial Appointments: London, UK.

⁹⁵ Schultz, Ulrike (2013): *Introduction: Gender and Judging: Overview and Synthesis*. In: *Gender and Judging*. Schultz, Ulrike, Gisela Shaw (eds) Oxford, Hart.

⁹⁶ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 31-32. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

⁹⁷ See, for example: International Commission of Jurists (2013): *Women and the Judiciary*. Geneva Forum Series no 1. Materials regarding the 2013 Geneva Forum on Judges and Lawyers organized by the International Commission of Jurists, and Schultz, Ulrike (2013): *Introduction: Gender and Judging: Overview and Synthesis*. In: *Gender and Judging*. Schultz, Ulrike, Gisela Shaw (eds) Oxford, Hart.

This barrier is particularly relevant for Common Law Countries where professional visibility and achievements as well as access to networks traditionally made up of men play an important role for an appointment to be a judge. Various networks of power and influence (from which women are often excluded) provide information about colleagues and their abilities, thus predefining the picture of the person most suited for the post, which is often meant to ensure the system's homogeneity and stability. In Civil Law countries on the other hand, it is easier for women to enter the judiciary, as there are formal entry examinations in place, which are anonymous, more objective and transparent and therefore more easily met by women. Although this does not necessarily mean that women are also well represented in higher courts. In both Civil and Common Law Countries appointment and selection committees remain largely in the hands of men, thus men are controlling access and resources and often stereotypical perceptions of masculinity and femininity play an important part.

Largely ignoring the above mentioned barriers, a frequently used argument to explain the scarcity of women in higher positions is that women simply do not apply, and that it is their voluntary choice not to be promoted, which is a way of attributing responsibility for women's exclusion to women themselves. However, there are some explanations offered to why women apply fewer times for promotion, which include that men are more strongly career oriented, that women avoid early career decisions, and that for women bringing up children takes precedence over careers. Another explanation which was provided was that women anticipate failure to be appointed and therefore decide not to apply due to lack of trust in their own abilities.⁹⁸

b) The merit argument against promoting gender equality⁹⁹

The concept of meritocracy, that is having all the qualities defined as being essential for the job, is highly valued in the legal professions. It is frequently argued that measures to combat gender discrimination might undermine the principle that the best person for the job should be hired, regardless of gender or any other factor. There is, however, an increasing perception in research and also practice that merit is rather a social construct and that what constitutes merit is defined by relatively small elites (usually also white and constituted by men). Thus, merit is not the neutral or objective concept it claims to be but is rather a strongly gendered concept that emphasizes some attributes and minimizes the importance of others.¹⁰⁰

Furthermore, the concept of merit assumes that everyone has equal access to acquiring whatever quality is defined as "merit" (the so-called level playing field), which is often not the case. Given what can be defined as the persistent "think leader, think male" culture, women are often ascribed less merit simply due to the fact they are not men. There is also a tendency to appoint people with the same experience paths as the appointer. And, since the appointment is often predominantly in the hands of men, women who possess both the skills and the capabilities to perform a role are often excluded from consideration.¹⁰¹ It is therefore not surprising that research from the USA shows that focus on "merit" actually results in more biased outcomes.¹⁰²

There are several ways which are suggested to address these shortcomings of the merit-based system. This includes for instance "women only lists" to redress discrimination that women have experienced in the past. Such action is supported by research that shows that unless the presence of a "different" (e.g. woman) candidate is normalized by also including sufficient numbers of other candidates with the same

⁹⁸ Schultz, Ulrike (2013): *Introduction: Gender and Judging: Overview and Synthesis*. In: Gender and Judging. Schultz, Ulrike, Gisela Shaw (eds) Oxford, Hart.

⁹⁹ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 32-33. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

¹⁰⁰ Morison, John (2015): *Finding Merit in Judicial Appointments: NIJAC and the Search for a New Judiciary in Northern Ireland*; in *Criminal Justice in Transition: The Northern Ireland Context*. McAlinden, A-M. & Dwyer, C. (eds.). Oxford: Hart Publishing, Oxford, p. 131-156.

¹⁰¹ 30% CLUB (2016), *Barriers to progression: The reasons Chairs and Non-Executive Directors (NEDs) use as to why they can't or won't appoint female directors to their boards*, available at: https://30percentclub.org/assets/uploads/barriers_to_progression.pdf (consulted 17.07.2019).

¹⁰² Castilla, Emilio J. and Benard, Stephen (2010): *The paradox of meritocracy in organizations*. *Administrative Society Quarterly* 55 (4).

difference, they are far less likely to be selected even when they have superior skills and capabilities for the role.

A further argument takes a broad view and suggests that in the judicial appointments process it is necessary to start thinking of the judiciary and the wider legal system as a public resource and consider what the public might want or legitimately expect from the judiciary. Thus, the appointment process should avoid remaining too concentrated on what an applicant has done within the career structure of the legal profession, and rather concentrate more on what he or she should be expected to do as a judge serving the wider interest.¹⁰³

4.3. Measures to promote gender equality in legal professions¹⁰⁴

The path in legal careers is historically a path predominantly occupied by men, but women today comprise more than half of law school graduates in many jurisdictions. However, the assumption that a greater number of women studying law will by its own accord lead to greater numbers of women in the legal professions does not always prove to be true. Similarly, having greater numbers of women in the legal professions does not automatically increase the number of women in senior and leadership positions. Dedicated commitment and action is needed to ensure full and equal participation of women in practice. A range of practical and structural measures, including temporary special measures, are suggested to ensure women's equal representation in the legal field. Some of the main measures proposed in the literature are highlighted below:

a) Establishment of impartial and transparent recruitment processes

In the judiciary, particularly in Common Law Countries, internal consultation procedures traditionally played an important part in appointment processes for judges. In this regard the establishment of independent nominating bodies with clear mandates and enough powers is seen as an important step. A crucial issue pointed out by the literature is in this respect was that women should also be equally represented in judicial nominating or selection bodies. Therefore, programmes to improve women's full and equal participation are not seen as being able to succeed over time unless women have an equal role and voice in key decision-making fora.¹⁰⁵

Furthermore, it is considered vital to produce legislation or directives with clear, transparent and holistic selection criteria. These criteria should define merit in a more sophisticated manner, for instance, explicitly including the goals of diversity and gender equality, and enabling the nomination of people from a diversity of legal backgrounds to be appointed to the judiciary.¹⁰⁶

Moreover, it is suggested in the literature that the recruitment pool should be expanded through a culture of encouragement and targeted approaches to suitable women candidates, or at least by the identification and removal of discouragement strategies. Training decision-makers to carry out gender neutral personnel assessments, encouraging gender sensitivity regarding these issues, and alerting them to implicit bias, especially in the context of assessment and evaluation, would improve the likelihood of

¹⁰³ 30% CLUB (2016), *Barriers to progression: The reasons Chairs and Non-Executive Directors (NEDs) use as to why they can't or won't appoint female directors to their boards*, available at: https://30percentclub.org/assets/uploads/barriers_to_progression.pdf (consulted 17.07.2019).

¹⁰⁴ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 33-35. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

¹⁰⁵ International Commission of Jurists (2013): *Women and the Judiciary*, Geneva Forum Series no 1. Materials regarding the 2013 Geneva Forum of Judges and Lawyers organized by the International Commission of Jurists.

¹⁰⁶ Idem.

women applying for and gaining senior posts.¹⁰⁷The public announcement of vacancies should also be the norm.

b) Enhancement of analysis and development of action plans

Participants in the 2013 International Geneva Forum of Judges and Lawyers concluded in the conference report that a comprehensive analysis of gender diversity at all levels of a country's legal system would be beneficial, and that the factors contributing to these problems should be clearly identified. An effective and responsive action plan should be put in place and clear commitments and targets outlined which must be accompanied by monitoring and oversight mechanisms. Responsibility for delivery must be clearly designated. In some instances, explicit political commitments and policy goals may be sufficient to make real and lasting change. In other contexts, the enactment of legal provisions may be necessary, including the introduction of quota systems (for more information, see section 4.3.1.).¹⁰⁸

c) Promoting networking and mentoring

Enhancing the capacity and infrastructure of associations of women judges and lawyers is also often seen as something vital in the efforts to advance the role of women within the legal professions. These associations can fulfil a solidarity purpose and support role for individually considered women and can be a source of training and education. They can also be an important voice in advancing women's full institutional representation. Associations of women judges and lawyers may also be able to inform their members of vacancies in the judiciary, to encourage women to apply, and to collectively call for support or support the nomination of certain candidates. Furthermore, senior women judges and lawyers can play an important role in encouraging their peers and younger women to seek judicial appointment. Similarly, such networks can provide valuable opportunities for sharing experiences, reflection on challenges faced by women, and the identification of key needs. In the literature it is also often seen as important to have enough women role models, raising the visibility of women within the judiciary and thus countering gender stereotypes. The media also plays a central role in this context.

d) Continuing judicial education on gender equality

The need to continue education of the judiciary on gender equality, with the engagement of law faculties and academics is another measure to promote gender equality in legal careers. In order to raise gender awareness in the judiciary, participants of the above mentioned International Geneva Forum of Judges and Lawyers suggested, for instance, the systematic inclusion of gender equality training in ongoing legal education.¹⁰⁹ Furthermore, gender awareness could be included in the law school curricula.¹¹⁰

e) Introducing more flexible working conditions

This is particularly relevant for lawyers. Long working hours, often associated with the degree of commitment to their respective law offices and a necessity to be considered for promotion, are common scenarios in many countries. More flexible working conditions would enhance the reconciliation of family and professional life, for women and men alike.

¹⁰⁷ Schultz, Ulrike (2013): *Introduction: Gender and Judging: Overview and Synthesis*. In: Gender and Judging. Schultz, Ulrike, Gisela Shaw (eds) Oxford, Hart.

¹⁰⁸ International Commission of Jurists (2013): *Women and the Judiciary*. Geneva Forum Series no 1. Materials relating to the 2013 Geneva Forum of Judges and Lawyers convened by the International Commission of Jurists.

¹⁰⁹ Idem.

¹¹⁰ Schultz, Ulrike (2013): *Introduction: Gender and Judging: Overview and Synthesis*.

4.3.1. Quotas in the legal field¹¹¹

As demonstrated in the previous section, there is a broad range of proactive measures with the aim of addressing existing gender inequalities. However, the persistent lack of diversity in the legal professions stimulates further discussions on how to address this issue. Thus, positive action measures, in a strict sense, such as the setting of gender quotas and targets, are also increasingly being discussed in the legal field.

While both tools (quotas and targets) constitute specific, time-bound measurable objectives, quotas are stricter since they are mandatory, usually include penalties for non-compliance, are non-negotiable and are enforced by an external body. For a long time, the judiciary has been seen as unsuitable for such measures. However, in recent years the relevance and the possibility of applying quotas and targets to legal professions (in particular to the judiciary) came into focus, although these issues have been investigated more in Common Law Countries than in Civil Law Countries. Given the controversial and topical debate about the introduction of quotas, this section will look more closely into issues such as where quotas have been introduced (or discussed), their potential benefits as well as arguments against quotas.

a) Quotas: where?

Examples of gender quotas in the judiciary are limited. At the international level longer-standing gender quota systems have been in place for selection to the **International Criminal Court (ICC)** and the **European Court of Human Rights (ECHR)** where the representation of women stood at almost 50%¹¹² (2016) and 36%¹¹³ (2016), respectively.

A recent study¹¹⁴ on the gender composition of international courts suggests that quotas or temporary special measures seem to be effective at getting women on the bench. Following these requirements, in mid-2015, women occupied 32 percent of benches, while without them women made up for only 15 percent of benches. Of the five courts (including the ICC and ECHR) with the highest percentage of women on the bench from 1999 to 2015, four had either aspirational statements for inclusion or quotas, while none of the seven courts with the lowest percentages of women on the bench had either.

The high representation of women judges in the **ICC** is attributed to existing regulations, namely,¹¹⁵ Article 36(8)(a) of the Rome Statute articulates considerations which must be taken into account by Member States in their election of judges. One of these considerations is "(iii) A fair representation of women and men judges."¹¹⁶

This was further developed in Resolution ICC-ASP/3/Res.6.¹¹⁷ which explains, the minimum voting requirements with respect to, inter alia, gender. Where the number of both men and women candidates is greater than 10, each State Party must vote for at least 6 men and 6 women. In the presence of fewer than 10 candidates of a particular gender, the Resolution specifies a formula which determines the minimum voting requirement. Only ballots complying with all the various voting requirements — including gender representation — are valid. This makes the ICC unique as in practice, alongside the requirement

¹¹¹ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 36-43. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

¹¹² Kirsten Stefanik (2016): *Women on the ICC Bench: Moving Forward and Leading the Way*. Available at: <https://ilg2.org/2016/11/24/women-on-the-icc-bench-moving-forward-and-leading-the-way/> (consulted 23.03.2019).

¹¹³ Women and men in decision-making database: <https://eige.europa.eu/gender-statistics/dgs/browse/wmidm> (consulted 23.03.2019).

¹¹⁴ Vide Nienke Grossman (2016): *Achieving Sex-Representative International Court Benches*, American Journal of International Law. Available at: http://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=1961&context=all_fac (consulted 23.03.2019).

¹¹⁵ Kirsten Stefanik (2016): *Women on the ICC Bench: Moving Forward and Leading the Way*. Available at: <https://ilg2.org/2016/11/24/women-on-the-icc-bench-moving-forward-and-leading-the-way/> (consulted 23.03.2019).

¹¹⁶ Rome Statute of the International Criminal Court available at: http://legal.un.org/icc/statute/99_corr/cstatute.htm (consulted 24.04.2019).

¹¹⁷ Resolution ICC-ASP/3/Res.6. Available at: https://asp.icc-cpi.int/iccdocs/asp_docs/Resolutions/ICC-ASP-ASP3-Res-06-ENG.pdf (consulted 23.03.2019).

of geographical representation among judges, it requires a 50% quota of women to be elected to the bench.¹¹⁸ Thus, the percentage of women on the ICC has never dropped below 39 percent and 47 percent of all judicial slots have gone to women since its establishment.¹¹⁹

As for the **ECHR**, it adopted a two-stage procedure which includes (i) creating a shortlist of three highly qualified candidates and (ii) the appointment made by politicians from this list. The short-listing procedure requires that "as a general rule, lists of candidates should contain at least one candidate of each sex, unless the sex of the candidates on the list is underrepresented in the Court (under 40% of judges) or if there are exceptional circumstances which derogate this rule."¹²⁰ These regulations contribute to the comparatively high percentage of women judges in the Court.

At the national level among EU Member-States, the adoption of gender quotas by national courts is rare. One of the recent examples relates to the 2014 reforms in **Belgium** which introduced gender quotas in the appointment process for the Belgian Constitutional Court. Earlier gender requirements (quota type) were introduced in the Belgian High Council of Justice, which is not a judicial body but rather an advisory one. The provision required that at least four of the selected members be women and four be men.

In a number of EU Member-States the issue of introducing gender quotas in the judiciary is being discussed. Some examples are given below:

In **France** the situation is that the vast majority of magistrates are women, although this status quo is reversed at the top of the profession. The existing gender imbalances led the *Conseil Supérieur de Magistrature* (CSM) to establish a 'parity group' to analyze the issue and prepare recommendations, and it also commissioned a study on the matter.¹²¹ Both the CSM parity group and the study discuss the prospects of applying the already existing quota regulation (the so called '*Sauvadet* law') to judges but came to different conclusions. The 2011 *Sauvadet* law imposes progressive quotas of up to 40% on corporate boards of publicly listed companies, public bodies, public administration, territorial collectivities, and several civil society institutions.¹²²

While the authors of the study recommend positive action in the form of quotas, the CSM parity group considers their adoption problematic. They claim that the status of judges is different from that of other actors within the State domain, in the sense that quotas would not allow for the existence of a broad pool of candidates, which is necessary for an effective application of these positive action measures. Instead, they give preference to measures aimed at improving geographical mobility, working conditions, increasing the attractiveness of the role of judges, etc.¹²³

In **Spain**, gender quotas have been adopted in different domains and their expansion to the legal field is being discussed. Observing a very low representation of women in the High Courts, the Commission of Equality of the General Board of the Judiciary proposed a number of proposals with regard to reforming the selection criteria of judges, including "to introduce a system of quotas to ensure balanced

¹¹⁸ Kirsten Stefanik (2016): *Women on the ICC Bench: Moving Forward and Leading the Way*. Available at: <https://ilg2.org/2016/11/24/women-on-the-icc-bench-moving-forward-and-leading-the-way/> (consulted 23.03.2019).

¹¹⁹ Nienke Grossman (2016): *Achieving Sex-Representative International Court Benches*, American Journal of International Law. Available at: http://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=1961&context=all_fac (consulted 23.03.2019).

¹²⁰ *Vide Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights: II (8)*, 28 March 2012. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cb1ac (consulted 23.03.2019). See also: *Procedure for the election of judges to the European Court of Human Rights as of 15 April 2019*, available at: <http://website-pace.net/documents/1653355/1653736/ProcedureElectionJudges-EN.pdf/e4472144-64bc-4926-928c-47ae9c1ea45e> (consulted 23.03.2019).

¹²¹ Conseil Supérieur de la Magistrature (2013) *La parité dans la magistrature*. Rapport d'Activité, 2012. Paris. http://www.conseil-superieur-magistrature.fr/sites/default/files/rapports_activite/csm_rapport_activite_2012.pdf (consulted 23.03.2019).

¹²² Directorate General for Internal Policies of the Union (2015) *The Policy on Gender Equality in France. In-depth analysis for the FEMM Committee*. Available at: [http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/510024/IPOL_IDA\(2015\)510024_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/510024/IPOL_IDA(2015)510024_EN.pdf) (consulted 03.05.2019).

¹²³ Conseil Supérieur de la Magistrature (2013) *La parité dans la magistrature*. Rapport d'Activité, 2012. Paris. http://www.conseil-superieur-magistrature.fr/sites/default/files/rapports_activite/csm_rapport_activite_2012.pdf (consulted 23.03.2019).

representation, to be applied in cases where candidates have the same level of merits and capacity."¹²⁴ This recommendation was however not put into practice by the government.

Finally, in **Latvia**, the Law on Judicial Power requires that the elections to the Supreme Court should take into account the principle of equal gender representation. Research concludes that "these provisions have the characteristics of a soft quota, because there is no guarantee that Plenary Session members will follow the gender balance principle and because there are no sanctions for its non-observation."¹²⁵ Interestingly this positive action measure works in favor of men judges as since Soviet times the profession was dominated by women in this country.

b) Arguments in favor of quotas¹²⁶

The following main arguments are put forward by the supporters of quota regulations:

- Quotas work and are effective;
- Quotas as such are not new to the judiciary (geographical or religious quotas are accepted);
- The variety of quota models and design options make them a flexible instrument that can be tailored to each context.

The main argument supporting quotas is the following: **unlike other methods, they are guaranteed to work.** Over the past two decades, quotas have been adopted in many European contexts (corporate boards, legislative bodies, etc.) in order to address existing gender inequalities. The number of women board members at 634 large publicly traded companies across Europe now stands at 24%, up from 11% in 2007, according to EU data. In countries with quotas in place, it is higher: 45% in Iceland, 43% in Norway, 41% in France and 30% in Germany.¹²⁷

The idea of quotas is not new for the judiciary. Both formal and informal quotas are applied in courts in relation to characteristics other than gender such as geographical, ethnic or linguistic representation. Quotas are common in international courts and tribunals but are also not new at the national level. The UK Supreme Court, for example, applies a *de facto* geographical quota: two judges must come from Scotland and one from Northern Ireland.¹²⁸

There is a **wide range of models of quota systems which can be adapted and tailored to the needs of different jurisdictions.** This potential flexibility of quota arrangements is seen as an advantage. Quotas can operate at the application stage of a selection process, the short-listing stage, the appointment stage or all three.¹²⁹ They can be set at different levels (whereby 30% is considered the "critical mass", and thus the minimum requirement for an under-represented group to reach in order to sustain change) or only for a limited period of time. Quotas can also be increased or decreased over time in order to account for changing situations, to demonstrate that they are proportional and that they are only to be used as long as a persistent gender disadvantage exists.

¹²⁴ Novo Canto, Sandra Isabel (2014): *The Glass Ceiling in the Spanish Judiciary*. Available at: *Time for Equality. Women in the Judiciary in Europe*: <https://timeforequality.org/dossier-women-and-the-judiciary-in-italy/donne-e-magistratura-in-italia-e-nel-mondo-en/the-glass-ceiling-in-the-spanish-judiciary/> (consulted 05.06.2019).

¹²⁵ Selanec, Goran and Senden, Linda (2011): *Positive Action Measures to Ensure Full Equality in Practice between Men and Women, including on Company Boards*. National Report: Latvia. European Network of Legal Experts in the field of Gender Equality.

¹²⁶ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 40-43. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

¹²⁷ EIGE, *Largest listed companies: Presidents, board members and employee representatives. Women and Men in Decision Making Database*. Data available at: http://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_bus_bus_wmid_comp_compbm (consulted 06.06.2019).

¹²⁸ Vide Malleson, Kate (2014): *The case for gender quotas for appointments to the Supreme Court*. UKSC blog. <http://uksblog.com/case-gender-quotas-appointments-supreme-court/> (consulted 03.04.2019).

¹²⁹ Bindman, Geoffrey e Monaghan, Karon (2014): *Judicial Diversity: Accelerating Change*. Report ordered by the "Shadow" labour justice team, p. 58. Available at: https://jac.judiciary.gov.uk/sites/default/files/sync/news/accelerating_change_finalrev_0.pdf (consulted 04.02.2019).

c) Concerns regarding quota regulations¹³⁰

The opponents of the quota instrument mainly rely on three arguments:

- Quotas might contradict the national or EU legislation or a particular gender equality law, and thereby might be unlawful.
- Quotas undermine the merit principle and thus might weaken the quality of judicial appointments as well as the quality of the judiciary services.
- Quotas have a patronizing character and send the message that candidates are appointed merely because of their gender.

d) Are quotas lawful?

Both the European and the national legal frameworks governing equality and diversity policies are based on an equal treatment principle. With regard to primarily European Union equality law, concerns have been expressed about the extent to which the introduction of quotas would be lawful. In particular, it has been argued that there might be a conflict between gender quotas and the equal treatment jurisprudence of the **Court of Justice of the European Union (CJEU)**.

In cases brought before the CJEU, the court appears to have established the view that giving women preference over men because of their gender can only be narrowly justified, but is likely to be lawful where women are underrepresented or otherwise disadvantaged in a particular field, and that preference must be proportionate.¹³¹ A positive action measure is likely to be proportionate if it doesn't have the effect of completely barring a person from access to some benefit or opportunity in favor of a member of an underrepresented group, and if some consideration is given to the respective merits of all candidates (with the 'automatic appointment' system not being applied).¹³² Subject to these conditions, most experts and practitioners are convinced that there is no indication that EU law would not countenance quotas.¹³³

This would also be consistent with the **Treaty on the Functioning of the European Union (TFUE)**, which foresees that Member States will take steps to address the underrepresentation of women, at least by the provision of 'specific advantages'. In particular, Article 157 provides that: "with a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers."¹³⁴

The judiciary in **France** seems to be reluctant to interpret gender equality as a substantial, enforceable right and it interprets gender quotas as an exception to the principle of equality.¹³⁵

¹³⁰ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General of Internal Policies of the Union, 2017, pgs. 40-43. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

¹³¹ See, for example, the "Kalanke" case, Case C-450/93 [1995] ECR I-3051; the "Marshall" case, Case C-409/95 [1997] ECR I-6383; the "Badeck" case, Case C-158/97 [2000], ECR I-1902; the "Abrahamsson" case, Case C-407/98 [2000], ECR I-5562.

¹³² See, Abrahamsson & Anderson v Fogelqvist, Case C-407/98 [2000] ECR I-5539.

¹³³ See, for example, Bindman, Geoffrey e Monaghan, Karon (2014): *Judicial Diversity: Accelerating Change* Report ordered by the "Shadow" labour justice team (Lord Chancellor Sadiq Khan), p. 55. Available at: https://www.judicialappointments.gov.uk/sites/default/files/sync/news/accelerating_change_finalrev_0.pdf (consulted 04.02.2019).

¹³⁴ Art. 157 (4) TFEU, available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012E/TXT&from=hu> (consulted 03.03.2019).

¹³⁵ Möschel, Mathias (2016): *Gender Quotas in Italian and French Public Law: A Tale of Two Converging and Diverging Trajectories*, Italian Constitutional Justice in Global Context, Central European University (Hungary), p. 19.

e) Do quotas contradict the merit principle?¹³⁶

One of the key arguments against quotas is that they would undermine the merit principle of the appointment process. Critics of this argument claim that this reasoning is underpinned by the assumptions that recruitment without gender quotas is meritocratic, that there is a clear, objective definition of meritocracy, and that none of the former assumptions are true. The specific problems with defining 'merit' have already been discussed above, namely that many experts argue that 'merit' is a strongly gendered concept rather than a neutral one.

Some researchers suggest that merit and quotas are not mutually exclusive¹³⁷ and that "it is entirely possible to introduce a quota system while maintaining a commitment to the highest standards in the judiciary."¹³⁸ Therefore, some experts call for the application of the merit principle to a threshold model, which establishes a predetermined quality level which all candidates must meet to be selected, in order to remove any fears that quotas will lead to an unqualified candidate taking precedence over a qualified one.

It is further argued that: provided quotas do not undermine this threshold test, the merit-based objections to the application of a quota system will fall through because judgements are to be made "between a large number of differently qualified candidates where the question of which one is 'best' is a highly difficult judgement call [.....] where reasonable selectors will [...] disagree."¹³⁹

Others suggest interpreting the merit model in a wider manner so that merit includes diversity. In fact, there are jurisdictions which define merit as including diversity as part of the adopted judicial appointment criteria, for example some of the provinces or states in **Canada** (Ontario, Manitoba, Alberta, Nova Scotia, Yukon) and the **United States of America** (9 of 33 states have specific provisions requiring that diversity be a consideration in selecting nominees for appointment).¹⁴⁰

f) Are quotas patronizing for women?¹⁴¹

Closely related to the debate about merit is the argument that quotas are demeaning and humiliating and that women will be stigmatized as 'quota women' who were offered a position because of their gender instead of merit. Moreover, many women fear that their achievements will be discounted if there are rules to include them in positions of visibility or prestige. Critics of this argument point out that nobody suggests including women solely based on their gender¹⁴² and question the underlying assumption that all men have received their position due to mere meritocracy. They see gender inequality and

¹³⁶ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 40-43. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

¹³⁷ See for example Murray, Rainbow (2015): *Merit vs Equality? The argument that gender quotas violate meritocracy is based on fallacies*. London School of Economics. Available at: <https://blogs.lse.ac.uk/politicsandpolicy/merit-vs-equality-argument/> (consulted 25.02.2019).

¹³⁸ Bindman, Geoffrey e Monaghan, Karon (2014): *Judicial Diversity: Accelerating Change*. Report ordered by the "Shadow" labour justice team (Lord Chancellor Sadiq Khan), p. 57 (item 8.18). Available at: https://www.judicialappointments.gov.uk/sites/default/files/sync/news/accelerating_change_finalrev_0.pdf (consulted 04.02.2019).

¹³⁹ Malleson, Kate (2013): *Gender Quota's for the Judiciary in England and Wales*. In: Ulrike Schultz and Gisela Shaw, eds. *Gender and Judging*. Oxford: Hart, pp. 481 – 499.

¹⁴⁰ Thomas, Cheryl (2013): *Understanding Judicial Diversity. Research Report for the Advisory Panel on Judicial Diversity*, UCL Judicial Institute, p.p. 15-16.

¹⁴¹ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for the Internal Policies of the Union, 2017, pgs. 40-43. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

¹⁴² Gheus, Anca (2013): *Three cheers for the token woman!*, University of Sheffield. Available at: https://socialsciences.exeter.ac.uk/media/universityofexeter/collegeofsocialsciencesandinternationalstudies/research/conferences/Three_cheers_for_the_token_woman.pdf (consulted 03.03.2019).

discrimination as the problem, not quotas. At least quotas would give women the chance to prove that they should have been there all along and it is even more patronizing to exclude women and then blame them for their own exclusion.¹⁴³

In view of this, there are suggestions to reframe gender quotas, shifting the emphasis from the problem of underrepresentation to the problem of overrepresentation - thus, moving from an underlying assumption of quotas for women, to an assumption of quotas for men. This would relieve women from the burden to prove their competence and inclusion.¹⁴⁴

¹⁴³ Murray, Rainbow (2016): The great quotas debate. Blog The Fawcett Society. Available at: <https://www.fawcettsociety.org.uk/blog/great-quotas-debate> (consulted 03.03.2019).

¹⁴⁴ Murray, Rainbow (2012): *Quotas for Men? Reframing Gender Quotas as a means of quality control*. Paper prepared for the annual meeting of the American Political Science Association, New Orleans, August 2012.

5. Case studies:

CASE STUDY 1

Action Plan for the advancement of women in the legal field in Austria

An example of a comprehensive action plan in the legal field is the 2015-2020 Action Plan for the advancement of women, drafted by the Austrian Ministry of Justice.

In Austria, the Federal Equal Treatment Act* states that federal authorities should develop affirmative action plans for the advancement of women. Such plans are prepared for a period of six years; they are monitored and, if necessary, adjusted every two years. The plans are supposed to define the timeframe, resources and measures required to overcome women's disadvantage. They should also establish intermediate targets in the course of reaching a 50% representation of women. In line with the Federal Act, the Ministry of Justice developed the 2015-2020 Action Plan (*Frauenförderungsplan für das Justizressort***) which stipulates that:

- Women are proactively invited to apply for jobs in this sector. The job announcement should explicitly state this.
- Given they have the same qualifications, women get preferential treatment in application procedures and promotions until the 50% target is achieved. The preferential treatment principle has to be stated in the job announcement.
- The same rule applies to further training and education which qualify women for a promotion.
- The Committees in charge of application and promotion decisions should include members of both genders.

*Federal Equal Treatment Law:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008858>

Source: Directorate General for Internal Policies of the Union, 2017, pg. 35.

CASE STUDY 2

Gender quotas in the Belgian Constitutional Court

On the 4th of April 2014, the Belgian Parliament passed a Bill that introduced a quota in the composition of the Constitutional Court. It requires the Court to be composed of at least a third of judges who were men and a third who were women. This requirement will however not enter into force immediately, but only once the Court is in fact composed of at least one third of women judges. In the meantime, a judge of the underrepresented gender shall be appointed every time that the two preceding appointments have not increased the number of judges of this underrepresented gender. For example, if women remain unrepresented in the Court (as they currently are, representing only around 16% of the Court), and the next two appointees are men, the third appointment will have to be a woman.

The Bill is the outcome of a 10-year discussion regarding the need for more gender diversity and the constant criticism of underrepresentation of women in the Court. The previous 2003 Act stated that the Court shall be composed of judges of both genders. But this requirement did not guarantee the achievement of gender diversity. Up until January 2014, the Court has never counted more than one woman at a time among the twelve judges sitting on the bench. A set of four key arguments was put forward by the promoters of quotas:

- The introduction of gender quotas is a powerful stimulus for change that has proved to be useful, notably with regards to the gender composition of the Parliament.
- There is some urgency to appoint more women to the constitutional bench.
- Other less restrictive alternatives – such as requiring that at least one member of the Court should be a woman – have failed to bring about real diversity.
- Quotas are not a radical measure since there are enough qualified women who could be appointed to the bench.

Source: <http://ohrh.law.ox.ac.uk/belgian-parliament-introduces-sex-quota-in-constitutional-court/273>

Directorate General for Internal Policies of the Union, 2017, pg. 38.

6. Data analysis of main findings

Firstly, this section outlines the methods used for collecting the quantitative data for this report.¹⁴⁵ The data covers judges, prosecutors, heads of prosecution offices, and court presidents. Therefore, in the following section, the report examines the quantitative data which has been gathered, points out trends and discusses its main findings.

6.1. Approach used for data collection

The collection of the quantitative data for the project largely used existing national and European statistical sources. These were used to provide data that is relevant to the project and that is comparative across timelines.

Not all country charts include all 28 Member States. This is due to the fact that not all countries held a full and comprehensive set of data. In other instances, the information sought was not relevant or did not apply to the country in question. In the compilation of some tables by country there was incomplete data, therefore, these countries were excluded from the charts.

Data concerning judges and prosecutors in each of the Member States of the European Union was collected using information published by the European Commission for the Efficiency of Justice (CEPEJ). Information was collected on judges, prosecutors, heads of prosecution offices and court presidents – all with reference to the court level (1st instance courts, 2nd instance courts and Supreme Courts). In all instances and where available, data was collected by gender and for the years 2010, 2012 and 2014, to allow for an analysis of trends over time.

Information was also collected on non-judge staff (*Rechtspfleger*, administrative staff, staff assisting judges, technical staff and other non-judge staff) working in courts in all Member States, regardless of the level of the court in question. Information was not available by gender for non-judge staff until 2012, and thus was collected only for 2012 and 2014.

Information from Member States was individually processed, with the exception of the United Kingdom which was separated into England and Wales, Scotland and Northern Ireland. This was done because of the comparability issues that arise from the different legal systems that exist in these countries.

6.2. Overview of the situation of gender equality in the judiciary

This section will address the quantitative situation of women and men across the legal professions, with a particular focus on the judiciary.¹⁴⁶

6.2.1. Professional Judges

In the corresponding analysis, the term 'professional judge' refers to the full-time equivalent number of professional judges working in the country. A judge is a person who is recruited, trained and receives remuneration for the function of a judge as a main occupation. It therefore does not refer to professional judges who sit on an occasional basis (as is permitted in Malta and the UK – England and Wales, Northern Ireland and Scotland)]. It also does not refer to non-professional judges who are prevalent in a

¹⁴⁵ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 47-75. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

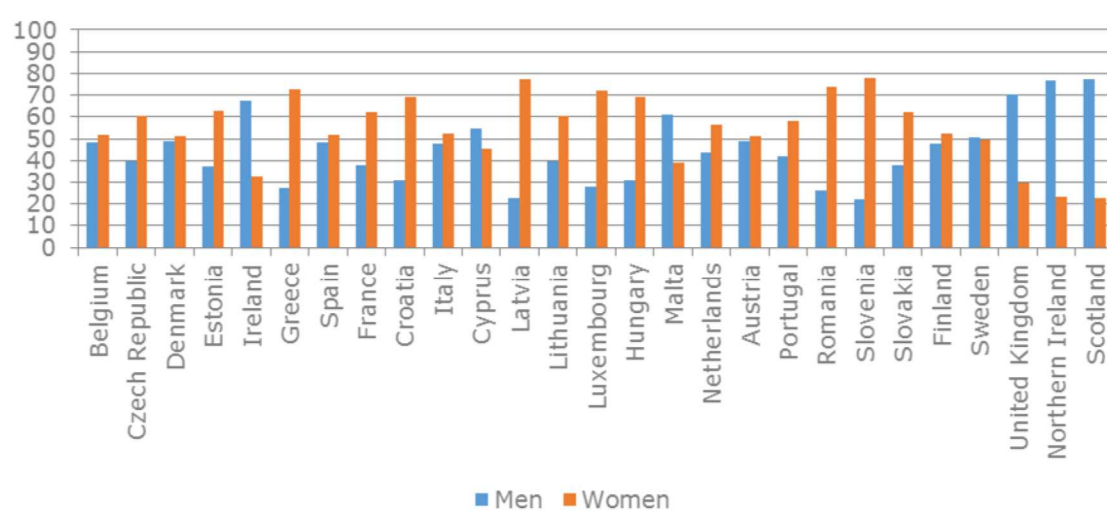
¹⁴⁶ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 47-75. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

considerable number of Member States of the European Union (AT, BE, CZ, DE, DK, EE, ES, FI, FR, HR, HU, LU, SI, SE, SK, UK – England and Wales and UK – Scotland).

On average, professional judge positions are quite evenly distributed between women and men in the European Union, though women are consistently in slight majority (2010: 53%; 2012: 53%; 2014: 55%).¹⁴⁷

However, this average hides some considerable variation. A consistent majority (over 60%) of men occupy professional judge posts in Common Law Countries [IE, MT, UK (England & Wales), UK (Northern Ireland) and UK (Scotland)]. In contrast, judge positions are predominantly held by women (over 60%) in 11 Civil Law Countries (CZ, EE, FR, HR, HU, LT, LV, PL, RO, SI, SK). In three countries (LV, RO, SI) women occupy over 70% of such posts (Figure 1). In most of the former communist countries the number of women in the judiciary stagnated (CZ, EE, HR, HU, PL, RO, SI, SK) while it rose in all other countries (including also LT and LV). The high number of women in the judiciary in post-communist countries might be explained by the relatively low profile, reputation and low-income possibilities in this profession in these countries, so that men prefer employment in the financially more rewarding and more prestigious private sector.

Figure 1: Professional Judges 2014, men and women¹⁴⁸



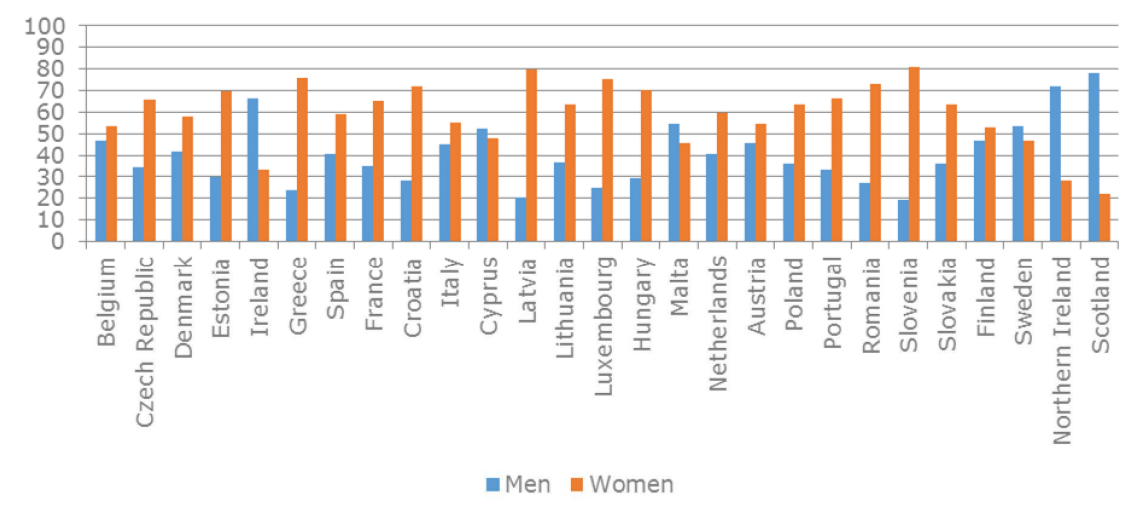
Source: CEPEJ Report database

This pattern is intensified in the case of judges of first instance courts. There is an average majority of women among judges of this level (2010: 58%; 2012: 57%; 2014: 59%). The pattern of representation among Common Law Countries in which men dominate (over 60%), is repeated in two instances (IE 76%; Scotland 78%). In Malta, over the 2010-2014 period, the preponderance of men decreased from 64% (number (n)=22) to 54% (n=18), though the so-called "small numbers" accentuate the shift towards gender equality. Women constitute the majority (over 60%) of first instance judges in 13 Civil Law Countries (CZ, EE, EL, FR, HU, LT, LU, LV, PL, PT, RO, SI, SK). In six cases (EE, LU, LV, RO, SI) women occupy over 70% of such posts. Luxembourg is notable for the intensification of the feminization of the judiciary at this level, with women's judicial holding going from 65% (n=148) to 75% (n=186) between 2010 and 2014. In Slovenia, the judiciary at this level is significantly feminized, at 80% post-holding during the 2010-2014 period (Figure 2).

¹⁴⁷ Except when otherwise indicated, data from this section is from the 2010, 2012 and 2014 CEPEJ reports.

¹⁴⁸ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General of Internal Policies of the Union, 2017, pgs. 48-49. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

Figure 2: Judges of First Instance Courts in 2014, women and men¹⁴⁹

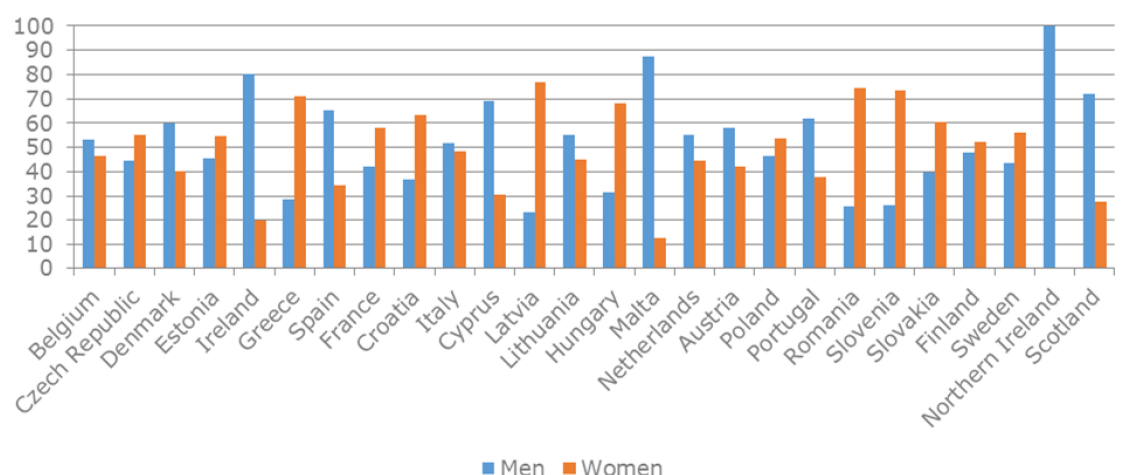


Source: CEPEJ report database

There is a small average majority of men among judges of second instance courts (2010: 53%; 2012: 53%; 2014: 52%). There is a higher level of men dominating these posts, both in terms of the number of countries and the number of positions, with a clear majority of men (over 60%) in seven countries in 2014 [CY, DK, ES, IE, MT, PT, UK (Scotland)]. In Malta in 2010 and 2012 all of the judges of second instance courts were men (2010 n= 5; 2012 n=6). This had changed slightly by 2014, by which time one woman was appointed, along with an additional man (n=7 men). By contrast, in Cyprus, the domination of men of this level of the judiciary decreased from 92% (n=12) in 2010 to 69% (n=9), with an increase in women holding posts from 8% (n=1) to 31% (n=4). As for three other Common Law Countries, Northern Ireland's judiciary at this level was entirely composed of men (n=3); Ireland had a high representation of men at this level (80%, n=8); while in Scotland the majority of men decreased from 94% (n=16) to 72% (n=13) over this period. Turning to women's representation, eight EU countries recorded a consistent majority of women (over 60%) (CZ, EL, HR, HU, LV, RO, SI, SK). Three countries (LV, RO, SI) recorded a consistent domination of these posts (over 70%) by women judges since 2010, and in one case, Greece, the feminization of the judiciary at this level grew from 65% to 71%, even though the total number of posts decreased (2010 n=592; 2014 n=459). Again, these patterns indicate the different trends between countries with common and civil law traditions with regard to gender equality in the judiciary. They also indicate some gender awareness in judicial appointments (Figure 3).

¹⁴⁹ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 49-50. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

Figure 3: Judges of Second Instance Courts 2014, women and men¹⁵⁰



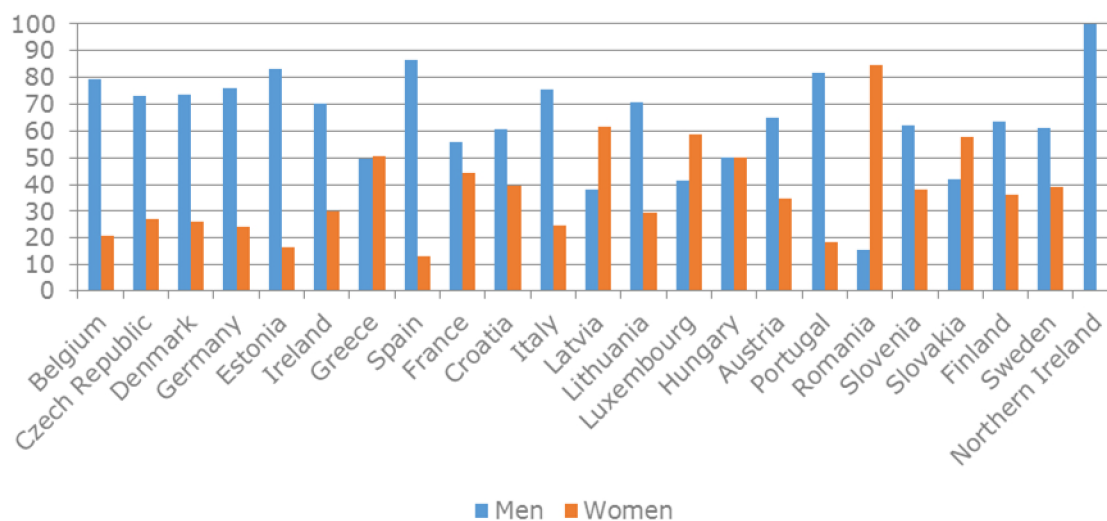
Source: CEPEJ report database

The analysis of supreme court judges shows the average gender distribution being consistently two-thirds men and one-third women (2010, 65% men; 2012, 67% men; 2014, 64% men). These averages hide wide variations, with seventeen EU Member States having consistent majorities of men (over 60%) on their supreme courts, while some of these countries have a predominance of men judges at this level. In Northern Ireland, all high court judges¹⁵¹ were men (2012 n=10; 2014 n=9), though this has changed since the appointment of two women as High Court judges in 2015, and in Cyprus only one of these judges was a woman (2010 n=12 men; n=1 women). In Portugal, 92% of the supreme court judiciary were men in 2010 (n=79 men, n=6 women), though this had decreased to 81% by 2014 (n=67 men, n=15 women). In addition, three countries had over 80% of men holding posts at this level (BE, EE, ES). Only in Romania did the supreme court consist predominantly of women, and this tendency was accentuated over the period of time which was analyzed (2010 78%, n=84; 2014 85%, n=98). A further six countries had a judiciary comprised of over 70% men in 2014 (CZ, DE, DK, IE, IT, LT) (Figure 4).

¹⁵⁰ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 50-51. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

¹⁵¹ The Supreme Court of Northern Ireland is considered a Supreme Court in the CEPEJ data. The Supreme Court of Northern Ireland is equivalent to the London Supreme Court.

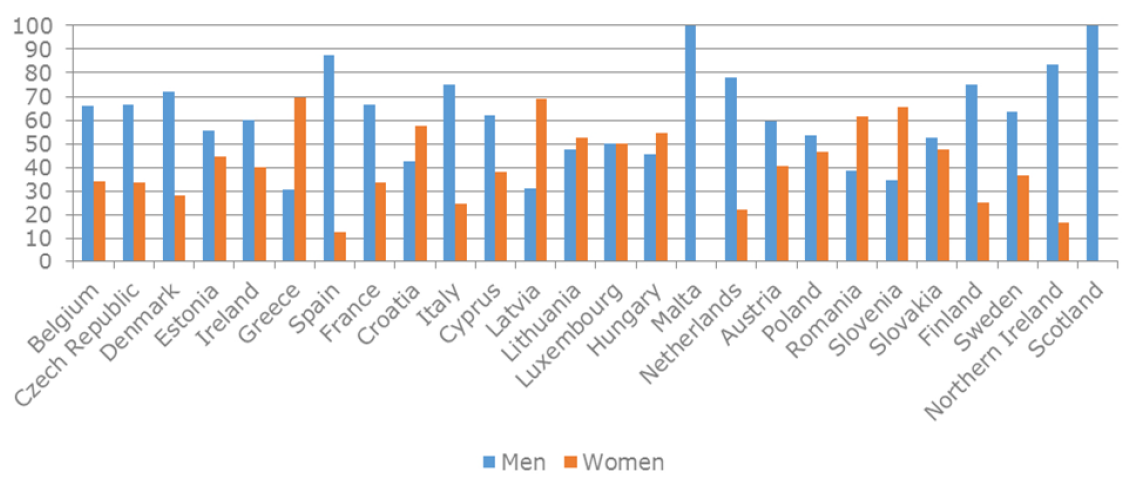
Figure 4: Supreme Court Judges 2014, women and men¹⁵²



Source: CEPEJ report database

The analysis now turns to court presidents, who are the most senior individual judges at each level of the judiciary. Overall, men are the majority (over 60%) in these positions (average 2010, 64%; 2012, 61%; 2014, 61%). As above, these average figures hide wide variation, with Malta and Scotland having 100% of men occupying these posts (MT n=3; Scotland n=1), while the highest rates of occupancy by women were in Greece (70%), Latvia (69%) and Slovenia (65%). There is also a pattern of a decline in posts held by men over the 2010-14 period in nine countries (AT, BE, EE, FR, IE, IT, LU, NL, SE), though only in Estonia and Luxembourg does this decrease bring the gender distribution to parity (Figure 5).

Figure 5: Court Presidents 2014, women and men¹⁵³



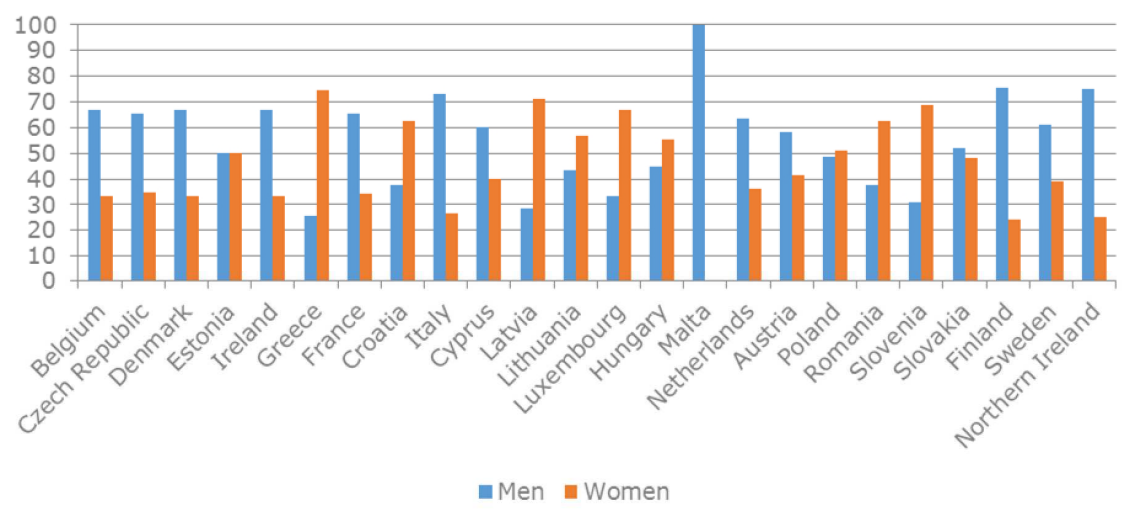
Source: CEPEJ report database

¹⁵² "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 51-52. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

¹⁵³ Idem, pgs. 52-53.

Analyzing the data in more detail, presidents in courts of first instance are relatively equally distributed among men (55%) and women (46%) in the judiciary, with a trend of rebalancing in favor of women since 2010 when the proportions were 60% men, 40% women. Only in Malta were there all men presidents (n=2) in 2014. In two cases, there was a sizeable redistribution of posts from men to women, namely in the Netherlands, from 89% men (n=17) to 63% men (n=7) and 37% women (n=4); Austria, from 70% men (n=109) to 58% men (n=35) and 42% women (n=25) with a reduction in the overall number of positions. Luxembourg reversed the distribution: from 71% men in 2010 (n=5) to 66% women in 2014 (n=4). Once again, small numbers distort the magnitude of the shift (Figure 6).

Figure 6: Court of First Instance Presidents 2014, women and men¹⁵⁴

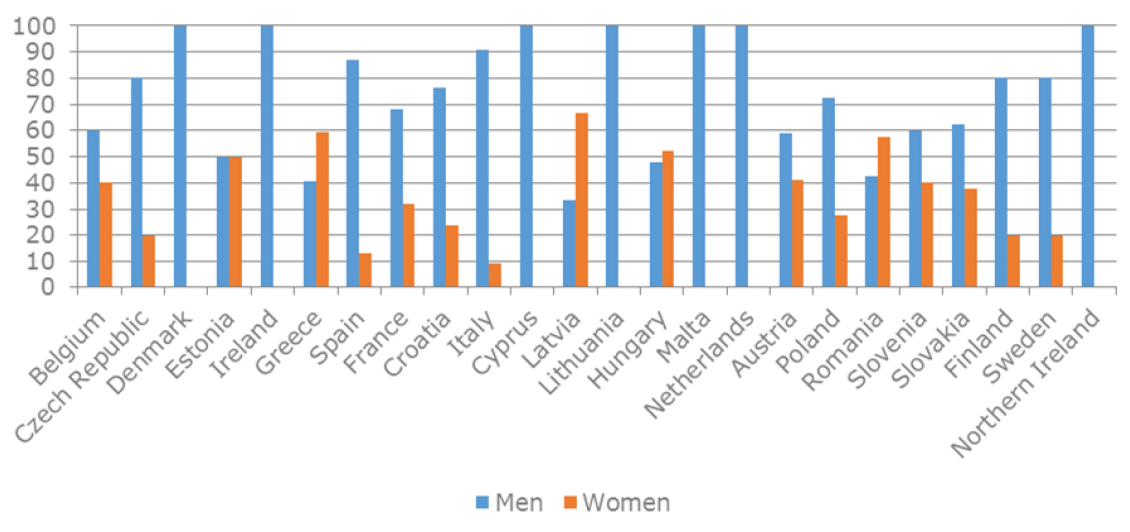


Source: CEPEJ report database

In the case of presidents in courts of second instance, the gender profile is distinctively centered on men, who hold three-quarters of these positions on average (2010, 75%; 2012, 72%, 2014, 75%). It is notable that there are fewer places for the position of president available here compared with the courts of first instance, and this affects the gender distribution and the potential for gender equality. For instance, all the presidents of courts of second instance are men in seven countries (CY, DK, IE, LT, MT, NL, Northern Ireland), but in only two cases are there more than 1 or 2 posts available (DK, n=4; NL, n=6). In four Member States women presidents are the majority (EL, 60%; HU, 52%; LV, 67%; RO, 58%), and in Estonia, there is one man and one woman president (Figure 7).

¹⁵⁴ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 52-53. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

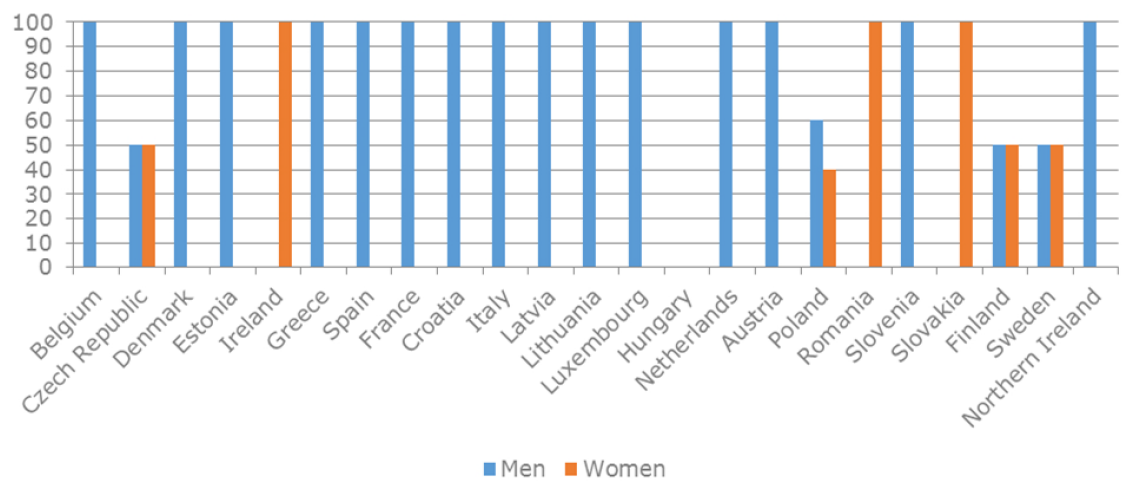
Figure 7: Court of Second Instance Presidents 2014, women and men¹⁵⁵



Source: CEPEJ report database

Finally, the number of supreme court president posts are even fewer than at other levels, and thus competition for this position is more intense. Fifteen countries only have men occupying this role, largely because there is only one position of this kind available. There are women Presidents in three instances (IE, RO, SK). These positions are only distributed equitably among men and women holding posts in four cases (CZ, FI, PL, SE) (Figure 8).

Figure 8: Supreme Court Presidents 2014, women and men¹⁵⁶



Source: CEPEJ report database

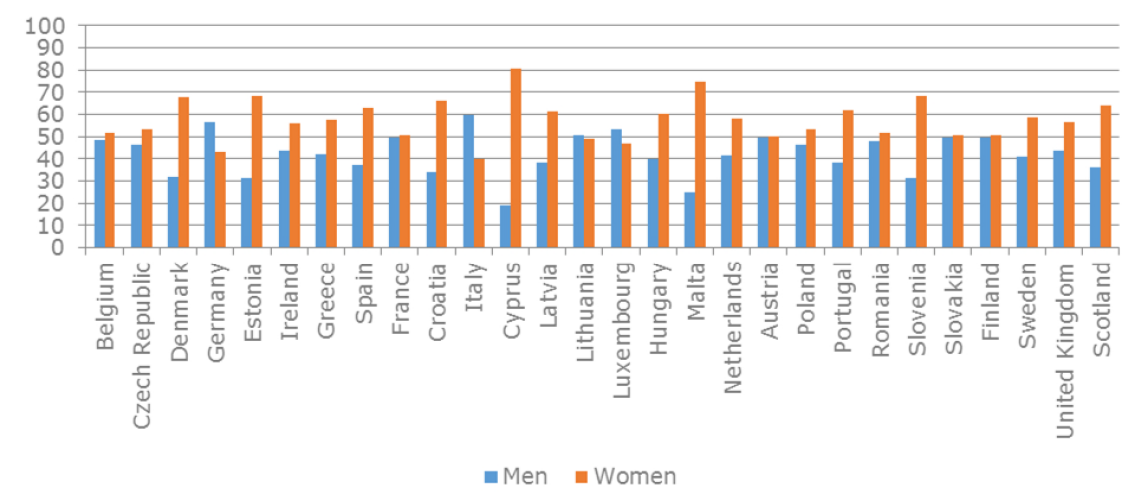
¹⁵⁵ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 53. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

¹⁵⁶ Idem, pg. 54.

The next section examines the gender profile of prosecutors. The term 'prosecutor' – while carrying variations in duties from Member-State to Member-State – broadly encompasses the role of a public authority entrusted with qualifying and carrying out prosecutions. In all the references to 'prosecutor', prosecutors in the Member State have an active role in prosecuting criminal cases. Variations occur in other areas of law (for example, administrative or civil law) and the autonomy of the public prosecution services. For the purposes of this study, the term 'prosecutor' encompasses all of these variations between Member-States.

There is much more comprehensive data on this aspect of the legal profession, with available information which is comparable to that of professional judges. In general, prosecutor positions are relatively evenly distributed between men and women, with a moderate tendency towards women holding these posts (2010, 53% women; 2012, 56% women; 2014, 58% women). Only in Cyprus is there a predominance of women prosecutors (81%, n=89), while in Malta the proportion of women holding this position has increased rapidly to 75% but on the basis of small numbers (from 5 to 9 women between 2010 and 2014). In Germany and Italy, the balance is in favor of men (DE 57%, IT 60%). In other EU Member States, the gender proportions are between a one-third men, two-thirds women ratio (Figure 9).

Figure 9: Public Prosecutors 2014, women and men¹⁵⁷

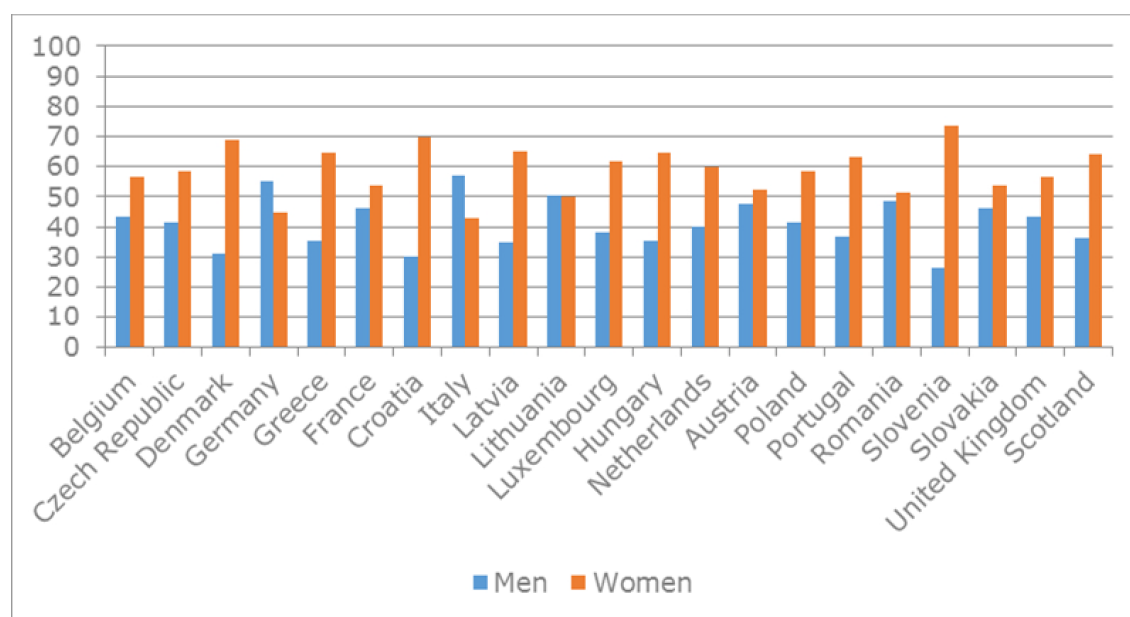


Source: CEPEJ report database

For prosecutors in first instance courts, posts held by men on average account for 41%, and women occupy the balance of 59% of posts. This distribution is generally consistently held, except for Slovenia where women account for 74% (n=106) of first instance prosecutors, and Germany and Italy, where more men hold these positions (Figure 10).

¹⁵⁷ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Public Policies of the Union, 2017, pgs. 57-58. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

Figure10: Public Prosecutors in First Instance Courts 2014, women and men¹⁵⁸

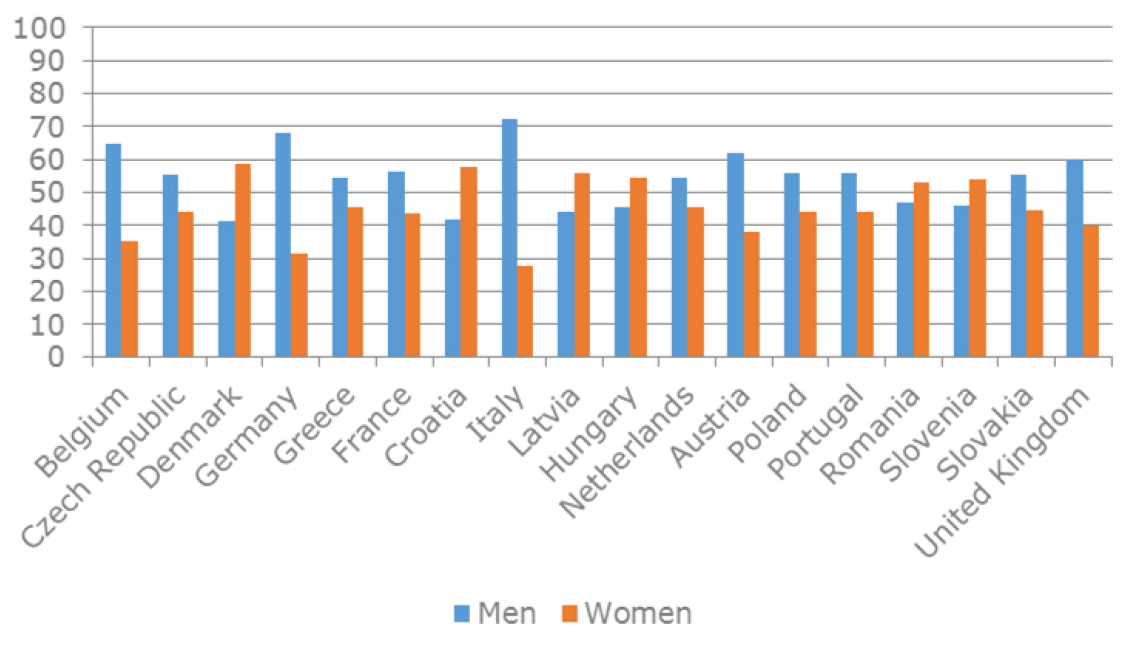


Source: CEPEJ report database

The gender profile is reversed for prosecutors of second instance courts, with men holding posts accounting on average for 55% of all positions in 2014, and women holding 45%. This is a similar pattern to that found for judges of second instance courts. Italy, Germany and Belgium are the significant outliers, with men constituting 71%, 68% and 65% respectively of all positions in this category (Figure 11). The pattern in Belgium also raises interest over time, where the ratio between the posts held by men and women decreased significantly between 2010 and 2014 from 71% men: 29% women to 65% men: 35% women (Figure 11).

¹⁵⁸ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 58. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

Figure 11: Public Prosecutors in Second Instance Courts 2014, women and men¹⁵⁹

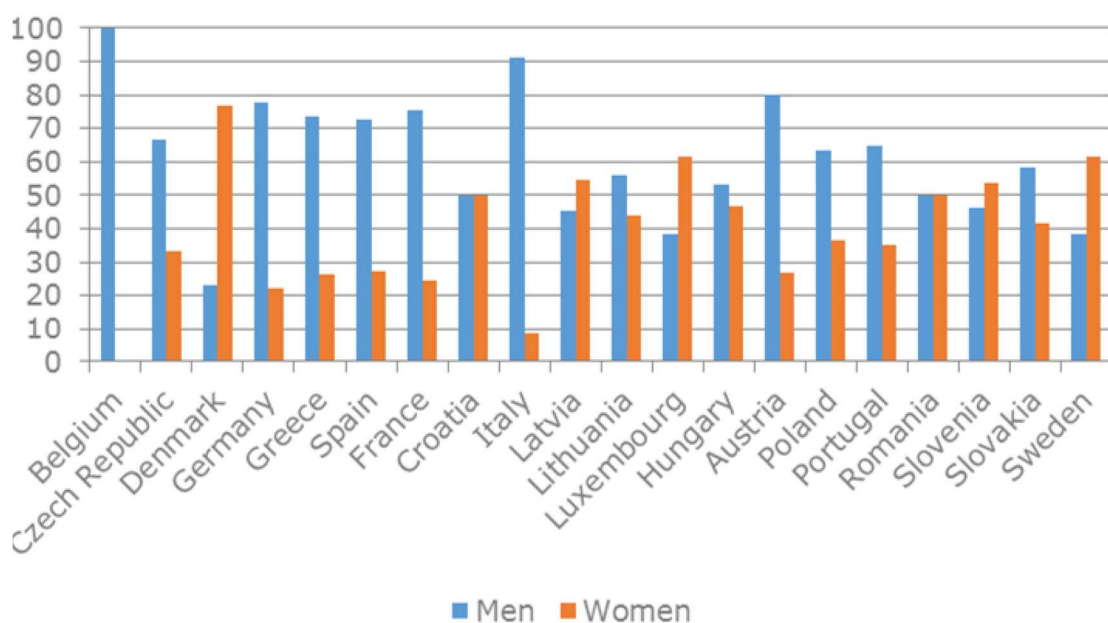


Source: CEPEJ report database

However, at the supreme court level, the over-representation of men among prosecutors is intensified, with men comprising over 60% of all officeholders (2010, 63%; 2012, 66%; 2014, 61%). Belgium has an all men prosecutor profile (n=13) at this level, followed by Italy where 92% (n=51) of prosecutors are men. Another three countries (AT, DE, EL) have above average levels of men prosecutors and, in the case of Austria, they are increasing over time. In contrast, in Sweden, the proportions of men prosecutors have decreased from 60% to 38% (though the numbers are low). In Denmark, the proportion of women prosecutors has been growing, and they now dominate the field, at 77% representation. In Luxembourg there is also a small majority (62%, n=8) of women prosecutors at Supreme Court level, though numbers are again low, and one change can distort the ratio (Figure 12).

¹⁵⁹ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies for the Union, 2017, pgs. 58-59. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

Figure 12: Public Prosecutors in the Supreme Court 2014, women and men¹⁶⁰

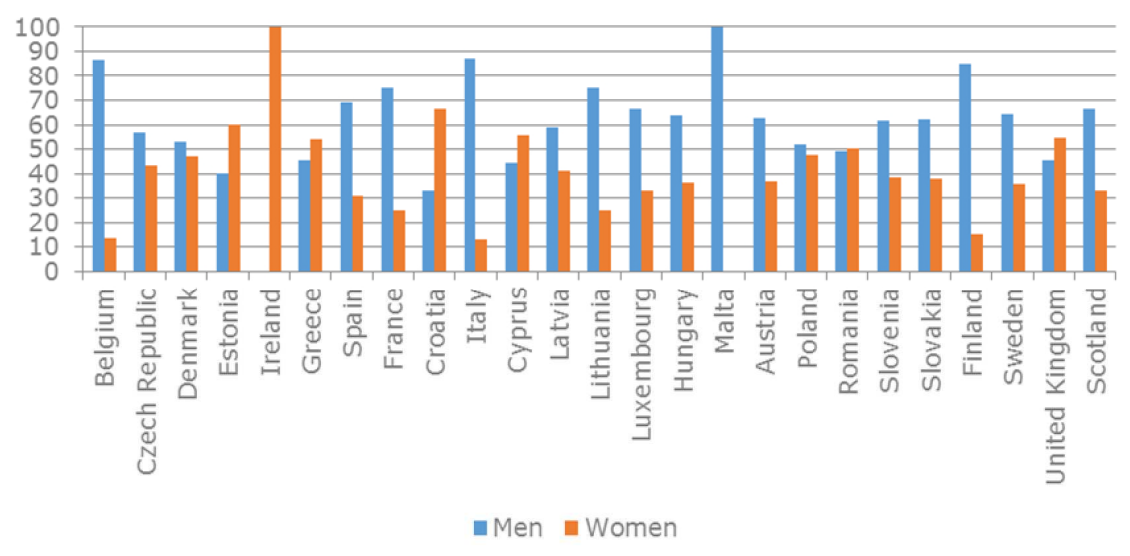


Source: CEPEJ report database

The head of a prosecution office is a "position of high legal authority", so it is "no surprise" that overall the post is dominated by men (2010, 66%; 2012, 41%, 2014, 40%). In Ireland, where there is only one post of this kind, the position has alternated between men and women, and in Malta the single office is held by a man. In three countries (BE, FI, IT) over 80% of head prosecutors are men, and in the case of Belgium this is an increase based on a reduction of the number of posts: in other words, women lost out when posts were reduced. In Croatia, however, 67% of these posts are held by women (n=26) (Figure 13).

¹⁶⁰ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 59-60. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

Figure 13: Head of Prosecutor's Offices 2014, women and men¹⁶¹

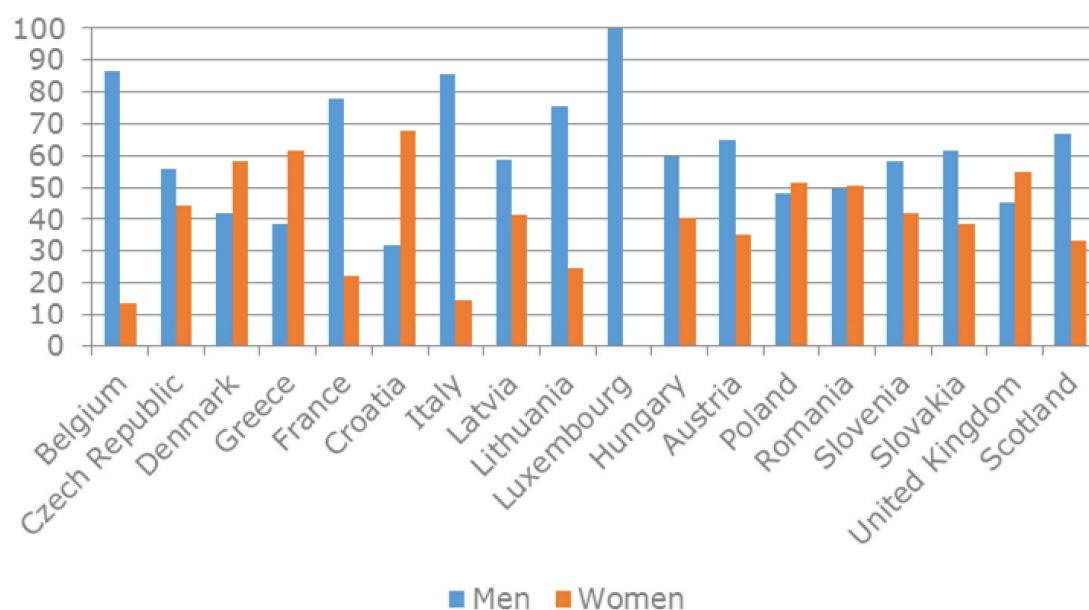


Source: CEPEJ report database

On average, the gender profile of heads of prosecution offices for courts of first instance is similar to the overall above, at about 62% men, 38% women. Three countries deviate significantly from this average, with men occupying over 80% of posts in Belgium and Italy, and 100% in Luxembourg (n=2). Croatia emerges again as having a feminized head of prosecution office profile, increasing from 54% women (n=6) in 2010 to 68% women (n=17) in 2014 (Figure 14).

¹⁶¹ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 59-60. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

Figure 14: Heads of Prosecution Offices for Courts of First Instance 2014, women and men¹⁶²

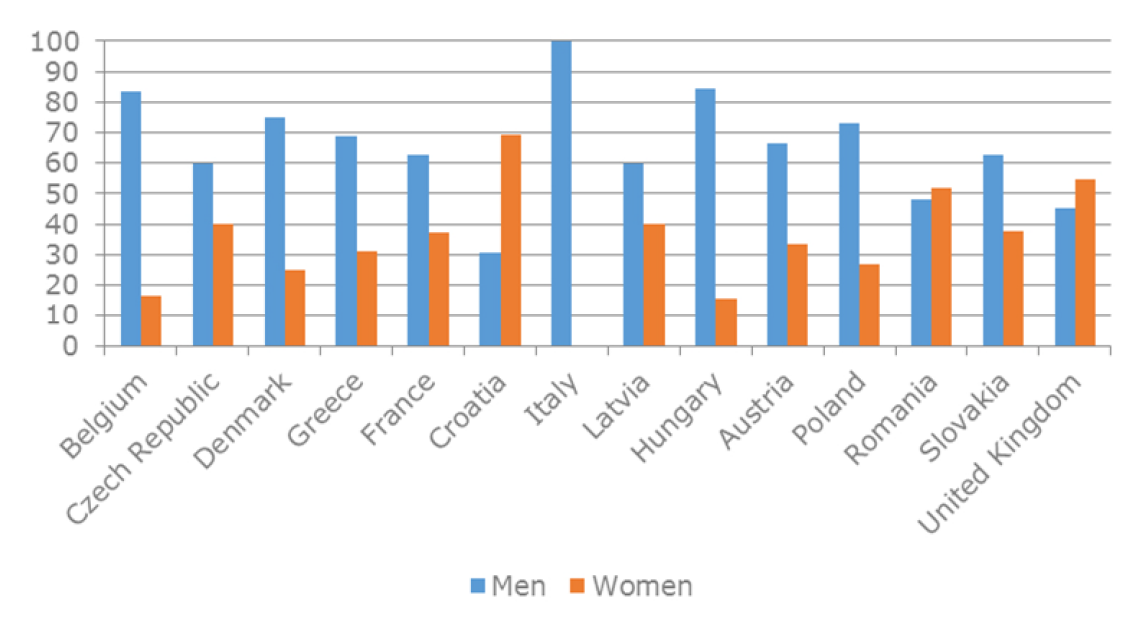


Source: CEPEJ report database

As the court level gets higher, the position of the head of prosecution offices becomes more dominated by men. This pattern becomes clear in the court of second instance regarding the heads of prosecution offices, where men hold on average about 68% of posts (2010, 69%; 2012, 71%; 2014, 66%). In Belgium and Hungary, men occupied over 80% of these posts, and 100% in Italy (n=19) in 2014. On the other hand, Croatia's feminized legal workforce is again apparent, with women holding 68% (n=9) of head positions in prosecution offices, increasing from 54% in 2010 (Figure 15).

¹⁶² "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pg. 60. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

Figure 15: Heads of Prosecution Offices for Courts of Second Instance 2014, women and men¹⁶³

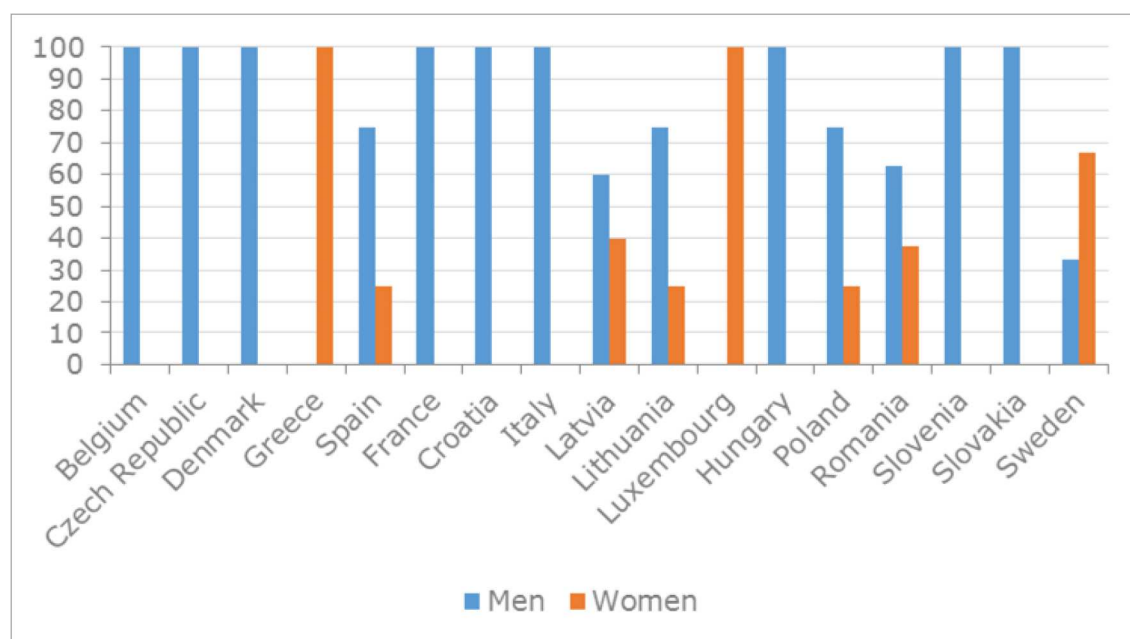


Source: CEPEJ report database

Finally, in this category of legal professions, there is the position of the head of the prosecution office of the supreme court. In continuance of the gendered pattern of superior court employees, this office is largely held by men (average 2010, 77%, 2012, 90%, 2014, 75%). Twelve countries reported one, or sometimes two, offices at this level, making it prone to gender swings when reporting aggregated information. There were nine men (BE, CZ, DK, FR, HR, HU, IT, SI, SK) and two (EL, LU) women heads of public prosecution offices of supreme courts in 11 reporting countries for 2014 (Bulgaria did not return information). Seven countries (ES, LT, LV, PL, RO, SE, SK) have multiple posts of this kind, with Latvia (n=10) and Lithuania (n=12) having the most women heads of prosecution office for the supreme court. Only in Sweden is the gender balance reversed, with two women and one man holding this office (Figure 16).

¹⁶³ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pg. 61. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

Figure 16: Heads of Prosecution Offices for Supreme Courts 2014, women and men¹⁶⁴



Source: CEPEJ report database

¹⁶⁴ "Mapping the representation of Women and Men in Legal Professions across the EU", Directorate General for Internal Policies of the Union, 2017, pgs. 62. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 15.05.2018).

7. Conclusions and policy recommendations ¹⁶⁵

7.1. Conclusions

The qualitative and quantitative research reveals that there is much to do in terms of gender equality in the judicial professions across Europe. While each Member State has an individual profile and context, there are some general areas that could be addressed at the European level through the auspices of JURI (Committee on Legal Affairs of the European Parliament).

The survey findings conducted for this study reinforce other qualitative research findings that the barriers to women's full and equal participation with men in the judicial professions are centered around the following issues:

- The persistence of gender stereotypes, including gender bias (often unconscious) in recruitment, selection and promotion procedures.
- Difficulties in reconciling work and non-work responsibilities, exacerbated in circumstances where there is an accepted working culture of long working hours.
- A lack of transparency in appointment and promotion procedures.
- A lack of mentoring practices and supportive networks.
- Lack of visibility of women role models in the most senior positions in the judicial professions.

The most obvious trend in the judicial professions is the decrease in the proportion of women at the court level as the seniority of posts increases. At the lower level positions, women are the majority in some countries, but this tendency usually reverses as the court and the prosecution levels rise. Some jurisdictions require geographical relocation for an appointment to a more senior court or prosecutorial office (and in some cases this is because those appointments are held on a regional basis). Additional travelling time can be a deterrent for women with other responsibilities. Life in senior positions can be perceived as very conservative and requiring participation at functions at non-family friendly hours. Both of these circumstances are likely to deter women. Part-time positions are less likely to be available.

Common law jurisdictions do not offer career routes into the judiciary and rely much more on law officials at the most junior end of the justice system. This means that there are far fewer positions available in the upper echelons of the judiciary. This, combined with the presence of fewer women in the senior ranks of the legal profession as a result of their historic under participation, results in the lower presence of women in the senior ranks of the judiciary.

Women's presence in the judiciary in significant numbers also relates to the status of the judiciary within a particular jurisdiction. All judicial appointments are appointments to the civil service but in some jurisdictions appointments to the judiciary are held in higher esteem than simply undertaking a civil service career, even though there is often an entrance examination which requires a high level of performance to secure an appointment.

Therefore, judicial office is a professional calling rather than a bureaucratic occupation.¹⁶⁶ In these circumstances we can expect to find larger numbers of men than women. In other jurisdictions, judicial office is seen as having relatively low status (for example, bureaucratic, as in Romania) and as being lower in remuneration terms than a career in some areas of legal practice, such as commercial law. In these circumstances the argument is that women are more likely to be found in the judiciary.¹⁶⁷

¹⁶⁵ *Idem*, pgs. 86-90.

¹⁶⁶ See Guarnieri, Carlo and Pederzoli, Patrizia (2002) *The Power of Judges* OUP Oxford, p. 66-7 to see the model they developed in their bureaucratic careers versus professional careers in the judiciary.

¹⁶⁷ Fuszara, Malgozata (2003), *Women Lawyers in Poland*. In: Ulrike Schultz and Gisela Shaw: *Women in the World's Legal Professions*. Oxford: Hart, p. 371-386.

Judicial careers might be more attractive at first glance for some women than careers in private practice. Judicial careers offer a salary, a fixed income and, at the lower levels, fixed hours. Private practice might not offer either of these things. Judicial careers might seem to be a choice with less stress (i.e. a managed rather than a self-generated workload), less pressure and a clear career path. Advancement in the judicial career may seem less contingent on participation in after-hours social events and the demands of "masculine culture".

A further gender gap of some magnitude is found among non-judge staff (*Rechtspfleger*, staff assisting judges, administrative staff, technical and non-judge staff). In 2014, there were three women for every man carrying out these duties. These positions are salaried positions in the civil service. They are likely to be available as part-time positions and positions with fixed working hours. They are less likely to require geographical relocation for salary advancement.

When it comes to lawyers, opinions in literature from the legal professions and by commentators suggest that while it is still the case that women predominate in practice areas such as family and child law their presence in commercial law practice areas is increasing.¹⁶⁸ This increase is attributed to the number of women entering the profession and the changing nature of legal practice in commercial areas. These areas are now more about negotiation and client care than contentious litigation. The skills required are seen as those stereotypically possessed by women. This accounts in part for the increase in women's participation as partners in large pan-European law firms as these firms practice in commercial areas and are very unlikely to operate in areas such as family, child and criminal law. The other reason for the increase in women's participation in partnership is the increase in women joining the legal profession.

However, although there is an increase in women entering the legal profession and becoming partners, the numbers of women progressing to partnership or to elite levels as lawyers is still very small. Figures produced by private sector consultants suggest that pipeline leakage is less of a problem than it might be thought to be, as women only leave in marginally greater numbers than men (less than 5%) at the various career points: trainee, senior associate and non-equity partner.¹⁶⁹

It seems the absence of women is more likely to be due to the failure of internal promotion systems to attract them, as well as due to negative perceptions held by potential women candidates of the requirements of the job role, and concerns about the financial risks involved in moving from salaried to equity partner status.

In the case of notaries in common law jurisdictions, large gender gaps can be found, as men's representation is over 70%, and women hold less than 30% of these posts (IE, UK- E&W, UK-NI). It should be noted that notary practice in common law jurisdictions is restricted largely to the authentication of documents for overseas jurisdictions, unlike in civil law jurisdictions where the scope of practice is much wider. It is most unlikely in a common law jurisdiction that the sole source of an individual's income would be derived from practising as a notary. Men's predominance is likely to have been influenced by legislative reforms of the 1990s which further restricted practice areas. 70% of notaries are also solicitors and they are likely to have qualified as solicitors prior to 1990, before there was a large increase in women's participation in the solicitor profession.

Also, in most Western European Civil Law Countries, the notariat is still a profession which is very much dominated by men. In most countries, there are high entrance barriers. The profession has a very high prestige and splendid income perspectives. Furthermore, the leaders in the profession, the heads/presidents of the national notarial organizations are men, as are the vast majority of board members. In the former communist countries, on the other hand, the proportion of women in the notariat

¹⁶⁸ Vide V4 Revue, *Women in the Judiciary: a V4 success story with some flaws*, available at: <http://visegradrevue.eu/women-in-the-judiciary-a-v4-success-story-with-some-flaws/> (consulted 01.05.2019).

¹⁶⁹ Vide 30% Club, *Shifting the needle: increasing the number of women in UK partnerships*, https://30percentclub.org/assets/uploads/UK/30_Club_Reports/Shifting_the_Needle.pdf (consulted 01.05.2019).

is very high. However, the functions, prestige and income of a notary under communism was different from the functions of a notary in a Western civil law country.

There is some measure of awareness of existing imbalances in the profession, and the national notariat organizations of Austria, Germany, the Netherlands, Latvia and Greece are conscious of gender inequalities. Austria and the Netherlands are particularly concerned with the underrepresentation of women, while Latvia and Greece are concerned with the underrepresentation of men. They attribute the gender imbalances to factors related to national and historic traditions of the profession (AT, LV, NL), but also attribute lack of work flexibility as a contributing cause (AT). The Austrian notarial organization noted the introduction of reforms regulating the profession since January 2017, permitting the possibility of part-time work, as well as extended periods of maternity and paternity leave. It will be interesting to see if the new flexibility is availed of by individual notaries and promoted by the national organization.¹⁷⁰

When it comes to education, law, which has traditionally been a 'men's subject' has turned into a subject preferred by women. Although the percentage of women choosing law has already been high in the past twenty years, it is – as the developments from 2012 to 2015 show – still growing and there are on average about 60% of women law students. The numbers for students and graduates of bachelor and master studies do not differ significantly and there does not seem to be a considerable loss of students for the second stage of legal education. The data on the gender composition in doctoral studies shows more differences. There seems to be a general tendency for a loss of about 10-20% of women in this stage. The number of women doing doctorates is around 50% in most countries. However, this overall figure hides wide variations, with men predominating in doctoral legal studies in the majority of Member States. This is the first step of the 'leaky pipeline'. Less women are taking advanced academic qualifications due to several factors, such as:

- A general job insecurity in the academy.
- Stress in qualification procedures which have to be passed in the 'rush hour of life' when families are founded.¹⁷¹

With regard to teaching positions at universities, there is also a greater loss of women, especially in countries with long and strict qualification procedures like Germany, where only 15% of the senior chairs in law faculties are occupied by women. In academia, there is a clear connection between restrictive gate keeping strategies, high income possibilities and high prestige, a preponderance of professors who are men, as well as of the so-called "masculine culture" in law faculties.

Summing up, it has to be noted that the majority of law graduates are women and that this is a homogeneous and consistent effect across all Member States. After graduation women tend to find employment in the less well-paid positions in the legal labor market in salaried positions and as practitioners and notaries, and many find their way into alternative professions.

7.2. Policy recommendations

The data points to a gender imbalance at the top of the judicial professions – among the judiciary and as partners in legal firms. The data also indicates a distinct horizontal segregation of these professions. For example, there is a wide range of staff that act in varying capacities to support judges, and this staff is distinctively mostly composed of women. These findings all together point to a need to address the legal culture and practices, so as to establish and maintain an environment where women as well as men have equal opportunities to have fulfilling careers in law.

There are some immediate and short-term actions arising from this study which can be considered:

¹⁷⁰ Information collected through the ÖSB enquiry of National Notary Organizations, from January to March 2017.

¹⁷¹ Schultz, Ulrike et al. (publication underway), *Gender and Careers in the Legal Academy*.

- Sharing good practices on measures taken to tackle gender imbalances in the judicial professions.
- Creating a framework for the systematic monitoring of gender and gathering all monitoring data in one place on a regular basis.
- Encouraging Member States to develop projects on issues relating to gender equality in the judicial professions.
- Taking a positive, pro-active approach to gender equality by promoting the development of Member State action plans (as per the Geneva Forum).
- Working with FEMM in the European Parliament to hold collaborative events on this issue.
- Working with EIGE to develop a systematic method of monitoring and promoting gender equality in the judicial professions.
- There is a need to address the imbalances at the top of the judicial professions. This study contains an extended discussion on quotas and their place in the legal professions. It could form the basis for a discussion on gender diversity, and its current absence in top law positions, with a view to Member States setting targets and timetables for improvement. Quotas may form part of the tools available for use in reaching these targets on time, and this strategy should certainly form part of the discussion.

The secondary data used in this report was not always consistent and some major data gaps became evident. To address these issues:

- A common framework for collecting statistics could be developed, taking into account the existing differences between the professions and enhancing cross-country comparison.
- More empirical evidence is necessary. Systematic research into the situation of women and men in the Member States is needed which can then be evaluated more thoroughly. The existing work stems mostly from *ad hoc* initiatives which necessarily can only present patchwork results.

More comprehensive data on a comparative level is needed:

a. on gender effects in remuneration and pay;

b. all aspects of horizontal and vertical segregation, i.e. specialization, percentage of women and men in particular fields and departments, the number of women and men on different career steps, and also the time needed to move up in the career.

c. Full-time and part-time work.

- The absence of gender-disaggregated data on the proportions of Grade A staff (full professors) in higher education is a major gap.

When it comes to legal education, there are still considerable differences among EU Member States. The following considerations could therefore be taken into account:

-Evaluate, improve and harmonize the qualification procedures. A common framework of curricula for legal education could be developed. Even if it could only get the status of a recommendation, it could improve the quality of legal education and consequently also of legal services.

-Systematically include gender as a cross-cutting topic in legal education:

a. A common framework of curricula¹⁷² could provide proposals on how to include gender issues in legal education. There are deficits in all Member States.

¹⁷² See, for example, Gender Curriculum for education in the area of law in Germany, available at: <http://www.gender-curricula.com/gender-curricula/> (consulted 20.04.2019).

b. Gender education should also be promoted for the judiciary and lawyers in all other legal professions.

Special gender trainings should be avoided as they often meet resistance. Consequently, gender issues could be included as a cross-sectional subject in all regular educational activities. In conclusion, the gender imbalances in the legal professions revealed in this report are not new and have been found to be common in other sectors of employment and activity (e.g. corporate boards). There are many lessons to be learned from examining how other sectors are tackling gender imbalances that could inform the discussions among judicial practitioners.

Also, the establishment of a 'gender equality in the judicial professions' network to focus on this issue should be considered; a work plan should also be brought forward to address the barriers, identify concrete measures to tackle gender imbalances, devise a suitable monitoring framework, and give visibility to the many good practices of Member States that deserve replication in others. The network could help to establish a comparative picture of the situation for both men and women in the legal professions as well as legal education in the Member States.

8. References

30% CLUB (2016), *Barriers to progression: The reasons Chairs and Non-Executive Directors (NEDs) use as to why they can't or won't appoint female directors to their boards*. Handbook compiled from the conversations of the Working Group on Education. Available at: https://30percentclub.org/assets/uploads/barriers_to_progression.pdf (consulted 17.07.2019).

BINDMAN, Geoffrey e MONAGHAN, Karon (2014), *Judicial Diversity: Accelerating Change*. Report ordered by the "Shadow" labour justice team (Lord Chancellor Sadiq Khan). Available at: https://www.judicialappointments.gov.uk/sites/default/files/sync/news/accelerating_change_finalrev_0.pdf

BRENNER, Hannah (2014), *Expanding the Pathways to Gender Equality in the Legal Profession*. Legal Ethics, Volume 17, Part 2. Available at: <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1512&context=facpubs> (consulted 14.07.2019).

CAHILLANE, Laura (2016), *Judicial Diversity in Ireland*. Irish Journal of Legal Studies, Vol.6(1).

CASTILLA, Emilio J. e BENARD, Stephen (2010): *The paradox of meritocracy in organizations*. Administrative Society Quarterly 55 (4).

NATIONAL COUNCIL OF PROSECUTION SERVICES. Gender Scenarios – Reflection, Research and Reality. Brazil. Commission of Strategic Planning (Biennium 2017-2019) 2018. Available at: http://www.cnmp.mp.br/portal/images/20180625_CENARIOS_DE_GENERO_v.FINAL_3.1_1.pdf (consulted 10.02.2019).

CONSEIL SUPÉRIEUR DE LA MAGISTRATURE (2013), *La parité dans la magistrature*, Rapport d'Activité 2012. Paris. Available at: http://www.conseil-superieur-magistrature.fr/sites/default/files/rapports_activite/csm_rapport_activite_2012.pdf (consulted 23.03.2019).

DELIVERING ON THE EUROPEAN PILLAR OF SOCIAL RIGHTS– COMMISSION ADOPTS FIRST CONCRETE INITIATIVES. European Commission website. Brussels. 26 abr. 2017, Press Release Database, p.1. Available at: http://europa.eu/rapid/press-release_IP-17-1006_pt.htm (consulted 28.04.2019).

EQUAL PAY DAY: STATEMENT OF THE FIRST VICE-PRESIDENT FRANS TIMMERMANS AND OF THE COMMISSIONERS MARIANNE THYSSSEN E VĚRA JOUROVÁ, Website of the European Commission. Brussels. 26 Oct. 2018, Press Release Database, p.1. Available at: http://europa.eu/rapid/press-release_STATEMENT-18-6184_pt.htm(consulted 15.06.2019).

EUROPEAN EQUAL PAY DAY. Commission for Equality in Labour and Employment. CITE Website. Lisboa. 3 Nov. 2018, Notícias, p.1. Available at: <http://cite.gov.pt/pt/acite/3novembro2018.html> (consulted 04.03.2018).

DIRECTORATE GENERAL FOR INTERNAL POLICIES OF THE UNION. *Mapping the representation of Women and Men in Legal Professions across the EU*. 2017. Department for the Rights of Citizens and Constitutional Affairs. Belgium: European Parliament, 2017. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU\(2017\)596804_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596804/IPOL_STU(2017)596804_EN.pdf) (consulted 12.02.2019).

DUARTE, M., (2011), Domestic violence and its criminalization in Portugal: obstacles to the application of the law, *Sistema Penal & Violência*, Revista Eletrônica da Faculdade de Direito, Programa de Pós-Graduação em Ciências Criminais, Pontifícia Universidade Católica de Rio Grande do Sul – PUCRS, pgs. 1,4,5,7. 2011. Available at: <http://revistaseletronicas.pucrs.br/ojs/index.php/sistemapenaleviolencia/article/view/9842/7583> (consulted 20.02.2019).

"GENDER SCENARIOS" STUDY PRESENTED IN THE 9TH BRAZILIAN CONGRESS ON THE MANAGEMENT OF THE PUBLIC PROSECUTION SERVICE. Website of the CNMP, Brasília, 14 Sept. 2018. Notícias, p.1. Available at: <http://www.cnmp.mp.br/portal/todas-as-noticias/11568-estudo-cenarios-de-genero-e-apresentado-no-9-congresso-brasileiro-de-gestao-do-mp> (consulted 11.02.2019).

IN RANKING OF 190 COUNTRIES ON WOMEN'S PRESENCE IN PARLIAMENTS, BRAZIL OCCUPIES POSITION NUMBER 152, *Globo.com*. Rio de Janeiro. 7 Mar. 2018, Política, p.1. Available at: <https://g1.globo.com/politica/noticia/em-ranking-de-190-paises-sobre-presenca-feminina-em-parlamentos-brasil-ocupa-a-152-posicao.ghtml>(consulted 15.04.2019).

EUROPEAN PILLAR OF SOCIAL RIGHTS: BUILDING A MORE INCLUSIVE AND FAIRER EUROPEAN UNION. Website of the European Commission. Brussels. 2019. The Commission and its priorities; political, information and services. Available at: https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en (consulted 15.07.2019).

FUSZARA, Malgozata (2003), *Women Lawyers in Poland*. In: Ulrike Schultz and Gisela Shaw: *Women in the World's Legal Professions*. Oxford: Hart, p. 371-386.

GENDER BALANCE ACCROSS THE LEGAL PROFESSION, The UK Law Societies' Joint Brussels Office. Bruxelas. 17 Jan. 2018. Notícias, pg. 1. Available at: <https://www.lawsocieties.eu/gender-and-equality/gender-balance-across-the-legal-profession/5063953.article> (consulted 18.02. 2019).

GHEUS, Anca (2013): *Three cheers for the token woman!* University of Sheffield. Available at: https://socialsciences.exeter.ac.uk/media/universityofexeter/collegeofsocialsciencesandinternationalstudies/research/conferences/Three_cheers_for_the_token_woman.pdf (consulted 03.03.2019).

GILLIGAN, Carol (1982): *In a Different Voice: Psychological Theory and Women's Development*. Cambridge: Harvard University Press.

GLORIA CORDES LAW CENTER FOR WOMEN AND BUSINESS, *Men as Allies: Engaging Men to Advance Women in the Workplace*, Curated Research Report, Bentley University. 2017. Available at: https://wit.abcd.harvard.edu/files/wit/files/cwb_men_as_allies_research_report_spring_2017.pdf (consulted 08.02.2019).

GOVERNMENTAL GENDER EQUALITY BODIES, Website of the European Institute for Gender Equality. Vilnius. 2019. *Gender Mainstreaming: institutions and structures*. Available at: <https://eige.europa.eu/gender-mainstreaming/institutions-and-structures/eu-member-states> (consulted 18.07.2019).

GROSSMAN, Nienke (2016), *Achieving Sex-Representative International Court Benches*. In: *American Journal of International Law*. Volume 110, pp. 82-95. Available at: http://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=1961&context=all_fac

GUARNIERI, Carlo e PEDERZOLI, Patrizia (2002) *The Power of Judges* OUP Oxford, p. 66-7.

HUNTER, Rosemary (2015), *More than Just a Different Face? Judicial Diversity and Decision-making*. Oxford University Press.

INTERNATIONAL COMMISSION OF JURISTS (2013), *Women and the Judiciary*, Geneva Forum Series no 1. Materials regarding the Geneva Forum on Judges and Lawyers in 2013 organized by the International Commission of Jurists. Available at: <https://www.icj.org/wp-content/uploads/2014/10/Universal-Women-and-Judiciary-Gva-For-1-Publications-Conference-Report-2014-ENG.pdf>; see also Geneva Forum Series nr. 1, available at: <https://www.icj.org/geneva-forum-series-no-1-women-and-the-judiciary/> and high points of the Geneva Forum on Women in the Judiciary, available at: <https://www.icj.org/highlights-from-the-geneva-forum-on-women-in-the-judiciary/>, <https://www.icj.org/wp-content/uploads/2014/04/Geneva-Forum-Highlights-RESIZED1.pdf>; see also "Women and the judiciary: new document synthesizes findings from ICJ colloquia in Tanzania, Tunisia and Switzerland", available at: <https://www.icj.org/women-and-the-judiciary-new-document-synthesizes-findings-from-icj-colloquia-in-tanzania-tunisia-and-switzerland/>, and full report available at: <https://www.icj.org/wp-content/uploads/2014/10/Africa-MENA-Switzerland-Women-judges-Colloquia-findings-Publications-Conference-report-2014-eng.pdf>.

THE GENDER PAY GAP SITUATION IN THE EU. Comissão Europeia. Website da Comissão Europeia. Brussels. 2018, Directorate General for Communication. Available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/equal-pay/gender-pay-gap-situation-eu_en. (consulted 15.02.2019).

MALLESON, Kate (2013), Gender Quota's for the Judiciary in England and Wales. In: Ulrike Schultz and Gisela Shaw, eds. *Gender and Judging*. Oxford: Hart, pp. 481 – 499.

MALLESON, Kate (2003), Justifying Gender Equality on the Bench: Why Difference Won't Do, *Feminist Legal Studies*, Volume 11, Issue 1, pp 1-24.

MALLESON, Kate (2003), Prospects for Parity: The Position of Women in the Judiciary in England and Wales. In: Ulrike Schultz and Gisela Shaw: *Women in the World's Legal Professions*. Oxford: Hart, pp. 175-190.

MALLESON, Kate (2014), *The case for gender quotas for appointments to the Supreme Court*. UKSC Blog. Available at: <http://uksblog.com/case-gender-quotas-appointments-supreme-court/> (Consulted 12.04.2019).

MÖSCHEL, Mathias (2016), *Gender Quotas in Italian and French Public Law: A Tale of Two Converging and Diverging Trajectories*, *Italian Constitutional Justice in Global Context*, Central European University (Hungary).

MORISON, John (2015): *Finding Merit in Judicial Appointments: NIJAC and the Search for a New Judiciary in Northern Ireland*; in *Criminal Justice in Transition: The Northern Ireland Context*. McAlinden, A-M. & Dwyer, C. (eds.). Oxford: Hart Publishing, Oxford, p. 131-156.

WOMEN LEAD PUBLIC PROSECUTION SERVICES IN ONLY THREE STATES. Portal Estadão. São Paulo. 24 Jul. 2017, *Política*, p.1. Available at: <https://politica.estadao.com.br/noticias/geral,mulheres-chefiam-procuradorias-em-apenas-tres-estados,70001902615> (consulted 08.02.2019).

WOMEN OF THE PUBLIC PROSECUTION SERVICE: DEBATING GENDER INEQUALITY. Agência Patrícia Galvão. São Paulo. 21 Aug. 2017. *Notícias*, p.1. Available at: <https://agenciapatriciagalvao.org.br/mulheres-de-olho/politica/mulheres-no-ministerio-publico-em-debate-desigualdade-de-genero/> (consulted 08.02.2019).

WOMEN OCCUPY ONLY 39% OF POSITIONS OF POWER IN THE PUBLIC PROSECUTION SERVICE. *Revista Consultor Jurídico*, 24 Jun. 2018. *Notícias*, p. 1. Available at: <https://www.conjur.com.br/2018-jun-24/mulheres-ocupam-apenas-39-cargos-poder-ministerio-publico> (consulted 14.02.2019)

MURRAY, Rainbow (2015), *Merit vs Equality? The argument that gender quotas violate meritocracy is based on fallacies*. London School of Economics. Available at: <http://blogs.lse.ac.uk/politicsandpolicy/merit-vs-equality-argument/> (consulted 03.03.2019).

MURRAY, Rainbow (2012): *Quotas for Men? Reframing Gender Quotas as a means of quality control*. Paper prepared for the annual reunion of the American Association of Political Science, New Orleans, August 2012.

MURRAY, Rainbow (2016): *The great quotas debate*. Blog The Fawcett Society. Available at: <https://www.fawcettsociety.org.uk/blog/great-quotas-debate> (consulted 03.03.2019).

NADINE GASMAN: THE CONQUESTS OF BRAZILIAN WOMEN ARE IRREVERSIBLE". Portal Metr p les, Lago Sul (DF) 9 Mar. 2019, Pol tica, p.1. Available at: <https://www.metropoles.com/brasil/direitos-humanos-br/nadine-gasman-conquistas-das-mulheres-brasileiras-sao-irreversiveis> (consulted 10.03.2019).

NADINE GASMAN, REPRESENTATIVE OF UN WOMEN IN BRAZIL, WILL BE THE NEW MINISTER FOR WOMEN IN MEXICO. Ag ncia Patr cia Galv o, 23 Feb. 2019, p. 2. Available at <https://agenciapatriciagalvao.org.br/tag/onu-mulheres/?print=pdf-search> (consulted 14.05.2019).

NOVO CANTO, Sandra Isabel (2014), *The Glass Ceiling in the Spanish Judiciary*. Time for Equality. Women in the Judiciary in Europe, available at: <https://timeforequality.org/dossier-women-and-the-judiciary-in-italy/donne-e-magistratura-in-italia-e-nel-mondo-en/the-glass-ceiling-in-the-spanish-judiciary/> (consulted 03.03.2019).

OBJETIVE 5. ACHIEVING GENDER EQUALITY AND EMPOWERING ALL WOMEN AND GIRLS, United Nations Brazil. Website of the United Nations Brazil. Available at: <https://nacoesunidas.org/pos2015/ods5/> (consulted 11.05.2019).

EUROPEAN PARLIAMENT AND OF THE COUNCIL, Directive 2006/54/CE, of 5 July 2006, on the implementation of the principle of equal opportunities and equal treatment between men and women in matters of employment and occupation (recast), OJ L 204, 26.7.2006, p. 23–36, available at: <https://eur-lex.europa.eu/legal-content/PT/TXT/?uri=CELEX:32006L0054> (consulted 17.07.2019).

SCHULTZ, Ulrike (2013), *Gender and Judging: Overview and Synthesis*. In: *Gender and Judging*. Schultz, Ulrike, Gisela Shaw (eds) Oxford, Hart.

SCHULTZ, Ulrike et al. (in the making), *Gender and Careers in the Legal Academy*.

SCHULTZ, Ulrike (2003): *Women in the World's Legal Professions. Overview and Synthesis*. In: Ulrike Schultz e Gisela Shaw (eds.): *Women in the World's Legal Professions*. Oxford, Hart 2003, p. XLVIII.

SELANEC, Goran e SENDEN, Linda (2011), *Positive Action Measures to Ensure Full Equality in Practice between Men and Women, including on Company Boards*. National Report: Latvia. European Network of Legal Experts in the field of Gender Equality.

STEFANIK, Kirsten (2016), *Women on the ICC Bench: Moving Forward and Leading the Way*, IntLawGrrls, 24 Nov. 2016. Available at: <https://ilg2.org/2016/11/24/women-on-the-icc-bench-moving-forward-and-leading-the-way/> (consulted 23.03.2019).

DIRECTORATE GENERAL FOR INTERNAL POLICIES OF THE UNION (2015) *The Policy on Gender Equality in France. In-depth analysis for the FEMM Committee*, pg. 8 Available at:

[http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/510024/IPOL_IDA\(2015\)510024_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/510024/IPOL_IDA(2015)510024_EN.pdf)(
consulted 23.03.2019).

THOMAS, Cheryl (2005): *Judicial diversity in the United Kingdom and other jurisdictions: A review of research, policy and practice*. Commission for Judicial Appointments: London, UK.

THOMAS, Cheryl (2013): *Understanding Judicial Diversity. Research Report for the Advisory Panel on Judicial Diversity*, 29 June 2009, UCL Judicial Institute 2013.



Data analysis and reports elaborated by Antónia Barradas

Senior External Gender Equality Expert for the Delegation of the European Union in Brazil

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