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the legal profession®

50:50 by 2030: A longitudinal study into gender disparity in law



BRAZIL RESULTS REPORT

International Bar Association Legal Policy & Research Unit
with the support of the LexisNexis Rule of Law Foundation

The International Bar Association (IBA), established in 1947, is the world's leading international organisation of legal practitioners, bar associations, law societies, law firms and in-house legal teams. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 lawyers, 190 bar associations and law societies and 200 group member law firms, spanning over 170 countries. The IBA is headquartered in London, with offices in São Paulo, Seoul, The Hague and Washington, DC.

The IBA Legal Policy & Research Unit (LPRU) undertakes research and develops initiatives that are relevant to the rule of law, the legal profession and the broader global community. The LPRU engages with legal professionals, law firms, law societies and bar associations, governments, non-governmental organisations and international institutions to ensure innovative, collaborative and effective outcomes.

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Forewords

I am delighted to present this report on gender disparity within the Brazilian legal profession, produced by the International Bar Association (IBA). It is part of a broader initiative to map global gender disparities in the legal profession, aiming to understand the root causes of low female representation and to develop public policies promoting inclusion. The study examines the issue from four key perspectives: women's participation in the judiciary, public sector roles (Public Defender's Office, Public Prosecutor's Office and public law practice), private law firms and corporate legal departments.

Gender equality is a pressing issue in Brazil. The research presented here underscores a significant shortage of women in the judiciary, particularly in higher courts, positions of discretionary appointment and political representative roles. Many factors contribute to this imbalance. In the private sphere, Brazilian culture tends to assign women roles centred on household duties, childcare and caring for the elderly and sick. This invisible labour places a disproportionate burden on women, restricting their ability to participate in public life. Furthermore, they face alarmingly high rates of domestic violence – an endemic problem that cuts across all social classes, undermining any progress toward gender equality.

In the public sector, women encounter obstacles when seeking leadership positions. *Horizontal segregation* limits their access to higher paying roles, while *vertical segregation* keeps them from ascending to decision-making positions even after they are hired. Career advancement often relies on workplace relationships, which can be influenced by gender biases and stereotypes, favouritism toward male colleagues, and a lack of support systems or evaluation criteria that promote female advancement.

In this context, increasing women's participation in the public sphere is a critical objective. Under a *symbolic perspective*, participation challenges stereotypes about women's roles, encouraging their inclusion in public life. From a *distributive perspective*, it promotes a fairer allocation of resources, granting women greater autonomy and social esteem. From a *democratic perspective*, participation in the public sphere amplifies women's voices, essential not only for expressing their needs but also for enhancing the quality of decision-making. Since women make up half the population, their advancement isn't just about gender equality – it's a matter of national interest. Greater women's representation is a valuable asset that enriches the nation's public life.

Recognising the significant challenge of achieving gender equality in legal professions – and its broader implications for women's rights – I have made addressing gender disparity a key objective during my tenure at the National Council of Justice (CNJ) and the Federal Supreme Court of Brazil (STF). To this end, women occupy the most senior positions in both institutions, including the roles of Secretary-General of the STF and CNJ, as well as Chief of Staff for the Presidencies. In the case of the CNJ, the position of Secretary-General is, for the first time, held by a Black woman.

Within the CNJ, I have been actively promoting the implementation of a measure initiated by Minister Rosa Weber, my esteemed friend and predecessor, which has the potential to transform the Brazilian justice system: opening exclusive promotion opportunities for women until courts achieve 40 per cent female judges. During my administration, we also approved Resolution No 540/2023, which stipulates that women must hold at least 50 per cent of the slots in judge appointments and designations, leadership positions, membership in commissions, committees, working groups, internships and outsourced roles.

At the STF, efforts are focused on addressing key gender-related cases. In this context, the Court banned the use of the ‘legitimate defence of honour’ argument in femicide cases, a practice that, unfortunately, persisted in the country (ADPF 779); ordered the disqualification of candidates who benefited from fraudulent practices in gender quota election funding (ADI 6,338); and urged Congress to enact legislation extending paternity leave, acknowledging the need for a more equitable distribution of childcare responsibilities between men and women (ADO 20).

Brazil is a country marked by profound inequalities across multiple dimensions – social, economic and political. The journey toward greater equality – whether in general terms, in gender, or in professional sectors – is unfinished. Yet, the CNJ and STF have become increasingly aware of this challenge and are committed to addressing it. Publications like this are instrumental in uncovering blind spots and showcasing successful initiatives. With the combined efforts of the judiciary and civil society organisations, substantial progress can be made to overcome invisibility, combat discrimination and promote women’s emancipation in Brazil.

Luís Roberto Barroso

President of the Supreme Federal Court and of the National Council of Justice

I read with great interest the IBA reports on Chile, England and Wales, the Republic of Korea, the Netherlands, Nigeria, Spain and Uganda. This comprehensive initiative is very welcome in Brazil, a country marked by both inequality and social and economic exclusion, but which has nevertheless made efforts to change their reality of class, race, ability and gender. Now Brazil takes the stage to join the list of reports, and present where we are coming from, where we are and in which direction we are going as women – and men – working to address and overcome gender disparity.

Legal careers in Brazil are carried out by public and private lawyers, prosecutors, judges and teachers, all represented by different institutions with local, regional and national representation. A myriad of associations connect those who study a certain area of law or defend democracy in so many ways. Gender disparity is an issue everywhere.

Throughout my career in law, I have witnessed the absence of women in positions of power. When I became a Federal Counselor at the Brazilian Bar Association in 2006, there were only five female federal counselors out of 81 counselors and none as sectional president. That was when we decided to present the gender equality project within the Brazilian Bar Association. Only in 2020 did the Brazilian Bar Association adopt the 50/50 rule, the construction of which I worked tirelessly for 12 years and four terms at the Brazilian Bar. Today, all 27 sections of the Brazilian Bar Association, plus the Federal Council, follow this rule. It is the only institution in the country to have gender parity in all its positions. The Brazilian Bar represents both public and private law. But the reality of the Brazilian Bar is not that of the courts, large law firms or public legal careers, as the report will show.

The 2023 report on female participation in the judiciary (base year 2022) shows that female representation in the Brazilian judiciary is still disproportionate, with only 25 per cent of positions held by women in the country’s courts. This disparity is even greater in the Superior Courts, where only 19 per cent of positions are occupied by women; in the Superior Court of Appeal – where I work as a judge – there are only five

out of 33 (15 per cent). In the Supreme Federal Court, we are back to the reality of 20 years ago, with only one woman – Justice Cármen Lúciawe – whereas previously we had two: this is a huge setback. We need to continue calling for more women in the judiciary so that they can bring a female perspective to decisions.

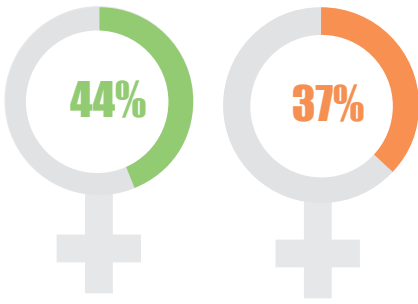
The time and talent of the researchers dedicated to developing this report is recognised here, as is the importance of the invitation of Brazil to join the other jurisdictions called to take a step forward to address the issues.

The photography of Brazil today shows women present everywhere, but not properly represented where it really matters. If, however, we look at the historical process, we will see the female voice reaching an even higher volume, and becoming unstoppable as a social force. We are here to make history and transform reality.

Honorable Justice Daniela Teixeira

Superior Court of Appeal

Main findings: Brazil



Gender representation across the legal profession:

44 per cent of all lawyers are female.

37 per cent of all lawyers in senior roles are female.



The judiciary stands out as the sector that has recently implemented, at a national level, initiatives to establish quotas and targets for leadership positions, with the opening of exclusive vacancies for women for the composition of courts and the occupation of **50 per cent** of women in leadership positions.

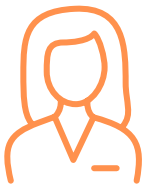
Gender parity monitoring

87%

of participants monitor gender parity in general.

71%

of participants monitor gender parity across senior levels.



In the public sector, women make up **43 per cent** of lawyers and **28 per cent** of legal professionals in senior leadership positions.



In the corporate sector, women make up **34 per cent** of lawyers in senior leadership positions.



Women represent **55 per cent** of the total number of members in law firms, and occupy **43 per cent** of senior positions.



Offering flexible working arrangements is the most popular initiative across all sectors, implemented by **64 per cent** of participants.

Monitoring by sector:

- **83 per cent** of participating law firms monitor across the board, and **74 per cent** monitor at seniority levels.
- Almost all public sector institutions monitor parity in all positions, and **50 per cent** monitor it in senior leadership positions as well.
- The judiciary monitors gender parity in both aspects.



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www.ibanet.org/gender-equality-in-the-legal-profession

Introduction

The project

The International Bar Association – the global voice of the legal profession – in partnership with the LexisNexis Rule of Law Foundation (LNROLF), has launched an ambitious and pioneering nine-year global project to uncover the root causes of the lack of gender parity at the highest levels of the legal profession, including the private, public and judicial sectors. The main objectives are to identify the existence, and eventual impact, of equality initiatives introduced to address the disparity and provide practical guidance to the profession.

Brazil is the eighth jurisdiction to be explored as part of the project *50:50 by 2030: a longitudinal study on gender disparity in law* (the ‘Gender Project’), which is linked to the UN Global Compact for Gender Equality Goal, the BBC’s 50:50 initiative and the Women’s Empowerment Principles, as well as the UN Sustainable Development Goal (SDG) 5 to achieve gender equality and empower all women and girls.

The Gender Project began in England and Wales in 2021, whose interim results report was published on International Women’s Day in March 2022. So far, seven reports have been published between the years 2022 and 2024, namely, England and Wales, Uganda, Spain, Nigeria, Netherlands, Chile and South Korea. It is expected that other jurisdictions will be approached.

Country context

Brazil is a federation made up of 26 states, one federal district and 5,570 municipalities.¹ The powers that are not prohibited by the Constitution of the Republic of the country are reserved to states and municipalities. Each Brazilian state has its own constitution and state laws. Municipalities are governed by organic law² approved by members of the municipal legislative branch.³

The autonomy of each state includes the capacity for self-organisation, self-legislation (restricted to matters that are not the exclusive competence of the Federal Union and must respect the principles of the Constitution of the Republic), self-government (capacity to govern itself through its own elected representatives) and self-management (ability to manage their own financial and asset resources).

Brazil adopts the civil law legal system, which is based on the primacy of codes, laws and the hierarchical organisation of the judiciary. Precedent is a persuasive source, as is doctrine and custom, however, the decisions of higher courts are not necessarily binding.

1 ‘IBGE divulga relação da população dos municípios’ (IBGE, 31 August 2023), see <https://agenciadenoticias.ibge.gov.br/agencia-sala-de-imprensa/2013-agencia-de-noticias/releases/37758-ibge-divulga-relacao-da-populacao-dos-municipios#:~:text=Além%20da%20população%20dos%205.570,e%20das%20cinco%20Grandes%20Regiões>, accessed 20 June 2024.

2 A fundamental, foundational law of a state or nation, which establishes the fundamental aspects of the constitutional order.

3 Article 29 of the Constitution of the Federative Republic of Brazil.

The survey conducted in the 2022 Demographic Census, released by the Brazilian Institute of Geography and Statistics (IBGE), revealed that Brazil has 203.1 million inhabitants,⁴ of which 104,548,325 are women, totaling 51.5 per cent of the population.⁵

The country is part of the Inter-Agency Group of Experts on Gender Statistics (IAEG-GS), coordinated by the United Nations Statistics Division (UNSD). Since 2012, studies have been conducted following the Minimum Set of Gender Indicators (MSGI), composed of 51 quantitative indicators distributed in five themes: economic empowerment (18 indicators); education (11); health and related services (11); public life and decision-making (six); and human rights of women and girls (five).

The full report, *Gender Statistics: Social Indicators of Women in Brazil*, is publicly available, however, it is worth highlighting some of the results revealed by the study in 2024:⁶

- *Workforce*: The indicator ‘average number of weekly hours dedicated to childcare and/or housework’ is crucial to give visibility to the unpaid work performed mainly by women, who dedicate almost twice as much time as men (21.3 hours against 11.7 hours). The greater dedication to such activities ends up restricting the wider participation of women in the labour market, which was 53.3 per cent, while among men it reached 73.2 per cent. Considering working hours in the labour market and unpaid domestic work, the total weekly working hours of women was 54.4 hours and, for men, 52.1 hours.
- *Education*: The indicators show that women are more educated than men, as 35.5 per cent of men had no schooling or only incomplete elementary school, a proportion that was 32.7 per cent among women.
- *National decision-making spaces*: Women make up 52.7 per cent of the national electorate. They represented 17.9 per cent of Federal Deputies in office in November 2023. As of 24 November 2023, of the 38 Secretaries of State positions, only nine were held by women.
- *Leadership positions*: Through data extracted from the Secretary of Management Board, IBGE pointed out that 41.2 per cent of commissioned positions and functions in direct, autarchic and foundation administration were held by women in November 2023. However, in the highest positions, female participation fell to 30.7 per cent.
- *Income*: Men occupying managerial positions had a monthly income of R\$8,378⁷ and women occupying the same positions R\$6,600:⁸ that is, 78.8 per cent of men’s income.

According to data published by the World Bank, although the proportion of seats occupied by women in national parliaments was only 18 per cent in 2022, the historical record shows that this representation reveals the country’s best index in the last 22 years.⁹

4 ‘De 2010 a 2022, população brasileira cresce 6,5% e chega a 203,1 milhões’ (IBGE, 28 June 2023), see <https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/37237-de-2010-a-2022-populacao-brasileira-cresce-6-5-e-chega-a-203-1-milhoes>, accessed 20 June 2024.

5 ‘Censo 2022’ (IBGE), see <https://censo2022.ibge.gov.br/panorama/>, accessed 17 June 2024.

6 ‘Estatísticas de Gênero: Indicadores sociais das mulheres no Brasil’ (IBGE, 2024), see https://biblioteca.ibge.gov.br/visualizacao/livros/liv102066_informativo.pdf.

7 Approximately US\$1,565.60 (on 11 June 2024).

8 Approximately US\$1,233.35 (on 11 June 2024).

9 ‘Proportion of seats held by women in national parliaments (%) – Brazil’ (World Bank), see <https://data.worldbank.org/indicator/SG.GEN.PARL.ZS?locations=BR>, accessed 17 June 2024.

Existing equality legislation in Brazil¹⁰

The Constitution of the Federative Republic of Brazil, promulgated on 5 October 1988, is the great normative framework for gender equality in the country. In addition to establishing the principle of equality and non-discrimination,¹¹ the Constitution established that the rights and duties related to marital society must be exercised equally by men and women.¹²

The history of Brazilian women's struggle for equal rights is extensive. Women gained the right to attend higher education institutions in 1879, with the signing of Decree Law No 7.247. The 1916 Civil Code did not grant women the capacity to practice certain acts of civil life, such as opening a bank account or travelling without their husbands. With the advent of the Electoral Code in 1932,¹³ women were granted the right to vote. The Consolidation of Labor Laws, of the year 1943, granted maternity protection, with the provision of rights such as maternity leave and job stability during pregnancy and breastfeeding. In 1962, the Married Woman's Statute was approved,¹⁴ an important milestone in the fight for gender equality in the country, extinguishing the need for husbands' authorisation for women to work outside the home and manage their own assets.

Since the promulgation of the Constitution of the Republic in 1988, several infra-constitutional laws were drawn up to protect women, which encouraged the promotion of gender equality in the country.

In the electoral sphere, Law No 9.504/97, which establishes rules for elections, sets that each party or coalition 'should reserve' a minimum of 30 per cent and a maximum of 70 per cent for candidacies of each gender. In 2009, the wording of the law was changed and began to provide that each political party 'will fill' a minimum of 30 per cent and a maximum of 70 per cent for candidacies of each gender.¹⁵

In 1999, with the approval of Law No 9.799, the Consolidation of Labor Laws came to stipulate¹⁶ that the precepts that regulate male work are applicable to female work, insofar as they do not conflict with the special protection instituted by the same law. The prohibition of discriminatory measures against women was established, such as the publication of a job advertisement in which there is a reference to gender or family situation, the refusal of employment, promotion or motivation for dismissal from work due to gender, family situation or pregnancy, as well as the prevention of access or the establishment of subjective criteria for deferring registration or approval in competitions, in private companies, in addition to stating that a salary reduction is not justifiable, under any circumstances.

The Civil Code, which came into force in 2002, reinforces the equality of rights and duties between men and women in marriage and family.¹⁷ The law does not provide for any distinction between men and

10 There are laws, legislative decrees and resolutions in force that deal with the protection of women's rights in Brazil in addition to those featured in this section. Considering the scope of the report, priority was given to the main laws that specifically seek to promote gender equality in the country.

11 Article 5: All are equal before the law, without distinction of any nature, guaranteeing to Brazilians and foreigners residing in the Country the inviolability of the right to life, liberty, equality, security, and property.

12 Article 226, s 5, of the Constitution of the Federative Republic of Brazil.

13 Decree n 21.076/32.

14 See www.planalto.gov.br/ccivil_03/leis/1950-1969/14121.htm.

15 Article 10, s 3: Of the number of vacancies resulting from the rules provided for in this article, each party or coalition will fill a minimum of 30 per cent and a maximum of 70 per cent for candidacies of each sex.

16 Chapter III, Section I, articles 372 to 377.

17 Article 1.511. Marriage establishes full communion of life, based on the equality of rights and duties of the spouses.

women by establishing that legal majority ceases at the age of 18, when the ‘person’ becomes fully qualified to practice acts of civil life.¹⁸ It also establishes that during marriage and stable union, family power belongs to both parents,¹⁹ and in case of disagreement regarding the exercise of parental power, either of them is guaranteed to appeal to the judge for resolution of the disagreement. The same law provides that family planning is the couple’s free decision and ensures that either spouse may, if they wish, add the other’s surname to their own.²⁰

The country made important progress in protecting women by enacting Law No 11.340 in 2006, known as the ‘Maria da Penha Law’. From then on, violence perpetrated in the domestic sphere began to receive specific guidelines for state intervention in private life. The Law aims to prevent and combat domestic and family violence against women, and establishes protective measures and defines domestic violence crimes. Moreover, it creates mechanisms to ensure the effectiveness of women’s rights, such as the creation of specialised courts of domestic and family violence against women, with civil and criminal jurisdiction.

In 2013, when she was 29 weeks pregnant, the then lawyer, and today Honorable Justice member of the Superior Court of Appeal, Daniela Teixeira (writer of the second foreword of this report), had her right of preference denied making an oral argument in defence of a client in the CNJ. Ms Teixeira waited for many hours for the trial and, when she left the court, was immediately hospitalised with contractions. Daniela’s daughter, Julia Matos, was born prematurely and spent 61 days in an intensive care unit.²¹

Following the efforts of Daniela Teixeira, on 28 November 2016, Law No 13.363/16, known as the ‘Julia Matos Law’, was published, which promoted changes to the Bars Statute (Law No 8.906/94) and in the Civil Code of Procedure to stipulate rights and guarantees for pregnant, lactating, adoptive or birth-giving lawyers, as well as for lawyers who become fathers. Such rights include entering courts without the pregnant lawyer being subjected to metal detectors and X-ray machines, reserving a parking space in court garages, and preference in the order of oral arguments and hearings to be held, as well as the suspension of procedural deadlines when she is the sole sponsor of the case.

In 2023, the Equal Pay Law for Men and Women, No 14.611/23, was enacted to reduce existing wage inequalities in the corporate environment. Every six months, private legal entities with 100 or more employees must send a salary transparency and remuneration criteria report to the Secretary of Labour, so that an objective comparison can be made between salaries, remuneration and the proportion of positions occupied by men and women. Failure to comply with this obligation is subject to an administrative fine of up to three per cent of the payroll.

18 Article 5. Legal majority ceases at the age of 18, when the person becomes qualified to practice all acts of civil life.

19 Article 1.631. During marriage and stable union, parental power is the responsibility of the parents; in the absence or impediment of one of them, the other will exercise it exclusively. If the parents disagree on the exercise of parental power, either of them is guaranteed to appeal to the judge for resolution of the disagreement.

20 Article 1.565. By marriage, man and woman mutually assume the condition of consorts, companions and responsible for the expenses of the family. Any of the spouses, if they wish, may add the other’s surname to their own. Family planning is a free decision of the couple.

21 ‘Lei que garante direitos a advogadas que tiveram filhos é sancionada’ (Camara dos Deputas, 28 November 2016), see [www2.camara.leg.br/a-camara/estruturaadm/secretarias/secretaria-da-mulher/noticias/lei-que-garante-direitos-a-advogadas-que-tiveram-filhos-e-sancionada.](http://www2.camara.leg.br/a-camara/estruturaadm/secretarias/secretaria-da-mulher/noticias/lei-que-garante-direitos-a-advogadas-que-tiveram-filhos-e-sancionada), accessed 20 June 2024.

The legal profession in Brazil

Private practice

There are currently 1.37 million lawyers in Brazil,²² the highest number of lawyers per capita in the world as of December 2023, with one lawyer for every 194 people.²³ The practice of law in Brazilian territory and the designation of lawyers are exclusive to those registered with the Brazilian Bar Association (OAB). Exclusive activities of the legal profession include advocacy addressed to a body of the judiciary (except for the filing of *habeas corpus*), consulting activities, legal advice and direction. To become a lawyer in Brazil, it is necessary to successfully complete a bachelor's degree in law, which usually lasts five years, and to pass the Brazilian Bar Association Exam.

Public sector

Public advocacy is the responsibility of the Attorney General's Office (AGU), an institution that represents the Union, judicially and extrajudicially, and is responsible for consultancy and legal assistance activities for the executive branch. Legal professionals are distributed among federal attorneys, national treasury attorneys and central bank attorneys.²⁴ The head of the office is the Chief Attorney General, who is freely appointed by the President of the Republic from among citizens over the age of 35, with notable legal knowledge and an untarnished reputation. Admission to the initial stages of the institution's career path occurs via an entrance exam.²⁵

The Attorney General's Office is composed of the following management bodies: General Secretariats of Consultation and of Litigation of the Supreme Federal Court, Attorney General's Office of the Union (PGU), General Consultancy of the Union, Federal Attorney General's Offices (PGF) of the National Treasury (PGFN), of the Central Bank (PG-BACEN) and AGU's Comptroller General's Office.²⁶

The Public Defender's Office is responsible for promoting human rights, individual and collective rights, providing legal guidance and defending those in need at all levels, judicially and extrajudicially, in a comprehensive and free manner.²⁷ The institution promotes the defence of the fundamental rights, covering individual, collective, social, economic, cultural and environmental rights, being qualified to file various actions providing effective protection of these rights. Admission to the initial stages of the institution's career is also done through a public competition for tests and titles and covers:²⁸

1. Federal Public Defender's Office;
2. Public Defender's Office of the Federal District and Territories; and
3. State Public Defenders' Offices.

22 'OAB divulga dados inéditos sobre o perfil da advocacia brasileira' (OAB, 28 November 2023), see www.oab.org.br/noticia/61715/oab-divulga-dados-ineditos-sobre-o-perfil-da-advocacia-brasileira, accessed 20 June 2024.

23 'Which Country Has The Most Lawyers Per Head?' (TBD, 12 December 2023), see www.tbdmarketing.co.uk/which-country-has-the-most-lawyers-per-head/, accessed 20 June 2024.

24 'The Attorney-General's Office' (Gov.br, 23 June 2023), see www.gov.br/agu/en, accessed 20 June 2024.

25 Article 131 of the Constitution of the Federative Republic of Brazil. See www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm.

26 See n 23 above.

27 Article 134 of the Constitution of the Federative Republic of Brazil.

28 Complementary Law n 80 of 12 January 1994. See www.planalto.gov.br/ccivil_03/leis/lcp/lcp80.htm

The Public Prosecutor's Office is responsible for defending the legal order, the democratic regime and indispensable rights.²⁹ Like the others, entry into the career is through a public competition with tests and titles. It covers:³⁰

1. Federal Public Prosecutor's Office, which includes the Public Prosecutor's Offices: Federal, Labor, Military and the Public Prosecutor's Office of the Federal District and Territories. The head is the Chief General Prosecutor, appointed by the President of the Republic from among career members, over the age of 35, after their name is approved by an absolute majority of the members of the Federal Senate, for a two-year term, with re-election allowed.
2. State Public Prosecutor's Offices, which, like the Public Prosecutor's Office of the Federal District and Territories, will form a list of three from among career members to choose their General Prosecutor, who will be appointed by the Head of the Executive Branch, for a two-year term, with one re-election allowed.

Judiciary

The Brazilian judiciary is divided into ordinary law (comprising federal and state courts) and specialised law, each with trial courts and appellate courts. Entry into the initial stages of careers occurs through a public competition of tests and titles. In addition to the National Judicial Council, which is responsible for controlling the administrative and financial performance and the fulfillment of the judges' functional duties,³¹ the judiciary is composed of the following bodies:³²

- Supreme Federal Court (STF)
- Supreme Court of Appeal
- Superior Courts of Specialised Justice:
 - Superior Employment Law Court
 - Superior Electoral Law Court
 - Superior Military Court (STM)
- Courts of Appeal:
 - Federal Justice:
 - Regional Federal Courts (TRF) of the First to Sixth Regions
 - Small Claims Federal Appeals Court
 - Federal District and Territories Court of Appeal
 - State Justice:
 - 26 State Law Courts of Appeal
 - Small Claims State Appeals Court
 - Specialised Justice:
 - 26 State Employment Law Courts (TRT)
 - 26 State Electoral Courts (TRE)

29 Article 127 of the Constitution of the Federative Republic of Brazil.

30 Article 128 of the Constitution of the Federative Republic of Brazil.

31 Article 103-B, s 4, of the Constitution of the Federative Republic of Brazil.

32 Article 92 of the Constitution of the Federative Republic of Brazil.

- Local courts:
 - Federal:
 - Judges of the Regional Federal Court
 - Judges of The Federal District and Territories Court
 - State:
 - Judges of the Estate Law Courts
 - Specialised Justice:
 - Labor Judges
 - Judges of the Electoral Court
 - Permanent Tribunals of Military Justice³³

Only the Supreme Federal Court,³⁴ composed of 11 Justices, appointed by the President of the Republic, after the approval of the choice by the Federal Senate, and the Superior Courts have jurisdiction throughout the national territory.³⁵

The Constitution of the Federative Republic of Brazil defined the jurisdiction of the Jury Court for the trial of intentional crimes against life. The Criminal Procedure Code³⁶ establishes that the Sentencing Council will be composed by one presiding judge (member of the corresponding Court) and seven people, selected randomly from a pool of 25.

33 Appeals against local courts' decisions are sent directly to the Superior Military Court (STM). See www.stm.jus.br/o-stm-stm/primeira-instancia, accessed 20 June 2024.

34 The competence of the Supreme Federal Court is described in Article 102 of the Constitution of the Federative Republic of Brazil.

35 Article 92, s 2, of the Constitution of the Federative Republic of Brazil.

36 Article 447 of the Criminal Procedure Code. The Jury Court is composed of one robed judge, its president and 25 jurors who will be drawn by lot from among those registered, seven of whom will constitute the Sentencing Council in each trial session.

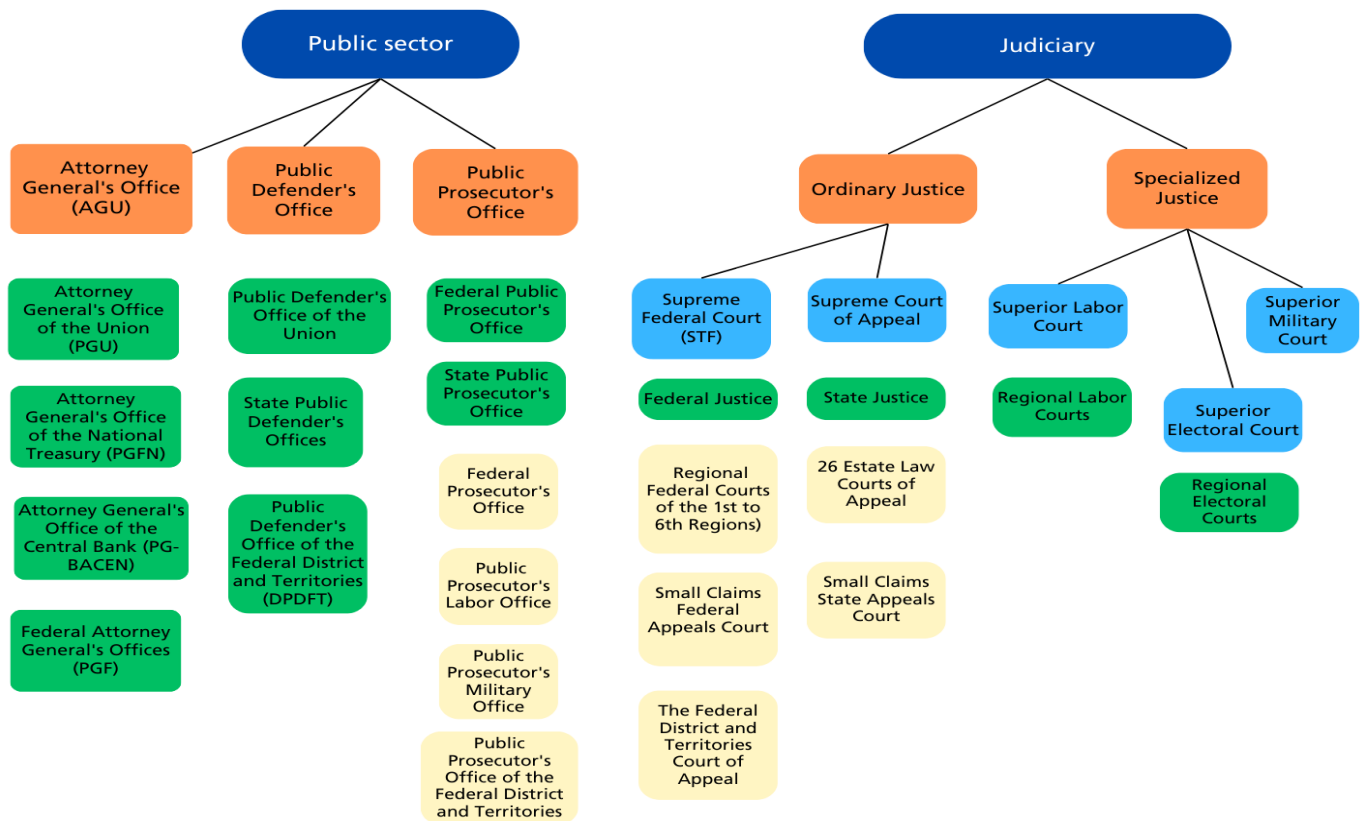


Figure 1: Brazil's public sector and judiciary

The Brazilian Bar Association gender initiatives and studies

The four legal sectors that were targeted during this study have initiatives to increase gender diversity and encourage the occupation of high leadership positions by women, which will be analysed in a separate section, along with the respective data. This section provides a brief overview of the studies and initiatives developed by the OAB, in favour of the private practice of law in general.

The Federal Council of the Brazilian Bar Association (CFOAB) has intensified efforts to increase the number of female lawyers who perform functions within the institution, in addition to providing better conditions for their work.

In 2020, the Federal Council approved a resolution³⁷ amending the General Regulations of the Law and the Bar Statute, to establish that candidates must meet the 50 per cent quota for candidatures of each gender as a condition for obtaining registration in the elections for the Federal Council and other administrative roles of the institution, both for incumbent and substitute members.

In 2022, the São Paulo's State Bar published³⁸ its adherence to the 'Movimento Elas Lideram 2030' (Women Lead Movement 2030), an initiative of the UN Global Compact in Brazil and UN Women, which

37 'Resolução No 5/2020' (OAB, 14 December 2020), see www.oab.org.br/util/print?numero=5%2F2020&print=Legislacao&origem=Resoluções, accessed 20 June 2024.

38 'OAB SP integra movimento da ONU para paridade de gênero nas empresas' (Jornal da Advocacia, 17 August 2022), see <https://jornaldaadvocacia.oabsp.org.br/noticias/oab-sp-passa-a-integrar-movimento-da-onu-que-preconiza-paridade-de-genero-nas-empresas-ate-2030/>, accessed 20 June 2024.

aims to obtain 1,500 companies committed to gender parity in senior leadership until 2030. Through the Women Lawyers' Commission, the São Paulo's State Bar began to monitor and forward reports on its staff of more than 2,000 employees.³⁹ Another 57 companies have committed to the goal of 30 per cent women in senior leadership by 2025 or 50 per cent by 2030.

In November 2022, the Federal Council of the Brazilian Bar Association recognised Esperança Garcia as the first female lawyer in Brazil.⁴⁰ On 6 September 1770, she wrote a petition to the governor of the State of Piauí denouncing the mistreatment that she and her family suffered.

The first woman to formally obtain a licence to practice law in Brazil was Myrthes Gomes de Campos, who debuted at the Rio de Janeiro Jury Court in 1899. Although she graduated in 1898, it was only in 1906 that she was able to legitimise herself professionally, when she joined the list of active members of the Brazilian Institute of Lawyers (IAB), which preceded the current Brazilian Bar Association. Despite the issuance of a favourable opinion on the granting of the licence by the Justice, Legislation and Jurisprudence Commission, arguing that there was no law preventing women from exercising the profession, it was only after seven years that Myrthes had her membership approved.⁴¹

The National Commission for Women Lawyers plays a significant role in promoting gender parity in leadership positions. In 2024, the Fourth Conference of Women Lawyers – Evolution and Protagonism was held, which highlighted the encouragement of women to occupy leadership positions. There were almost 40 lectures aimed at strengthening and empowering the professional and personal development of women lawyers.⁴² The commission also promoted the lecture⁴³ 'Female leadership: a challenge for more equitable legal careers' with Gisèle Szczyglak, author of the book *Subversives, the subtle art of never doing what they expect of us*.

In August 2023, the Brazilian Bar Association began the First Demographic Census of Brazilian Law. In November, data from the National Register of Lawyers showed that 51 per cent of the total number of licensed professionals were women, a number that corresponds to 704,776 lawyers.⁴⁴ The final results of the Demographic Census were released on 26 April 2024.⁴⁵ After interviews with 20,885 lawyers, some of the salient results include the following:

- 50 per cent of professionals are women, 49 per cent men and one per cent indicated other gender identities.

39 'O 8 de março e a agenda 2030: a busca pela igualdade de gênero não é um assunto só de mulheres' (Jornal da Advocacia, 28 March 2023), see <https://jornaladvocacia.oabsp.org.br/noticias/o-8-de-marco-e-a-agenda-2030-a-busca-pela-igualdade-de-genero-nao-e-um-assunto-so-de-mulheres/>, accessed 20 June 2024.

40 'OAB Nacional inaugura busto de Esperança Garcia, primeira advogada do Brasil' (OAB, 22 May 2023), see www.oab.org.br/noticia/61006/oab-nacional-inaugura-busto-de-esperanca-garcia-primeira-advogada-do-brasil#:~:text=Esperança%20foi%20uma%20mulher%20negra,ela%20e%20sua%20família%20sofriam, accessed 20 June 2024.

41 'Juristas que marcaram a história do país: Myrthes Gomes de Campos' (OAB, 22 August 2022), see www.oab.org.br/noticia/60107/juristas-que-marcaram-a-historia-do-pais-myrthes-gomes-de-campos, accessed 20 June 2024.

42 'OAB/DF aprova indicações para Medalha Myrthes Gomes de Campos' (OAB Distrito Federal, 3 June 2024), see <https://oabdf.org.br/tag/comissao-da-mulher-advogada/>, accessed 20 June 2024.

43 'Liderança feminina é tema de palestra com a filósofa Gisèle Szczyglak' (OAB Nacional, 19 September 2022), see www.oab.org.br/noticia/60247/lideranca-feminina-e-tema-de-palestra-com-a-filosofa-gisele-szczyglak, accessed 20 June 2024.

44 Perfil Adv 1 Estudo Demográfico Da Advocacia Brasileira (Conselho Federal da OAB, 2024), see <https://s.oab.org.br/arquivos/2024/04/68f66ec3-1485-42c9-809d-02b938b88f96.pdf>.

45 'Perfil ADV: conheça o resultado do primeiro estudo demográfico da advocacia brasileira' (OAB Nacional, 26 April 2024), see www.oab.org.br/noticia/62188/perfil-adv-conheca-o-resultado-do-Primeiro-estudo-demografico-da-advocacia-brasileira, accessed 20 June 2024.

- 64 per cent declare themselves white, 25 per cent mixed race, eight per cent Black; around one per cent Indigenous and Asian (similar numbers between men and women).
- 26 per cent are single mothers, and eight per cent are single fathers.
- The proportion of men is greater than the proportion of women in the following states: Acre (44 per cent of women and 55 per cent of men); Alagoas, Ceará, Maranhão, Rio Grande do Norte (all with 48 per cent women and 52 per cent men); Paraíba, Piauí (both with 47 per cent women and 53 per cent men); Mato Grosso do Sul (49 per cent women and 51 per cent men); and Paraná (49 per cent women and 51 per cent men).
- 43 per cent of all lawyers reported working remotely, of which 46 per cent are women and 39 per cent are men.⁴⁶

46 See n 44 above.

Methodology

This report on Brazil is the eighth to be published by the International Bar Association in collaboration with the Lexis Nexis Rule of Law Foundation. The project *50:50 by 2030: A longitudinal study on gender disparity in law* was developed in Brazil between February and April 2024. During this period, law firms, corporate in-house legal teams, public sector institutions and the judiciary were asked to provide statistics on gender representation, as well as details on relevant initiatives. Participants were sent survey letters (see Appendix 2) that included multiple-choice questions on monitoring gender balance and the effectiveness of initiatives, with open-ended questions allowing respondents to describe specific gender initiatives within their organisations. A more detailed explanation of the project's methodology and objectives can be found in the England and Wales report.⁴⁷

We found difficulties in obtaining responses from the corporate sector. However, publicly traded companies in Brazil publicly disclose corporate governance reports containing information such as the name, education and professional experience of those responsible for the company's control structure in a commitment to transparency and good management practices. We supplemented the responses received with research conducted through a bibliographic survey of public documents released by 80 companies.

For the purpose of measuring female representation in senior leadership positions in the Brazilian legal profession, seniority in the four legal sectors for the study was defined as follows:

- *Law firms*: Partners and members of boards of directors or executives.
- *Corporate sector (in-house legal teams)*: Senior management level, considered responsible by the legal board and members of the legal sector who participate in the control structure (administrative and fiscal councils).
- *Public sector*:
 - Office of the Attorney General of Brazil: Chief Attorney General, permanent members of the Superior Council, the Federal General Consultant, the Federal Attorney General of the Union (PGU), the Federal Attorney General (PGF), the Attorney General of the National Treasury (PGFN), the Attorney General of the Central Bank (PG-BACEN), the Chief of the Attorney General Conduct Investigation Office, Secretary of Governance and Strategic Management, Secretary-General of Internal Control and Secretary-General of Administration.
 - *Public Defender Office*:
 - Federal Public Defender Office: the Chief of the Federal Public Defender, members of the Superior Council of the Federal Public Defender's Office (CSDPU), Chief of the Federal Public Defender Conduct Investigation Office, General Secretariat of Internal Control and Audit, Executive General, Secretariat, General Secretariat of Institutional Articulation, General Directorate of the National School of the Federal Public Defender's Office, National Human Rights Defender and Presidents of class associations.

⁴⁷ *50:50 by 2030: A longitudinal study into gender disparity in law (IBA/LNROLF)*, see www.ibanet.org/document?id=IBA-Gender-Disparity-Report-England-and-Wales-2022.

- Estate and District Public Defender Offices: the Chiefs of the 26 Estates and the Federal District, Chief of the Public Defender Conduct Investigation Office of the 26 States and the Federal District, and Presidents of class associations.
- Public Prosecution Service: the Chief General Prosecutor, Chief of the National Prosecutor Conduct Investigations Office, Attorney General of the Employment Court of Brazil, Attorney General of the Military Court of Brazil, Chief Prosecutors of the six Regional Federal Courts, Chiefs Prosecutors and Chiefs of the of the Prosecutor Conduct Investigations Offices of the 26 States and the Federal District, Chiefs of the Labor Prosecutors of the Estates and Federal District, President of the National Council of the Public Prosecution Service, President of the National Prosecutors' Association and President of the National Labor Prosecution Association.
- *Judiciary*: Chiefs and Justices of the Supreme Federal Court and the Supreme Court of Appeal, Chiefs and Councillors of the National Council of Justice (CNJ), Chief of the National Judicial Conduct Investigations Office, Chief of the Federal Judicial Conduct Investigations Office, Chief of the Judicial Conduct Investigations Office of the Superior Electoral Court, Chief of the Judicial Conduct Investigations Office of the Superior Labour Court, Chief of the Judicial Conduct Investigations Office of the Superior Military Court, Chief Federal Judges of the Judicial Conduct Investigations Office of the six Regional Federal Courts (TRF), Presiding Judges and Chiefs of the Judicial Conduct Investigations Office of the 26 Courts of Justice (TJ) of the States and the Federal District, Presiding Judges and Chiefs of the Judicial Conduct Investigations Office of the States and Federal District Electoral Court, Presiding Judges and Chiefs of the Judicial Conduct Investigations Office of the States Employment Law Court, Chief of the National Association of Federal Judges of Brazil (AJUFE), Chief of the National Association of State Judges (ANAMAGES), Chief of the National Association of State Judges (ANAMAGES), Chief of the National Association of Labor Court Judges (ANAMATRA) and Chief of the Association of Federal Judges of the Military Justice (AJUFEM).

The following groups were contacted and invited to participate in the survey:

- *Law firms*: 80 law firms, of which 32 (40 per cent) returned the survey, totaling 4,885 lawyers. The law firms were selected through the ranking of the Chambers and Partners (Brazil Guide 2024 Submissions), The Legal 500 Brazil and IFLR1000.⁴⁸
- *Corporate sector*: 80 largest Brazilian companies according to the 'Largest Brazilian companies by market capitalisation' ranking formulated by Companies Market Cap,⁴⁹ of which four (five per cent) returned the survey.
- *Public sector*: the Attorney General's Office, the Public Defender's Offices, and the Public Prosecutor's Office.
- *Judiciary*: through the CNJ.

48 'Brazil' (IFLR1000), see www.iflr1000.com/Jurisdiction/brazil/Rankings/84#rankings, accessed 17 June 2024.

49 'Largest Brazilian companies by market capitalization' (Companies Market Cap), see <https://companiesmarketcap.com/brazil/largest-companies-in-brazil-by-market-cap/>, accessed 17 June 2024.

Gender representation across the legal profession: 2024 status

Overall picture: all lawyers

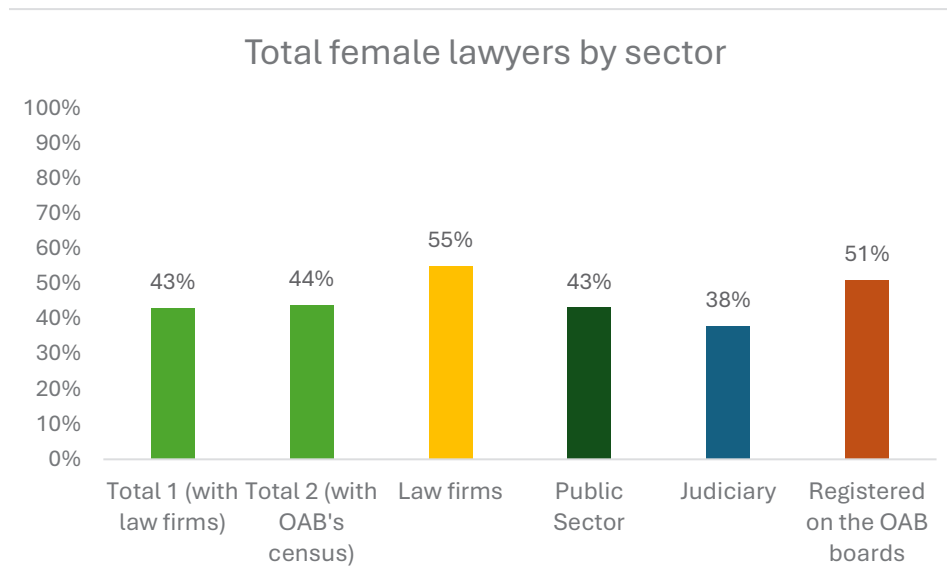


Figure 2: Total female lawyers by sector

The data analysed as part of the study, gathered together with the Demographic Census released by the Brazilian Bar Association,⁵⁰ indicates that women represent 44 per cent of the total number of professionals working in the Brazilian legal profession. While this is an overall representation close to parity, female representation varies significantly across the different sectors. The law firms that responded to the survey show that they have the highest proportion of women (55 per cent), followed by the public sector (43 per cent).⁵¹ Finally, the sector with the lowest female representation is the judiciary, in which women make up 38 per cent of the total number of judges.⁵²

50 'OAB divulga dados inéditos sobre o perfil da advocacia brasileira' (OAB Nacional, 28 November 2023), see www.oab.org.br/noticia/61715/oab-divulga-dados-ineditos-sobre-o-perfil-da-advocacia-brasileira#:~:text=A%20profiss%C3%A3o%20%C3%A9%20mostly%20female,t%C3%AAm%20ao%20less%20one%20son, accessed 20 June 2024.

51 State Public Defender data: <https://pesquisanacionaldefensoria.com.br/pesquisa-nacional-2020/analise-por-unidade-federativa/>; Federal Public Defender data: <https://pesquisanacionaldefensoria.com.br/pesquisa-nacional-2020/analise-nacional/>; Federal Public Ministry data: <http://www.transparencia.mpf.mp.br/conteudo/gestao-de-pessoas/quadro-de-pessoas>; Public Ministry of Labor data: <https://mpt.mp.br/MPTransparencia/pages/portal/mãesAtivos.xhtml>; Military Public Ministry data: <https://transparencia.mpm.mp.br/gestao-de-pessoas/>; Ministry of the Federal District and Territories data: www.mpdft.mp.br/transparencia/index.php?item=membersServidores&subitem=relacao_members; Equity Map (National Council of the Public Ministry): www.cnmp.mp.br/portal/transparencia/relatorios-em-bi/17342-mapa-da-equidade. All accessed 17 June 2024.

52 Judiciary data: www.cnj.jus.br/programas-e-acoas/politica-de-participacao-feminina/materiais/; www.cnj.jus.br/wp-content/uploads/2024/02/justica-em-numeros-2023-16022024.pdf; <https://bibliotecadigital.cnj.jus.br/xmlui/handle/123456789/816>. All accessed 17 June 2024.

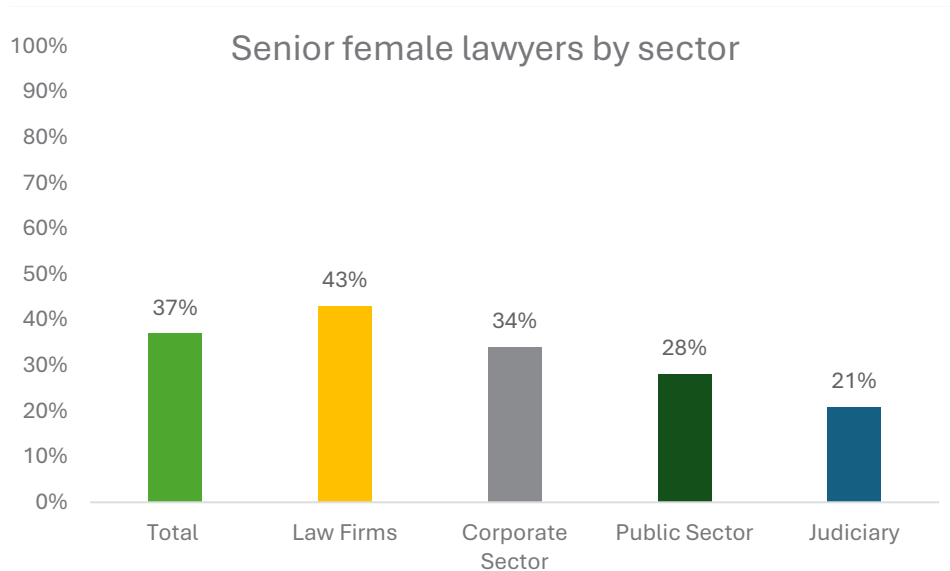


Figure 3: Senior female lawyers by sector

At the senior level, the ratio of women to men in the legal profession drops by approximately seven per cent, to 37 per cent. Law firms responding to the survey have the greatest representation, followed by the corporate sector, the public sector and, finally, the judiciary.

The percentage drop is greatest in the public sector (15 per cent), followed by law firms (12 per cent). The smallest change occurs with members of the judiciary (almost 18 per cent). However, only 21 per cent of senior professionals of the judiciary are women, which reveals the lowest representation among the sectors.

Law firms have the highest proportion of women in senior positions (43 per cent), followed by the corporate sector (34 per cent). In the corporate sector, of the 80 companies whose data were analysed, it was possible to identify the occupants of 54 legal director positions, of which 44 per cent are occupied by women. Furthermore, of the 80 companies, it was possible to identify other occupants of 92 legal positions in senior management, such as members of the boards of directors and/or fiscal council. Thus, of the 146 senior legal positions in companies, 50 are occupied by women, which totals female participation at 34 per cent.

Overall picture: working part-time

When it comes to the legal profession in Brazil, part-time work is not popular in law firms. Many adopt a fixed remuneration system, as opposed to hourly pay. However, with the growth of more flexible working arrangements in general, it will be interesting to see whether part-time work will evolve in terms of popularity. Only five law firms that responded to the survey have part-time lawyers. None of the other participants responded that they offer partial working hours.

Gender representation initiatives: across the legal profession⁵³

The survey asked participants about monitoring gender balance generally and at senior levels. It was found that around 87 per cent monitor gender balance in general. The percentage drops to approximately 71 per cent in regard to monitoring at senior levels.

Initiative popularity and perceived effectiveness

Popularity of initiatives: sector breakdown

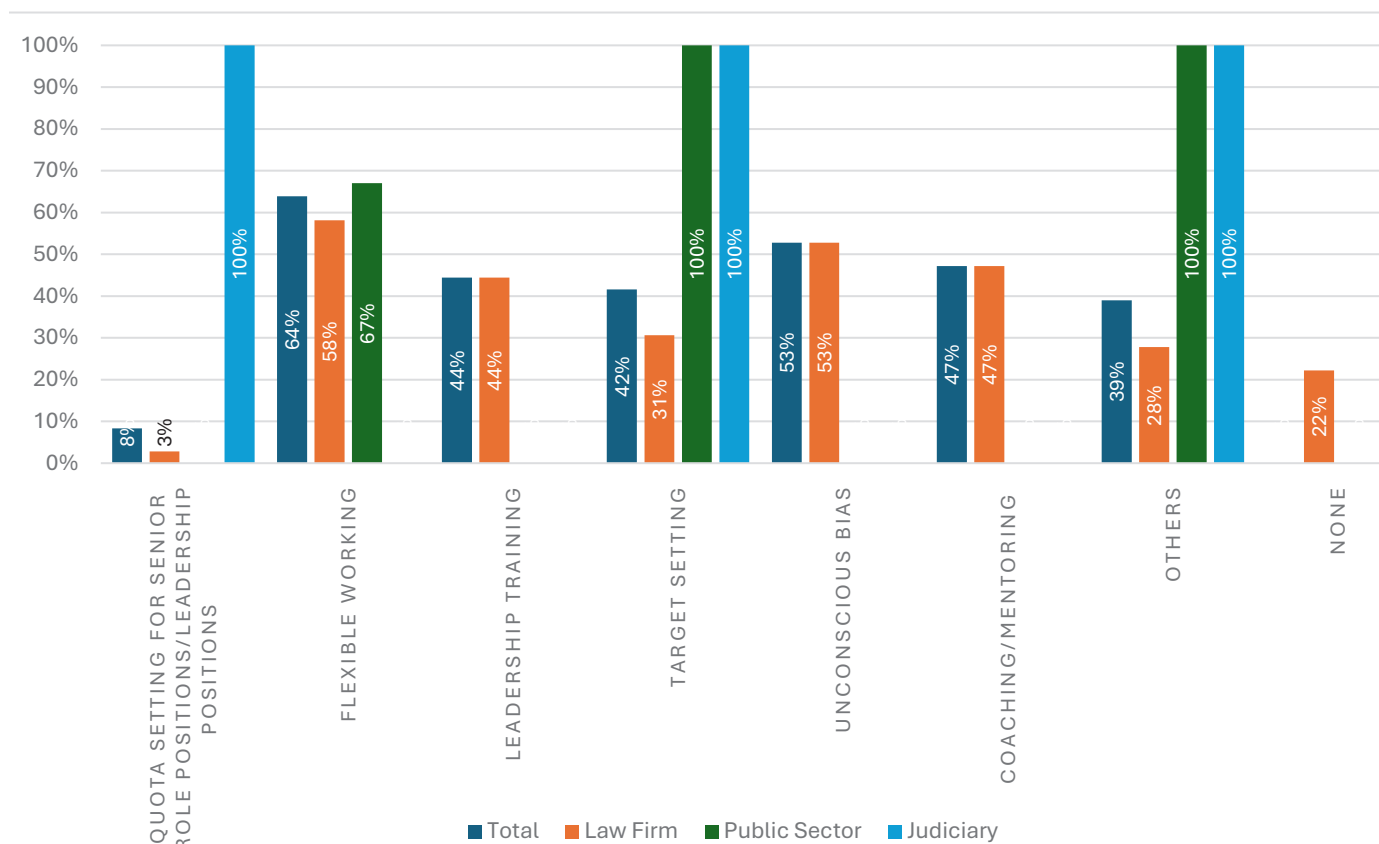


Figure 4: Popularity of initiatives

The most popular gender representation initiative across all sectors is offering flexible working arrangements, applied by 64 per cent of participants. This is also one of the initiatives that has been in place for the longest time, having been implemented for an average of 4.5 years.

Second place in terms of popularity is unconscious bias training, with 53 per cent of respondents investing in this approach, followed by coaching/mentoring programmes, with 47 per cent. Setting goals for leadership positions is significantly popular in the public sector and the judiciary, accounting for 42 per

⁵³ Some data used in this section was approximated due to the fact that certain respondents returned their survey letters indicating that they had in place certain initiatives, but did not accurately include how long the initiatives had been in place or how effective the respondent rated each initiative.

cent of participants. Setting quotas for management positions was the least popular initiative, at just eight per cent.

Effectiveness of initiatives

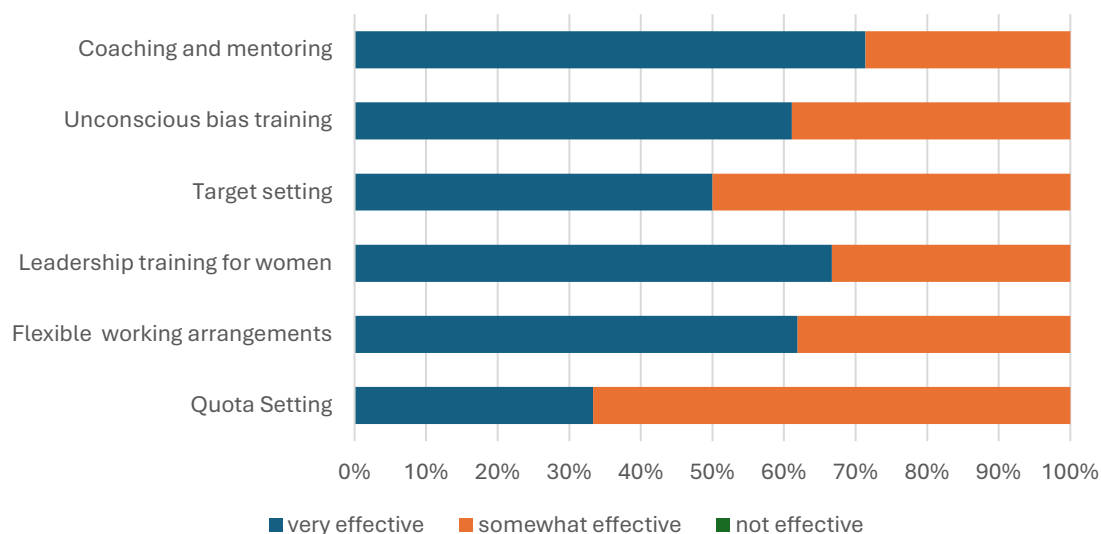


Figure 5: Effectiveness of initiatives

The coaching and mentoring initiative was considered 'very effective' (see Figure 5) by 71 percent of total participants. Offering more flexible working arrangements, the most popular initiative, received the same rating from 62 percent of total participants. No initiative implemented to reduce gender inequality received an 'ineffective' rating.

It is important to mention that the initiatives evaluated in the areas of the judiciary and the public sector were established from 2018 onwards. With regard to the judiciary, in 2023 goals and crucial incentive policies were established. Even so, it was possible to observe that there was a two per cent increase in women in management positions compared to the numbers from the past ten years. In the Public Prosecution Office, an institution assessed as part of the public sector, there was a six per cent increase in the number of women in senior leadership positions compared to data from 2007 to 2016, before the implementation of the most recent targets and incentive policies mentioned in this report. Thus, the initiatives in these sectors were considered mostly 'somewhat effective'.

Gender initiatives: sector breakdown

Law firms

Popularity and effectiveness of law firm initiatives to improve gender representation

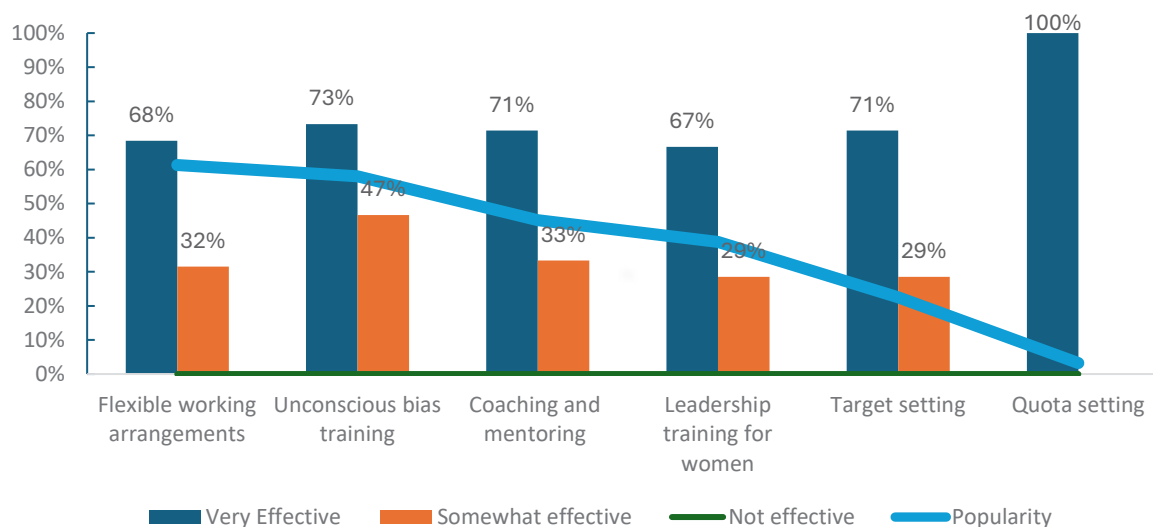


Figure 6: Popularity and effectiveness of initiatives to improve gender representation: law firms

In terms of gender monitoring, approximately 83 per cent of law firms that responded to the survey monitor gender parity generally and 74 per cent also monitor gender parity at senior levels. Law firms are gradually investing in gender initiatives, as demonstrated by the popularity of flexible work arrangements (58 per cent), unconscious bias training (53 per cent), and coaching and mentoring programmes (47 per cent).

The majority of initiatives received positive evaluations, with ratings of ‘very effective’ or ‘somewhat effective’. Among the law firms consulted that reported having initiatives, none of them indicated the adoption of an initiative considered ‘ineffective’. Many participants reported that they remained committed to the continuity of the policy, including mentioning initiatives such as internal events, committees and specific programmes for debates on gender in open responses. Following the general trend in the legal profession, setting quotas is the least popular initiative, with only 2.8 per cent of responding law firms reporting this approach.

Law firms present some interesting initiatives aimed at gender equity. Of note is the BMA Mulher Mentoring Program from the BMA law firm, which offers mentoring to partners and provides professional growth opportunities for women, as highlighted by the recent involvement of 17 more professionals in the programme. Furthermore, BMA has been addressing unconscious biases since 2016, integrating this topic into various actions and trainings, as part of their Female Mentoring Program.

“ Ensuring equitable opportunities for underrepresented groups is a mission for BMA. We work to minimize unconscious biases that limit women’s careers, provide mentorship to accelerate the careers of our female professionals, and emphasize the importance of considering intersectionality, which brings even greater challenges for black, LGBTQIA+, and/

or disabled women. We strive to ensure a sense of belonging for our members and materialize gender equity initiatives in our policies, demanding the same treatment from our partners.

BMA Diversity Committee and BMA Women Committee

The BFBM law firm (Barroso Fontelles, Barcellos, Mendonça & Associados) has demonstrated a solid commitment to promoting diversity and inclusion based on initiatives implemented over the last five years. These are considered highly effective – notably the creation of the Diversity Committee and the Diversity Census. As a direct result of these initiatives, the law firm implemented more targeted selection processes for affirmative vacancies. In addition, internal training was carried out on diversity issues, including topics such as gender, race/ethnicity, sexual orientation and inclusion of people with disabilities (PWD). Currently, 64 per cent of total members are women and 62 per cent of senior leadership positions are held by women.

“ More than respecting diversity, we celebrate differences. And women have a prominent role. Our trajectory is marked by stories of women who have grown professionally. Valuing female talent is part of BFBM's culture.

Rafael Barroso Fontelles

Founding Partner of Barroso Fontelles Barcellos Mendonça Advogados

The ‘TFporElas group’, implemented by the TozziniFreire law firm, mobilises employees to produce materials, record podcasts, and hold events for internal and external audiences that aim to provide education on various topics. These include violence against women, leadership and careers, motherhood, care economy, women in politics, women in culture and many more. The firm provides a breastfeeding room for women, trans men and non-binary people.

“ Over the past 15 years, we have witnessed significant growth in female representation in the top leadership of law firms. This is something to be celebrated in itself, but it is important to recognize that the growth could be greater. That it is not for lack of talent. There are many of us, and we could have a gender parity percentage closer to 50% by 2024. Initiatives, when genuinely connected to the organization’s strategy, are of fundamental importance to accelerate this upward movement.

Bianca Antacli

Partner at TozziniFreire Advogados and Leader of TFporElas

The Azevedo Sette law firm stands out for its diversity of initiatives, which include the ‘Profissionais Azevedo Sette’ project for the production of content exclusively created by women. Following an internal data collection exercise in 2018, the firm carried out a review and a subsequent adjustment of its internal policies and actions. These included: promoting flexible working hours, networking sessions, advice and support between law firm professionals and guests; engagement of partners and lawyers in professionalisation groups and forums; and support for other female professionals and actions to participate in and value the knowledge of female professionals. The ‘People Committees’ have the mission to educate, instruct, motivate, manage and train awareness and constant internal measures to promote diversity, inclusion and gender equity through a calendar of events throughout the year, in addition to internal training for staff, which is made up of 57 per cent women, with 63 per cent of area/team leadership positions in the hands of female lawyers.

“ We grew as a firm when we offered opportunities for women to contribute their full potential.

Ana Paula Terra

Senior Partner, Corporate and M&A at Azevedo Sette Advogados

The corporate sector

Although the response rate from the corporate sector was limited (only four Brazilian companies returned the complete survey, out of 80 contacted), the initiatives implemented by the participating company Localiza&Co deserve to be highlighted, due to its notable effectiveness with regard to gender equality in the general scope, considering that approximately 60 per cent of the legal sector is made up of female lawyers.

The company indicated that it has implemented several initiatives to address gender equality and increase the presence of women in leadership positions. Among these initiatives, the eLLas Program stands out, aimed at the development of women. The programme's first class achieved notable results, with high satisfaction, significant retention (92 per cent) and a significant increase in promotions (48 per cent). Additionally, the company launched the eLLas+ Program, aimed at women in strategic leadership positions in order to accelerate their careers. Although still ongoing, the programme demonstrated high retention (92 per cent) and some participants have already been promoted (18 per cent). The company also implemented the mandatory presence of women on the short list of candidates for strategic leadership positions, boosting the hiring of female talent and increasing female representation.

Despite not being exclusively related to the legal sector, the work developed by 30% Club Brazil is worth highlighting, as part of a global campaign whose mission is to promote gender balance on the boards of directors of the 100 largest companies in G20 countries' capital markets and beyond. The initiative in Brazil aims to reach the mark of 30 per cent of women on the boards of these companies by 2026.

“ As a member of the ESG Committee of the 30% Club Brazil, we work to ensure that business leaders are committed to gender diversity, from strategic decisions regarding the allocation of professionals to prominent positions in companies to the individual actions of these business leaders. In Brazil, it is still common to see events with panels composed exclusively of men, often with a female moderator only to disguise the imbalance. In European countries, the USA, and Canada, it is a common practice for men in strategic positions in the public, private, and third sectors to refuse to participate in events and panels where gender diversity is not respected. It is crucial that we adopt this practice in Brazil so that men in strategic and powerful positions demand the presence of women as speakers at these events in order to agree to participate themselves. Actions like these create opportunities and visibility for women in their fields, as well as inspire young women to aspire to leadership positions. The 30% Club Brazil, under the tireless leadership of the admirable Anna Guimarães, the ESG Committee, under the leadership of Head Alessandra Lehmen, and the work and dedication of its members, who are Board Members and CEOs [chief executive officers] of some of the most important companies in Brazil, work to promote, nurture, catalyze, and achieve gender equity on Boards of Directors and in C-level positions as quickly as possible.

Letícia Campos Melo

Member of the 30% ESG Committee Club

Founded in 2019, 30% Club Brazil develops a series of actions, including innovation, technology and ESG (environmental, social, governance) committees; a scholarship programme; training of women leaders through mentoring programmes; and awarding the 30% Club Brazil Award, which aims to recognise companies included in the IBrX 100 index that include 30 per cent or more women on their boards of directors.

The 30% Club Brazil works to disseminate the view that there is a positive correlation between gender equality and the financial performance of companies. According to the report *30% Club Gender Balanced – Chapter Brazil* by PwC, in 2019 women occupied 8.5 per cent of adviser positions in the largest companies in the country. As of 2024, women make up 20 per cent of the members on the Boards of IBrX 100 companies, an indicator of the average performance of the prices of the 100 most tradeable and representative assets in the Brazilian stock market. The good performance places the country in eighth position among the 21 current participants of the 30% Club.

The public sector

It was found that the entire public sector monitors gender parity in general and 50 per cent monitors gender parity at senior levels. During the research, public sector institutions were invited to provide their statistical data.

In some cases, prior studies have been carried out on gender parity: together with research conducted through a bibliographical survey of public documents, it was possible to extract the main initiatives of the four members of the Brazilian public sector and, in most sectors, qualify their effectiveness through numerical comparisons between the data that were released in the past, the measures adopted and the most recent data.

It is expected that female participation will increase significantly in the coming years, considering that several implemented initiatives that were addressed are in an initial stage of development.

Attorney General's Office

The Federal Attorney General's Office has implemented several effective initiatives between 2022 and 2024 which have been considered effective by the institution; however, it will be interesting to follow the monitoring in the coming years to verify any changes in the data. Current statistics show that 41.89 per cent⁵⁴ of total legal professionals are women. Based on the criteria detailed in the Methodology section for measuring female participation in the institution's senior leadership positions, it was possible to verify that 33.33 per cent⁵⁵ are occupied by women.

In 2023, the Attorney General's Office created⁵⁶ the Committee on Diversity and Inclusion, composed of members and employees of the institution with the aim of promoting inclusion and racial and gender equality. The Committee's main attributions are:

54 Data provided by the organisation itself.

55 Data provided by the organisation itself.

56 'Portaria Normativa Agu No 85, de 24 de Fevereiro de 2023' (Gov.br, 24 February 2023), see www.in.gov.br/en/web/dou/-/portaria-normativa-agu-n-85-de-24-de-fevereiro-de-2023-466141566, accessed 20 June 2024.

- to propose tools, initiatives and systems to create, enable and improve the inclusion and diversity policy within the scope of the Attorney General's Office;
- to structure an action plan for the Attorney General's Office's Diversity and Inclusion Policy, especially considering initiatives related to gender, ethnic and racial equality;
- to identify policies, programmes, actions and projects of diversity and inclusion of the federal public administration that may be applicable within the scope of the Attorney General's Office and demand institutional engagement;
- to articulate with the institution's Higher School and other federal public administration bodies to survey the need for training and promote development actions on the diversity and inclusion agenda, in addition to creating and applying mechanisms for monitoring and evaluating the Diversity and Inclusion Policy; and
- to prepare an annual report on its activities, to be sent to the Attorney General of the Union.

The Attorney General's Office is committed to creating a supportive and inclusive work environment for all its employees, including working parents. The Cegonha Program was launched in May 2023 with the aim of humanising the relationship between motherhood, fatherhood and functional duties within the institutional scope, promoting a healthy and compatible return with the transformations brought about by motherhood. The project aims to welcome and formulate policies in favour of motherhood, providing the Institution with awareness of the importance of the mother's role when returning to work.⁵⁷

In January 2024, the Attorney General's Office issued a regulation⁵⁸ that governs the modalities of working remotely for some members, with the aim of expanding the effectiveness of institutional results, valuing people and promoting quality of life and sense of belonging. Mothers with children up to two years of age, and female victims of domestic and family violence are on the priority list for the remote work modality.

In March 2024, the office signed on to the United Nations Development Programme (UNDP) Gender Equality Seal for Public Institutions. By adhering to the Seal, the Attorney General's Office has committed to following a series of equity indicators that are based on national and international commitments to gender equality in institutions, such as the World Conference on Women (Beijing, 1995) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

On the same date,⁵⁹ the office also issued a regulation⁶⁰ establishing a policy to promote gender representation and equity in the Federal Attorney's General's Office (PGF) – the AGU body responsible for representing, consulting and advising federal public agencies and foundations. The main purposes of the measure are:⁶¹

57 'AGU lança projeto de apoio ao retorno ao trabalho de mães e pais de recém-nascidos' (Gov.br, 17 May 2023), see www.gov.br/agu/pt-br/comunicacao/noticias/agu-lanca-projeto-de-apoio-ao-retorno-ao-trabalho-de-maes-e-pais-de-recem-nascidos, accessed 20 June 2024.

58 'Ortaria Normativa Agu No 125, de 30 de Janeiro de 2024' (Gov.br, 30 January 2024), see www.in.gov.br/en/web/dou/-/portaria-normativa-agu-n-125-de-30-de-janeiro-de-2024-540542997, accessed 20 June 2024.

59 'Portaria da Advocacia-Geral da União incentiva igualdade de gênero em cargos de liderança' (Agencia Gov, 8 March 2024), see <https://agenciagov.ebc.com.br/noticias/202403/portaria-da-advocacia-geral-da-uniao-incentiva-igualdade-de-genero-em-cargos-de-lideranca>, accessed 20 June 2024.

60 'Portaria Normativa Pgf/Agu No 54, de 8 de Março de 2024' (Diariolink, 8 March 2024), see <https://diariolink.com.br/resultado/7997980>, accessed 20 June 2024.

61 *Ibid.*

- achieving 50 per cent representation of women in executive commissioned positions (CCE) and executive commissioned functions (FCE) in the Federal Attorney's General's Office (PGF) structure, at all hierarchical levels;
- encouraging the participation of women as members of competition boards, speakers, lecturers, debaters, and similar roles in competitions and events organised by the Federal Attorney General's Office; and
- ensuring transparency and disclosure of information about the occupation of CCE and FCE within the scope of the Federal Attorney General's Office.

In late 2022, the National College of State and Federal District Attorney General recognised the need to bring together members from each of the 27 State and Federal District Attorney General's Offices to discuss the issue of ethnic-racial and gender diversity within the Brazilian Public Attorney's Office. The group conducted an institutional diagnosis published in the study *Panorama da Diversidade nas Procuradorias-Gerais dos Estados e do Distrito Federal*⁶² as a starting point for this journey towards the active promotion of an organisational culture that values diversity and promotes equal opportunities within the traditional structures of the legal profession and the Attorney General's Offices.

Analysis of the profile of the members of the State Public Attorney's Office showed that the institutions were predominantly formed by men, who represented 54 per cent of the total of 803 respondents. Following them were women, with a total of 44 per cent. Transgender women, transgender men and non-binary people accounted for 0.4, 0.1 and 0.1 per cent of the total, respectively. However, the diversity and equity diagnosis form was voluntarily completed by 5,381 professionals working in the Brazilian State Attorney General's Offices, totalling only 36 per cent of the total staff.

“ The Attorney General's Office (AGU) is a state agency that guides, defends, and collects revenue to ensure public policies. These public policies must be aligned with the needs of citizens. Therefore, diversity, inclusion, and equity in all aspects must not only be institutional values but also a reality in its composition. Gender equity is part of this context. We need to set an example and promote empathy so that our actions reflect the real needs of Brazilian society.

Cláudia Trindade

Special Advisor for Diversity and Inclusion of the Attorney General's Office

Public Defender's Office

FEDERAL PUBLIC DEFENDER'S OFFICE

Although mechanisms for objective analysis of the transformations caused by the initiatives were not found, it was possible to assess the effectiveness of the study based on the answers provided by the institution, as well as through comparison between previously released data and the most recent, reported by the Federal Public Defender's Office in the survey after the implementation of affirmative actions.

62 *Panorama da Diversidade nas Procuradorias-Gerais dos Estados e do Distrito Federal* (National College of State and Federal District Attorneys General, 2022), see <https://pge.ro.gov.br/wp-content/uploads/2019/09/Panorama-Conpeg.pdf>.

According to the *SDG 5 Quantitative Research Report – Gender Issues*,⁶³ in 2022, of the total of 98 defenders in positions of trust, only 21.43 per cent were held by women. In 2023, of the total 129 defenders occupying positions of trust, 67.4 per cent were assigned to men and 32.56 per cent to women. Thus, despite there being a disparity between the proportion of male and female public defenders, there is an increase of 11.13 per cent in the number from one year to the next.

Currently, data shows that 42 per cent of federal public defenders are women.⁶⁴ Based on the criteria detailed in the Methodology section for measuring female participation in the institution's senior leadership positions, statistics indicate that 37.5 per cent are occupied by women, which highlights the 4.94 per cent increase in female participation in 2023 to 2024.

The Federal Public Defender's Office has implemented various internal policies to promote gender equality. It is worth mentioning the existence of the working group (WG), Women of the Federal Public Defender's Office, which aims to disseminate knowledge through booklets and webinars with guidelines and information on topics that impact the lives of women, as a way to raise awareness among the population.⁶⁵

In 2018, on the initiative of GT Mulheres, it was suggested the creation of a panel for systematic and continuous monitoring of the gender profile within the scope of the Federal Public Defender's Office with the establishment of metrics to achieve gender parity and articulation of institutional policies. The panel was made available in 2023.

“ Gender indicator surveys are essential to shed light on reality, enabling diagnoses and the formulation of actions to overcome gender inequality.

Liana Lidiane Pacheco Dani

Federal Public Defender, Gender Working Group of the Federal Public Defender's Office

Furthermore, in 2022, research on gender and career began at the institution, within the scope of the Human Rights Research and Innovation Laboratory, as part of the project 'Strengthening Capabilities and Innovation promoted in the Federal Public Defender's Office (DPU) in line with the 2030 Agenda'. The research is the result of a partnership between the DPU and the UNDP – PRODOC – and produced two products: a quantitative survey, based on objective and numerically measurable data; and another qualitative report, based on interviews with women who work at the institution.

In 2023, the Superior Council of the Federal Public Defender's Office published a resolution⁶⁶ that instituted policies of gender parity in the structures of the institution itself. The following measures were established:

63 Report shared by the Federal Public Defender's Office.

64 'Análise Nacional' (Public Defender's Office), see <https://pesquisanacionaldefensoria.com.br/pesquisa-nacional-2020/analise-nacional>, accessed 19 June 2024.

65 'Conheça atuação de Grupo de Trabalho da DPU na garantia dos direitos das mulheres' (Federal Public Defender's Office), see www.dpu.def.br/noticias-institucional/73827-conheca-atuacao-de-grupo-de-trabalho-da-dpu-na-garantia-dos-direitos-das-mulheres, accessed 19 June 2024.

66 'Resolução No 215, De 15 De Setembro De 2023' (Federal Public Defender's Office), see <https://www.dpu.def.br/resolucoes/76938-resolucao-n-215-de-15-de-setembro-de-2023-institui-politicas-afirmativas-de-paridade-de-genero-em-estruturas-da-dpu-e-da-outras-providencias>, accessed 4 July 2024.

- Alternating gender in promotions by merit until parity is reached between female and male councillors on the Superior Council of the Public Defender's Office (CSDPU). The prediction is that the election for the Superior Council will become equal from 2024.
- Alternating gender for the selection of an external ombudsman or ombudswoman and for the positions of National Defender of Human Rights (male or female).
- Changes to the entrance exams for the career, by including in the curriculum topics related to gender relations and the legal status of women in Brazilian law.

In 2021, the Superior Council of the Federal Public Defender's Office published a resolution⁶⁷ establishing special working conditions for pregnant and lactating defenders of the institution, which also reflect affirmative actions in favor of gender parity. It was stipulated that the office:

- prohibits discrimination in the workplace in relation to the granting of benefits, removal, promotion in the career, exercise of a position of trust or commission;
- includes knowledge and reflection on women's rights, especially sexual and reproductive rights, in the training courses of the National School of the Federal Public Defender's Office;
- may grant special working hours, home-based work or gradual reduction of workload for pregnant women from the 36th week of pregnancy; and
- guarantees users' rights, including special lactation spaces in the units and encouragement of remote service in case of impossibility of displacement.

In 2023, the Federal Public Defender's Office joined the 'Gender Equality Seal for Public Institutions' programme of the UNDP. Based on Sustainable Development Goals (SDGs) 5 and 16, it is a voluntary award programme that aims to support and recognise public institutions around the world that are committed to and improving the advancement of gender equality and women's empowerment. The programme will be implemented in five stages, and a document will soon be published presenting research that contributes to the second stage, in which the institution conducts a self-assessment or pre-screening to identify gender gaps based on standard requirements, specifically with regard to the work environment. The Federal Public Defender's Office also joined the Equity Network, an initiative of the National Congress that aims to promote actions to include diversity and equity, focusing on gender and race.⁶⁸

STATES PUBLIC DEFENDER'S OFFICE

The Public Defender's Office, which operates in the State Court, is present in all states of the federation. Currently, data indicates that women represent the largest proportion of the institution, totaling 50.93 per cent of members.⁶⁹ Based on the criteria detailed in the Methodology section, it was found that 32.7 per cent⁷⁰ of senior leadership positions are held by women.

67 'Resolução Csdpu No 179, de 22 de Janeiro de 2021' (Federal Public Defender's Office, 22 January 2021), see www.dpu.def.br/resolucoes/60703-resolucao-csdpu-n-179-de-22-de-janeiro-de-2021-dispoe-sobre-sobre-condicoes-especiais-de-trabalho-para-gestantes-e-lactantes, accessed 20 June 2024.

68 'Rede Equidade' (National Congress), see www.congressonacional.leg.br/institucional/rede-equidade, accessed 19 June 2024.

69 'Análise Por UF' (Public Defender's Office), see <https://pesquisanacionaldefensoria.com.br/pesquisa-nacional-2020/analise-por-unidade-federativa>, accessed 19 June 2024.

70 Data made available on the electronic portals of the 26 states and the Federal District.

Each state body has the autonomy to implement its own initiatives to promote gender equality at the institutional level. Therefore, no national initiatives implemented unanimously by the Public Defender's Offices of the States were identified, so the study will address some practices as an example.

In 2020, the Public Defender's Office of the State of Bahia released its *I Census* report,⁷¹ which had the participation of 1,064 people and revealed the overall profile of the institution's workers. A thorough analysis of the data revealed that female public defenders accounted for 57.6 per cent.

The second stage of the Census of the Public Defender's Office of the State of Bahia,⁷² carried out in 2021, revealed that 25.7 per cent of the members of the Bahia Public Defender's Office claimed to have been victims of sexism within the institution, of which 95 per cent are women. Similarly, 25.7 per cent reported witnessing scenes of sexism in the workplace, and 174 people (94 per cent women) have been victims of inappropriate or offensive comments based on gender. Women accounted for 82.3 per cent of those who responded that gender hinders the exercise of their profession and represent 91.89 per cent of those who believe that their personal life is more affected by work.

In response to the findings of its two-phase census, the State Public Defender's Office of Bahia has instituted a gender equality and anti-discrimination policy against women. The policy establishes strategies, guidelines and instruments to implement a structural policy to promote equity and combat gender-based violence.⁷³ Among the initiatives, it was established that the Senior Administration of the Public Defender's Office of the State of Bahia must ensure, in the distribution of positions of trust, access to at least 50 per cent of women and 30 per cent of Black people. To monitor the development of this policy, it was planned that every two years the census will map gender, sexual orientation, race and income characteristics, the percentage of occupancy of management, leadership and advisory positions, and the identification of gender-based violence.

In November 2022, the Public Defender's Office of Bahia was the grand winner in the public sector category of the Global Princess Sabeeka Bint Ibrahim Al Khalifa Award for Women's Empowerment, promoted by UN Women in partnership with the Supreme Council for Women of the Kingdom of Bahrain. With this, Brazil became the first country in Latin America to win the award.⁷⁴

In the State of Paraná, the Superior Council of the Public Defender's Office approved two resolutions in 2023 that represent significant advances for the rights of women within the institution. Resolution No 041/2023 establishes gender parity between male public defenders and female public defenders working in the second instance of the Court of Justice. Resolution No 038/2023 regulates the working remotely modality and special working hours for pregnant and lactating women working in the institution, as well

71 *I Census* (Public Defender's Office of the State of Bahia, 2020), see www.defensoria.ba.def.br/wp-content/uploads/2020/11/sanitize_relatacc83_rio-i-censo-da-dpeba-1.pdf_301120-075140.pdf.

72 *II Etapa do Censo da Defensoria Pública do Estado da Bahia* (Public Defender's Office of the State of Bahia), see www.defensoria.ba.def.br/wp-content/uploads/2021/07/sanitize_090721-021225.pdf.

73 'Inédito: Defensoria institui política de equidade de gênero e combate a discriminação contra a mulher' (Public Defender's Office of the State of Bahia, 9 March 2022), see www.defensoria.ba.def.br/noticias/inedito-defensoria-institui-politica-de-equidade-de-genero-e-combate-a-discriminacao-contra-a-mulher/, accessed 20 June 2024.

74 'Brasil é premiado na ONU Mulheres pelo trabalho da Defensoria da Bahia no empoderamento feminino' (Public Defender's Office of the State of Bahia, 30 November 2022), see www.defensoria.ba.def.br/noticias/brasil-e-premiado-na-onu-mulheres-pelo-trabalho-da-defensoria-da-bahia-no-empoderamento-feminino/, accessed 20 June 2024.

as providing for the creation of breastfeeding and breast milk extraction spaces and toy libraries at Public Defender's Office headquarters throughout the state.⁷⁵

In 2020, in the State of Rondônia, the Superior Council of the Public Defender's Office approved Resolution No 97/2020 to promote equal participation of female defenders and male public defenders in events and courses promoted within the institution or externally.⁷⁶

In the State of Rio de Janeiro, the first female Public Defender General in the history of the Rio de Janeiro state inaugurated in 2023 the first breastfeeding support room for employees, defenders, interns, residents and outsourced workers of the institution.⁷⁷

Public Prosecutor's Office

The Public Prosecutor's Office currently has 40.27⁷⁸ per cent of female members, a number that has changed little compared to data recorded in 2017, when female participation was 40.1 per cent⁷⁹ in the institution.

Between 2007 and 2017, on average, 20 per cent of senior positions in the Public Prosecutor's Office were held by women.⁸⁰ After the establishment of goals in 2018 and the National Policy to Encourage Female Participation in 2023, it was not possible to verify a significant increase in female participation, which reached 22.47 per cent in 2024,⁸¹ showing that the initiatives can be considered, at least at the moment, somewhat effective.

In 2018, the National Movement of Women in the Public Prosecutor's Office was created with the aim of uniting efforts to formulate and implement actions aimed at valuing women members of the institution. After an internal data search, finding that only a low percentage of senior leadership positions were held by women between 2007 and 2016,⁸² the Public Prosecutor's Office developed policies with different mechanisms and strategies to encourage institutional gender equality.

75 'DPE-PR aprova normativas internas que garantem mais direitos a mulheres' (Public Defender's Office of the State of Paraná, 11 December 2023), see www.defensoriapublica.pr.def.br/Noticia/DPE-PR-aprova-normativas-internas-que-garantem-mais-direitos-mulheres, accessed 20 June 2024.

76 'Defensoria Pública atua para promover paridade racial e de gênero em eventos e cursos da instituição' (Public Defender's Office of the State of Rondônia, 19 November 2020), see <https://luna.defensoria.ro.def.br/2020/11/defensoria-publica-atua-para-promover-paridade-racial-e-de-genero-em-eventos-e-cursos-da-instituicao/>, accessed 4 July 2024.

77 'Defensoria inaugura primeira sala de apoio à amamentação' (Public Defender's Office of the State of Rio De Janeiro, 7 July 2023), see <https://defensoria.rj.def.br/noticia/detalhes/27175-Defensoria-inaugura-primeira-sala-de-apoio-a-amamentacao#:~:text=O%20local%20fica%20no%2013º,para%20o%20armazenamento%20do%20leite>, accessed 20 June 2024.

78 Data from 2024 of the compositions of all subdivisions of the Public Prosecutor's Office was added: <https://www.cnmp.mp.br/portal/transparencia/relatorios-em-bi/17342-mapa-da-equidade>, accessed 4 July 2024.

79 Gender Scenarios (CNMP, 2017), see www.cnmp.mp.br/portal/images/20180625_CENARIOS_DE_GENERO_v.FINAL_3.1_1.pdf.

80 'Equity Map' (CNMP), www.cnmp.mp.br/portal/transparencia/relatorios-em-bi/17342-mapa-da-equidade, accessed 19 June 2024.

81 Data made available on the electronic portals of the Federal Public Ministry, Public Ministry of the States and the Federal District.

82 Movimento Nacional de Mulheres do Ministério Público (Public Prosecutor's Office, 2018), see www.conjur.com.br/wp-content/uploads/2023/09/promotoras-criam-movimento-nacional.pdf.

In the same year, through the Strategic Planning Commission (CPE) of the National Council of the Public Prosecutor's Office (CNMP), the institution launched the study *Gender Scenarios* to collect data in units throughout Brazil on the participation of prosecutors and attorneys in decision-making, leadership and advisory positions.⁸³

In March 2023, the institution published a resolution⁸⁴ establishing the National Policy for Encouraging Women's Participation in the Public Prosecutor's Office, whose objective is to promote gender equity in institutional and educational events. Among the approved measures are:

- carrying out internal technical studies and diagnoses to identify possible causes that act as gender barriers in entrance and career progression competitions in the Public Prosecutor's Office, with comparative evaluations with other legal careers and branches of the Public Prosecutor's Office;
- collecting statistical data, periodically and permanently, on the composition of the functional body and other workers of the institution, with analyses from a gender and race perspective, with an ethnic-racial cut, gender identity and sexual orientation;
- promoting institutional measures for balanced participation of women and men in all spheres of the institution, especially in command and decision-making bodies, leadership and advisory functions, committees and examination boards for entrance competitions, entrance and lifelong courses and continuing education, observing the diversity in intersectionality factors;
- providing in the notices and regulations of the entrance competitions for the career of express prohibition of questioning candidates related to sexual orientation and life, stability of affective ties (dating, stable union or marriage), interest in motherhood and the existence of children; and
- annual granting of the CNMP Women's Participation Seal to units of the Public Prosecutor's Office that prove gender parity in at least 80 per cent of the events they promote or support.

In a session held on 28 November 2023, the National Council of the Public Prosecutor's Office debated a resolution proposal proposing that the proportion of 40 to 50 per cent by gender be observed in access to the institution's high positions of power, until parity is reached.⁸⁵ There is no news that the resolution is in force, or its content has not yet been published.

Recently, on 7 March 2024, the National Council of the Public Prosecutor's Office launched the tool 'Equity, Research and Reality Map',⁸⁶ which provides statistical information on female representation in the career of the Brazilian Public Prosecutor's Office. Made available as a business intelligence (BI) panel, the map presents a diagnosis of the members' profile, including data on entry, academic training, composition of collegiate bodies and women's participation in the Superior Administration.⁸⁷ The initiative aims to collect information in units of the Public Prosecutor's Office that allow for institutional improvement,

83 *Gender Scenarios*, (CNMP, 2018), see www.cnmp.mp.br/portal/images/20180622_CENÁRIOS_DE_GÊNERO_v.FINAL_2.pdf.

84 'Resolução No 259, de 28 de Marco de 2023' (CNMP, 28 March 2023), see www.cnmp.mp.br/portal/images/Resolucoes/2021/Resolucao-n-259-2023.pdf.

85 'Despacho' (CNMP, 28 November 2023), see www.cnmp.mp.br/portal/images/noticias/2023/novembro/Proposta_de_Resolucao_ação_afirmativa_no_MP.pdf.

86 'Dia Internacional da Mulher: CNMP lança Mapa da Equidade que traz diagnóstico da representatividade feminina no Ministério Público' (CNMP, 7 March 2024), see www.cnmp.mp.br/portal/todas-as-noticias/17347-dia-internacional-da-mulher-cnmp-lanca-mapa-da-equidade-que-traz-diagnostico-da-representatividade-feminina-no-ministerio-publico, accessed 20 June 2024.

87 See n 79 above.

contributing to decision-making and the elaboration of strategies aimed at combatting gender inequality and diversity.

The judiciary

The Brazilian judiciary monitors gender parity in general and also at seniority levels, in addition to periodically publishing research results.⁸⁸ Between 1 January 2009 and 31 December 2018, on average, 37.6 per cent⁸⁹ of the total number of judges were women. In 2019, the CNJ announced that between 1 January 2009 and 31 December 2018, the percentage of female judges in the Superior Courts reduced from 23.6 to 19.6 per cent.⁹⁰

Despite the establishment of the National Policy to Encourage Female Participation in 2018, it has not yet been possible to verify a significant increase in female participation, as the total remained stabilised at 38 per cent⁹¹ in 2022.

The establishment of the ‘National Policy to Encourage Female Participation in the Judiciary’ in 2018 and the establishment of quotas and leadership goals in 2022 and 2023, among other measures detailed below, contributed to the effectiveness of the initiatives, but there is still persistent disparity. The latest reports from the CNJ on senior positions, released based on data obtained until 2022, concluded that among judges of the courts of appeal, women represent 25 per cent and among justices, 18 per cent.⁹²

Based on research conducted through a bibliographical survey of public documents, according to the parameters established in the Methodology section – which included as criteria for female participation in senior leadership positions, among others, functions such as Presidents and Justices of the Federal Supreme Court, of the Superior Court of Justice, members of the CNJ and Chiefs of the Judicial Conduct Investigation’s Office – the study revealed that women represent 20.83 per cent of the institution’s total leaders in 2024.

Furthermore, on the initiative of the Honorable Chief Justice Luís Roberto Barroso, during his term as president of the Supreme Federal Court and the CNJ, this year women occupy senior positions as Secretary General of the Supreme Federal Court,⁹³ Secretary General of the CNJ,⁹⁴ and Chief of Staff of both

88 ‘Mulheres na Justiça: novos rumos da Resolução CNJ n 255’ (CNJ, 2024), see <https://bibliotecadigital.cnj.jus.br/jspui/bitstream/123456789/816/3/anais-do-evento-mulheres-na-justica-novos-rumos-da-resolucao-cnj-n-255-v5-2024-03-15.pdf>.

89 Diagnóstico da participação feminina no Poder Judiciário (CNJ, 2019), see <https://bibliotecadigital.cnj.jus.br/jspui/bitstream/123456789/367/1/Diagn%c3%b3stico%20da%20participa%c3%a7%c3%a3o%20feminina%20no%20Poder%20Judici%c3%a1rio.pdf>.

90 *Ibid.*

91 Justice in Numbers, 2023 (CNJ, 2023), see www.cnj.jus.br/wp-content/uploads/2023/08/justica-em-numeros-2023.pdf.

92 *Ibid.*

93 Aline Rezende Peres Osorio is the Secretary-General of the Presidency of the STF. See <https://portal.stf.jus.br/textos/verTexto.asp?servico=sobreStfEquipeGestao>, accessed 20 June 2024.

94 Adriana Alves dos Santos Cruz is the Secretary-General of the Nacional Council of Justice. See www.cnj.jus.br/composicao-atual, accessed 20 June 2024.

bodies.⁹⁵ In the case of the CNJ, the position of Secretary General is, for the first time, occupied by a Black woman.⁹⁶

“ I am proud to present the IBA's report on gender disparity in Brazilian legal professions. This study highlights the challenges women face in the Judiciary, public, and private sectors. Cultural norms, domestic responsibilities, and career advancement obstacles contribute to their underrepresentation. As President of the CNJ and STF, I have prioritized gender equality, appointing women to senior positions and implementing policies to increase female representation in the Judiciary. Publications like this play a vital role in identifying and addressing these disparities, helping us move towards a more inclusive and equitable society in Brazil.

Luís Roberto Barroso

President of the Supreme Federal Court and of the National Council of Justice

In recent years, the CNJ has issued several resolutions aimed at stimulating institutional female participation in the judiciary, including in senior positions. These resolutions have the following objectives:

- Establishing the National Policy for Encouraging Women's Participation in the Judiciary, which was implemented through the creation of working groups responsible for preparing studies, analysing scenarios, holding training events and engaging in dialogue with the Courts on the adoption of measures to ensure gender equality within the institutional scope.⁹⁷
- Affirmative action for women to access courts of second instance in the State, Federal and Labor Courts. The resolution provides for the opening of exclusive vacancies for women, with the aim of achieving gender parity in the composition of courts that do not reach the proportion of 40 to 60 per cent of women and men.⁹⁸
- Requiring that judiciary bodies observe, whenever possible, the equal participation of men and women, providing for the occupation of at least 50 per cent of women in the appointment of leadership positions, including court directors when freely chosen.⁹⁹
- Making it mandatory for judges and magistrates to receive training on human rights, gender, race and ethnicity, from an intersectional perspective, and creating the Monitoring and Training Committee on Judging with a Gender Perspective in the Judiciary, which has one of its objectives to monitor compliance with the determination, prepare studies and propose concrete measures to improve the justice system on this topic.¹⁰⁰

95 Fernanda Silva de Paula is the Chief of Staff for the presidency of the STF (see <https://portal.stf.jus.br/textos/verTexto.asp?servico=sobreStfEquipeGestao>) and Leila Correia Mascarenhas Barreto is the equivalent in the National Council of Justice (see www.cnj.jus.br/sobre-o-cnj/presidencia/gabinete-da-presidencia/). Both accessed 20 June 2024.

96 'Meet Adriana Cruz: First Black Woman To Assume General Secretariat Of The National Council Of Justice (CNJ)' (ABPN, 15 September 2023), see <https://abpn.org.br/conheca-adriana-cruz-primeira-mulher-negra-a-assumir-a-secretaria-geral-do-conselho-nacional-de-justica-cnj/#:-:text=Reiniciar-.CONHEÇA%20ADRIANA%20CRUZ%3A%20PRIMEIRA%20MULHER%20NEGRA%20A%20ASSUMIR%20A%20SECRETARIA,CONSELHO%20NACIONAL%20DE%20JUSTIÇA%20>, accessed 20 June 2024.

97 Resolution No 255/2018 (CNJ, 4 September 2018), see <https://atos.cnj.jus.br/atos/detalhar/2670>, accessed 20 June 2024.

98 Resolution No 525/2023 (CNJ, 27 September 2023), see <https://atos.cnj.jus.br/atos/detalhar/5277>, accessed 20 June 2024.

99 Resolution No 540/2023 (CNJ, 18 December 2023), see <https://atos.cnj.jus.br/files/original12542620240109659d4202b78a0.pdf>.

100 Resolution No 492 (CNJ, 17 March 2023), see <https://atos.cnj.jus.br/files/original144414202303206418713e177b3.pdf>.

- Establishing that the examining commissions and boards of the competition for entry into the judiciary career shall observe, to the greatest extent possible, the participation of members who express the diversity present in Brazilian society, such as origin, race, ethnicity, disability, sexual orientation and gender identity.¹⁰¹
- Creating the National Repository of Women Jurists, within the scope of the CNJ, for registering data on women jurists with expertise in different areas of law.¹⁰²

In addition to the measures mentioned, there are several other initiatives being developed within the scope of the CNJ to promote awareness of equity, especially the promotion of national research to analyse female representation in positions of power and analysis of management in the courts.¹⁰³

Actions in favour of containing violence against women, although not the central object of the study, also deserve attention, such as the dissemination by the CNJ of the adoption of a tool that uses artificial intelligence (AI) to assist judges who deal with cases of femicide, improving the understanding of the gender perspective present in the crimes.¹⁰⁴ The CNJ announced that a model of the tool, developed in partnership with the UNDP, will be implemented as a pilot project by the Court of Justice of Ceará. Funded by the Spotlight Initiative – a UN initiative focused on eliminating all forms of violence against women – an AI will automate the search for important terms for gender analysis of processes, relating them to legislation and literature on the subject. By identifying these terms, the tool presents arguments to assist users in understanding whether a homicide can be qualified as femicide.

The implementation of Resolution No 525/23 by the CNJ can be exemplified by the publication, by the Court of Justice of the State of São Paulo, on 17 January 2024, of the first notice¹⁰⁵ of a competition for the appointment of one position of judge, exclusive for women, based on merit.¹⁰⁶ Similarly, the Court of Justice of the State of Goiás approved a resolution¹⁰⁷ establishing that the vacancies for positions in the second degree will be filled alternately through open notices for mixed applications (men and women) or exclusive for women. To measure the results of the affirmative action, the CNJ established that it will maintain an updated database on the composition of the courts, broken down by gender and position, specifying access to the second degree according to the type of open notices.

101 Resolution No 496/23 (CNJ, 3 April 2023), see <https://atos.cnj.jus.br/files/original141729202304126436bd7925677.pdf>.

102 Resolution No 176/22 (CNJ, 27 May 2022), see <https://atos.cnj.jus.br/atos/detalhar/4563>, accessed 20 June 2024.

103 Examples of studies and research on female participation in the judiciary: Diagnosis of Female Participation in the Judiciary (CNJ, 2019), see www.cnj.jus.br/wp-content/uploads/2021/08/relatorio-participacao-feminina.pdf; Proceedings of the Event Women in Justice (CNJ) see <https://bibliotecadigital.cnj.jus.br/xmlui/bitstream/handle/123456789/816/anais-do-evento-mulheres-na-justica-novos-rumos-da-resolucao-cnj-n-255-v5-2024-03-15.pdf?sequence=3&isAllowed=y>. Both accessed 19 June 2024.

104 ‘Ferramenta de IA será desenvolvida para apoiar análise de processos de feminicídio’ (CNJ, 22 December 2022) www.cnj.jus.br/ferramenta-de-inteligencia-artificial-sera-desenvolvida-para-apoiar-analise-de-processos-de-feminicidio/, accessed 20 June 2024.

105 ‘Resultado da Sessão do Conselho Superior da Magistratura de 16/01/2024’ (Court of Justice of the State of São Paulo, 16 January 2024), see <https://dje.tjsp.jus.br/cdje/consultaSimples.do?cdVolume=18&nuDiario=3889&cdCaderno=10&nuSeqpagina=17>, accessed 20 June 2024.

106 ‘TJSP na Mídia: Imprensa destaca concurso exclusivo para mulheres para cargo de desembargadora’ (Court of Justice of the State of São Paulo, 18 January 2024), see <https://portal.tjsp.jus.br/Noticias/Noticia?codigoNoticia=96068&pagina=9>, accessed 20 June 2024.

107 ‘Resolução No 247, de 22 de Janeiro de 2024’ (Court of Justice of the State of Goiás, 22 January 2024), see www.tjgo.jus.br/images/docs/CCS/Resolucao_n_247_de_22_de_janeiro_de_2024_-_Altera_a_Resolucao_TJGO_171_de_22_de_novembro_de_2021_-_Critrio_de_gnro_para_ingresso_de_magistradas.pdf.

Comparison with other jurisdictions

The project *50:50 by 2030: a longitudinal study on gender disparity in law*, conducted so far in eight countries, revealed that Brazil, with 44 per cent of women working in the legal profession, ranks fifth, surpassing Chile with 34 per cent, Nigeria with 40 per cent and South Korea at 29 per cent – all with fewer female legal professionals compared to the Netherlands at 57 per cent, Spain at 54 per cent, England and Wales at 51 per cent, and Uganda at 49 per cent.

Brazil surpassed four countries in terms of the percentage of women occupying senior positions, with 37 per cent, less than the Netherlands and Nigeria (46 per cent) and Uganda (40 per cent); however, more than England and Wales, (32 per cent), Spain (31 per cent), Chile (34 per cent) and South Korea (27 per cent).

The study revealed surprising data about Brazil, such as the high rate of 55 per cent of female lawyers working in law firms compared to other countries, which in general is between 40 and 50 per cent. As in Nigeria, female representation at senior level in the Brazilian offices that responded to the questionnaire is 43 per cent, significantly higher than the average in other countries, which ranges from 23 to 31 per cent.

On the other hand, Brazil's judiciary has a low percentage of female members compared to other countries, both in general (38 per cent) – surpassing only South Korea with 35 per cent – and in relation to the occupation of senior positions, with 21 per cent Brazilian women.

Women make up around 43 per cent of legal professionals in the public sector, a statistic that follows the trend of the other countries analysed regarding one of the highest rates of female representation. However, other jurisdictions have more women in this sector than Brazil. Only 28 per cent of Brazilian women occupy the highest leadership positions in the public sector, almost equal to the rate in South Korea (29 per cent), and significantly lower than the 57 per cent level seen in England and Wales, 62 per cent in Uganda, 38 per cent in Spain, and 61 per cent in Nigeria.

In Brazil, as well as in Chile, England and Wales, and Spain, offering flexible working arrangements is the most popular initiative and also considered the most effective. As seen in England and Wales and Nigeria, leadership training for women is one of the least popular initiatives. The establishment of quotas for the occupation of leadership positions by women is not adopted as frequently in Brazil, as is the case in other jurisdictions.

Finally, part-time work is not common in Brazil, as it is in Chile and Nigeria, a statistic that contrasts more significantly with the data presented by England and Wales, and the Netherlands.

Conclusion

The history of Brazil reveals a complex and continuous struggle for women's empowerment. Although patriarchal traditions initially restricted their roles, Brazilian women have consistently challenged limits and continue to seek fair recognition of their relevance in the legal profession.

Although progress has been made in all sectors in general, the results of the study reveal the need for concerted efforts to address the still-persistent gender gap. The data highlighted, above all, the long way to go to achieve equality in the occupation of senior and leadership positions.

Achieving gender parity within the legal profession requires a multifaceted approach, not limited to the policy reforms already implemented over the past few years, all of which deserve commendable recognition, but one that includes education and awareness campaigns as well as active involvement of all sectors of society. By prioritising the fight for gender equality in the legal profession, we not only guarantee equity and justice, but also favour the achievement of our society's maximum potential in other metrics that qualify the country's development.

To date, law firms and the corporate sector have achieved higher rates, although they have not yet reached effective parity. The disparity in the public sector and the judiciary must be addressed not only through the implementation of effective initiatives, such as the establishment of goals and quotas for the occupation of leadership positions by women, but also with effective control and monitoring instruments. It is necessary to praise the efforts of both sectors, which, for the most part, have recently intensified investments in very effective gender initiatives, however, it is still too early to verify positive results.

The establishment of goals and quotas is not seen with the same intensity in the feedback sent by law firms, which mostly choose to offer more flexible working arrangements, and coaching and mentoring programmes, despite such initiatives not being evaluated as very effective. Still, they stand out for the high representation of female lawyers in senior positions among the offices that kindly responded to our survey.

The public sector and the judiciary are also investing in initiatives to create a supportive and inclusive work environment for female lawyers and judges. This report only identified those that are particularly creative and innovative, but it is possible to verify several efforts by institutions in this regard, which undoubtedly contributes to gender parity in general.

Likewise, actions to contain violence against women, present in various laws and normative instruments, also deserve our tributes. The judiciary announced the adoption of an important tool that uses AI to assist judges who deal with cases of homicides of women, improving understanding of the gender perspective present in these crimes, a measure that strengthens protection when approaching violence against women.

In summary, the results of Brazil are generally positive with regard to the proximity of parity in the general overall picture between men and women in the private and public sectors and in the judiciary, a circumstance that reveals Brazil's capacity to triumph over this challenge that plagues most countries, to create a more inclusive and prosperous future for all.

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Appendix 1: data tables

Overall picture: all lawyers

Organisation	Female Lawyers (per cent)	Female Senior Lawyers (per cent)
Judiciary	38 (6.884/18.117)	20.83 (60/288)
Public Sector	43.25 (12059/27880)	28.19 (53/188)
Law Firms	55 (2700/4885)	43 (520/1222)
Corporate*	N/A	44 (24/54) ** 34.24 (50/146)***

* We found significant difficulties in obtaining responses from companies in the corporate sector. However, considering that publicly traded companies in Brazil disclose corporate governance reports on their websites containing information that includes the name, education and professional experience of those responsible for the company's control structure, we supplemented the responses received with research conducted through a bibliographic survey of public information of the top 80 companies in Brazil, of which it was possible to analyse the data of 58.

** Women as head of the legal board

*** Women lawyers in the highest administrative board

Below are the corporate numbers from the four companies that actually answered the survey

Organisation	Female Lawyers (per cent)	Female Senior Lawyers (per cent)
Corporate (four companies – IBA Database)	66 (324/490)	71 (29/41)

Public sector numbers breakdown

Public Sector	Female Lawyers (per cent)	Female Senior Lawyers (per cent)
Office of the Attorney General	41.89 (3130/7472)	33.33 (12/36)
Public Defender's Office	42.4 (288/679)	37.5 (3/8)
Public Defender's Office	50.93 (3321/6521)	32.7 (18/55)
Public Prosecution Office	40.27 (5320/13208)	22.47 (20/89)

Popularity of gender initiatives: sector breakdown

	Public Sector (per cent)*	Judiciary (per cent)	Law Firms (per cent)
Flexible working arrangements	67 (2/3)	0	59

Unconscious bias training	0	0	47
Coaching/mentoring programmes for women	0	0	44
Leadership training for women	0	0	38
Target setting	100 (3/3)	100	22
Quota setting	33 (1/3)	100	3
Other	100 (3/3)	100	28
None of the above	0	0	25

* There are no national initiatives related to the State Public Defender's Office. In the report, we identified specific initiatives published by states as examples.

Appendix 2: survey questions

1. What type of organisation do you work for?

- Law firm
- Corporation with in-house counsel
- Public sector
- Judiciary

2. We'd like to start by asking some general profiling questions about the lawyers who are employed in your organisation.

- a) Total number of lawyers: _____
- b) Number of lawyers who work on a part-time basis: _____
- c) Number of lawyers employed at a partner/management/KC (or equivalent) level: _____
- d) Number of lawyers employed at a partner/management/KC (or equivalent) level who work on a part-time basis: _____

3. This question asks about the lawyers who are female. Please enter approximate numbers for the following:

- a) Total number of lawyers who are female: _____
- b) Female lawyers who work on a part-time basis: _____
- c) Female lawyers employed at a partner/management/KC (or equivalent) level: _____
- d) Female lawyers employed at a partner/management/KC (or equivalent) level who work on a part-time basis: _____

4. How many individuals sit on your Partnership Council/Management Board Executive Council (or equivalent)?

5. Of the individuals who sit on your Partnership Council/Management Board/Executive Council (or equivalent), how many are female?

6. Do you monitor the gender balance in your organisation overall?

- Yes
- No

7. Do you monitor the gender balance in your organisation for lawyers at the senior level?

- Yes No

8. Is this gender monitoring data shared with the leadership of the organisation?

- Yes No

Initiatives/policies

9. Does your organisation have any of the following initiatives/policies in place addressing gender equality and/or seeking to increase the number of women reaching positions of seniority?

- Quota setting for senior role positions
- Availability of greater flexible working arrangements (post Covid-19 restrictions)
- Leadership training for women
- Target setting for senior role positions¹⁰⁸
- Unconscious bias training
- Coaching/mentoring programmes
- Other: _____
- None of the above

Please answer the below questions about the initiatives/policies your organisation has in place to address gender equality and/or increase the number of women reaching positions of seniority. If your organisation has multiple initiatives/policies in place, kindly address each initiative/policy in your responses.

Please respond to questions 10, 11 and 12 for each of the policies/initiatives in place.

10. Can you please provide a brief description of your initiatives/policies?

Please include how each initiative/policy works, how it is measured, and the impact it is having.

11. Approximately how long has each initiative/policy been in place?

Please provide the approximate number of years.

108 Targets versus quotas: targets tend to be aspirational; quotas tend to be mandated (sometimes set externally by a body with authority to impose them on organisations). Establishing quotas usually includes setting penalties for failing to meet them.

12. In your view, how effective has each initiative/policy been in supporting gender equality and/or increasing the number of women reaching positions of seniority in your organisation?

Initiative/Policy: _____

Very effective

Somewhat effective

Not effective

13. Does your organisation have any other diversity related initiatives in place (race, ethnicity, sexual orientation, disability, religion, etc.)?

Yes

No

14. If the answer to the above question is yes, please describe how one of these initiatives or policies works.

Please include how it works, how long it has been in place, and the impact it is having.

15. What else do you want us to know about other initiatives coming in the future?

16. Would you like to associate your organisation's name with the policies and initiatives you have provided? This will enable the International Bar Association to highlight examples of programmes in its reporting.

If you select 'No' below, your survey data will remain confidential and only reported in aggregate.

Yes

No



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