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A REPORT ON

WOMEN IN THE LEGAL PROFESSION IN LATIN AMERICA

An Assessment of:
Guatemala, Costa Rica and Peru

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The views and conclusions expressed in this report are solely those of the authors and should not be attributed to or in any way interpreted as representing the official view, position, or policy of the U.S. International Cooperation Development Agency, the Agency for International Development or the AID Missions in Guatemala, Costa Rica and Peru, or any other contractor.

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EXECUTIVE SUMMARY

Background

Undertaken as a brief and pioneering effort, this study of women in the law in three countries of Latin America obtained important insights into the problems and the impact of that growing movement.

The guiding concept of the study was that strong forces for development and change should emanate from the movement of women into the law; and that it is necessary to understand varied crosscurrents in this movement in order to release society-wide developmental energies from it. A second guiding concept was that the law and systems of justice are particularly important institutions that require strengthening in any strategy to promote development in Latin America.

The phenomena studied are part of a recent worldwide trend. For the last law school in the United States to exclude women, Washington and Lee (in Virginia), took down its gender barriers only in 1972. Yet today, in the United States, it is estimated that 43 percent of law school students are women and 20 percent of all lawyers are women. In Latin America today, approximately half of entering law school students are women and the trend over the past two decades has placed women in the ascendancy in the legal profession. Thus, by age groupings, while the largest percentages of women lawyers in Latin America (45 percent) currently are in the age range 24-30 years, only 19 percent of male lawyers are in that age range; and the largest percentage of male lawyers appears in the age group over-45-years-of-age.

This movement of women into the legal profession is extremely impressive because that profession -- through the lawyers, judges, and administrators of the justice systems-- exercises a great deal of power over the destinies of the people and the institutions of the Latin American countries. Therefore, a conscientious effort was made to ensure that the study was as comprehensive as possible within the limited time and resources made available.

The women-in-the-law movement in Latin America is an extension of social, political, and economic changes that have swept that region since the end of World War II. It was given further impetus in the past 10-20 years by the appearance of democratically elected civilian governments under new constitutions, replacing traditional military-controlled governments in most countries of the region. In countries where illiteracy rates were extremely high and education was mainly for the males, universal literacy and educational opportunities for all -- of both sexes -- have become basic goals. Now females are

equal in numbers to males in the public schools of most countries although they still tend to be less equally represented at the university level. Moreover, women have entered the formal labor force in greatly increasing numbers -- moving into occupational roles other than that of "domestics" -- so that many women, especially in the urban areas, now combine a role of wife and mother in the home with productive and active roles in the economic marketplace and in the political and social arenas of participation outside the home.

This brief study examined "women in the law" in just three countries: Guatemala, Costa Rica, and Peru. It gathered and synthesized documented information from second-hand sources and then concentrated on obtaining first-hand views of women law practitioners, contacting a small panel of informants in each country. A questionnaire exploring some 60 questions was completed by selected women practitioners and by a few key male practitioners* and law-system luminaries. In addition, interviews were conducted with these same persons and with others who could fill out further a picture of the phenomena being explored.

The study effort gained inspiration from the great courage and integrity of the women attorneys encountered in Guatemala, Costa Rica, and Peru. Those encounters revealed that each day the women attorneys of Latin America are proving themselves in the arenas where the interactions and confrontations of the practice of the law take place. In competition with their male counterparts, they are each day gaining ground towards equality and dignity.

The study, in the main, is a preliminary building-block for future expanded and in-depth examinations which, the authors hope, will be conducted in ways that "develop" future study participants (and their societies) by involving them in the processes of knowledge development, dissemination, and application.

The Three Country Settings

Guatemala, Costa Rica and Peru, while they share a Latin Culture and reflect in common a Spanish colonial heritage, vary widely in many ways. Some of those differences are seen in the following comparisons.

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* Thirty-seven (37) usable questionnaires were returned from the panels of women: 13 from Guatemala; 12 from Costa Rica; 12 from Peru. Five questionnaires were obtained from influential men in the law in the three countries.

	Guatemala	Costa Rica	Peru
Area (square miles)	42,000	19,652	496,222
Total Population	8.5 mil.	2.8 mil.	20.5 mil.
Capital City & its Population	Guatemala City 1.8 mil.	San Jose .9 mil.	Lima 6.0 mil.
Major Ethnic Groups	Ladino-58% Indian-42% (23 Ind. Langs.)	White-96% Black-3% Indian-1%	Indian-45% Mestizo-37% White-15% Other- 3%
Literacy	48%	93%	79%
Infant Mortality (1,000 births)	79.0	15.2	91.0
% of Work Force in Agric.	50%	32%	38%

In all three countries, about 1/3 of the population lives in the capital city. Hence, the lawyer populations are overwhelmingly concentrated in the three capital cities (while other large cities account for most of the remainder of the legal professionals).

Guatemala retains by far the greatest proportion of its work force in agriculture; and it has a large Indian population, descended from the Mayas and differentiated in distinctive subgroupings that speak 23 different dialects. A current emphasis of the new (since 1985) civilian government of Guatemala is to promote development and modernization while maintaining the rich Indian heritage and concurrently reaching the Indian groups with the institutions of a new and struggling democratic constitutional republic.

By contrast, Costa Rica is a highly homogeneous society where most of the population have descended from Spanish-European settlers who formed an autonomous and individualistic agrarian society of small landowners with a strong egalitarian tradition. Costa Rica is a leader in Latin America in Education and Health, and in democratic government which has prevailed through much of the nation's history. Costa Rica abolished its national army in 1948 and is noted for universal suffrage and for gender equality that has brought women to the Supreme Court and to the Vice Presidency of the Republic.

In Peru, the whites (of European descent) tend to be culturally homogeneous while mestizos and Indians show great

cultural diversity. Efforts of recent years to produce a more homogeneous national culture are manifest largely in the major cities along the coastal strip walled off by the Andes. And although the country has two official languages, Spanish and Quechua (the latter the foremost Indian language), a growing insurgency group in Peru, "Sendero Luminoso" (shining path), directly attacks this effort to create a more homogeneous national culture. The strongholds of the Maoist-inspired movement are in the Andean vastness where the Indian heritage is strongest. The Guerrilla activities along with government counteractions have greatly intensified social and political instabilities in Peru; the inflation rates of 3,000 percent and more, manifest in the late 1980s, are placing government power and all Peruvian institutions in great jeopardy.

Economic downturns in all of Latin America have been felt throughout the 1980s in Guatemala, Costa Rica, and Peru as prices of imported oil rose and exports of traditional products fell off so that internal economic activity diminished greatly. External debts grew and defaults on foreign debt repayment led to the withholding of further lines of credit (thereby constricting investment for economic growth). However, unemployment and inflation rates improved in Guatemala and Costa Rica in the late 1980s as both countries achieved some success in modernizing their economies, beginning to overcome dependence on a few traditional crops and on regional trade. But Peru still faces an economic crisis, with inflation rising at an alarming rate while unemployment rises as production falls (and a revolutionary insurgency attacks all established government institutions along with foreign missions and tourists).

These economic conditions have affected the movement of women into the legal profession. They have also had an impact on reform and development in the systems of justice in the three societies.

Considering the <u>systems of justice</u>, democratic constitutions in all three countries provide for an independent judicial branch of government. With the exception of Costa Rica, however, strong independent judiciaries do not exist throughout the Latin American region. Uniquely, Costa Rica has a long history of a strong and independent judiciary; and that country's constitution specifically states that six percent of the national budget will be allocated to the judiciary. In fact, some of the problems seen today in the Costa Rican system of justice relate to rigidities engendered by this automatic judicial budget allocation and to judicial independence that breeds lack of accountability to other branches (and to the people).

Strong and usually military chief executives have made judicial independence a rare phenomenon in Peru and Guatemala. Thus, although the judicial branch is declared independent in

these two countries by constitution, in practice the judiciary lacks true autonomy. For historically in these societies power has been greatly centralized and the most important economic and political activity has been concentrated in one key city where patronage in public offices has been strongly controlled and elite groups used the courts (and government in general) to maintain their own privileges. In addition, corruption and political interference in the justice sector have perpetuated a situation where citizens have little faith in the formal institutions of justice.

Therefore, problems and conflicts in these societies are often solved on a personal basis with aggrieved parties "righting wrongs" by taking personal vengeance on an offender, often utilizing the assistance of friends. This lack of reliance on a fair and independent judicial system is especially true in outlying areas away from the capital city. The "realities" perceived even by more sophisticated citizens are that institutions administering justice are rife with cronyism and corruption, and that these practices permeate the police, the prosecutive sector, and the judicial systems.

Traditionally, then, the justice sector in Latin American countries, except in Costa Rica, lacked true autonomy and the support and respect of the people. With the exception of Costa Rica, systems of justice today suffer from inadequate government funding and from lack of adequate public sector tenure (in effect, public sector legal careers are insecure and ill-defined). And in all three countries, there is a serious lack of trained personnel (both judicial and administrative) and inadequate record-keeping systems and legal-reference resources. In effect, the concept of "the administration of justice" (with all that it implies regarding records, personnel systems, and legal reference materials) is at the core of current efforts of AID to provide assistance for improving systems of justice in the region.

In addition, since the 1960s, when economic development became such a strong factor in Latin America, the legal profession has declined in power and importance. Leadership in government ministries, even the national presidents, changed from lawyers to technocrats. In the private sector, too, the change was manifest: professions in finance, business and commerce became more lucrative than the law and offered greater access to power than the legal profession. The quality, the prestige, of legal education also declined. Today, the most prestigious professional schools specialize in business administration and economics. Moreover, the law schools and their faculties (particularly in Guatemala) were subjected in recent years to repression and violence: library holdings were burned and law professors and students were killed in the late 1970s and early 1980s. Today the law school libraries in all three countries

lack up-to-date materials and books; and these schools have been unable to maintain contacts with law faculties in other countries. Public funds are lacking to keep up quality at public law schools; and many private law schools are springing up, with little regulation or standards.

But recent events that have weakened the legal profession have occurred at the same time that democratization of education has moved forward and women have entered the law schools in great numbers. Thus the situation is one of opportunity as well as crisis. For the entrenched elites of the legal profession had not (except in Costa Rica) developed strong systems of justice in their countries. And challenges to the old and traditional ways, reinforced by the energies of change emanating from the changing status of women, could contribute greatly to the strengthening of the systems of justice.

Women Practitioners in the Law

Inquiries made of a panel of women practitioners in the law in Guatemala, Costa Rica, and Peru concentrated on their education for the law and on women employed in the judicial branch. The practitioners not only spoke to their own experiences and expressed their perceptions of situations but also provided their estimates on factual conditions. Both from their recollections of their own experiences and from their estimates of the present situation in law schools, the impression was gained that approximately half the law school students in the three countries, presently, are women.

Certain comparisons regarding the educational experiences of the panel members in the three countries bear out the preceding descriptions of differences in the countries.

	Guatemala	Costa Rica	Peru
Received financial aid while a student	15%	58%	25%
Had to work while a student	62%	17%	25%
Proportions of law professors who were women	15%	30%	14%
Financial situation "good" while a student	38%	42%	17%

The study quickly discovered that the practitioners contacted in all three countries were of an upwardly mobile "middle class." None were Indians or non-landholding peasants in demographically heterogeneous Guatemala and Peru. And practically all panel-member informants were located in the capital cities. In Costa Rica and Peru, those contacted tended to be upper-middle class; in Guatemala panel members identified themselves more toward the middle of the middle stratum.

Many in Costa Rica had received scholarships for their studies and said such assistance, based on merit, was common for women (but also for men) in their country. Most had worked while a student but few had to work; and they were employed in law-related jobs that prepared them for the profession.

Few in Guatemala or Peru had received any kind of non-family financial aid, and most in Peru said their families or their spouses helped put them through law school and they did not have to work while a student. In Guatemala, however, most of the practitioners contacted <u>had</u> to work while a law student -- and many had worked as secretaries or school teachers.

More women in Costa Rica and Guatemala than in Peru identified their financial situation while a student as "good." Responses in Peru were greatly influenced by the economic crisis; and women respondents there, most of them of the upper-middle class, made comments indicating that their perception of their economic situation as less than "good" reflected a sense of instability along with disgruntlement at not being able to maintain an expected standard of living as inflation worsened.

In general, the impression was gained that women in the law in Costa Rica (compared to practitioners in Guatemala and Peru) are more comfortable and competitive with men and more established in the profession in the strong and independent system of justice in that society.

In the examination of women working in the <u>judicial sector</u>, the following comparisons stood out as the women answered questions and expressed their opinions on this topic.

	Guatemala	Costa Rica	Peru
Women concentrate in certain areas of the Judiciary (% "Yes")	100%	42%	58%
Women judges have the confidence of:			
Colleagues (% "Yes")	46%	75%	67%
Clients (% "Yes")	46%	83%	75%
Society (% "Yes")	46%	83%	75%
Women judges try to improve the rights of women (% "Yes")	15%	17%	25%
Women judges try to help one another professionally (% "Yes")	23%	0	33%

It should be noted that the panel of women respondents in Peru contained seven judges; while in Guatemala only four and in Costa Rica only two members of our panels were, themselves, currently serving as judges. Thus responses regarding the Judiciary in Peru were based more on personal experiences of the respondents than in Guatemala and Costa Rica.

In each country, women are moving into the Judiciary in increasing numbers but they face special obstacles as women as they attempt to rise in a hierarchy still controlled by men. One or two have risen to the Supreme Court both in Guatemala and Costa Rica, but no woman has yet become a full Supreme Court Magistrate in Peru (other than as a "substitute"). In each country, advancement above the lower courts is difficult.

In Guatemala, all respondents felt that women in the Judiciary are concentrated (both by choice and by assignment) in certain areas: Family, Minors, Penal. In Costa Rica, where the strongest views were expressed that women can be equal participants with men in the legal profession, fewest respondents said women judges concentrate in certain areas. In Peru, the majority said women do concentrate (or are concentrated by assignment) in certain areas, but the respondents (many of them judges, reflecting their own experiences) cited a fairly broad spectrum of judicial areas -- although most were in the lower levels of the judicial hierarchy.

Perceptions and judgments on "confidence in women in the judiciary" reflected the different conditions (and positions occupied by the respondents) in each country. In Guatemala, least strength was shown in the "confidence vote," and comments stressed the pervasive and continued strength of "la cultura machista" that denies women's capabilities in positions of influence and power. In Costa Rica, confidence in women judges

was most strongly affirmed and comments leaned toward "equal with men." In Peru, perceptions of confidence were almost as high as in Costa Rica and comments indicated a great deal of pride in demonstrated abilities and earned reputations for honesty and probity.

Responding to questions that seemed to ask whether women in the Judiciary are, or should be, advocates of women's rights, respondents in all three countries rejected this view. Women achieving responsible roles in the Judiciary, and other women law practitioners considering the functioning of these judges, said (in effect) that women wish to see the law upheld and the impartiality of the judge asserted and maintained. Their comments indicated that the rights of women can best be promoted by insuring that there be equality before the law.

According to our respondents, women in the judicial roles have little opportunity, and perhaps little inclination, to "help one another professionally." Those who did not avoid this question agreed that there was little mutual professional aid practiced among women in the Judiciary. A few said this was a matter of suspicion and competitive hostility. But the more common view was that geography and organization structures and established procedures prevent this from occurring. It appeared that few steps have been taken or contemplated to enable women to support one another or organize as a group as they strive for greater acceptance, legitimacy and power in the Judiciary.

While most respondents in all three countries avoided expressing strong views that women should organize and support one another as a "faction," most also spoke with concern of the existing concentrations of power, influence, and connections in the Judicial hierarchies in the hands of men. This situation is reinforced by tradition. The women clearly saw the problems of competing with men on connections and in the politics of the profession and its institutions. Many commented on the present insularity and isolation of their work in the Judiciary; and a few specifically expressed a yearning for opportunities to learn and exchange ideas both within their countries and across national boundaries. But even as their numbers were growing, little mutual assistance among women judges (and other practitioners) was evident and little preparation was being made to organize for mutual support and to compete more effectively with men.

In fact, avoidance of power struggles and disaffection with "insider" networks may be, currently, a counterpart of the distinctive sensitivities women bring to the profession and to the law -- and to the Judiciary -- in Latin america.

Key Problem Areas

Five key problem themes were identified by this study. Each is a derivation of the pervasive theme of "the traditional "Machismo" culture."

1. The Machismo Culture. While sexual equality has been proclaimed in democratic constitutions in Latin America, more than in non-Latin countries, such equality does not work in practice in the household -- and this spills over into attitudes and practices in the broader society. These societies, more than others in the Americas, persist in defining the home and motherhood roles as primary for women, with all other roles not only secondary but even "unnatural" for women. And when they do participate in such activities women are viewed (especially in countries like Guatemala) as "intruders" or "visitors" by men. A woman practitioner in Guatemala explained: "We are still in an 'ambiente machista.' The male lawyer with whom we deal," she said, "wants to subordinate us and treat us as he does his wife and his daughters." Another pointed out how school textbooks still emphasize women in the stereotyped domestic roles. And a practitioner in Peru, acknowledging that women now receive greater support from family and spouse to enter a profession like the law, said that tradition still bears heavily on women's self-perceptions. She said: "The instinct of a woman to give or please at home is much stronger than the drive for independence or self-actualization through a profession....Tradition and custom do not stimulate the woman to develop herself independently and autonomously."

2. Not Staying With the Career. Our study could not obtain reliable estimates on the proportions of women law students who go on to practice legal careers. In Guatemala and Costa Rica, it appeared that most female law graduates attempted to pursue the profession although (especially in Guatemala, although it happens in all three countries in one degree or another) they often practiced law part time -- carrying on a practice with a private clientele while holding on to a salaried position (that in some cases might not adequately utilize their legal training). But in Peru, several informants described how the pulls for self-realization are less strong than those of home and family. In Peru, we heard it said that the university and its law school are now widely accepted as a proper milieu for the young woman -- a good environment for her to deal with the two major aspects of her life, her home and maternity. Someone also pointed out that lack of day care centers in Latin America further discouraged professional practice in a female population strongly oriented to women's maternal responsibilities. But a female law school dean in Peru said that, in her experience, the motivation for the career is lacking. She said that although the women are the best and the brightest students, once they finish their studies many will not obtain the license and fewer still will practice law.

Those she had followed up and interviewed told her, simply: "I got married," or "I have children."

3. Problems in Private Practice. While women attorneys in the United States made dramatic strides in the 1980s in moving into the large private law firms and in rising to "associate" and "partner" in those firms, the private sector in the legal profession in Latin America has seen very few strong inroads by women. The private firms (in Costa Rica and Peru) that could be called "major" in size are very negative about hiring women let alone making them associates or partners. In Peru, the large firms say they are structurally unprepared to bring in women and that they don't even have bathrooms for women and they further object that "when men congregate they use language that is not used in front of women." Most women who choose private practice compete as sole practitioners selling their individual services (often part time). And even women attorneys (at least in Guatemala) said women as well as male clients prefer to have legal representation by a man. In Costa Rica, however, a successful woman in private practice has formed her own all-women firm, which presently consists of five attorneys and three law students; and she has become highly competitive while giving women the opportunity of learning in a private law office. In Guatemala, where private practice was described as a matter of many sole practitioners but with non-incorporated clusters of lawyers sharing offices and associating together to provide mutually supportive services, a female attorney said: "There are many male attorneys who now seem to prefer women as associates. We find that the more mature men are beginning to look at the product of the work of the individual instead of at the sex" (and she felt women were more disciplined and better organized than men in performing methodical legal work). In Peru, where somewhat large law firms do exist, the strongest complaints were heard about problems of breaking into these male bastions. A (female) law school dean said: "I do not know of any women practicing law in those [eight or so] law firms in Lima having 12-20 lawyers." Thus a vicious circle exists: the large law firms won't hire women and thus do not give them a chance to exercise in practice what they have learned in law school. The process of "mentoring," so important and significant in the legal profession, is denied to women -- except where an exceptional woman practitioner, as in Costa Rica, can form her own successful firm and provide this opportunity for other women.

4. Problems in the Public Sector. Many of the women practitioners contacted had entered the public sector, working in ministries or other government agencies and as judges in the Judicial Sector. The key problem they face was crystallized by a woman judge in Peru in the phrase: "El que tiene padrino se bautiza" (He who has a godfather is baptized). Women begin as outsiders, and the hierarchies and networks of connections are very resistant to women. Women also are more accepted in

secretary-of-court roles and in positions where analytical and more tedious legal work is the major requirement. A lower-level female judge in Costa Rica, who had been passed over for promotion in favor of a man of much less experience, said that if there is a woman competing the balance will always shift in favor of the men. But she felt women in the Judiciary are stronger and less yielding to influence than men, who feel strongly the influence of their friends and colleagues over drinks, dinner and other male congregational activities -- in the inner-working networks and "games" from which women are excluded. There was potential strength, she felt, in not playing the old games by the old rules. In Peru, the great influx of women into the lower ranks of judgeships began in 1984 when then-President Belaunde Terry opened up many opportunities for women to be Justices of the Peace. But the uneven competition really comes into play at the higher levels, where (in the appointments) men support each other and, in general, exclude women. And today, in Peru, politics plays a stronger part in selections than ever before (it was said). With the current economic crisis, the scramble for jobs and economic security has intensified, and the men, who have the best political connections, are getting the preferred judicial positions more than ever before.

5. Special Problems in Outlying Geographic Areas. The systems of justice are especially fragile and underdeveloped in the outlying areas of each country. In those areas, the older traditions of "machismo" and women's proper and inferior "place" are strongest. Thus women face greater problems than men in performing in a legal role, as attorney or judge, in the hinterlands. Even in democratic Costa Rica, a respondent described how her early-career experiences as the first woman judge in an outlying community were replete with disrespect for her authority. She said: "I even had problems with the police, who did not obey my orders until I ordered that a policeman be arrested." The most poignant complaints, however, were voiced in Peru, where the terrorist groups currently harass and contest for control, and both the military of the established government and the revolutionary groups undermine and attack the power and authority of the local courts. A woman judge told how she is caught between these forces, receives no outside support from the central government, and lives under constant threats from the military and the sendero luminoso and other terrorist groups. She indicated that this contempt for judicial authority compounds the contempt shown toward women in the law in the hinterlands. The military commander makes fun of her youthfulness and her sex and tries to treat her as a joke. The lawyers also show disrespect and try to abuse her and bully her psychologically. Thus in the hinterlands, where the systems of justice are most fragile, the problems of women in the law are increased. In those settings, especially in countries such as Peru and Guatemala, the problems of social and political isolation -- the lack of organization for mutual support -- are exacerbated by

geographic isolation.

Recommendations

Our general approach to addressing symptoms of the basic problem examined by this study can be stated as:

- Overcoming isolation of women in the law.
- Enabling new supportive organization to take form.
- Promoting mutual support and mutual learning.
- Promoting improved intra-country and inter-country communication.
- Providing technical improvements where deficiencies most penalize women.
- Providing training in substantive areas where opportunities for acquiring skills and practical experience are most lacking for women.

In following these guidelines, this study advocates that future steps look first to calling upon, and enabling, the women practitioners to help themselves as they support and learn from one another.

Our specific recommendations for future actions are:

1. Fund and orchestrate an in-depth study of problems and practices of women judges who administer justice at the local level in the various countries wherein AID/AOJ support is being provided. (The study should draw many female judges into the study process.)

2. Nurture new forms of organization and assistance among women attorneys by providing subsidies to pay for infrastructure for such arrangements. ("Infrastructure" could be elements like office space and equipment and secretarial help; and the new forms of organization should be decided upon by the women in their own societies and cultures.)

3. Provide funds for a newsletter distributing and exchanging information on women in the law or, specifically, on women practicing in the criminal justice area. (Newsletter(s) could be national or regional in coverage.)

4. Provide funding for regular, periodic regional conferences on women in the law in Latin America. (Topics for conferences could be selected by the polling of practitioners, perhaps through newsletters.)

5. Organize and provide technical training for the role of Secretary of the Court. (Curriculum should be developed with heavy involvement of women judges in the study process.)

6. Provide technical assistance for improved court record-keeping. (Court-recorder devices could be installed where they are now absent and trained technicians -- perhaps Peace Corps Volunteers -- introduced temporarily in Court-Recorder roles in locales where they are acceptable.)

7. Provide funding for day care arrangements in both the public and private sectors. (The forms of day care service should be decided within the countries and local cultures by the women law practitioners, who doubtless will reject highly impersonal types of services.)

8. Provide funding for the development of curriculum for the primary and secondary schools that challenges old stereotypes of women and reinforces motivations by young women to pursue legal careers. (Indigenous women law practitioners should work with education specialists in a given country on this effort.)

9. Provide funding to promote and enable mentoring in private practice for women attorneys: both by successful women practitioners and by successful male practitioners. (Funding could subsidize internships.)

10. Provide funding for the establishment of a chair for a woman professorship at the various law schools. (Positive and negative views on this move should be solicited within the profession in each country before the chair is established.)

11. Provide for interchanges with the American Bar Association whereby women attorneys from Latin America come to the U.S. and meet with women lawyers here who are involved in advancing the role of women in the legal profession. (Much learning on both sides can result from this.)

12. Provide funding for training seminars on criminal trial work and in various criminal justice areas through the law schools or the Bar Association in each country. (Again, close examination through the practitioners themselves of the problem and the need should precede these seminars.)

13. Provide funding for inter-country and cross-cultural (U.S.-Latin America) seminars on the criminal justice process through the American Bar Association Litigation Section and the American

Trial Lawyers Association.

It is hoped that these recommendations will add positive force to changes that are already underway in Guatemala, Costa Rica, and Peru -- and all across Latin America. For the legal profession, more than any other traditionally male profession, is having to make adjustments to incorporate this large new population: women, with somewhat different perspectives, even different instincts, for resolving legal situations and bringing justice to citizens. Within the next decade, and into the long-term future, the impact of women will be strongly felt. As a result, the legal profession in Latin America will undergo profound changes.

Hence, quietly, but with resoluteness and determination, women in the legal profession (and many other sectors) in the countries of Latin America are gradually undermining the old stereotypes by their intelligence, their competence, their courage and dedication, and their will in the world of the "machistas." Little by little they are winning respect and admiration as professional practitioners, as attorneys. By simply outperforming their male colleagues in the various tugs and pulls of the practice of law in a day-to-day basis, women are winning their spurs.

Women in the three countries we studied have come to realize that decisions affecting their lives and their future well-being are made on political grounds and by males who have not had much respect for them in the public arenas. But they are learning they no longer have to be mere supplicants before the "machos" in the courtroom or in the world of business.

In our view, based on insights from this brief study, profound social changes will extend far beyond the inner workings of the profession. They will extend to whole societies which, increasingly, will become societies of laws with justice diligently pursued by the actions of both men and women attorneys and judges.

We believe many women will be in the vanguard of that pursuit.

I. BACKGROUND

A. The Issue and the Study Problem

Two forces having great potential for developmental change are viewed in combination in this preliminary study: first, the institution of the law; and second the female population now finding growing opportunities to participate in the legal profession in countries of the less developed world. The focus on women in the law is drawn here in three countries of Latin America: Guatemala, Costa Rica, and Peru.

In fact, the convergence of the "women issue" with the "law issue" may be the link ensuring that this study addresses the broader issue of developmental change. For some students of development view the law as more a hindrance -- a perpetuator of class divisions; lagging behind social reality to graft solutions on the pattern of the past(1) -- than a facilitator of social change. But changes in the status of women in developing countries and increasing opportunities for their participation in the legal profession in those societies are clearly manifestations of developmental change. And this study is motivated by the possibility that greater participation by women in the legal profession in these three countries -- and possibly other Latin American societies -- will contribute transformations to the law while energizing that institution as a greater force for justice and popular democracy. Thus, we are concerned in this study with the following key questions for which we shall seek to provide at least some answers.

> What are the practices of law schools and the situations of women attending law schools that inhibit or facilitate the entrance of women into the legal profession?
>
> What careers are chosen by women who graduate from law school and what forces shape those choices?
>
> What is the situation of women in the judiciary?
>
> What are the societal attitudes toward women in the legal profession; and do women in that profession adopt attitudes, follow distinctive issues, and act professionally in ways that are different from the behaviors of men in the legal profession?
>
> How do professional associations represent and support women in the legal profession?

Do international organizations facilitate participation by women in the legal profession?

The broad cultural and geographic backdrop for the study's exploration of these areas of questioning is Latin America. The tri-country focus on the three countries of Guatemala, Costa Rica, and Peru brings in view societies having in common a Latin culture and legal systems but many other distinctive characteristics as well.

B. Women in the Law: A Worldwide Trend

Following World War II a noticeable upsurge occurred in participation by women in the legal profession. The history of women in all the "learned" professions -- law, medicine, and the ministry -- is quite brief; and their entry into those professions was actually prohibited by law in a number of countries until many years of the present century had passed.(2)

In the United States, women first were allowed to enroll ("in small numbers") in the Harvard Law School in 1950; and Washington and Lee University was the last to admit female law students, in 1972.

Thus the rapid growth of female numeric representation in the legal profession is quite startling. By the 1960s, women were about 3 percent of all law students in the United States. But a leap forward in the 1970s led, by the mid-1980s, to a stabilized figure in the United States of about 40 percent women among law students, and some highly-rated law schools had enrollments of more than 50 percent women.(3) In the U.S. by 1988, the entering law school class of 42,860 included 18,395 women (some 43 percent). We found somewhat higher percentages of women (presently) among all law students in each of the three countries we studied in Latin America.

Historical data available on Brazil will help illustrate developments in Latin America. Figures for Brazil show that women were 25 percent of law graduates in 1980. The situation in Brazil tends to reflect a defining characteristic of women in the law in Latin America: law attracts and is open to predominantly a social elite; and in Brazil, where law represents a liberal education for women in the upper strata, women are some 25 percent of the law graduates and 21 percent of legal professionals.(4) Figures for the United States in 1983 showed that women constituted 34 percent of the new entrants to the legal profession but still represented only 12 percent of lawyers. But, (as shown above) those figures have increased in more recent years.

Thus in most countries the influx of women into the legal profession still leaves that profession predominately populated by men. And in most parts of the world, women are concentrated in the lowest echelons of the profession. For example, in Brazil women are 46 percent of all legal aid attorneys (who earn the lowest salaries) and 20 percent of public prosecutors. In Brazil, police chiefs are law graduates and settle many disputes, since poverty makes the courts inaccessible to most of the people. However only 6 percent of the police chiefs in Brazil are women.(5) In Costa Rica, the proportion of women among all law graduates has gone from 10 percent in 1981 (37 out of a total of 110 graduates) to 45 percent in 1986 (187 out of a total of 416 graduates).(6)

Some feminist advocates speculate that the strong infusion of women into the legal profession can lead to "feminization" in more than numeric representation: that the "special" qualities of women -- empathy, nurturance, concern with ameliorative problem-solving more than the winning of contests -- can transform, to a degree, the way law is practiced and systems of justice operate. But such results remain to be demonstrated. And one analyst of the feminist position has noted, comparing the history of women in the law to the penetration by women into other professions:

> Although some women lawyers developed a reform culture emphasizing the need for protective labor legislation and women's special legal talents, women generally did not appeal to courts and legislatures on the basis of their "special" qualities, as strongly as they did in medicine and teaching.(7)

Therefore, the "formal equality model is...strong among contemporary feminist lawyers" -- who strive, mainly, to compete and achieve success within a system dominated by male modes of thought and behavior.

Is the situation any different in Latin America? Are there antecedents and current conditions there that suggest distinctive -- perhaps more "transforming" -- ways in which feminization of the legal profession may occur in that region of the world?

C. The Status of Women in Latin America

1. Education

In the less developed countries the worldwide trend of women moving into the legal profession has proceeded apace with a general improvement of women's educational and economic

opportunities. In Latin America the change is especially dramatic because the Spanish colonial heritage of the region reserved secondary education for boys and left girls, in the great majority, unlettered. Thus in Latin America (as worldwide) women still contribute disproportionately to the illiterate population.

But that picture is changing rapidly -- and especially (among less developed countries) in Latin America where, at least in urban areas, the interest in education is growing dramatically and mass compulsory education for all has been accepted since World War II as an ideal to be pursued.

A recent USAID-supported report stated that both "women and men in Latin America and the Caribbean increasingly view literacy and education for women as positive enhancements for their status." The report contrasts past and present:

> In the past times when women stayed at home, even educated men often did not seek wives who had been to school. Fathers and mothers believed that schooling would detract from a daughter's chances to marry. Today, however, education and literacy are considered prerequisites for jobs in the formal sectors. Families at all class levels except the privileged elites depend on multiple income earnings of all able-bodied adult members (and sometimes their child members) for survival. Because of the presumed link between education and employment, learning has become the greatest single aspiration of young and old at all socio-economic levels throughout the hemisphere, for women and men alike.(8)

This same report reveals how the increased emphasis on education for women has affected literacy rates and narrowed educational disparities between the sexes. Considering the three Latin American countries that are the focus of this study, and selecting age groups most likely to be affected by the changes of recent decades, Table 1 (9) provides information on literacy and school enrollment, comparing the two sexes.

Clearly the narrowing of educational disparities between the sexes has varied greatly across the countries of the region. Moreover, rural/urban differences are great in most countries, as shown in Table 2 (10) where school enrollment figures for a particularly significant age group (perhaps most vulnerable to dropout) are compared for rural and urban areas in the three countries.

The emphasis on education is considerably greater in urban than in rural areas in all three of our countries, although (except in Peru) the magnitude of difference between the sexes

remains about the same within the rural and urban groupings.

The trends of recent years show how women in the countries of Latin America have greatly improved in educational attainment and in those attainments in relation to men. At the first and second levels, school enrollment for girls nearly doubled between 1965 and 1977. Moreover, "in the early school years, girls sometimes participate at slightly higher rates than boys, and at the secondary level the two sexes often are at or near parity."(11)

It is in higher education where the disparities between the sexes continue to be great. "Far fewer women than men are enrolled in post-secondary institutions, whether at university or at vocational schools." And at the university level, "far fewer women are in school in relation to their numbers in the total population."(12) For recent decades on which data are available, the picture of female enrollment in universities is as follows (Table 3) for the three Latin American countries that are the focus of this study.

Table 3

Percent Female Among Enrolled University Students in Years 1960, 1965, 1970 in Three Latin American Countries(13)

Country	1960	1965	1970
Costa Rica	45	41	41
Guatemala	9	15	19
Peru	27	(NA)	35

2. Employment

The numbers of women participating in formal economic activity have also been increasing greatly in the countries of Latin America. This change appears both in relation to the total female population of working age and as a proportion of all workers. These participation rates vary greatly, however, between the different countries of the region, and are lowest for one of the countries of this study -- estimated for Guatemala at only 12 percent in 1970. But projections for the region as a whole are that the female work force will increase by about 3.5 percent per year to the end of the century -- growing from about 23 million in 1980 to 55 million in the year 2000.(14) The picture comparing men and women "economically active," based on

findings for the most recent years for which data are available, is presented (for our three countries; separating rural and urban areas) in Table 4.(15)

Table 4

Percent Economically Active Among Population Age 10 Years and Over,* By Sex and By Rural/Urban Areas, For Three Latin American Countries

Country	Rural Population		Urban Population	
	Female	Male	Female	Male
Costa Rica	21.1	77.5	31.0	71.3
Guatemala	4.8	80.1	23.4	68.2
Peru	19.6	73.1	23.3	62.7

*Data for Costa Rica and Peru are for 1981; data for Guatemala are for 1973. Age grouping for Costa Rica is "12 years and over."

Clearly, differences between the three countries in this picture of labor force participation by women narrow greatly when concentration is upon urban areas. And when "female share of the labor force" is plotted for urban areas alone (combining all age groups), differences almost disappear (as shown below):(16)

	Female % of Urban Labor Force*
Costa Rica	32.2
Guatemala	27.6
Peru	27.8

*Years for and groupings of the data are the same as specified for Table 4.

Given these increasing levels of participation by women in the labor force in urban areas, what occupations do women follow in greatest numbers? Table 5 (17) presents the picture for our three Latin American countries, plotting female and male participation in the "Nonagricultural Labor Force."

Table 5

Distribution in Percent of the Nonagricultural Labor Force, By Sex, in Three Latin American Countries

	Principal Occupation Groups											
	Prof. & Tech.		Directors Superv's		Admin. Personne		Clerical Sales		Services		Production & Related	
Country	F	M	F	M	F	M	F	M	F	M	F	M
Costa Rica	21.2	11.1	0 9	3.4	11.0	9.4	8.7	14.7	41.6	11.0	16.6	50.4
Guatemala	9.1	6.8	2.7	4.2	7.0	6.2	15.9	12.7	42.9	8.9	22.4	61.2
Peru	17.8	12.3	0.2	1.1	22.1	16.7	22.4	17.0	23.8	9.0	13.7	43.9

*Figures for Peru are from 1981 data; for Costa Rica and Guatemala, 1973 data were used.

The "Latin" pattern, in nonagricultural occupations, of male dominance in "Production" work is clearly shown in Table 5 although in Guatemala "Production" is second in female representation in occupation groups. But most significant in these findings is the high representation of women in the "Professional and Technical" category (considering all women in the urban labor force), although women still appear in much smaller proportions than men as "Directors, Supervisors" and tend to be most heavily represented in "Services." Among our countries, Costa Rica shows greatest female proportions in the professions, followed by Peru and Guatemala.

The circling in the table of the predominant female urban occupation groups in each country prepares the way for further discoveries of similarities and differences in the three countries.

Considering general trends in Latin America as a whole, recent censuses show the job market to be expanding and that professionals are in short supply in many fields. These forces of supply and demand, combined with the growing acceptance of the value of education for both men and women, have pierced many gender-based barriers and enabled women to find employment in fields traditionally reserved to men.

Still, the (relatively) high rates of female participation in professional, technical and service occupations are strongly influenced by women's over-representation among primary and

secondary school teachers, nurses, pharmacists, and lab technicians. And none of these career lines carries great prestige in Latin America, while men are represented much more than women in the director and supervisors category -- associated with greater earnings, prestige and power. Moreover, women receive lower salaries than men in performing all types of economic activity although women in the labor force are, as a whole, better educated than men in the labor force. The salary gaps are greatest at the highest occupational levels; and women are absent completely from the top salary categories in some countries.(18)

In spite of these disparities and continuing barriers, women in Latin America are making notable progress in fields traditionally reserved for men, and a significant path in this progress has been employment in the public sector bureaucracies-- even in ministries that do not deal specifically with women's concerns. The AID-supported survey of women in Latin America stated in 1984:

> Trained in law and public administration, many women find greater scope for advancement and challenge in the less remunerated government service than in the male-dominated private sector. At all but the highest levels throughout the region, women are directors and subdirectors of government bureaus and ministries; as well, they often outnumber men in the lower ranks, although the top ministerial posts are still reserved mainly for men.(19)

3. Political and Judicial Participation

Recent (1989) findings of a survey by the Inter-American Commission of Women (CIM), although spotty and incomplete, provide further information for profiling the three Latin American countries focused upon in this study preparatory to a closer examination of their women in the legal profession. The CIM examined juridical and political aspects of women in Latin America. The facts presented in Table 6 (20) are especially relevant to the comparative backgrounds and statuses of the three countries as settings for women practicing the law and, increasingly, participating in the public sector.

Recognizing the still limited extent of female participation in political life in Latin America, CIM adopted in 1986 a Plan of Action entitled "Full and Equal Participation by the Year 2000." Reporting in 1988 on the pursuit of this goal of equal participation in politics by women, a CIM seminar identified numerous obstacles that reflect current conditions, or at least perceptions by women leaders of those conditions, on the status of women in Latin America. Of particular relevance to our study were the following perceived obstacles:(21)

Table 6

Comparisons of Three Latin American Countries on Selected Political/Juridical Conditions Relevant to Women's Equal Rights and Public Participation

Country	Year of Universal Suffrage	Conditions of Voting: Minimum Age	Conditions of Voting: Same for M&F?	Conditions for Holding Office Same for M&F? Hd. of Govt.	Conditions for Holding Office Same for M&F? Minister of State
Costa Rica	1949	18	Yes	Yes	Yes
Guatemala	1965	18	Yes	Yes	Yes
Peru	1975	18	Yes	Yes	Yes

Participation by Women in Electoral and Judicial Process:

	Yr. of Right to Stand for Election	Executive: Yr 1st Female Elected	Nat'l Legisl.: Yr. 1st Female Elected	Judiciary: Yr. 1st Female Elected
Costa Rica	1949	1948 (Minister) 1986 (VP)	1953 (Deputy)	1984 (Sup. Ct. Member)
Guatemala	1945	1983 (Minister)	1956 (Deputy)	1960 (Judge)
Peru	-	1988 (Minister)	1956 (Senator)	- -

Progress of Women Participating in Legislatures:

Number & Percent Female in Unicameral Legisl's (in Costa Rica & Guatem.) and in Upper Chamber of Bicameral Legislature (in Peru) in Different Years

		Total Seats	Numer of Women	Percent Female
Costa Rica:	1962	57	0	0.0
	1966	57	3	5.3
	1986	57	7	12.3
Guatemala:	1985	100	7	7.0
Peru:	1980	60	2	3.3
	1985	60	3	5.0
(U.S. Lower House):	1960	435	17	3.9
	1986	435	23	5.3

- Little or no participation by men in family life (so that family responsibilities fall disproportionately on women).

- Delayed access by women to every type of public activity because of family and child-rearing obligations.

- Religious and cultural structures that restrict the range of activities available to women.

- Lack of solidarity among women: feelings of envy toward other women; women in power positions not fighting for other women; lack of broad-based women's organizations promoting the role of women in society.

- Male chauvinist discrimination that distorts women's own thinking and self-perceptions.

- A tradition of hierarchy and centralization, inhibiting attempts by women to carve out political space for themselves.

- Political power predominantly in male hands, and lack of awareness by women that they must gain access to the core of decision-making to achieve their goals.

- Political parties organized in terms of men and for men, with women left on the sidelines of the political parties.

The CIM Plan of Action for Equal Participation by the Year 2000 clarifies further some of the conditions profiled in our preceding tables on the status of women. Citing the advances in formal education, and the fact that coeducation has become widespread (offering the same courses for men and women students), the Plan notes that in Latin America: "Female students at the intermediate and upper levels elect disciplines in the humanities, education, health sciences, and communications, and it is only as an exception that they take up basic sciences, such as agriculture, engineering, and the like." Moreover, although female enrollment in vocational schools and technical and job training programs is on the rise, women's participation is concentrated in service areas or support to other activities.

In education in traditional learning institutions, the incorporation of women in vocational and professional disciplines concentrate "on the humanistic and support services side"--areas that tend to pay less and which "isolate women from an increasing share in decision-making matters." Even in the

teaching profession, where women are predominantly represented, in most of Latin America women have reached only the intermediate decision-making level. Nevertheless, education is the field in which women have achieved the greatest relative participation in determining the direction of government action.(22)

Stressing the integration of women into politics as the best means for attaining their participation in the development process, the CIM Plan of Action for Women takes note that women in Latin America have turned in significant numbers to law studies. But is this affecting political and public participation by women? We can say with some confidence that in the three countries under consideration the public participation of women is still very limited and insignificant. The one country with increasing participation of women in the public and political life of the Republic is Costa Rica where there is even talk of having a woman as President and the wife of the former President (Arias) is mentioned as a likely candidate.

The Plan further states that across most areas of their public participation, even in trade unions representing teachers and nurses (where women are a majority of the membership), "the positions of leadership are still generally held by men." With this very limited assimilation into the political parties, "women candidates for elected positions are very few." And although participation by women in the Executive Sector of government increased during the Decade of Women (1976-1985), cabinet positions held by women are mostly in the ministries in the social sector -- Education, Public Health, and Labor, usually considered as secondary from the political viewpoint in Latin America. Moreover, "Women have almost never held key cabinet posts such as heads of the Ministries of the Interior, Justice, Defense, Public Works, and Finance."(23)

But what of the law profession? Does it show promise of opening new vistas in the move toward "full and equal participation of women in politics" -- and thus in public life in general? The CIM Plan can note only advances for women (with legal training) in the Judicial Sector where women "have a relatively high and apparently growing representation at the local judiciary level, although again, most judges are men. The number of women on courts that have broader jurisdiction is less, and hardly any women sit on the Supreme Courts or on the courts of equivalent ranks."(24) In each of the three countries under consideration this pattern is especially true at the higher levels of the judicial system, that is, that although women are adequately represented in the lower judicial positions, in the higher positions they are the exception.

What are the potentials of the legal profession in Latin America for contributing to development through the participation of women? Does the practice of law by women show promise for

contributing to full participation in politics and public life by women?

Our study held these broad issues in view as it examined the role of women in the justice sector. Let us review the study's mandate and methods before describing more specifically the tri-country contexts for our findings and the answers to the basic questions we posed to selected women occupying varied roles in the justice systems of Guatemala, Costa Rica and Peru.

II. MANDATE AND METHODS OF THE STUDY

A. The Charge

A broad mandate for this "Assessment of the Role of Women in the Justice Sector in Latin America" required the gathering of information from a number of sources in a number of locations. A comprehensive picture of women in the justice sector was asked for in the assessment. The general areas of exploration, introduced at the beginning of this report, were to be examined through more than 50 specific questions covering the following areas:

- Law Schools (Deans, Professors and Law Students)
- Postgraduate Placement
- Women in the Judiciary and Women Practitioners
- Social Perceptions of Women in the Judiciary
- Bar Associations
- International Organizations

B. The Study Methods

Answers to the varied questions were to be obtained from documentation and knowledgeable persons at a number of sources; and finally, key questions were to be explored directly in interviews with persons in the legal profession in Guatemala, Costa Rica and Peru.

The sources and types of background documentation and the contacts for knowledgeable views on women in the justice sector were identified for the study as:

- AID Offices in Washington and Mission Offices in Latin America
  - Women in Development Office and Guidelines on Women and Latin America
  - The AID Administration of Justice Project

-- Project Papers

-- Personnel in Washington and at Missions of Guatemala, Costa Rica and Peru

-- Florida International University

- International Organizations

  - Instituto Latinoamericano Para la Prevencion del Delito y Tratamiento del Delincuente (ILANUD), in Costa Rica.

  - The Inter-American Bar Foundation, in Washington.

  - The Inter-American Commission of Women (of the Organization of American States) in Washington.

In addition, and most significant for the distinctive contribution the study could make, direct information was to be obtained from at least 40 female judges, law professors, law students and practicing attorneys, and from the Presidents of Bar Associations (Colegios de Abogados) and other informants in the three countries.

One basic instrument was developed for the study: A questionnaire (See Attachment I) containing 62 questions and sub-questions, translated into Spanish. This questionnaire, covering the areas presented above, served as both a guide for information sought (in selected areas and on selected items) at the various organizations contacted and as an interview guide used in face-to-face sessions. These interview sessions were held with selected persons, mostly deans of law schools and presidents or representatives of the Colegio de Abogados in each country but also women practicing attorneys serving in key roles in the legal profession in the three countries.

In summary, the actual sources and informants in the data gathering process were:

1. AID (particularly personnel of the Administration of Justice Project, including key personnel at Florida International University involved in Justice Sector Assessments of Guatemala and Costa Rica; and the relevant documents pertinent to the Project).

2. Sector Assessments for Guatemala and Costa Rica prepared by Florida International University.

3. Administration of Justice Project Regional Evaluations.

4. Women in Development documents obtained from USAID/Washington WID Office.

5. International Organizations (in the U.S. and in the three countries).

6. Literature pertinent to the participation of women in the social and economic life of the three countries obtained from the U.S.Bureau of Census.

7. Literature provided by the OAS/CIM Office in Washington.

8. Literature pertinent to women in the legal profession (in the world and Latin America).

9. Pertinent U.S. Department of State documents.

10. International Organizations (in the U.S. and in the three countries).

11. Law Schools: Law School Deans and Female Law Professors and Students.

12. Female Practicing Attorneys and Prosecutors.

13. Female Judges and Supreme Court Justices.

In addition, a number of interviews were conducted using a tape recorder. These interviews gathered information regarding the legal system and the status and role of women in the legal profession in each of the countries studied. As part of this important exercise female attorneys, judges, and law students were interviewed to obtain the viewpoints and perspectives of women in the legal profession and as a means of understanding the working of the legal system within each of the respective countries.

As we prepare to draw a sharper focus on our findings from the in-country law practitioners, we shall first describe the country settings and the justice sector contexts for these practitioners -- learned mainly from the organizational informants, the pertinent literature and the tape-recorded interviews.

III. THE REGIONAL AND COUNTRY SETTINGS

A. Profiles of Three Countries

In Table 7 (25), significant facts on the three countries studied are presented, comparing them in size and on other significant dimensions. Costa Rica, the smallest of the three, is slightly smaller than the state of West Virginia. Peru, by far the largest, has about three times the land area of California. Guatemala, twice the size of Costa Rica, is roughly comparable in total area to the state of Tennessee. In all three countries, over 1/3 of the total population live in the capital city, and each of the capital cities represents the largest urban concentration. Hence, the lawyer populations of the three societies are overwhelmingly concentrated in the three capital cities of Ciudad de Guatemala, San Jose and Lima.

Guatemala retains by far the greatest proportion of its work force in agriculture. In that country almost 70 percent of the urban population are 30 years old or less. Along with Peru, Guatemala has a large Indian population; and this Indian population, descended from the Mayas, is in many distinctive subgroups speaking some 23 different language dialects. Current modernization and development efforts in Guatemala attempt to draw upon this rich Indian heritage while bringing the Indian population into greater participation in formal education and non-traditional economic activities. The local definition of "Ladino," however, illustrates the problem of reconciling the old with the modern; the Ladino in Guatemala is an individual who adopts the urban Occidental lifestyle (language, clothing, etc.). The term dramatizes the problem faced by today's leaders in trying to promote both development and maintenance of the Indian heritage.

By contrast, Costa Rica is a highly homogeneous society. Most of its population have descended from the Spanish-European settlers who originally formed an autonomous and individualistic agrarian society with an egalitarian tradition -- a society of small landowners largely isolated from the Spanish colonial centers of Mexico and the Andes. Costa Rica in the modern day is a leader in Latin America (and in the third world in general) in education and health and, of course, in democratic government. It strives for, and has almost attained, 100 percent literacy and has infant mortality rates much lower than those found in Guatemala and Peru.

With 1/3 of the population of Guatemala, Costa Rica has a yearly "Central Government Budget" of nearly $800 million while Guatemala shows a yearly "Central Government Budget" of just $2.5 million; and only 10 percent of Gross Domestic Product (GDP) in Guatemala is in the public sector. Thus Costa Rica far exceeds Guatemala in expenditures on education and health -- and in

Table 7

Comparative Profiles of Three Latin American Countries

	Guatemala	Costa Rica	Peru
Area (sq. miles)	42,000	19,652	496,222
Total Population	8.5 mil.	2.8 mil.	20.5 mil
Capital City & its Population	Guatemala City: 1.8 mil.	San Jose: .9 mil.	Lima: 6.0 mil.
Major Ethnic Groups	Ladino - 58% Indian - 42% (23 Ind. Langs.)	White - 96% Black - 3% Indian - 1%	Indian - 45% Mestizo - 37% White - 15% Other - 3%
Literacy	48%	93%	79%
Infant Mortality (per 1,000 births)	79.0	15.2	91.0
Work Force Numbers	2.6 mil.	1.0 mil.	5.2 mil.
% in Agriculture	50%	32%	38%
Central Government Budget	$2.5 mil.	$791.6 mil.	$3.9 bil.
Yr. of Independence	1821	1821	1821
Government Type	Constitutional (elections held Nov./Dec. 1985)	Dem. Republic (Constitution 1949)	Const'l Republic (Constitution 1980)

government services in general.*

In Peru, where the whites (of European descent) tend to be culturally homogeneous and reside mostly in the coastal region, throughout the country mestizos and Indians show great cultural diversity. Peru proclaims two official languages, Spanish and the foremost indigenous language, Quechua. But there are a variety of Indian languages and dialects spoken throughout the country. In Peru, however, education and economic development, along with rural to urban migration, are producing a more homogeneous national culture, especially in the major cities along the coastal strip walled off by the Andes that were the stronghold of the indigenous Indian cultures. The recent and growing insurgency group "Sendero Luminoso" (shining path) is directly attacking this more homogeneous national culture. Pledging to destroy existing Peruvian institutions and replace them, the Maoist-inspired** Sendero Luminoso attacks established Peruvian government and economic institutions and foreign diplomatic missions (as well as tourists). As a result it has greatly intensified the economic, social and political problems in Peru in the 1980s. And now the terrorist campaign has extended into the new decade.

The three countries, all dating their independence of Spanish colonial rule from 1821, have had varied experiences with military dictatorship and social reform in moving toward civilian controlled and democratic governments.

Guatemala began modernizing in 1944 with the overthrow of General Jorge Ubico's military dictatorship. Social reforms were begun under President Arevalo in 1945-50. But ensuing decades saw the military continue to dominate political affairs as generals held the office of president while anti-government guerrilla activity increased and was suppressed by the military governments. In the recent history of Guatemala, terror inflicted on peasants by government forces has been more prevalent than guerrilla terrorism. And only in 1986 did a civilian government come to power, under a new constitution for the Republic of Guatemala which went into effect on January 14, 1986, initiating a civilian and democratic government after 15

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*Guatemala's new constitution mandates that 8 percent of general tax revenues be allocated to municipalities for them to spend as they see fit -- a policy designed to boost the economic roots of democracy. But Guatemala's public sector ranks among the smallest in the world and tax burden among the lightest. Thus investment and spending on social services in Guatemala lag behind those in other countries in Latin America.

**The Sendero Luminoso takes its inspiration in part from Mao Zedung's Cultural Revolution in China.

years of military regimes. President Vinicio Cerezo Arevalo, who took office at that time, now approaches (in 1990) the second national election for a new President in the new Republic. But after several years of greatly quieted guerrilla and anti-guerrilla activity, since mid-1989 a resurgence of violence has been felt in Guatemala (and has been reflected in a decline of tourism and other economic activity). Costa Rica can date its democratic institutions and peaceful transitions in political power from the 19th century. Since 1889 the country has had free and honest elections with only a few lapses into military control over political processes. A military dictator, Federico Tinoco, ruled briefly some 70 years ago (1917-18).

And as recently as 1948 a popular revolution cost over 2,000 lives when Jose Figueres led a revolt following a disputed presidential election. But following this bloodiest event in Costa Rican history, a constitution was drafted guaranteeing free elections with universal suffrage. Figueres became a national hero and won the first election under the new constitution--which abolished the Costa Rican army. Since then Costa Rica has held 11 presidential elections and has become the leader of civilian-controlled democratic processes in Latin America. With great pride, Costa Rica recently saw its president, Oscar Arias, awarded the Nobel Peace Prize for his Central American Peace Initiative in 1987.

Peru, pre-columbian center of Inca civilization and the center of Spain's colonial empire in South America, has had a long history of military coups interrupting civilian constitutional government. The most recent military rule occurred in 1968-80 following the overthrow of an elected president by General Juan Velasco Alvarado. The Velasco military government instituted a nationalist program involving extensive agrarian reform and nationalization of key industries and some banks. In 1979, however, after a continuation of military rule under a less authoritarian regime, a civilian government was re-instituted in accordance with a constitution drawn up that year. The popularity of the new president, Belaunde Terry, eroded under the difficult economic conditions of the early 1980s--conditions that were worsened by drought and flood and rising terrorist movements. When the current president, Alan Garcia Perez, succeeded Belaunde Terry in 1985 this marked the first exchange of power from one democratically elected leader to another in Peru in 40 years. President Garcia Perez has faced tremendous economic problems, highlighted by a large external debt and soaring inflation, exacerbated by terrorist insurgency.

Even during the "Decade of Women" (1976-85) and in a period when democracy flourished as military dictatorships were replaced by new, elected and constitutionally-empowered civilian governments, Latin American countries faced increasingly difficult economic problems. In some countries those problems reached a true crisis stage, with inflation soaring to unprecedented levels and the external debts of nations continuing to rise. Often these economic problems were intensified by current guerrilla insurrection and terrorist activity that discouraged tourism and foreign investment while also sapping the confidence of citizens in their government and the economy.

A recent Washington Post article on Latin America reported that "inflation for the region as a whole topped 1,000 percent* for the first time in 1989 and concluded that "for the most part, 1989 did nothing to dispel the notion of the 1980s as a 'lost decade' for Latin America, with real incomes below 1980 levels."(26) The economic downturns and instabilities of the 1980s clearly affected participation in general by women in the labor force in Latin America; and specifically, it affected women practicing or preparing to practice in the legal profession. This theme of economic influences appeared frequently in our study's interviews with law practitioners. Anticipating those findings, let us describe the general backdrop for them.

The female labor force in the region tripled between 1950 and 1980. But throughout the decade of the 80's a number of forces operated to bring about the most severe economic and social crisis of the last 50 years. Thus in the 1980s, and currently, the greatly expanded -- and "liberated" -- female segment of the labor force faced this crisis as a highly vulnerable group.

The economic crisis came about as prices of the region's basic export products rose sharply so that exports fell off and internal economic activity diminished. At the same time, costs of importing oil rose greatly and the trade balance worsened. The external debts of the Latin American countries continued to grow since those debts could only be paid under conditions of sustained economic development. Defaulting on debt repayments led to withholding of further lines of credit -- adding greater constraints on investment for economic growth.

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*This regional average was boosted greatly by rates as high as 4,000 percent in Argentina and 3,000 percent in Peru. As will be shown further on in this discussion, the rates of some countries -- including Costa Rica and Guatemala -- were much lower.

The pattern of lessened or flattened economic growth, high unemployment and inflation has certainly been uneven in Latin America as can be seen in available economic indicators for the three countries of this study. Moreover, the situation can be seen to be improving (and hopeful for the future) in some aspects in Costa Rica and Guatemala; but it still appears to be on a downward spiral in Peru. Table 8 (27) plots selected indicators for recent years for the three countries.

Among the three countries, Peru currently faces the greatest economic crisis. The Consumer Price Index there has continued to rise at a frightening rate while unemployment continues to rise as production falls and per capita GDP falls off each year. Both Guatemala and Costa Rica cope with much more modest rates of inflation, but neither of them has experienced economic upswings in the late 1980s. And while Costa Rica has maintained generally low and stable levels of unemployment, neither Costa Rica nor Guatemala has been able to improve its trade balance in recent years or stimulate significant growth in GDP. And, as noted previously, external debt repayment is dependent on conditions of sustained economic growth.

Still, both Guatemala and Costa Rica made progress in the late 1980s in their efforts to "modernize" their economies. Monetary policy in Guatemala is now guided by a desire to stimulate growth through exports. And Costa Rica has taken impressive strides in efforts to overcome dependence on a few traditional crops and on regional trade. New export crops and markets have been developed so that nontraditional exports to third world markets (outside the region) grew faster in 1988 than all other exports. But even in Costa Rica, in the late 1980s, real wages fell.

These conditions in the region have clearly put a damper on economic development if not precipitating actual decline in all the countries. They affected, especially for women, the pursuit and acquisition of higher education, participation in the labor force, and the practice of professions. These conditions have had an impact on reform and development in the justice sector in each of the three societies.

What is the status of the system of justice in Guatemala, Costa Rica and Peru? Let us review those systems briefly, their antecedents and current characteristics and problems, before hearing from women who practice the legal profession within those systems.

Table 8

Selected Economic Indicators in The Late 1980s
For Three Latin America Countries

(Figures in Million of U.S. Dollars, Unless Otherwise Noted)

	1986	1987	1988	(Projected) 1989
Guatemala				
Per Capita GDP*($s)	915.0	840.0	910.0	939.0
% Change in GDP	0.1	3.5	3.7	3.5
% Change in CPI**	25.7	10.1	11.0	12.0
% Av. Unempl. (for Yr.)	14.0	12.1	9.6	N/A
% Change in Indust. Prod.	0.5	1.6	-3.5	N/A
Trade Balance	+84.0	-469.0	-484.0	-539.0
Costa Rica				
Per Capita GDP	1,638.0	1,674.0	1,655.0	1,682.0
% Change in GDP	5.5	5.1	3.8	4.2
% Change in CPI	15.4	16.5	25.3	13.5
% Av. Unempl. (in March)	6.1	5.6	5.6	5.5
% Change in Indust. Prod.	N/A	N/A	N/A	N/A
Trade Balance	-77.4	-285.2	-183.3	-191.9
Peru				
Per Capita GDP	1,016.0	1,138.0	660.0	546.0
% Change in GDP	8.5	6.9	-8.5	-17.0
% Change in CPI	62.9	114.5	1,722.3	8,500.0
% Av. Unempl. (for Yr.)	8.2	8.5	12.0	15.0
% Change in Indust. Prod.	17.8	11.0	-13.8	-30.0
Trade Balance	-65.0	-521.0	-56.0	+700.0

*Gross Domestic Product
** Consumer Price Index

B. The Justice Sectors and Legal Systems

1. Regional Perspective

Before summarizing key features and problems of the systems of justice in each country we shall attempt to characterize the administration of justice and its key problems in the region as a whole. This overview is based largely on a USAID Project Paper which proposed a Regional Administration of Justice Project for Central America and the Caribbean.(28) Additional information in this region-wide review was provided by Professor Luis Salas* of Florida International University and taken from the Sector Assessments for Guatemala and Costa Rica.

The Constitutions in the countries provide for an independent judicial branch of government. Key elements of the judicial organization structure are:

- A supreme court
- Intermediate courts of appeals
- Inferior courts (akin to municipal courts and justices of the peace) for resolution of minor disputes.

With the exception of Costa Rica, however, strong independent judiciaries do not exist in the region. Strong and usually military chief executives have made judicial independence a rare phenomenon in Peru and Guatemala. In truth, the judicial branch is declared independent in these two countries by a constitution but lacks true autonomy in practice. "It is usually the worst organized, poorest equipped and most under-funded branch of government," according to Professor Salas.

Historically, in these societies where power has been greatly centralized and the most important economic and political activity concentrated in one key city, patronage in public offices has been strongly controlled and elite groups have used the courts (and government in general) to maintain their own privileges. In addition corruption and political interference in the justice sector have perpetuated a situation where "citizens generally have little faith in the utility, efficacy or fairness of their justice systems." Therefore, problems and conflicts are often solved in a personal, subjective, and political basis rather than through a fair and independent judicial system.

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*Director of the Center for the Administration of Justice at Florida International University.

Frequently aggrieved parties appeal for assistance in righting a wrong to a strong authority figure or influential friend, or simply take vengeance personally on the offender or on his or her family or friends.

> This resort to individual solutions reflects traditional strong executive branch power, whether civilian or military, and the traditionally weak judicial systems. Negative societal realities have often been reflected in these institutions, with cronyism and corruption being present, to varying degrees, in all the region's police, prosecutive and judicial systems.(29)

Traditionally, then, the justice sector in Latin American countries (except in Costa Rica), without true autonomy or the support and respect of the people, has suffered from inadequate government budgets, instability of public sector tenure, serious lack of trained personnel (both judicial and administrative), and very inadequate record-keeping systems and legal-reference resources.

Additionally, an observer and student of justice systems and the legal profession in Latin America sees problems that are more recent. Professor Luis Salas of the Justice Center at Florida International maintained that after the 1960s, when economic development became such a strong factor in Latin America, the leadership in government ministries -- even the national presidents -- changed from lawyers to technocrats. And this shift appeared in the private sector as well. Professions in finance, business and commerce became more lucrative than the law and offered greater access to power than the legal profession. Heads of factories or large businesses are no longer as likely to be lawyers as businessmen trained in economics, business administration or engineering. Thus the legal profession does not play the predominant role in the political and economic life of a country it once did. "Now you can reach a business deal," Salas said, "where the lawyers do only the paper work, whereas before he was sitting on both sides of the business deal, pivotal and participating. Now the big business deals are done by businessmen, financiers, and the economists."

Professor Salas also cited a decline in the quality of legal education in the region. In recent years, in Peru and Guatemala, widespread repression, violence, killing and destruction have had a devastating effect on the universities and their resources (human and material). In Guatemala, during the period of great violence in the late 1970s and early 1980s, the Universidad de San Carlos suffered from the deaths of many faculty members and students and the destruction of the law library. The economic crisis of recent years along with the new emphasis on economics and technology (and technocracy) also lowered the quality of

legal education. Salas maintained that in the three countries law school libraries are now lacking in up-to-date materials and books, and have been unable to keep and nurture contacts with law faculties in other countries. Public funds are lacking to keep up quality at public law schools and, at the same time, a lot of private law schools, with little regulation and no standards, are springing up.

The most prestigious universities today, according to Professor Salas, are those which specialize in business administration and economics. "In Lima," he said, "the most prestigious university is the Universidad del Pacifico, and all they teach is business and economics."

Similarly in Costa Rica, the most highly regarded schools specialize in business administration. The University of Costa Rica although it covers all fields, including law and business is surpassed by the Instituto Centro Americano de Administracion de Empresas (INCAE). INCAE is affiliated with the Harvard Business School and awards only the MA in business administration. "So if you were to ask a student if he or she would prefer to have a degree from INCAE or the University of Costa Rica, he would choose INCAE because it has a lot more prestige," according to Salas.

Thus in this historical period when the systems of justice are being opened to examination and refurbishing under civilian governments seeking to promote popular democracy, the legal profession in Latin America is weakening. The judicial systems are losing prestige and power and their preparatory educational institutions are declining in quality at the very moment in time that reformed, efficient, trusted and effective justice systems are receiving attention as crucial components of social, economic, and political development toward greater democracy in the region.

Might there be opportunity as well as danger in this weakening of the old and traditional in justice systems and the law in Latin America?

The AID Project Paper proposing a "Regional Administration of Justice" project spoke to the conflict between established Latin American justice systems and the development movement in these words:

> In Latin America, the law and development movement encountered an entrenched legal culture, peopled by a large and powerful legal profession, trained in formalism and bound to national laws and legal institutions based on European principles of rationality, philosophy and separation of powers.(30)

Legal education in Latin America, dating back to 1553, approaches the law in a highly academic manner, "placing emphasis on philosophy and history of the law rather than the practical aspects of the profession" (emphasized in American legal education). The current effort by AID to assist in the strengthening of Latin American systems of justice acknowledges that grandiose schemes for reform based on American criminal justice models have failed, often mistaking "the willingness of Latin Americans to receive funding for a willingness to accept the principles being exported."(31) New approaches to assistance now place a major emphasis on involving regional and national institutions in the planning and implementation of justice sector assistance; and they are more modest in that they strive mainly for technical improvements within the Latin cultures and their institutions.

But recent events may have weakened the entrenched legal subcultures in Latin American societies while the liberation of women is infusing new developmental energies into those societies. Thus even modest efforts at assistance from "outside" may be able now to nurture internal change (in systems of justice) that taps the development energies emanating from the changing status of women.

2. Justice in Guatemala*

Government and judicial organization in Guatemala are based on institutions that date back to the Spanish colonial system. The law schools and the legal profession traditionally have been central to the administration of the country; and many of the features in the new 1985 Constitution are derived from the Spanish Constitution. The judiciary is one of three autonomous branches of government. In practice, however, the judicial --

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*This summary has been developed from an AID Project Paper, "Improved Administration of Justice" (Guatemala) and from Executive Summary: Guatemala [Justice] Sector Assessment (Justice Center, Florida International University, December 1986). Note that findings for the sector assessment were obtained in large part through the involvement and survey research assistance of a team of Guatemalan experts supervised by F.I.U. The survey (used as a basis for reflecting the views of key, relevant groups in the society), tapped 85 judges (of all kinds), 308 lawyers, and 602 inmates (of penal institutions).

and the legislative branches of government are weak and the Guatemalan government is characterized by a strong executive branch which answers to the military, the strongest and most powerful entity within the Guatemalan governmental system and Guatemalan society.

A major weakness, and problem, in the system of justice in Guatemala is that the country has the largest percentage of rural population (over 60 percent) of any Central American country. And it is in the outlying areas beyond the capital city that formal structures for administering justice lack resources (and scarcely exist in many areas), and where informal and arbitrary systems of justice predominate.

At the same time, crime -- especially homicide -- rates have risen greatly in recent years before declining after the recent civilian administration took power in 1986 and terrorism (and "disappearances") declined sharply. Thus in 1981, Guatemala had a homicide rate of 113.6 per 100,000 population, declining to 21.3 in 1986 (which compares to 3.9 in Costa Rica -- in 1984). A further symptom of Guatemala's problems of justice can be seen in data on formal arrests for crime: in the period 1985-86 when numbers of all reported crimes rose by 45 percent, arrests by police rose only 9 percent.

The justice sector involves all three branches of government, interrelating many agencies; and coordination is vital (but has been lacking). The justice system is complex and traditional -- and in many cases, informal -- and has been unable to meet the demands it faces in a rapidly developing society.

Under the new Constitution, the 100-member National Congress is charged with lawmaking and with the appointment of the Supreme Court and the creation of new courts in the country. But in spite of enacting many new laws, the Congress has fallen behind in meeting deadlines (established by the Constitution) for important laws regulating Executive Branch ministries and the Judiciary.

Sector assessment survey findings indicated that "the lawyers and judges feel that the laws passed by the Congress are not clear, do not meet national needs and do not recognize the peculiarities of Indian customs." Another sector assessment finding was that "there is a lack of adequate regulations to carry forward legislative and executive decisions." The need for updating many legislative charters is especially evident with regard to the police, who "operate under an outdated organizational structure and laws."

Moreover, "New organic laws are also needed for the Public Ministry and for regulating the selection and

stability of judicial personnel."

The judicial branch operates through four court levels that are filled, especially at the lower levels, mainly through appointment. The levels are:

- The Supreme Court, with 9 magistrates elected by the Congress to 6-year terms. (Four are elected directly by Congress and the others from a list of 30 nominees determined by a judicial nominating commission representing law schools, the bar association and the judiciary itself.)*

- Fourteen Appeals Courts, which hear all civil and certain criminal appeals. (Appeals Court judges also are appointed by Congress but from a list of candidates proposed by the Supreme Court.)

- First Instance Judges, 46 in number, constitute one-judge courts -- appointed by the Supreme Court. Twelve are located in the capital, and there is at least one in each of the 21 department capitals and in three other cities.

- Justices of the Peace, 97 in number, named by the Supreme Court (13 are in Guatemala City and the rest in departmental and municipal capitals). In the past, in many municipalities the justice of the peace function has been assigned to municipal mayors; but under the new Constitution "a system of 70 comarcal judges (all lawyers) and 176 alguaciles will replace the mayoral system." These one-judge courts handle minor legal matters.

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*Guatemala also has a "Constitutional Court," created in 1985, and composed of five magistrates, not subordinate to any other branch of government, and having exclusive jurisdiction to hear any constitutional challenges of law and decrees. In addition to constitutional cases, this Court also hears amparo suits (suits to prevent a governmental abuse) against the Congress, the President and the Supreme Court.

The survey findings of the sector assessment further revealed "widespread dissatisfaction among lawyers about the selection of judges.... The major reason for discontent was the predomination of political considerations and friendships for nomination...." Also, it was found that 84 percent of lawyers and 51 percent of judges believed there was corruption in the courts -- mainly "at the justice of the peace and support personnel level ...."

Prosecution and defense and the criminal process itself occur differently in the three countries than in the United States.

The criminal process in Guatemala is divided into two distinct phases: an instructional stage and a trial stage. During the former, the court determines probable cause and that a crime was committed and that the accused committed it. Then during the trial the guilt or innocence of the defendant is adjudicated and sentence is imposed. There is also an appeal process.

The instructional stage is secret and the accused, his counsel and the Public Ministry have limited access to documents that are written and which constitute the evidence to be examined and evaluated at the trial. Research in the sector assessment revealed an average instructional period of nine months; and this stage leads to a court decision based on a trial, notification of the Supreme Court and the appointment of a first instance trial court to hear the case. During the trial stage, the accused and the Public Ministry have access to the investigative record for a period of five days. The trial is public and oral, and the sector assessment research indicated an average trial period of eight months per case.

The Public Ministry is charged with the prosecution of persons accused of a crime. But the Ministry lacks regulations to govern its operations, is under-staffed, greatly lacking in supportive resources, and in reality plays only a passive role in the criminal justice process. Thirty prosecutors (90 percent of them males) cover the whole country and all its departments. Thus 17.7 percent of the judges in the survey said that the Public Ministry has <u>no</u> functions in their courts, only 1.2 percent said they participate in trials, and 7.1 percent felt they acted as the official accusers during the trial process.

Under the Guatemalan Constitution, all persons are to have an attorney to represent them during criminal proceedings, and a defendant may be represented by private counsel, by a court appointed attorney, or by a law student. In the latter instances, since law schools encounter a

scarcity of cases made available to their students, the sale of cases by judicial officials often occurs and there is keen competition among students for cases.

In this situation, 93 percent of inmates surveyed reported they had no lawyer during their initial detention, 20 percent did not have one during the entire instructional stage, and 20 percent had no lawyer during their trial. Thus widespread dissatisfaction is expressed with the legal defense system as it is currently practiced. Only 16 percent of lawyers and 27 percent of judges expressed satisfaction with the work of court-appointed counsel.

Major criticisms of the Guatemala criminal justice system according to the sector assessment concentrated on the following problem areas.

Access. Large segments of the population lack access to the system. Only two courts have translators as budgeted positions although half the population are illiterate and a large percentage are non-Spanish speaking. Legal resources are concentrated in Guatemala City while the majority of the population are rural dwellers and are widely dispersed. Moreover, minimum fee schedules have raised legal fees and made legal assistance even more difficult for the lower social strata.

Judicial Independence. Independence is fostered by the naming of Supreme Court judges and Appellate Court judges, but it is diminished by lack of job stability among lower court judges. Two percent of the national budget is allocated (by the Constitution) to go to the judiciary, but delays in the actual provision of funds by the Ministry of Finance short-circuits this policy for promoting independence. No legislation has been enacted as yet to establish the judicial civil service career mandated by the Constitution, and judicial personnel are currently named under a civil service system that is subject to political influence. The majority opinion of lawyers and penal inmates surveyed (although not shared by judicial personnel) was that judicial decision-making is interfered with by the Executive Branch.

Efficiency and Effectiveness. Almost all (surveyed) lawyers (94 percent) and the majority of judges (57 percent) complained of delays in the justice system. Court caseloads are growing, and this also affects the police force, which must prioritize cases, and the correctional system which faces overcrowding. Moreover, lawyers and judges retain a low opinion of the police. And judicial selection mechanisms in the system are highly criticized, mainly focusing on the extent of political involvement in selection. Supreme Court

Magistrates are selected through political processes in the Congress. Lower court judges are selected by the Supreme Court, allegedly on the basis of merit and qualifications; but there is a growing perception among judges that many other considerations dominate. Criticism by lawyers and judges was also widespread that prosecutors are too passive in criminal processes. And even greater criticism was directed to defense procedures, since defense of indigents falls on court appointed defenders and law students.

Lawyers (75 percent) and judges (65 percent) were not satisfied with the work of court appointed attorneys acting as defense counsel. As for students providing legal defense, the following were cited as reasons for "poor" performance in this role by students (with 41 percent of lawyers and 35 percent of judges rating student performance as "poor"):

- The low academic level of law schools.
- Poor supervision of students as they perform defender tasks.
- Emphasis on the quantitative achievement of a graduation requirement without emphasis on quality of service provided.
- Corrupt practices of courts in selling cases to students.

Training. The training of lawyers in law schools is largely theoretical. The law schools do not participate in continuing legal education programs whether for the Bar or the private sector. At the same time, judicial training is just beginning while the need for training judges was strongly endorsed by 88 percent of the judges surveyed. "The area of criminal law was pointed out as the greatest area of training need..., followed by civil law, criminology and criminal procedure." The justice system also faces great problems in not having a supportive personnel system based on good management criteria or appropriate salary scales and with proper training for persons who seek to make a career in this field.

Administration and Resources. The administration of justice is a new concept in Guatemala. There is little coordination among different components or among agencies in the same branch of government. Administrative control and resources are over-centralized in Guatemala City and in the Presidency of the Supreme Court. Concentration of resources in Guatemala City hampers administration of justice outside the capital -- in the areas where most of the population lives and most cases are filed. Over-centralization and the

paucity of resources for lower courts were major complaints voiced by lawyers and judges regarding support personnel. The judicial secretary is a key person in any judicial office, in charge of administrative affairs of the court and often acting as the judge, for example, in taking statements. He or she is like the clerk of court in the U.S. system but much more powerful. Most lawyers surveyed (67 percent) and 48 percent of judges were dissatisfied with support personnel and their selection, citing "friendship and political factors" in selection as primary reasons for dissatisfaction. And corruption was believed to be strongly manifest among support personnel.

Other Resource Problems. Facilities are very inadequate, especially outside the capital and in the lower courts in general. There is a lack of information systems (typical in the system are isolated pieces of old computer equipment originally obtained without planning). Legal records systems are primitive if they can be said to exist at all in outlying areas, for the lower courts. And at the heart of resource problems are poor legal libraries. Law school libraries in Guatemala have abandoned new purchases of periodical collections. Outside of Guatemala City, there are almost no bibliographical resources in the legal system.

The justice sector project paper also stated that "special constraints" exist for women in the administration of justice in Guatemala. It noted: "Women already have important positions within the court system and roughly half of the current law students are women. Nevertheless, the law does treat men and women differently, and women are not significantly involved in either investigative or prosecutorial work."

Facts cited in the justice sector assessment showed, however, that 92 percent of Guatemala's near-2,500 lawyers are men; and 80 percent of the lawyers are concentrated in Guatemala City (an additional 8 percent are in Quetzaltenango, Guatemala's second largest city). Indians as well as women are under-represented in the lawyer ranks (only 4 percent of lawyers in Guatemala are Indian).

Membership in the bar association is a requirement for legal practice but no bar examination is required following completion of legal studies at the University. The profession is regulated through the bar association's (Colegio de Abogados) ethics committee (and most lawyers surveyed felt that the disciplinary actions of the association are too weak or inefficient). The principal law schools are:

- University of San Carlos (graduating 90 percent of Guatemala's lawyers).
- Mariano Galvez (4.8 percent).
- Rafael Landivar (3.9 percent).
- Francisco Marroquin (0.6 percent).

Professor Salas, while acknowledging that women in the law in Guatemala were concentrated in the lower positions in the judicial system, saw women making strides -- greater, in some ways, than in Costa Rica. Examples he gave included:

- Domination by women of the administrative judicial positions (whereas men dominate those positions in Costa Rica). The President of the Supreme Court supervises the administration of the courts and in Guatemala this man ("the best Supreme Court President I have met in Latin America") has appointed a woman to be the equivalent of his administrative director.
- The person directing all of the computerization of all the courts system in Guatemala is a woman.
- The Ministra de Cultura in Guatemala is a woman.
- One woman is on the Supreme Court in Guatemala (assigned to the Sala de Menores -- juvenile delinquents or minors).

On the negative side, no woman has ever been dean of a law school in Guatemala. Whereas only 29 of the 274 judges in Guatemala are women, in Costa Rica there are 103 women judges out of a total judge population of 260. In addition fewer women there have held high political office than in Costa Rica -- where a woman has been Vice President and also President of the Legislative Assembly (Presidente de Asemblea). However, a woman ran second in the recent elections for the presidency of the Colegio de Abogados, which is the most influential lawyer position in the Republic and the women respondents felt, more so than in either Costa Rica and Peru, that a woman will gain the presidency of the Colegio within the near future.

The situation in the young democratic Guatemala Republic, now completing its first five years of civil rule, is still unstable. "In Guatemala," according to Professor Salas, "things have been totally politicized and at the whim of whatever military government is in power. The safeguards for continuity and stability are not present. And the judicial system is a reflection of the political situation. There is no such thing as a career judiciary in Guatemala."

For women in Guatemala, careers in any field of the law and the system of justice are just being defined. The lack of precedent and continuity in such careers contributes further instabilities in a still-unstable societal situation.

3. Justice in Costa Rica*

As in Guatemala, government and juridical organization in Costa Rica flow from the Spanish colonial system, owing much to the Constitution of Cadiz in 1812 which established the autonomy of the judicial branch. The modern-day Constitution, instituted in 1949, established the traditional three-branch power division: legislative, executive, and judicial. The one-chamber legislature (consisting of 57 members elected for 4-year terms) makes the laws, appoints judges in the Judicial Branch, and creates new courts in the country. The Executive (also elected to a 4-year term) has the power to pardon, to organize police forces to maintain public order and national sovereignty, and can veto laws from the National Assembly (whether based on political disagreement or Constitutionality). The Judicial power is exercised by the Supreme Court of Justice and subsidiary courts. The Supreme Court is composed of 17 magistrates selected by the Assembly for 8-year terms. Costa Rica's

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*This summary has been developed largely from a paper, Executive Summary: Costa Rica [Justice] Sector Assessment (Justice Center, Florida International University, February 1987). Many findings reported in this document were obtained through opinion surveys based on the following: 950 national households, 133 judges (at all levels), 32 prosecutors, 39 public defenders, 182 lawyers, and 325 inmates of penal institutions. Contrary to the corresponding document for Guatemala, this reference document for Costa Rica seldom cited statistical breakdowns by subgroups in reporting findings. In most instances, only "tendencies" were described (verbally), and where specific statistics were given, that were usually aggregated for "all respondents."

modern Constitution also established a fourth autonomous power to be exercised by a "Supreme Electoral Tribunal," responsible for all electoral matters. This fourth branch provides a further check on executive power and has helped strengthen democratic processes in Costa Rica.

Costa Rica stands out in Latin America because of a history of operative democratic institutions dating back to the 19th century. Liberal politicians and lawyers as well as influential coffee growers of the 19th century shared a concern with guaranteeing a stable public sector and having a citizenry taking part in the electoral process to legitimize and improve government institutions. They strove to control social conflicts that would impede economic growth or lead to open class confrontations.

Costa Rica identifies a particular era of political enlightenment with the "jurists, politicians, teachers and writers called the 'Generation of Olympus'...whose influence after 1888 contributed decisively to the development of modern Costa Rican society."

Important successes of that generation included:

- A system of public powers, with strict divisions and jurisdictions.

- A juridical structure with pronounced orderliness and integration (although many foreign codes were, and are, copied without sufficient study).

- A democratic culture respecting "liberty, human life, property and individual security, the inhibition and control of the use of violence and the prohibition of the death penalty and torture."

- A society placing a high value on education for its citizenry and instituting a system of compulsory public education.

- A "juridical ideology which firmly defended the role of the judge as an impartial decision-maker in social conflicts and as supreme authority within a judicial branch which progressively became more autonomous in the exercise of its powers, more differentiated from other instruments of social control, and

more capable of guaranteeing justice throughout the national territory."

In fact, as we shall see, this strong and independent judiciary now faces some criticisms as being too autonomous, uncoordinated and unconnected to new problems and social realities. The strong and enlightened justice system developed in the late 19th century faced challenges in the 1930s and 1940s when new social sectors gained status and power in Costa Rican life. Increased social security measures were implemented in the Republic to accommodate a growing urban middle class, and a new Labor Code in 1943 acknowledged the growth of a worker-artisan sector of society.

With the short civil war of 1948, Costa Rica became even more attentive to the needs of the weaker sectors of society, and the Constitution of 1949 contained some salient features that helped characterize the modern-day Republic. That Constitution abolished the army, nationalized a number of private institutions, established the Supreme Electoral Tribunal as a fourth branch of government, and further strengthened the judiciary through a number of provisions. These included: (1) extending the terms of the 17 Supreme Court Magistrates from 4 to 8 years (and allowing a second 8-year term); (2) making removal of these Magistrates from office almost impossible (requiring a 2/3 vote of the 57-member National Assembly upon expiration of a first 8-year term); (3) transferring to the judiciary jurisdiction over many matters formerly in the hands of administrative or police officials; (4) establishing judicial review of the legality of executive actions and (5) expanding the right to habeas corpus by adding the right of amparo* mandating the Supreme Court as the body to name members of the Supreme Electoral Tribunal. Further contributing to the independence of the Judicial Sector was a Constitutional amendment in 1963 which required that 6 percent of the national budget be assigned to that sector.

New codes enacted since 1949 have defined new legal procedures: in 1976 the Civil Code underwent important changes; and in 1978 a new code of Criminal Procedures was passed. In spite of this activity, surveys conducted for the justice sector assessment showed that the population feels that the laws passed by the Assembly with regard to the administration of justice are not realistic and that there is little knowledge or understanding of the laws in effect regarding criminal justice. The conclusion of the assessment

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* Suits against Congress, the President and the Supreme Court to prevent governmental abuse.

was that this situation makes it difficult for affected population groups to make adequate use of the system of justice. It was also noted that in the Executive Cabinet Ministries most involved in justice matters, from 1980 to June 1986 these ministries produced an average of only 9.69 decrees per year on matters pertaining to the administration of justice.

The Costa Rican Judiciary operates through four levels of courts:

- The Supreme Court, consisting of 17 Magistrates elected by the Assembly to 8-year terms and organized in three divisions (or chambers).

- Superior Tribunals, each having three judges appointed by the Supreme Court, hearing all civil and some criminal appeals, and acting as sole instance ("exclusive jurisdiction") trial courts for crimes where penalties exceed three years.

- Juzgados, one-judge courts (appointed by the Supreme Court), charged with investigating crimes and hearing cases of a criminal nature where potential maximum sentences are less than three years.

- Alcaldias, one-judge courts which handle minor legal matters.

The criminal process is similar to that in Guatemala: there is a preliminary phase (during which determination is made whether a crime has been committed and the person to be charged committed it); a trial phase follows, leading to acquittal or conviction with sentence imposed.

Increasingly in the criminal process there is reliance on oral hearings instead of written processes. The trial stage is oral and held continuously until a decision is reached. Criminal procedure in Costa Rica adheres strictly to "due process" requirements, including: privilege against self-incrimination; prohibition of being held incommunicado; right to counsel; right to a public trial; bail; and fixed periods for the completion of different procedural stages. About one of every four complaints is dismissed by the Judge of Instruction. There is an over-reliance on monetary bail, so that many of the accused remain in jail due to their inability to raise the required amount.

Both the Public Ministry and the Office of Public Defender are within the Judicial Branch. Unlike Guatemala, the Prosecutors (of the Public Ministry) do play an active role in court proceedings, prosecuting all persons accused of crimes. They have large caseloads (averaging 246.75 cases per year), and 49 percent of the prosecutors are women.

Salaries are slightly higher than those paid public defenders and recent salary adjustments significantly improved budget support for this agency. A major complaint of prosecutors is the need for better bibliographic resources and modern technological equipment.

Also unlike Guatemala ("and other Central American countries"), the Office of Public Defender in Costa Rica complies with the Constitutional guarantee of a free public defense for every person accused of a crime. "There are 49 full time and 32 half time public defenders and, as needed, attorneys are retained and paid by the case." Caseloads of full-time public defenders average 375 cases per year and those of part-time defenders average around 200 per year. About 44 percent of public defenders are women.

Major criticisms of the Costa Rican system of justice, based on the sector assessment survey, focused on the following areas:

General Normative, Social and Political Problems. In Costa Rica there has been too much copying of other nation's laws without adequate adaptation in the country itself. And this is compounded by the legislative process since the Assembly has little technical staff for its legislative functions. Over 26 major law projects are stalled in the legislature, and dissatisfaction was expressed in the relevance of legislation to current needs. Regulations are especially lacking in the police sub-sector, where nine different police agencies operate with overlapping functions. The 6 percent budget allocation is followed arbitrarily, without any rational basis in need; and a prime determinant of this budget is the salaries of judicial personnel which are among the highest in the public sector. When the police and corrections budgets are added to the judicial budget, the national budget in the justice sector rises to above 10 percent of the national budget.

From the standpoint of social problems, the sector assessment revealed that great importance is placed on the justice sector by the population because it ranks criminality highest among current social problems (above cost of living, housing, unemployment, and poverty). Some 90 percent of

those surveyed said crime was on the upswing, and the majority said they now take measures to avoid victimization. However, justice sector professionals placed criminality in fifth place among social problems.

Key political issues that face the justice system currently include problems of judicial independence, the judicial career, national criminal policy, and the proper role of the police. Evidence is surfacing now of excessive independence in certain aspects of the justice system. Personnel are named under a non-legislated civil service system which awards to the Court the prerogative of naming all lower judges; thus exclusive jurisdiction tends to foster insularity. Moreover, the components of the justice sector too often act independently and without coordination, and this situation is fostered by the lack of a national criminal policy.

There is confusion over the proper role of the police force whose nine separate agencies (some of them performing military as well as police functions) operate without coordination of their overlapping activities. Thus, non-professionalism in the police is perpetuated. And although the Costa Rican correctional system is one of the best in Latin America, it shows lack of planning and over-reliance on confinement for dealing with criminal problems.

Access. Most persons surveyed in the Sector Assessment expressed confidence in the justice sector. But there is lack of knowledge of the laws, among the broader public and among penal inmates surveyed. A majority of those surveyed felt judges applied the laws correctly, but an equally large number perceived corruption -- mostly among the police. Costs to users are rising in Costa Rica too, as minimum fee schedules are instituted, and new regulations will limit the availability of free legal defense to the indigent. However, 15 percent of all persons questioned said they had been the client of a lawyer in the preceding year (doubtless indicating the high participation of lawyers in routine roles such as registering a car).

Efficiency. Most justice professionals surveyed complained of delays in the justice process, and this view was shared by the general population. Growing caseloads are a primary problem, reverberating from the judiciary to the police (unable to investigate minor crimes) and the correctional system facing a crisis of overcrowding. Generally, however, satisfaction about services in the justice sector was expressed by the public. Some 82 percent said they would notify the police if they observed a crime (but most favored approaching the Guardia Rural with a problem and only 5 percent would notify the military-oriented

Guardia Civil). Among justice professionals, satisfaction with the system was generally high, but 44 percent of the prosecutors disagreed with this high judgment. The majority of people who had used a lawyer recently said they were satisfied with their legal services. But predominant views expressed were that the justice system is "soft" and that crime is on the rise (a situation evoking anxiety).

Personnel and Their Selection and Training. Growing discontent is expressed about selection processes. There is a perception among judges that considerations other than qualifications and merit dominate the selection (by the Supreme Court) of judges of the lower courts, and similar concerns were expressed over the selection of prosecutors and defenders. Greatest satisfaction about selection was expressed among administrative personnel whose selection is based on a civil service process involving testing, applicant pools, and interviews. A real problem area in personnel selection centers on the police; for most police agencies are exempt from the civil service norms applied to the rest of the public sector, and these positions encourage political patronage. "It is...not surprising to find massive turnover of police personnel upon the conclusion of presidential elections." The lack of a clear legal framework for the proliferating police agencies has led to police appointments being used as sinecures. Professional standards therefore are lacking in the police agencies.

Training presents a widely varied picture across the justice sector. For police, there is great duplication of programs, lack of resources, and over-emphasis on military subjects. With regard to lawyers, training in the law schools is (as throughout the region) highly theoretical. And there is a lack of participation by the law schools in continuing education programs. As for judicial training, the emphasis is on the basic training of low-level administrative personnel in the "Judicial School" (to the neglect of other judicial employees). The sector assessment advocated serious study of whether continuing education of judicial professionals should be contracted to the law schools.

The promotion and remuneration of personnel in the different sub-sectors of the justice system present greatly varied pictures. Judicial personnel are well rewarded financially: over half the legal professionals employed in the judicial sub-sector earn an average base salary of 1.5 times higher than that of all professionals in the public sector. Conversely, the police sub-sector is lowest in remuneration and high in turnover. "This [difference between sub-sectors] is often not affected by the employee's level of education or the similarity in function." Consequently, transfers between institutions are widespread, "which is

especially harmful in the most technical areas."

Material Resources. As in Guatemala, the justice system in Costa Rica suffers from inadequate and poor quality material resources. The most severe problems of physical facilities appear among the police who rent houses for their activities and in some cases occupy sites that are uninhabitable. But the law school is in need of basic teaching equipment, and throughout the total system adequate information systems are lacking. There has been little sharing of data and very poor coordination of information flow. The law school library, as in Guatemala, has abandoned its periodical collection and curtailed purchase of new materials. And library holdings elsewhere are deficient, although the Supreme Court received a donation of a library which now meets the Court's basic needs. As elsewhere in the region, these resource problems are greatest outside the capital city. The sector assessment cited a particular need for the development of adequate legal materials that reach the broader public. It was suggested that texts containing legal education materials were needed for reaching out to students in the schools, preparing them for citizenship.

Administration. The concept of "administration" of justice is a new one for Costa Rica as it is in other countries of the region. The various parts of the justice system lack coordination. "The police are an example in which competition and lack of coordination predominate." Also lacking, overall, are planning and evaluation; and adequate planning requires better justice statistics. Data are currently kept by a variety of different agencies, with little coordination occurring and with statistics commonly kept without purposes identified for them. "Even in the case of the judiciary in which the most professional office operates, there appears to be a lack of understanding among judicial officials of the need for or the utilization of the statistics it maintains."

Thus, the justice system in Costa Rica, well-grounded historically and currently in democratic institutions, respected by the citizenry, highly independent, and safeguarding human rights and civil liberties is basically facing problems requiring technical refurbishing -- and perhaps revitalization as well. Many questions arise currently over improvement of the police and definition of police functions; and across the total system, coordination must be a prime focus of future improvements. But the system as a whole is strong, and well-staffed professionally. Professor Luis Salas of F.I.U. said: "The Judicial Branch in Costa Rica is the most powerful I have ever seen anywhere. All criminal justice functions are handled within it. It is indeed a strange concept that an organ of government would

investigate, try, defend and prosecute the defendant. But it is the most stable legal system in Latin America."

The Costa Rican Bar Association is one of the oldest in the region. Membership in it is required for the practice of law. There is no bar exam, and a graduate from law school qualifies upon completion of the necessary requirements. The Bar Association (Colegio de Abogados) operates a number of continuing legal education programs (although the sector assessment considered them poorly planned and not well coordinated among the sub-sectors of the justice system).

The University of Costa Rica, which has entrance exams, houses the major law school. Due to restrictions on entry there, four other law schools have been established under the Universidad Autonoma Centroamericana -- a private university. These four new schools are considered less rigorous and are less well regarded. In fact, legal education in Costa Rica is in a critical period. Its major problems are: (1) lack of funds; (2) part-time faculty; (3) the lecture system of education; and (4) poor library resources (with collections outdated and new acquisitions curtailed). Law faculties are almost uninvolved in training programs for justice system personnel.

According to estimates, there are more than 4,000 attorneys in Costa Rica (of which about 25-30 percent are women) and some 87 percent of them are located in San Jose. According to one assessment, the number of attorneys in Costa Rica up to 1986 numbered 3,672, of which 884 were women.(31) About 25 percent work in the public sector and 75 percent in the private (where lawyers are used by citizens in many routine functions). The majority of the attorneys in Costa Rica litigate.

According to one student of the legal profession in Costa Rica, "While during the decade of 1950-1960, 236 attorneys were admitted into the Colegio de Abogados, only 4 percent were women. Whereas in 1986, 416 attorneys were licensed, of which 45 percent were women. It is key to note that during one year more attorneys were licensed than during an entire decade." This large increase in the attorney population of this country is due to the establishment of four new private law schools between 1976 and 1979, which "demonstrated the need for professionals in this area and the large demand of students desiring to study law."(32) Hence, although the number of law graduates between 1981 and 1985 from the University of Costa Rica came to 850, the number of graduates from the other four law schools was 119, (with 454 more having one more year to complete their Licenciatura). (33)

The study cited above further found as follows:

> The large entry of women into the legal profession has greatly increased the number of attorneys in the Republic during the last few years. However, the increase is not significant at the practical level what is referred to as the liberal practice of the profession. Here the entry of lawyers into this area is not as equal as it is to legal studies. According to our research, although the percentage of lawyers that responded to being employed in the public and private sectors was 19.2 percent, in examining the divisions by gender, the figures show that only 13.6 of the males were employed in the public sector and 2.7 percent in private businesses, while in the case of women, 31.4 percent worked in the public sector and none in the private sector. This might be indicative of various reasons: first, of a possible discrimination against women in the private sector, and, second, due to a large tendency of women to seek to acquire salaried positions in the public sector. It is the case that 53.7 percent of the male attorneys work as sole practitioners and only 34.3 percent of women attorneys are in private practice. It must be added, however, that we found that only 17.7 percent of male attorneys combine salaried and private practice, whereas 31.4 percent of the women combine both activities. This could be indicative of the major difficulty women have in the labor market of private practice. These figures refer only to lawyers who are public sector functionaries and do not cover all the salaried lawyer population.(34)

Our inquiries indicate that at least half of the law students at the University of Costa Rica are women and they are spreading across the profession although most (as noted above) practice in the public sector. In addition, in the age group 24-30, 45 percent of the lawyers are women -- and women appear with greatest frequency in the younger age cohorts. Whereas men comprise 34 percent of the more than 45 and over age group, the percentage of women lawyers in this age group is 11.5 percent.(35)

Thus, according to Professor Salas, "Women have gone heavily into the judicial sub-sector, where about half of the prosecutors are women. And at the higher levels you will find very small percentages of women. There is only one woman in the Supreme Court -- in the penal chamber. Normally the presidency of each chamber rotates by seniority. But when the term came for the woman to be president of the penal chamber she was skipped over and a male was made president of that chamber. This was done by vote." Recently a second woman has been appointed to the Supreme Court.

Our research also revealed that in Costa Rica a woman had become dean of the University of Costa Rica law school--and this person is now director of the Inter-American Institute of Human Rights and also sits as a member of the Inter-American Court of Human Rights. Other women attorney-achievers include: a vice dean at the same law school; a secretary of the National Justice Reform Commission; a Chief of Cabinet in the Arias Administration.

As for women in politics in Costa Rica: one of the two Vice Presidents of the Republic is a woman; and the former head of the National Assembly was a woman. Furthermore, of the 260 judges in Costa Rica, 103 are women. Thus in Costa Rica, women have made greater strides politically ("and otherwise," according to Professor Salas) than in the United States.

Reflecting some current concerns that perhaps the Costa Rican Judicial Branch is even <u>too</u> independent, Salas reported on recent problems related to narcotics trafficking and the operation of a Commission on Drug Trafficking which denounced three Supreme Court members and asked for their resignations due to irregularities. Two of the judges resigned but the third did not; and in the situation of judicial independence in Costa Rica "there is no mechanism for removing a judge even if he is caught red-handed." There was adverse public reaction to this case, and some drop in public confidence in the judicial system occurred, according to Professor Salas.

The majority of countries in Latin America are plagued by corruption. Is there much in Costa Rica? "There is some," said Salas. "But Costa Rica is the least corrupt of all Latin American countries. Monetary corruption is prevalent, although less than elsewhere. But there is a paternalistic system for advancing on the judicial ladder. One needs a godfather to give one a push. Thus political factors play a large role in the selection of judges." And in many instances they work against the appointments of women to judicial sector positions. Are women less likely to be corrupt? "I believe corruption occurs much less frequently

among women.... That is, women tend to be less corrupt than men in judicial positions. Several people have expressed that opinion to me. I do not know if this is because they have less opportunity to be corrupt, since they are not in the higher positions of power and seldom handle major cases. But they have opportunities as secretaries of the courts. And the public perception is that men are the ones who get caught and are the corrupt ones," stated Professor Salas.

4. Justice in Peru*

The current Constitution of Peru, like that in Guatemala is quite recent, written by a constituent assembly in 1979 and taking effect July 28, 1980. It established a government of three branches: Executive, headed by a president and two vice presidents (and with a Council of Ministers); a Bicameral Legislature (Senate and Chamber of Deputies); and a Judicial Branch -- a Supreme Court and lower courts. Peru also has a Tribunal of Constitutional guarantees.

With an area of nearly 500,000 square miles, subdivided into 24 departments and one constitutional province (Callao, the country's chief seaport, adjacent to Lima), and with nearly 1/3 of its 20 million population concentrated in one metropolis while many others -- especially Indians -- dwell in remote reaches of the Andes, Peru faces great problems of maintaining responsive government and administering an effective formal system of justice across its vast territory. Moreover, governmental efforts of recent years (concentrated mostly in urban coastal areas) to promote a unified and modernized Peruvian culture now must contend with one of the strongest anti-government (and terrorist) insurgent movements in the hemisphere. And the insurgent group, Sendero Luminoso, bases its ideology on the destruction of the "modern" culture and its replacement by the indigenous Indian cultures. In view of this "insurgency" situation, both the

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* The justice sector assessment report for Peru was not available to the investigator of this report (and by all indications has not been prepared). Therefore, this summary has been formulated basically from information (and opinions) provided by Professor Luis Salas, from first-hand observations made by the investigator, and from Background Notes: Peru (U.S. Department of State, December 1987. The Face Sheet: Sendero Luminoso (U.S. Department of State, October 5, 1989) was also used.

military and the insurgents, especially in the rural areas, also play a very significant and strong role, in the way justice is administered in those areas.*

Indicative of the tremendous challenge this insurgency poses to the justice system in Peru is the proclaimed goal of Sendero Luminoso: to destroy not only the government but also the social order, and to do this by claiming to be champion of the disadvantaged Indian campesinos. Following a Maoist doctrine of building strength in the rural areas and then encircling the cities from the countryside, Sendero terrorism has recently become more manifest in the urban areas. In its urban strategy, the movement seeks to infiltrate trade unions, student organizations and leftist political parties. In 1989, it provoked armed strikes in rural areas and a one-day general strike in Lima which paralyzed transportation in that capital city.

These current conditions are doubtless more consequential to an assessment of the Peruvian system of justice than that system's formal structures and historical antecedents. Nevertheless, a brief review of those elements is in order.

Peru, also, draws from its Spanish colonial heritage. However, the country was central to Spanish power in the hemisphere: a vice-royalty established at Lima in 1542 had jurisdiction over Panama and all Spanish territory in South America (except Venezuela) for almost 250 years. By the time of the struggle for independence in the 1820s, Lima was an aristocratic colonial capital and the chief Spanish stronghold in America. Armed international conflicts and, as noted earlier, a strong military and repeated military coups have been prominent in Peruvian history. The most recent Constitution borrows heavily from Spanish models and now seems to have survived (in 1985) the first exchange of presidential power through democratic election in 40 years.

In the Executive Branch, the president is popularly elected for a 5-year term (and may not succeed himself). The Council of Ministers, headed by a prime minister appointed by the president, is the principal executive body. All

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* This was indicated to the investigator in confidential interviews with attorneys and judges who live and practice in those remote areas. This situation has had a very serious effect in the decisions of judges and on the lives of the populations in the areas outside Lima, as well as in the capital city itself.

presidential decrees or draft bills sent to Congress must be approved by this Council.

The bicameral Congress has a 60-member Senate and a 180-member Chamber of Deputies, and all members of Congress are elected for 5-year terms. Ex-presidents (Constitutionally elected) remain senators for life. Each congressional body initiates legislation and reviews draft laws proposed by the other body. The president reviews legislation but cannot veto it.

The Judicial Branch consists of the following basic elements:

- A Supreme Court of 16 members.
- Superior Courts, sitting in the departmental capitals and hearing appeals from decisions by lower courts.
- Courts of first instance, located in provincial capitals and divided into civil, penal, and special chambers.

As throughout Latin America, judges at all levels are appointed. The additional element, the separate judicial body designated the Tribunal of Constitutional Guarantees, interprets the Constitution on matters of individual rights. Also, an independent attorney general serves as a judicial ombudsman for the country.

The far-flung departments of Peru are subdivided into provinces, and these provinces are composed of districts. Below the departmental level, local authorities are elected. One of the major items on the agenda of the in-coming president of the Peruvian Republic is to decentralize the government bureaucracy.

Both the economy and the legal sector in Peru are disintegrating, according to Professor Salas. But as it was clearly seen by the author of this report, and substantiated by report after report on Peru, the country is in a state of chaos. Its fiscal system is in a very difficult and hyper-inflationary state, and the level of violence is very high. There is little confidence among the people in the current president, who once enjoyed a high level of popularity, or in the system of justice. The country is in shambles. A lot of capital has fled the country. Democratic governments in Peru have just not fared very well.

Moreover, the legal profession is not as important politically as it once was. And a novelist now wants to be president -- because no one else wants to be president. He calls himself the candidate to be the "emergency" president.

In Peru there are eight or nine law schools. They are now attracting persons from all social levels, not just from the upper classes. Many no longer have entrance requirements; and the most prestigious university in Peru now is the Universidad del Pacifico which teaches only business and economics.

In the justice system, approximately half the prosecutors are women. Women attorneys go heavily into the judicial part of the public sector because it offers stability, job security, and there is not the type of gender discrimination found in the law firms or in the demanding sole practice of the streets.

Women in Peru gained the right of suffrage only in 1950; but the 1979 Constitution grants women the same legal rights as men. Women attorneys are concentrated in Lima where the more modern norms of behavior are established. But in the city, too, the prestigious estudios (law firms) state explicitly that they do not want women in their domain. And in the outlying areas of Peru, where the old traditional norms regarding male and female roles and relationships predominate, things are very difficult for the female attorney in general and for the women in the judiciary in particular.*

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* One interview with a female judge from an outlying province serves to show the difficult and precarious position of women judges where militaristic and terrorist organizations hold control. This informant refused to reveal her name, strongly stressing that she feared for her safety if she were quoted. She described the lack of respect shown her by attorneys and by the military commander who she claimed is the "maximum authority" in the area. She further indicated that the correct application of the law by the judges would, in some instances, have no effect because of the clandestine measures that would be taken by the particular groups (she mentioned a particular terrorist organization known as "El Comandante Rodrigo Franco") against a particular accused. The gist of her account was that if, in accordance with the law, she were to find that there was insufficient evidence to hold a particular defendant accused of "terrorist activities" that setting him free would usually mean sentencing him to death by some unknown group. She also indicated the restrictions imposed upon her and the other male judges in being able to carry out their judicial duties because of the potential personal danger involved.

In Peru, the economic crisis -- especially the raging inflation--is a crucial factor in the opening of more professional (and economic) opportunities to women. In the midst of crisis, women are forced to take on careers to help supplement the income of the family. This is especially true for the lower and middle classes. The old view that the woman's role revolved around marriage, and that everything she did was to prepare herself for marriage and the wife and mother role, has become anachronistic. But the pressures on women to seek careers -- in law and otherwise -- were building long before today's panic inflation.

During the military regime in 1968 in Peru, agrarian reform was effectuated. The big landholdings were broken up by law under the military dictatorship of General Valasco. These original landholdings were taken from the oligarchy and ownership patterns of the middle, upper and very-upper classes were changed drastically.

As a result of the losses of main sources of income, many families found their members forced to seek work and go into professions. Most of the female attorneys contacted for this study were from the middle-upper classes. They were the daughters of elite and very well off and rich families whose heads also, now, tend to be practitioners of professions.

The law degree in Peru, more than in Guatemala and Costa Rica, is very highly regarded. For instance, an attorney is addressed as "doctor" or, in the case of females, "doctora." And to be educated in a learned profession is to be part of the privileged classes in the Republic. One respondent estimated there were presently about 12,000 attorneys in Peru of which about 2,000 are women. We learned that in the university situation, where half the law students are women, there are no differences in treatment. Furthermore, "If you graduate from Lima University or Catholic University [in Lima] there are no obstacles in working professionally; because you are well trained," stated one attorney respondent. But there are obstacles to advancement. In Peru, a woman Justice sits on the Supreme Court but only as a substitute -- and there has never been a woman as a regular Justice on the Supreme Court. Describing the private sector, our informant said: "The prestigious <u>estudios</u> (law firms) usually don't accept women, except to allow them to work at the second levels. Not many women care to run the risk of practice in the private sector. It is too risky for them and too hard."

So most of the women practicing attorneys are concentrated in the civil area -- but not in the more lucrative commercial areas -- mostly in the practice of family law and the law of minors, and in those areas of minor contractual, lease or deed arrangements (as is also the case in the other two countries). This informant estimated that about 20 percent of the judges countrywide are women, and that 30 percent of the judges in Lima are women. She also maintained that some women lawyers who work in the public sector are also now practicing law as a second job. They work in the public sector as a public lawyer and then arrange to do independent work carrying their own individual case loads. This situation too has been greatly influenced by the economic crisis.

Today, in Peru the cost of education is so high that drop-out rates from law school are increasing dramatically. It is becoming a high cost privilege to obtain a university education. So finally the universities are lowering tuition because families cannot afford the high costs; and scholarships are developing, thus opening the doors of the law schools to other social segments. The largest numbers of lawyers now come from the less prestigious law schools that attract the lower-middle class, especially the University of San Marcos, the national university. There are great differences in tuition comparing the University of San Marcos law school to those of Catholic University and Lima University.

It is clear that in Peru women have now accepted the career of attorney as an appropriate one. It is socially acceptable for a woman to study law and become an attorney. There is support within families encouraging women to undertake a career in the law. And husbands encourage wives and support their pursuit of a legal career. But most women attorneys face a system that is more attuned to men: a system where men are readily part of a "good old boy" network, and where in the penal system and the criminal justice sector corrupt methods (financial payments to lighten a client's sentence, etc.) are prevalent and women find it more difficult to function in this long-established "subculture."

Therefore, most women attorneys seek the public sector and the salaried positions therein. They find they are most accepted in positions where analytical legal work is involved. And a stable salary in the public sector (adjusted for inflation) is much coveted in today's Peruvian economy.

Finally, the driving force of the economic crisis for the attorney population in Peru was brought home vividly to the author. He observed the driver of a VW placing a taxi

sign on his windshield as he spotted a potential fare just as he was passing the AID Mission in Lima. As the author saw him do this, he flagged the driver down; and when he boarded, the driver indicated: "I do this just in case I can pick up a fare to supplement my income with a few extra Intis." When asked how he earned his livelihood, the driver indicated he was an attorney. So things are tough for everyone in Peru, at this time, even for male attorneys.

IV. WOMEN IN THE LEGAL PROFESSION: VIEWS OF PRACTITIONERS

A. A Profile of the Respondents

Ultimately, our study attempted to hear and report on the views of women practitioners of the law in the three Latin American countries. In this section we present those findings as they were obtained from a limited number of informants in each country.* Additionally, contact was made with a key Bar Association official in each country (in each case, a male) and with one or two other male spokespersons who provided their views on the situation of women in the law in Latin America.

But our basic, final focus is on the women practitioners, the women attorneys and judges who are the core of this preliminary study in Guatemala, Costa Rica and Peru. It is their views that constitute and reveal the patterns presented in the descriptive tables for each country which highlight the materials that follow. No strict sampling methodology was possible. Therefore, in effect, we are reporting here on women practitioners who were "accessible" to our research efforts during a brief visit to each country. Nevertheless "patterns," reflecting similarities and differences consistent with the background information already presented, are revealed in these findings from the practitioners.

Tables IV-1 and IV-2 present the profile of the 37 women respondents. It will be noted that, overall, the largest number (13, or 35 percent) are judges in the judicial sector.

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* Although 18 to 20 respondents were contacted in each of the three countries and questionnaires were left with them with instructions to return them to the AID Mission, a number of questionnaires were not returned. Therefore, our study fell slightly short in its efforts to obtain 15 informants from among female practitioners in the legal profession in each country.

Table IV-1

Profile of Women Law Practitioners Contacted in Three Countries: Positions Occupied By The Respondents

Position	Guatemala (#)	Costa Rica (#)	Peru (#)	Total (#)	Total (%)
Justice/Judge	4	2	7	13	35%
On Pub. Commission or in Govt. Dept.	3	4	3	10	27%
Private Practice	2	2	1	5	14%
In International Organization	1	3	0	4	11%
Law Professor or Dean	1	0	1	2	5%
Public Defender	0	1	0	1	3%
Work for Private Association	1	0	0	1	3%
Law Student	1	0	0	1	3%
All Positions	13	12	12	37	101%*

*Error due to rounding.

Table IV-2

Profile of Women Law Practitioners Contacted in Three Countries: Highest Education of the Respondents

Highest Degree	Guatemala (#)	Costa Rica (#)	Peru (#)	Total (#)	Total (%)
Law Degree/License	10	10	8	28	76%
Master's Degree	1	1	3	5	14%
Other Post-Graduate Degree	1	1	0	2	5%
Doctorate in Law	0	0	1	1	3%
No Degree (Student)	1	0	0	1	3%
All Levels	13	12	12	37	101%

*Error due to rounding.

Second in frequency (10, or 27 percent) are functionaries (usually high-level administrators) in public commissions or government departments dealing with justice matters. Only five (14 percent) are in private practice and just two (5 percent) are teachers in law schools (one of these, in Guatemala, a dean).

The other professionals, all males, whose overall views on women in the law are cited briefly in the presentations below are:

- The Vice President of the Bar Association in Guatemala.
- The Executive Director of the Bar Association in Costa Rica
- The President of the Bar Association in Peru
- The Dean of Catholic University Law School in Lima.
- A Latin American consultant (and former judge) to the Inter-American Bar Foundation.

In utilizing the law practitioners themselves as informants about their profession, it should be noted that their responses, and the patterns they reveal, are based on opinions and recollections from their experiences. Thus most findings should be viewed as perceptions and judgments. We are not asking the practitioners to be the authoritative sources of documented information. Nevertheless, their opinions and impressions even on matters of "quantities" reveal interesting patterns.

Our method of presentation in the following country profiles is to rely heavily on displaying summaries of the findings in tables followed by elaborations on key items and explanations of "pattern" based on comments made on the questionnaires by the respondents. Questions on a few subtopics, notably "career decisions after graduation," did not produce responses that could be quantified; and, therefore, in a few instances only brief discussion of the varied qualitative responses is presented (unaccompanied by tabulations). Finally, following the country profiles, a discussion of perceived problems across the region is based on key points made by respondents in lengthy (tape-recorded) interviews that occurred during some of our contacts with practitioners.

B. Women Practitioners in Guatemala

1. Education for the Profession

What problems do women face in obtaining an education for the legal profession? What are the conditions surrounding their legal education?

In exploring these and related questions in Guatemala, we found there -- as in the other two countries -- that we had obtained access, in the main, to women of the middle class. But based on the information provided by those we contacted, we have reason to believe that our respondents represented the norm among women in the law in Guatemala. And in that country being "middle class," or at least not of the "lower" classes, still imposes some strains on many of the women attempting to prepare for a career in the law.

Tables IVG-1 and IVG-2 present some basic findings inferred from aggregating the information provided by 13 women law practitioners in Guatemala. Not specifically reported here, but passed along by our respondents in estimating the number of women in their law school classes, was the judgment by all that the numbers of women law students is increasing -- and most felt that at least 50 percent of law students in Guatemala now are women.

Some interesting findings on the socioeconomic status and problems of these women as law students include the following:

- They reported that over 3/4ths of their fellow law students "had to work" while a student; and over 60 percent said they themselves had to work.

- Only 15 percent said they received financial assistance for pursuing their studies.

- However, none reported their financial situations "poor" while they were a student and all said their socioeconomic situation was "good" or "average" just after they completed their studies.

Most respondents identified themselves as "middle class," and over 1/3 specifically labeled themselves as "upper middle class" -- from families where the father was a lawyer or other professional and where siblings were in the professions. One who graduated from Landivar University (a

Table IVG-1

Women in the Law Classes of Law Practitioners in Guatemala: Estimated Numbers, Graduates, and Needs to Work While Students*

Numbers of women in your class:	25
Number who graduated:	7
Percentage who had to work:	76%

*Averages of estimated numbers and percentages given by respondents.

Table IVG-2

Financial and Economic Conditions Surrounding Women Law Students and Graduates in Guatemala*

Respondents who received financial assistance for studies: 15%

Respondents who had to work while a student: 62%

	Good	Av.	Below Av.	Poor
Financial situation while a student:	38%	46%	15%	-
Socioeconomic situation immediately after entering law profession:	62%	38%	-	-

*Based on responses of 13 Guatemala practitioners.

private school) said that most women students at that scho are on the high side of middle class; but another (not fr Landivar) said most women law students are "low-middle clas and that not all are able to improve their socioeconom situation noticeably following graduation. Others shar this latter view of women law students in Guatemala " general." None of our respondents said of themselves th conditions worsened after graduation, and for almost all th improved. Most comments by those who were in a secure a stable financial situation as students were to the effe that the greatest noteworthy improvements were in socia intellectual and cultural contacts following graduation.

Only two cases of scholarships or other financi assistance (outside the student's family) appeared among o Guatemala practitioners: one had a partial scholarship Landivar; another had her tuition paid, for four of the fi years of her studies, by the court of the Judicial Bran where she worked while a law student. And while a majori "had to work" as students, in most instances this work w for judicial or other governmental agencies and served "capacitar" -- training to prepare the student for t profession -- as well as provide needed economic ai However, in three instances practitioners reported th worked in such positions as cashier (in a market), secreta (non-legal), and primary school teacher. Moreover, ful eight (62 percent) of our respondents said that most fema law students are from a lower-middle class socioeconom level and work, in the majority, as secretaries or scho teachers.

Standing out in the findings in Table IVG-1 is the l estimate by our informants on the numbers (and proportion of fellow women law students who graduated. These estimat varied greatly -- from an estimate of 10 in a small class 12 to only 5 in a large class of 50 -- but in most instanc (in 9 of 13 responses) stood at about 25-30 perce graduating. Comments on this situation included: "Most qu because their spouse resisted giving continued support"; a "Six of my class of 15 are still working to finish the degree and four have dropped out completely." Severa respondents added the comment, after estimating the numbe that graduated, that they didn't know "how many actual practiced a career in the law."

Other questions attempted to explore perceptions (a knowledge) the women practitioners have about women as l students in Guatemala. Findings on these questions appear Table IVG-3. A first, predominant perception that needs t be highlighted is that all respondents felt there is no s discrimination in the admissions practices of law schools Guatemala. Comments on this question were emphatic: "In r

Table IVG-3

Other Perceived Conditions Surrounding Women Law Students in Guatemala

(Responses regarding varied conditions in law education)

	Yes
Is it common for women to receive financial assistance?	54%
Does the government help women students financially?	15%
Are there other helping programs for women?	82%
Is there sex discrimination in admissions?	0

	Women	Men	No Difference
Does it take women or men longer to obtain their law degree?	50%	17%	33%
What percentage of law professors are women?			15%*

*Average of estimated percentages given by respondents.

way is there discrimination"; "Not in the public nor in the private schools." One said, however, that more women go to the state university because they are less likely than men to be able to afford the private ones. And a few felt called upon to offer some explanations regarding situational factors that tend to penalize women. One said that the law schools don't discriminate, but that "preparatory education" in the pre-college years doesn't prepare women as well as it does men for law school (perhaps referring to counseling as well as access to courses in earlier schooling). Another commented that the predominance of night classes in law school penalizes the woman student because "many parents fear allowing their daughters to go out at night because of the violence" (that afflicted Guatemala in recent years). Still another commented that the major barriers to women are in the form of "lack of independence" to be able to pursue education in the law.

Only two respondents said the "government helps women" with their legal education. Most made it clear that there are no such helping programs targeted at women, and most went beyond this to say there is no government assistance regardless of sex. However, one cited an AID-Guatemala Government program for both sexes to augment the education of lawyers in the Judicial Branch; and another noted that the University of San Carlos, a "statal entity," provides assistance. The two persons who responded "yes" to this question described a program instituted in the last two years whereby a very small percentage of employees in the Judicial Sector receive "entrenamientos" (training) in specialized fields for very short time periods.

Although only 15 percent of our respondents said they had received financial assistance for their own legal education, over half said such assistance is common for women students and fully 82 percent said that there are non-governmental helping programs for women (although most cautioned that such programs are not specifically allocated for or targeted at women). The "common" form of financial aid, both at the public and private universities, is provided by those institutions as student loans to be repaid later. Such aid (a "study now and pay later" system) along with scholarships is administered the same for both sexes. It is based on demonstrated financial need and academic competencies and aptitudes.

The "other helping programs" cited included: Bar Association assistance; an AID/U.S. Government program; an OAS/International Rights program (for "entrenamientos" in Brazil); the previously cited program for employees of the Judiciary; and opportunities for persons who are already justices to go to conferences and seminars. Criticisms of

the existing programs included: "They are at a level where influence and friendships are a great help"; "Where these programs exist, they always account for existing personal relationships and 'pull'"; "They don't circulate information about such programs adequately." One respondent commented that there are no "exchange" programs operative in Guatemala. And those who supplied the comments cited above made clear their belief that the existing helping programs favor men (who have more and better contacts and power or "pull" relationships).

Rounding out our profile of women's education for the law in Guatemala are two questions regarding the facility (comparing men and women) of completing law studies and the composition of law faculties. Half the respondents felt that it takes women longer than men to complete their law studies, but one-third saw no difference in this regard between the sexes. Comments on why women take longer centered on interruptions for marriage and children, "distractions of boys," and economic problems and family responsibilities that do not allow women to dedicate as much time solely to their studies. One respondent went so far as to estimate that women take 3-4 years longer because of "maternity" and "unstable work conditions." On the other hand, those who saw no difference in completion times or who felt women take less time than men commented on the greater dedication of the female law students. Their comments included: "Women are always faster; they are more dedicated"; ""Most women begin their studies before motherhood and are more disciplined"; "Although more men graduate, women are more regular and constant in their studies."

A final shading in the picture of legal education as it currently is provided in Guatemala appears in the paucity of women law professors on the faculties of the law schools. The average estimate of female law professors on school faculties was 15 percent. And the range of estimates (made by 11 of the 13 practitioners) was from a low of 5 percent to a high of 35 percent. Why so few women law professors? Explanations centered mainly on the longer time men have been in the profession, gaining experience in it, and the current predominance in numbers of men in the law, although <u>students</u> are now equally distributed among the sexes. (One respondent, one of our older practitioners, said she never had a woman law professor during her studies.) But other respondents revealed additional contributing factors and perceptions, such as those contained in the following comments:

- "'Machismo' means that the schools always try to replace a man with another man."

- "Men often combine their professorships with another position, and women can't as readily work out such arrangements."

- "A woman prefers to emphasize work in litigation or in another role that brings her more attention in her family."

- "Women may have avoided these positions because of the history in Guatemala of the killing of many law school faculty members during the violence in the recent past" (offered by our student respondent).

The (male) Vice President of the Bar Association contacted in Guatemala added a number of pertinent comments regarding the education of women law students in that country. He noted that in 1963 there were just two women in a class of 200 at the University of San Carlos. Now half the law students are women, and at Francisco Marroquin Law School, a private school where the tuition is highest, today there are more women than men enrolled (he maintained). The Bar Association official said: "Women in the law are where they can get a job. They can practice in all areas."

2. Career Choices After Graduation

The findings on career choices could not be quantified in any meaningful way. Where respondents did make numerical estimates on the career choices of women, considering the Judicial Sector, the Executive Sector, Teaching of Law, and Litigation, most estimated that large numbers (about 1/3 of women in the law) choose to work in the Judicial Sector and that similar numbers and proportions choose the Executive Sector. Clearly least preferred was Teaching the Law. And Litigation (in private practice) was seen as the most difficult field for women to pursue.

Taking each field separately, comments by our respondents reveal the perceived positives and negatives regarding these choices in career lines. Consensus is hard to discern in the findings; but most respondents stressed the preference and the advantage shown to men in all the fields of the profession.

The Judicial Sector

Many said that positions are sought in this field because of the stability of salaries, although others stressed that the selection process shows clear preference for men (who are better wired into networks based on personal relationships). It was said that women prefer positions assuring permanency and that more each year seek out the Judicial Sector. One respondent maintained that positions in this sector are sought because women are acquiring a greater consciousness that they can, and should, make an important contribution with their legal training to Guatemalan society. However, another said that the career in the Judicial Sector is not yet well developed for women, who nevertheless seek these positions for job security.

The Executive Sector

Some felt that this sector is more accessible for women than the Judicial Sector but that openings for women are mainly for positions "without major importance." It appeared that our practitioners saw slightly more women in Guatemala moving into this sector than into the Judicial. One said: "The field is larger and the administrative decisions generally don't involve the human element" (as much as in the Judiciary). Another said that hours are more flexible here and the opportunities for development better; and someone pointed out that positions here are often obtained as an extension of jobs held during student days. But most who spoke to work in the Executive Sector emphasized the importance of job security and not the lures of professional growth through work in this field.

Teaching the Law

Views here paralleled those stated in comments on the low percentages of women professors in the law schools. It was said: men have prepared for this longer and the specialization requirements exclude most women; women got a recent start in the law (just in the past 20 years). Other points made regarding the rejection of this field were: the nocturnal hours of the classes at most schools interfere with family life; and the pay is poor so that these positions are not attractive economically. A related point made was that law teaching is often not approached as an exclusive vocation but is viewed as an additional aspect of a larger career; and women reject making these sacrifices (of expending additional time and energy) in preference for motherhood and their families.

Litigation

A factor that increased (and sometimes confused) the estimates on women performing litigation in private practice was the condition that private litigation is often a part-time practice combined with a career in the public sector. Although estimates were quite low on the numbers and proportions of women practicing litigation exclusively, it appeared to be the perception that close to 50 percent litigate at least part time. It is noteworthy that among our Guatemalan informants only two were full-time in private law practice. Advantages were seen as: better chances for higher financial gain; independence (regarding hours and working conditions) from organizational structures and constraints. It appeared that women in private practice have set up their own, small law firms or in most cases practice as sole practitioners (they are seldom members of the bigger male-dominated firms)*; or they perform these private, individual services on the side while maintaining a salaried position in a public-sector organization. Negatives in litigation were stated as: much competition, mainly from men, who have culture and tradition and connections on their side; exposure to "bad" practices (that are a natural part of the wheeling and dealing involved in the litigation "culture"); constant tensions that require a "special temperament." In the frequent comments about financial and economic stability and security in (albeit low paying) public sector jobs, it was often stated or implied that getting started in private litigation was risky and difficult economically. And in present-day Guatemala, many saw the problem of the "false acceptance of the greater competency of men" as a formidable barrier.

3. Women in the Judicial Sector

Our study concentrated its career focus on women in the Judicial Sector. We were interested in such questions as: What are the conditions surrounding women serving in the Judicial Sector? Is there confidence in women judges? How do women perform in that role? Do they have a "special agenda" as women? In Table IVG-4, some of these surrounding conditions are examined.

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* The pattern of private law practice in Guatemala is that there are no law firms of any major size. The overwhelming number of litigating lawyers seem to be sole practitioners or in practice with a partner, where they each carry their own clientele; or in rare instances where there are two or three lawyers within one family, they join with the patriarch in one law office.

Table IVG-4

Perceptions of Conditions Surrounding Women Serving in the Judicial Branch in Guatemala

	Yes
Are requirements for entering the Judicial Branch discriminatory?	8%
Do women concentrate in certain Judicial Branch areas?	100%
Percentages citing most frequently mentioned areas:*	
Family -	70%
Minors -	60%
Penal -	60%
Are there associations that have been organized especially for professional women in the Judiciary?	15%

*Percentages calculated from the base of 10 persons who cited areas of concentration.

To the basic question "Are requirements for entering the Judicial Sector discriminatory?" (on the basis of sex), only one respondent answered "yes." While others made the point that such discrimination is illegal today in Guatemala and that the Judicial Sector in recent years has given importance to women's issues (and the professional advancement of women), the respondent seeing "discrimination" today identified it in the selection process where influence and recommendations are highly important and where contacts and political influence play an important role. She also cited a barrier that affects women more than men in the situation whereby most new judges start their judicial careers in one of the outlying departments, and women find this work remote from Guatemala City more difficult than men. Another informant, while responding "no" to the discrimination question, qualified her answer by stating that women attorneys in the Judicial Sector often are placed as court secretaries and that men "don't want women in positions of direction."

All of our respondents in Guatemala felt women tended to concentrate in certain areas, citing "Family," "Minors" and "Penal" as the most frequent assignments for women. Some elaborated on these perceptions to state that women are in the areas that men do not easily accept, and that men have better opportunities in the judicial hierarchy. Also, that family matters and problems involving minors are seen (in the hierarchy) as the exclusive competencies of women. But most comments on "tendencies" stressed the positive side: that women are seen as, and are in fact, more competent with matters of human relationships, sentiments and negotiations. Whether due to imposed assignment or choice, it was stated that four of five Family Court justices are women and that the same situation holds with regard to courts dealing with Minors.

Findings regarding ascension in the judicial career and hierarchy could not be quantified but revealed the predominant perceptions of our female practitioners. Several reported the actual highest judicial attainments to date of women judges: in the past 10 years, two women have risen to the Supreme Court. But it was noted that the pathways to Magistrate, let alone Supreme Court Justice, are very difficult for women to travel. The consensus expressed was that "men retain the high positions," control the gateways, if you will, and always have greater political support for advancement. It is the truly exceptional cases where women rise to Magistrate; and all the way up the hierarchy, progress is slower for women. It was said that most women in the Judicial Sector are "Officials," some are named "Secretary of the Court," in rare cases they become Judges, and even more rarely they rise to Magistrate. Also, women

are kept much longer in the lower positions. One respondent said that she was not promoted to Magistrate in a Court of Appeals until she had spent 10 years as a Judge in the First Instance. Some felt that women in the Judicial Sector needed to become more aggressive and diligent in seeking promotions. For a number of years, now, they have had opportunities to demonstrate their capacities and abilities to take on responsibilities. Still lacking were concerted efforts to press for advancement.

The current state of organization specifically to address the issues of women in the Judicial Branch appears to be such that little joint, concerted advocacy for females in the Judiciary is occurring or can occur. As reported by our informants, there exists in Guatemala a women's organization called "La Asociación Nacional de Abogadas y Notarias" that promotes and defends the interests of professional women in the law. It was the existence of this private association, not specifically organized for females in the Judiciary, that elicited two "yes" responses from our practitioners when we asked "Are there associations for the women in the Judiciary?" In actuality, according to our information, no such associations exist specifically addressing problems of women in the Judiciary. Moreover, although there are labor "sindicales" organized for many professions in Guatemala, no such syndicate exists for judges (of either sex) and, in fact, by law judges cannot belong to labor sindicales.

The articulation of women's issues in the Judiciary and efforts at mobilizing pressures for change from the perspective of women in that sector must rely today on associations that have a broader agenda covering the total spectrum of professional women in the law. In the views of our respondents, the existing private associations have had little impact on change to improve opportunities and conditions for women.

The practitioners were asked about women's practices in judicial roles and whether women judges retain the confidence of colleagues, persons coming before the court, and society in general. Responses are shown in Table IVG-5.

Our practitioners in Guatemala were not uniformly sure that women in the Judiciary are viewed and accepted with great confidence, as can be seen in the findings displayed in the table; however, only one person (one of our "private practitioners") chose to answer "no" to this question regarding confidence. Her comments were: "Perceptions of women judges are not very good. It's part of the broader problem that, in general, our education system still is not highly accepting of women in professional roles. Women have to demonstrate their capabilities and honesty and earn

Table IVG-5

Perceptions of Confidence In and Practices Of Women Serving in the Judicial Branch in Guatemala

	Yes	Some-what	No	No Answer
Do women in the Judiciary have the confidence of:				
(1) Colleagues?	46%	23%	8%	23%
(2) Clients/Litigants?	46%	23%	8%	23%
(3) Society?	46%	23%	8%	23%
Do they try to improve rights of women?	15%	15%	38%	31%
Do they help one another professionally?	23%	8%	38%	31%
Are they active at the international level?	23%	0	38%	38%
Are they often members of international organizations?	15%	0	38%	46%

respect." Another who was "lukewarm" on the confidence questions said that it was a matter of the present-day situation in Guatemalan culture: A Woman is not given recognition for performing in a public role and is not respected in organizational hierarchies (like the hierarchy in the Judiciary).

But the six (of 13) respondents who were most affirmative regarding the confidence expressed toward women in the Judiciary saw this confidence growing as women have had the opportunity to demonstrate their capabilities. Some said: "Women judges have won confidence and are seen as more honest than men." One said: "Women judges are seen as having a social conscience and as being impartial in their judicial decisions." Almost all stressed that women have earned this respect and appreciation as they have had the opportunities to prove themselves.

Do women approach their judicial duties with a "special agenda" for trying in special ways to work for women's rights? Responses here indicate that such questions trigger varied sensitivities and tap ambivalences -- thus leading to large numbers of "no response." Although few of our Guatemalan practitioners were judges, those respondents who grappled with these questions seemed to put themselves in the position of a female judge and expressed reservations whether a judge should, in a sense, be looking out for women's rights in special ways. One who answered "yes" (on "improving rights of women") qualified this by adding "within legal limits." Comments accompanying the "no" response were of two distinct kinds: those emphasizing the importance of sexual neutrality in the judicial role; those critical that women judges don't identify enough with the special problems of women. In the former category comments included: "They limit their work to insuring equality between men and women"; and "Within the profession, they work for justice in equal forms." In the latter category, one respondent (a private practitioner) said: "They don't assert their own rights enough. A large percentage follow the norms defined by men."

The question regarding mutual professional help among women judges was also avoided by some, but those who did respond didn't seem to be wrestling with ambiguities. On the "yes" side, comments included: "I see a sense of solidarity growing among women in the Judiciary"; "There is much mutual support and help, but still some deficiencies in this regard." Our "critical" private practitioner commented: "They help one another at the personal level. But they do this in ways that don't compromise their own economic, political, and social security" (i.e., they don't stick their necks out). Comments associated with a "no" response on this question were typified by: "There is no mutual help.

Rather, there is rivalry."

The questions on international activities shown in Table IVG-5 were supplemented by additional questions exploring the existence of and membership in international associations. As revealed in the table, this inquiry turned up very little perception of international activity engaged in by women in the Judiciary -- and very little consciousness among our respondents of international organizations and activities. It should be noted at this point that the Consultant to the Inter-American Bar Foundation in Washington, D.C., who was contacted in the course of this study, spoke of programs of popular legal education ("programas de educación legal popular") for women in Guatemala and said that a future similar program, targeted to rural women ("la mujer campesina"), was scheduled for February 1990.

One practitioner respondent who is a coordinator of programs in the "Organismo Judicial" did see women judges in Guatemala complementing their national duties with interests and memberships at the international level, even serving in executive positions of international associations. Where other respondents strained to recall such organizations and activities, they qualified their responses by saying "this isn't specifically for women." One said that a number of judges recently went to Boston for a conference at Harvard on international topics. Another said "There is a lack of time for international matters and also a lack of information about them." Those who cited specific organizations at the international level mentioned seminars put on by ILANUD, but added that they were not just for women. Our strongest critic, the private practitioner, commented: "Our women judges aren't interested in such things. If you try to involve them, they are only interested in the possible benefits, not the added sacrifices in time and energy."

4. Bar Association Participation

We complete this profile with the brief findings on participation in the Guatemala Bar Association. There is no separate female Bar Association in Guatemala (or in the other two countries, for that matter). All practitioners of the law must belong to the "Colegio de Abogados" representing both sexes. The Vice President of that association noted that its constitution addresses equality of the sexes. He also stated that in 1986 a women was a candidate for President of the association and "lost by a small margin."

But the estimates regarding participation provided by our women practitioners showed a low level of participation in the power and politics (inner workings) of the Colegio. Based on estimates made by the 3/4ths of our practitioner

respondents who gave estimates on the percentages of women participating in these matters, it was found:

- Percentages of women Bar members who run for Board membership - 12%

- Percentages of females on the Board of the Bar Association (in the past 5 years) - 16%

C. Women Practitioners in Costa Rica

1. Education for the Profession

The practitioners contacted in Costa Rica tended to be more solidly middle class than those in Guatemala -- and apparently much less struggling for status and security. They seemed to be participants in an established process, and in a society where democratic institutions and opportunities for women have flourished for a long time. Tables IVC-1 and IVC-2 begin to reveal this picture.

Some interesting findings, as we begin this profile, include the following:

- Fully 58 percent had received financial assistance (most in the form of scholarships).

- Only 17 percent "had to work" (although practically all said they did work, mainly to "capacitar"; but more of them (43 percent) perceived that their female classmates had to work.

- Their socioeconomic situation after graduation was not judged any more highly than appeared in the judgments of the Guatemalan practitioners, but comments indicated these perceptions were relative matters and "good" or "average" in Costa Rica seemed to indicate greater affluence than in Guatemala.

- Estimates on numbers of women in their law school class and numbers who graduated closely approximated the estimates made in Guatemala; and as in Guatemala, our respondents felt that about half the students in their class

Table IVC-1

Women in the Law Classes of Law Practitioners in Costa Rica: Estimated Numbers, Graduates, and Needs to Work While Students*

Numbers of women in your class:	30
Number who graduated:	10
Percentage who had to work:	43%

*Averages of estimated numbers and percentages given by respondents.

Table IVC-2

Financial and Economic Conditions Surrounding Women Law Students and Graduates in Costa Rica*

Respondents who received financial assistance for studies:	58%
Respondents who had to work while a student:	17%

	Good	Av.	Below Av.	Poor
Financial situation while a student:	42%	42%	8%	8%
Socioeconomic situation immediately after entering law profession:	58%	42%	-	-

*Based on responses of 12 Costa Rican practitioners.

were women. (One said the situation at the University of Costa Rica -- UCR -- seems to have stabilized at about 50/50, male/female.)

Fully seven of the 12 respondents in Costa Rica had received some type of scholarship; and three cited this as an award given to an "honors" student. Almost all identified themselves as middle class or upper middle class, from professional families; but one respondent in Costa Rica did say she was of a "very low class" (having five brothers and a working mother), but this person had received a scholarship at UCR that paid for her courses and also provided additional economic aid. Regarding working while a student, fully ten of the 12 specifically said they worked only to "capacitarme mejor" and not due to economic need, and one said she did this only toward the end of here law school education. Types of work performed in almost all cases were related to legal studies and included: assistant to a faculty professor; assistant to a lawyer or in a law firm; assistant in the legal department of a government ministry; assistant in the Civil Aviation Directorship; assistant to the "Procuraduría General de la Republica."

Responses regarding "socioeconomic status upon entering the profession" can be clarified somewhat by comments made by the respondents. Almost half said their situation didn't change much following graduation: the practitioners remained in a stable position in the middle or upper middle class. One said her situation has varied year to year although she has remained "middle class" -- but she has privileges of the "clase alta." And included among our respondents is a private practitioner identified as "one of the highest paid lawyers in Costa Rica."

What of the other conditions surrounding women law students in Costa Rica? Table IVC-3 reveals other perceptions of our Costa Rican practitioners.

All were definite in stating that there is no discrimination in admissions. There is an exam at UCR and admission is assured if one's grade is high. Grades on this exam and preparatory schooling are the sole determinants of admissions. All were certain that the government itself does not provide financial assistance for women law students. One said such aid (specifically for women) usually comes from foreign organizations. Another maintained that the various types of assistance programs that are available fail to take account of a crucial factor for women: the programs lack provisions for child care.

Table IVC-3

Other Perceived Conditions Surrounding Women Law Students in Costa Rica

(Responses regarding varied conditions in law education)

	Yes
Is it common for women to receive financial assistance?	75%
Does the government help women students financially?	0
Are there other helping programs for women?	66%
Is there sex discrimination in admissions?	0

	Women	Men	No Difference
Does it take women or men longer to obtain their law degree?	17%	17%	67%
What percentage of law professors are women?			30%*

*Average of estimated percentages given by respondents.

Are there other helping programs for women? Two-thirds responded "yes" but then most qualified their answers to say that these programs are not especially for women. Programs cited resembled those identified in Guatemala: those for public functionaries (in the institutions where they work) to improve their capabilities; a scholarship in the Regional Project for Improving Administration of Justice. Also mentioned were "scholarships offered by other countries" and "post-graduate programs at UCR."

Which sex takes longer to complete the law studies? Interestingly, in this country of many perceived equalities, most respondents perceived "no difference" in this regard between the sexes and the same numbers said "men take longer" as said "women take longer." Comments were similar to those made in Guatemala. A few said women are slowed by motherhood and family burdens. And both those seeing "no difference" and those saying "men take longer" commented that "women take their studies more seriously" and try to get on with their career more quickly. One said: "There isn't much difference among my generation. It takes about five years to complete the studies."

In Costa Rica, our practitioner respondents perceived greater numbers of women professors in the law schools then were reported in Guatemala (30 percent women professors compared to 15 percent). One person commented: "Many of my professors were women. I'd say at least 40 percent at the law school [UCR] are women." Another said the percentages of male and female law professors are about equal now. She commented: "It is as easy, or as hard, for a woman as for a man to be a law professor." The majority, however, said there were fewer women than men in these positions and gave as reasons for this situation: "Up to 15 years ago, the schools had more men, and there are more men lawyers"; "Men have had these positions longer, beginning at the time when there were more opportunities for men"; "Men formerly dominated the profession." Another pointed out that many men have finished one law career and now have turned to teaching law. And one respondent said that most women law professors are full-time professors (implying that many men in this role combine it with other legal work).

The (male) Executive Director of the Costa Rica Bar Association said that 25 percent of his own law school class were women (although he did not indicate the year he graduated). He provided additional information that today there are approximately 1,200 women in the law profession in Costa Rica.

2. Career Choices After Graduation

In this exploration, quantification of estimates on preferences among the various sectors and fields was not possible. Comments, however, revealed the perceptions of our 12 practitioners. And those perceptions were not too different from those found in Guatemala, comparing the preferences and reasons for choosing a career line in the Judicial Sector, the Executive Sector, Teaching the Law, or Litigating.

The Judicial Sector

Stability was most frequently mentioned as a major attraction of work in the Judicial Sector. One person added: "At one time, salaries were attractive in this work." Another said: "This sector has been a good source of work for women attorneys." A consensus seemed to be that a majority sought employment in the Judicial Sector. Other attractions included: favorable working conditions; prestige; more time to dedicate to family life; salaries better than in other branches of the public sector. But one respondent felt that actually there was no difference between men and women in making this choice: private practice is a risk and recent graduates seek the security of a fixed salary. Another said that working in the Judicial Sector requires a big sacrifice in the early years because one usually has to start by working in the outlying regions. But contrary to the similar view expressed by someone in Guatemala, this respondent pointed out that many men and women are not disposed to make these sacrifices.

The Executive Sector

Fewer offered opinions on career choices in the Executive Sector. Most who did said that (as in the Judicial Sector) security and stability are key factors in this choice. Respondents seemed to agree that there were fewer openings in this sector although one said opportunities have been increasing in recent years. Another maintained that the Executive Sector absorbs fewer women because the ministers and public officials don't try to increase the numbers of women as their numbers have been increased in the Judicial Sector. Another commentator stated that many women in the Executive Sector are working in the inferior levels, and few have positions of power.

Teaching the Law

We have already seen that (according to the perceptions of our practitioners) more women teach the law in Costa Rica than in Guatemala. But the same reasons for rejecting this

career line were expressed in Costa Rica: very poor pay; men, in keeping this area to themselves for so long, have created an environment uncomfortable to women. But more respondents in Costa Rica said that law teaching is usually combined with other work and is performed as a complement to other professional work; and one person associated "high prestige" with this career line. One of our private practitioners stated: "I would like to teach [as an addition to my career], but my private practice doesn't leave me sufficient time." She added: "Women's mind sets also have to change. We must come to know that we can do well at whatever work we set out to do."

Litigation

In Costa Rica, the practitioners seemed more positive about work in this field even while they cautioned about the problems one faced "en la calle". They said (as in Guatemala) that "The private sector is risky." But the lures of independence, flexible hours, and greater economic reward seemed to interest our Costa Rican informants more and elicit from them more positive comments about litigating. The perception seemed to be that the number of female litigating lawyers was increasing considerably, in spite of the highly competitive market. One respondent said: "This is the most interesting field, but it demands much effort." Another said: "Women like this type of activity." And still another maintained: "Most men and women aspire to litigate; there are no sex difference in this motivation." As in Guatemala, it was pointed out that litigation can be combined with other activities; but there was less communication in Costa Rica that this was the common situation for the woman engaged in the work of litigation. One woman said: "Few women achieve renown in this field, but in Costa Rica we do have some women who have made a mark here." One female private practitioner [who appeared to be highly successful] admonished: "Women are more timid than men in oral and public procedures." But she added: "I think the situation is the same for men and women; the possibilities of starting your own law firm exist for both sexes."

3. Women in the Judicial Sector

Our concentrated focus on the Judicial Sector in Costa Rica was eliciting views of fewer judges (only two) in that country than in Guatemala (four judicial respondents) or Peru (with seven judges in our survey). Perhaps for this reason there appeared to be a greater reluctance in Costa Rica to answer our questions about women in the Judicial Sector and to make estimates or judgments about the practices of women judges. Nevertheless, Table IVC-4 begins to reveal the views of those who did respond.

Table IVC-4

Perceptions of Conditions Surrounding Women Serving in the Judicial Branch in Costa Rica

	Yes
Are requirements for entering the Judicial Branch discriminatory?	8%
Do women concentrate in certain Judicial Branch Areas?	42%
Percentages citing most frequently mentioned areas:*	
Family - 60%	
Minors - 60%	
Penal - 40%	
Public Defender - 20%	
Public Ministries - 20%	
Health Beneftis - 20%	
Are there associations that have been organized especially for professional women in the Judiciary?	8%

*Percentages calcualted from the base of just 5 persons who cited areas of concentration.

As in Guatemala, only one person perceived discrimination in the requirements for entering the Judicial Sector. This criticism was modulated by statements that discrimination was not "systematic" and that it inhered in the practices of Magistrates. One who responded "no" added that discrimination resides in the minds of the selectors, who are mostly men, and who have seen men occupying most of the higher positions in the past. A respondent who is a judge said there is a certain tendency for magistrates to name men and be reserved about naming women, but she added: "We are over-coming this a little." One confident private practitioner said she thought there was no discrimination but she couldn't speak from experience since she had not sought a position in the Judicial Sector. But, she added, "After many years, when I seek such a position I will obtain it without problem."

Only five of our Costa Rican practitioners felt that women tended to concentrate in certain areas of judicial work and only these five offered views on what the areas of concentration are. Four commented, succinctly, "There are no tendencies." Those who saw tendencies cited a number of areas of concentration, principally Family, Minors, and the Penal area. Why these concentrations? As in Guatemala, it was said that tradition played a part and that it <u>is thought</u> that women have better perceptions and understanding of problems in these areas. One person, while commenting on the special sensitivities of women for working in the areas noted above, said justice is seen as a "Mother," and these areas especially call for qualities implied in that model. But one of our respondents who <u>is</u> a Penal Judge said simply: "I like this area because it's more dynamic." And one private practitioner said: "Men think women on the Family Courts are partial to other women. But that's not true."

Views on the relative rates of ascension in the Judicial Branch for men and women revealed perceptions much like those in Guatemala. Several pointed out that recently two women have been named Magistrates in the Supreme Court. But all respondents stressed how hard it is for women to rise to this level. One said it was somewhat easier to rise to the level of a Superior Court Judge, but rising to Magistrate in the Supreme Court is a very difficult step, and political factors enter in decisively at this level. Another said the judicial hierarchy was erected by and is maintained by men. Tradition and the "patrones" culture were also cited as barriers. One respondent who is a judge said: "In my case, in spite of serving 17 years as a judge I was passed over for a man who had only four years of experience, compared with my many years of experience." But our confident private practitioner, while acknowledging that men rise faster, saw

a tendency toward change. She said: "Both men's and women's mentalities have changed considerably about these matters in recent years."

Our question regarding associations organized especially for women in the Judiciary elicited only one "yes" response in Costa Rica, and this respondent indicated that such organizations included men too. Most practitioners (7 of 12) avoided the question and those who answered said there was nothing in the Judiciary (in the way of organizations) reserved to women. A practitioner respondent who is a Superior Penal Judge cited the Association of women professionals in the law, said not all women justices belong, and that this association does not promote women's programs and in no way benefits women.

Queried about the confidence women in the Judicial Sector elicit from others and actions of women in that Sector that indicate they have a distinctive women's agenda, the practitioners in Costa Rica provided a more clear-cut pattern of responses than those in Guatemala. Results are shown in Table IVC-5.

Confidence ratings were considerably higher in Costa Rica than in Guatemala. The great majority said "yes," women in the Judiciary do have the confidence of their colleagues, clients/litigants, and society in general. Perhaps a good backdrop to all of our findings in this area is provided by the response of one private practitioner. This respondent counseled: "I think all your questions [in this area] are based on an assumption of discrimination against women. It is difficult to answer because I don't think such clear discrimination exists. If one is a good judge, one has respect independently of one's sex. I don't have the least idea that there are bad thoughts about women being judges. Their prestige is equal to that of men."

Other respondents, while less chastising, came on strong in stressing the confidence held in women; and some (going beyond equality to men) said women judges are seen as: more objective; less corrupt; and more honest in and loyal to their job. This confidence is based on demonstrated capacities. Another said that the respect for women judges as more honest and firm in their decisions is reflected in the media in Costa Rica. It was pointed out that when there have been charges of corruption in the judiciary, women have not been affected. A respondent perhaps in the best position to observe and reflect on this situation (as Defender of the Rights of Women in the Ministry of Justice) was more reflective in her response. She said that women in the judiciary have the confidence of society and of those with whom they have relationships. But, she added, "Our society

Table IVC-5

Perceptions of Confidence In and Practices Of Women Serving in the Judicial Branch in Costa Rica

	Yes	Some-what	No	No Ans-wer
Do Women in the Judiciary have the confidence of:				
(1) Colleagues?	75%	8%	0	17%
(2) Clients/Litigants?	83%	0	0	17%
(3) Society?	83%	0	0	17%
Do they try to improve rights of women?	17%	17%	25%	42%
Do they help one another professionally?	0	0	42%	58%
Are they active at the international level?	0	17%	25%	58%
Are they often members of international organizations?	0	17%	8%	75%

and culture have not completely accepted women in positions of power where they make important decisions. The women in the judiciary are given respect socially, but I feel that their relationships at the personal level are more difficult."

Our effort to explore women's judicial practices as reflecting group solidarity based on sex turned off even more respondents -- perhaps reflecting the sense, noted above, that the questions implied a position beyond equality; and in Costa Rica women in a relatively "mature" profession hesitated to try to explain views that might seem inconsistent with "equality." Those who commented on whether women in the judiciary "try to improve the rights of women" responded much as did the Guatemala practitioners: women stand for the same rights for men and women; they express their feminine sensitivities in their daily work, and they work to counter aggression against women in performing as good and fair judges. But some advocacy, and discontent with the current lack thereof, appeared in the responses in Costa Rica. A respondent who is a judge said she wants to form an association of women judges to address women's issues. And the defender of women's rights in the Ministry of Justice noted that "not all do" (try to improve the rights of women) but a subgroup in the judiciary is becoming more concerned with problems of justice that specifically affect women.

None of the practitioners in Costa Rica chose to affirm that women in the judiciary help one another professionally. One (a judge) said: "Among judges, the worst enemy of a woman is another woman." But comments accompanying the "no" responses were generally more conciliatory. They included: "Help is a matter of professional levels and competencies": "They help fellow workers regardless of sex"; "Collaboration among the majority occurs only with regard to competencies" (helping by sharing knowledge and experience).

The women practitioners in Costa Rica also had little to say about international activities and memberships in international organizations. Those who commented on this type of activity said: "The work doesn't open opportunities for activity at the international level"; "Men get the chances at seminars outside Costa Rica"; "There's a lack of consciousness of the need for unified efforts at the national and international levels"; "We lack mechanisms for this level of participation"; "There's not much interest in this" [membership in international organizations]. Regarding scholar-ships, someone commented that there are no international scholarships for women in the Judiciary in Costa Rica.

But among our practitioners in Costa Rica were three employees of ILANUD. And they volunteered information about international scholarships for lawyers (but granted, without sex discrimination, to men and women). And one Director from ILANUD cited the AID Program for the Improvement of the Administration of Justice as having given opportunities for participation to women in its various projects and activities.

Clearly, however, in Costa Rica as in Guatemala, activities by women at the international level have been sparse. Few see -- or, apparently, seek -- opportunities for professional development and for strengthening the position of women in the judiciary through international organizations or international opportunities for participation.

4. Bar Association Participation

As in Guatemala, membership in the Colegio de Abogados is a requisite for practicing law in Costa Rica. Our Costa Rican practitioners made higher estimates than those in Guatemala with regard to female participation in the internal politics of that Association; and the (male) Executive Director of the Costa Rican Colegio estimated that in the past five years approximately ten women have been members of the Board of Directors of the Association. The estimates by the canvassed practitioners (with only half of them attempting to make such estimates) produced the following (average percentage) figures:

- Percentages of women members who run for Board positions. - 30%
- Percentages of females on the Board of the Bar Association (in the last 5 years). - 20%.

D. Women Practitioners in Peru

Two factors should be noted at the outset as we present our profile on women law practitioners in Peru. One is a matter of our "sample" of practitioners in that country: over half the respondents (7 of 12) are judges. The second is the condition in that country that seemed to strongly influence many responses: extraordinary rates of inflation, and other economic dislocations, pose special problems to the practitioners of the law profession in Peru. Therefore, while we sensed that in Peru, as in the other countries, we were obtaining the views of women who were of the "social elite," even persons at this socioeconomic level were in the

midst of much social and economic uncertainty and instability.

1. Education for the Profession

Tables IVP-1 and IVP-2 present the initial information for our profile. They show aggregated findings on the legal education obtained by the practitioners contacted for the study. The following highlights in those findings begin to draw interesting comparisons to Guatemala and Costa Rica:

- While estimates of the number of women in law classes are comparable to the estimates in Guatemala and Costa Rica, estimates on numbers who graduated (showing 2 out of 3 graduating) are considerably higher in Peru.

- Percentages who "had to work" (25 percent of the respondents themselves and 49 percent of their fellow women students) are close to the estimates made in Costa Rica but are much lower than the estimates in Guatemala.

- But figures on those who received financial assistance for their studies (25 percent) are close to Guatemala figures, while Costa Rica presented a picture of many scholarships.

- Doubtless influenced by the Peruvian economic problems, the socioeconomic situation of the respondents was seldom seen as "good" after graduation (the perceived situation of the majority in both Guatemala and Costa Rica) and was predominantly estimated as only "average" (by 83 percent).

What are some of the perspectives and thoughts behind these figures?

The practitioners in Peru described an education situation that has shifted in 20-25 years from very few women law students at the schools (one said 9 among 150 at one school in 1967) to a situation in which half or more law students are women. One informant said that 60 of 100 students in her class were women and 80 percent graduated. Another said that 30 were women and 28 graduated. Still another estimated 30 women in her class with 20 graduating. The (male) dean of Catholic University Law School in Lima

Table IVP-1

Women in the Law Classes of Practitioners in Peru:
Estimated Numbers, Graduates, and Needs to Work While Students*

Numbers of women in your class:	30
Number who graduated:	20
Percentage who had to work:	49%

*Averages of estimated numbers and percentages given by respondents.

Table IVP-2

Financial and Economic Conditions Surrounding
Women Law Students and Graduates in Peru*

Respondents who received financial assistance for studies: 25%

Respondents who had to work while a student: 25%

	Good	Av.	Below Av.	Poor
Financial situation while a student:	17%	75%	8%	-
Socioeconomic situation immediately after entering law profession:	17%	83%	-	-

*Based on responses of 12 Peruvian practitioners.

said that in 1989, of 1,300 law students, 496 were women. He estimated that in the past 10 years, about 50 percent of the law graduates have been women.

The respondents described a situation of very little financial assistance for their studies. Only three reported receiving such aid, and their comments were: "I received a half scholarship from the university because of my family's economic situation"; "The University of San Marcos granted a scholarship that paid for some of my books, but it really wasn't sufficient"; "I still had to work very hard for the little help I got." At the same time, the group as a whole presented a picture of "middle class" with few wants; but perhaps most were not in as stable a situation as this same class in Costa Rica. Almost all identified themselves and their families as middle class, and most stated that their main financial support while in school came from parents. One said she got help from her older brothers as well as her parents. Another identified her socioeconomic level as "very high" and indicated that both her parents and her husband put her through school and she never had to work. Still, evidence of the Peruvian economic dislocations surfaced in several responses. One person said she was middle class when she entered law school but worsening economic conditions pushed her down to "low-middle." Another said that she was middle class when she began her law studies but needed, and received, help from the university in her second year.

Comments regarding "working while a student" revealed that most worked to "capacitar": as assistant in the Office of Assessor in the Ministry of Justice; in the Supreme Court and later in the Penal Sector; in the "Poder Judicial." Few appeared to have worked as students in private law firms; and none indicated they worked as teachers or secretaries -- or in work unrelated to their law studies. One, reflecting instabilities in the economy, said she started to work in her third year "para capacitarme," but also for economic reasons because the cost of living went up.

How to account for estimates that the socioeconomic situation of the Peruvian practitioners was not noticeably improved after graduation? Comments included: "Hasn't changed; my earnings are really irrelevant to my economic situation"; "I have the same standard of living, and we judges are poorly paid"; "My economic situation is the same as before, but maybe a little less favorable because my husband and I now have three children" (her husband is a lawyer). Other comments were: "Inflation hurts"; "I lack some of the accessories I formerly had"; and "My situation has changed but not in the way I wish." However, several persons commented that their <u>social</u> situation had improved (while their economics had stayed the same); and one added:

"I now have aspirations and possibilities of future progress."

The continuation of our probing into the conditions surrounding women law students in Peru is captured tersely in the response patterns shown in Table IVP-3. We see there that (non-family) financial assistance for studies is less common in Peru than in the other countries; and that only 17 percent of respondents (compared to 82 percent in Guatemala and 66 percent in Costa Rica) said there were "other helping programs for women." However, as in all our queries with practitioners in the three countries, no-one said there was "sex discrimination in admissions." The comments in the following paragraph serve to further enlighten these findings.

Regarding financial assistance, one person said such help is not common but that both men and women can get varied degrees of help based upon a "graduated system" of need. Someone estimated that 25 percent of women students receive financial aid, another said "there is not much financial aid for either males or females," and another said this help is given only at the University of San Marcos. The evidence seemed to indicate, however, that such aid was mostly in loans. It seemed apparent, as one person stated, that "No program exists specifically for women." Two persons, however, mentioned a special "entrenamiento" (training) program that was to be started for persons wishing to be judges. One said the program now operated in the Academia de Magistratura"; the other said the program was to be started at the University of Lima but she didn't know whether it had gotten underway.

The question on discrimination needs to be highlighted here as it has been in the previous profiles. All agreed that no formal discrimination exists in admissions procedures and policies at the schools and that the exam system now is strictly followed. Several respondents hedged their "no" responses regarding discrimination. One said she felt that the body that proportions scholarships for law studies acts with discrimination against women. Another wished to comment on discriminatory policies in the "Academia Diplomática," where (she said) the methods of acceptance are not explicit. The exams and general interviews lead to subjective judgments on qualifications. This produces a large masculine majority in the diplomatic career field, according to this respondent. And she felt very strongly that in the diplomatic field there were very clear discriminatory practices to exclude women.

Do women take longer than men to complete their law studies? The findings in Peru, like those in Costa Rica, produced a standoff. The largest number of respondents said

Table IVP-3

Other Perceived Conditions Surrounding Women Law Students in Peru

(Responses regarding varied conditions in law education)

	Yes
Is it common for women to receive financial assistance?	33%
Does the government help women students financially?	0
Are there other helping programs for women?	17%
Is there sex discrimination in admissions?	0

	Women	Men	No Difference
Does it take women or men longer to obtain their law degree?	25%	33%	42%
What percentage of law professors are women?			14%*

*Average of estimated percentages given by respondents.

"no difference," and one more person said "men take longer" then said that "women take longer." Comments included: "It doesn't vary much; the few women who marry take longer"; "The majority in both sexes are equal in their sense of responsibility toward the career"; "I think there's no comparison related to sex, it's a matter of personal motivation." Those saying women take less time commented that women have more tenacity, are more dedicated, and give more time to their studies; and that men, as heads of family, have to work and have less time for their studies. One respondent maintained, however, that most women terminate their law career; however, we have no figures, or further estimates, on this and can only cite the estimates given, that 2/3rds of the women who are in the law schools complete their studies and graduate.

Are there many female law professors in Peru? Our results approximate the very low estimates given in Guatemala (half the magnitudes discovered in Costa Rica). Most explanatory comments were similar to those heard in the other countries. For example: "Women aren't given many opportunities and the preference is for the men"; "Men have had more time and experience in the profession"; "Women have only had a role in shaping the profession for a short time"; "I don't know the present situation, since I now work in a remote mountain district far from the law schools; but when I was a student, I had no female professors." But a few respondents cited other, self-imposed, factors: "The difference is based on lack of interest by many in that type of work"; "Most women go into other types of work in the profession because the social dynamic is conducive to other aspirations." One respondent (not the same one who said--above -- that most women terminate the career in law) commented: "It's not just a difference between the sexes regarding teaching the law but regarding practicing the law. Many women never practice or teach, and this is mostly due to getting married and having a family."

It must be added, however, that in Peru to be a professor is a prestigious position (more so it seemed to the investigator than in Guatemala and Costa Rica); and this could be the reason for the low representation of women as professors and why those positions are occupied mostly by males. Our investigation did not give us a basis for proving or disproving this. However, the two women professors interviewed had both been top graduates in their classes.

2. Career Choices After Graduation

More practitioners in Peru than in the other countries attempted to make numerical estimates of the proportion of female law graduates who choose to practice in the different

sectors (identified to them in the questionnaire). Cautioning that the following figures have no reliability, but do tend to reflect the qualitative statements made by the respondents, the perceptions of the proportions practicing in various fields are:

- Judicial Sector - 40%
- Executive Sector - 30%
- Teaching Law - 20%
- Litigation - 10%

The following paragraphs attempt to summarize the views expressed by the Peruvian practitioners.

The Judicial Sector

In spite of the (average) estimates presented above, opinions varied widely on the extent of female participation in the Judicial Sector. (Some said "very few," others indicated there is a "large percentage" and that more go into this sector than into any other.) Several persons said the numbers are increasing, and one added that this is partly based on a desire to make the administration of justice more efficient. One said that women prefer the investigation process and the administration of justice. Others cautioned that the choice of this sector was not totally "free and voluntary" because the large law firms will not admit women, so their career choices are narrowed. But another said women work in the Judiciary because of temperament and because it is the nature of women to be more inclined toward service and the application of humanistic values. Others cited low pay and low prestige as inhibitors to practicing in the Judiciary. And political discrimination was mentioned repeatedly as inhibiting selection and advancement. One person said that in Peru a judge does not enjoy the prestige and esteem that is associated with this position in other countries. Another commented that the judicial career is very sacrificing. One even said: "There is a great deal of talk that a principal reason some women avoid the judicial work is because of fear of the terrorism."

The Executive Sector

Some felt that the number of women in the Executive Sector was also increasing. One said: "There is a growing tendency toward government employment because of the lack of opportunities in the private sector." However, it was felt that few got to be supervisors or directors. One commented that there is a closed circle of males who give one another preference in this work. One practitioner felt that social customs and tradition contributed to women's sense of inferiority and kept them from pursuing careers in the

Executive Sector. She said: "It is presumed that the most able persons will join the Executive Sector, and women, although they are able and competent, do not feel capable."

Teaching the Law

Although some felt that the numbers of women professors also were increasing, most indicated that women attorneys simply do not take the teaching route. But in Peru, a number of our respondents differentiated levels of "teaching" performed by women trained in the law. One said: "A good percentage teach children, because they feel secure with them; but a very small percentage will be found teaching adults at the universities." Another commented that the paucity of women professors is not due to the lack of ability but because there is discrimination by the men against the women. Someone in Peru also stated that law teaching is often not a full-time profession or career in that country. And returning to the different "levels" of teaching, one woman said: "In the [teacher] training centers women are in the majority, but in the universities the opportunities are given to the men -- due to the closed circle of males that exists in this country."

Litigation

In Peru we obtained a sense that there are large law firms, but that they are practically closed to women. We were told that very few women go into litigation exclusively. One of our practitioners said: "I am a litigation attorney [full time], but I am an exception." Another respondent said that exercising the profession inthis way is very difficult for a woman. "In the criminal area the confrontations with the police are offensive. So you will find more female litigation attorneys in the labor area." Still another maintained that, in litigation, males prefer males to defend or represent them. She added: "In our country the criterion is the somewhat antiquated one of machismo-sexism." One of our most reflective and philosophical practitioner/respondents said: "The woman lacks preparation [for litigation] but she also lacks a sense of her own value and abilities. Self-esteem is indispensable in order for one to prove oneself in areas where men are clearly in the majority."

3. Women in the Judicial Sector

Perhaps fortunately, given our concentrated focus on the Judiciary, most (7 of 12) of our practitioners in Peru were in the Judicial Sector. We begin our examination of conditions surrounding women judges with the plottings shown in Table IVP-4.

Table IVP-4

Perceptions of Conditions Surrounding Women Serving in the Judicial Branch in Peru

	Yes
Are requirements for entering the Judicial Branch discriminatory?	17%
Do women concentrate in certain Judicial Branch areas?	58%
Percentages citing most frequently mentioned areas:*	
Civil - 71%	
Family - 43%	
Penal - 43%	
Justice of Peace - 43%	
Labor - 43%	
Minors - 29%	
"Paz Letrado" - 29%	
Are there associations that have been organized especially for professional women in the Judiciary?	8%

*Percentages calculated from the base of 7 persons who cited areas of concentration.

In Peru, two practitioners answered "yes, requirements for entering the Judicial Sector are discriminatory." Both of these respondents were judges. Their comments were: "They think the men have better capabilities"; and "The requirements appear to be equal but the reality is otherwise. Men are preferred because most of the members of the 'Jurado' are men." Some who responded "no" saw nevertheless aspects of discrimination. One said: "Political decisions determine the percentages selected." Another commented that there is discrimination in selection for elevation to the Superior Court. She said: "If there are three vacancies, only one woman will be included on the list of candidates." A Labor Judge, however, stated firmly: "To the contrary; we are subjected to equal conditions."

Do women judges concentrate in certain areas? Respondents in Peru saw more concentration than those in Costa Rica but were not unanimous in perceiving concentration (as in Guatemala). Our many judges, doubtless reflecting their own experiences, apparently contributed to the size of the list of "areas of concentration." The "Civil" area topped the list (although it went uncited in Guatemala and Costa Rica) while "Family" and "Minors" were high choices as in the other countries; and in Peru "Labor" appeared ahead of "Minors," relegating the latter category to a lower frequency than in either Guatemala or Costa Rica.

In Peru, three of 12 practitioners saw "no concentration," and one of these persons said: "We are prepared for all fields." Fewer comments were forthcoming in Peru regarding distinctive qualities and sensitivities of women determining their areas of concentration, although one said "we are more dedicated and studious in making investigations" and another said we concentrate because we are better at comprehending social problems and have better discernment "at the hour of justice." One expanded her view of work in the Judiciary to say that 80 percent of women in that sector are performing secretarial work. Another, commenting that there are many female Justices of the Peace, said it was a question of politics. Still another maintained that women tend to be Justices of Instruction or to be engaged in fiscal matters.

The problem of advancement in the Judicial hierarchy was not expanded upon by very many of the practitioners in Peru. At the outset of this brief discussion let us present information provided by the (male) dean of the Catholic University law school. He (along with other informants) noted that to this date there has never been a woman on the Supreme Court of Peru (the one woman is an Auxiliary--substitute); but he went on to state that there are some

("ionize") on Superior Court. Several of our practitioners said they believed advancements were equal between men and women. One qualified this judgment by noting that advancement is very slow for everyone because of the existing political and economic conditions, and another said: "There is very little movement, in general, in the Judicial Sector. There is a certain tendency toward conservatism in the Sector." An equal number of respondents felt that women advanced more slowly, and all cited men's superior social and political connections and the importance of these factors. One, surveying the existing distribution of women in the Judiciary, noted that there is a large number of women serving as Justices of the Peace or as Auxiliary (Substitute) Justices. She said: "Males, in general, have more political strength. Women dedicate themselves to their work and at times ignore or forget the value of political-social connections."

Asked about associations especially for women in the Judiciary, only one respondent said there were such associations. She cited the association that seemed to be for the spouses of magistrates, and said it produced very few benefits for women in the Judiciary. Three other respondents in Peru mentioned "la Asociación Nacional y Distrital de Magistradas" but made clear that this organization was for both sexes.

Results of our inquiry into perceptions of women in the judicial role and women's practices in that role are set out in Table IVP-5.

Do women in the Judiciary have the confidence of their colleagues, clients, and society in general? In Peru, expressions of perceived confidence were higher than in Guatemala but lower than in Costa Rica (and recall that in Peru we were asking this question of a larger number of judges than in Costa Rica, where there were only two justices in our sample and most respondents there were outside the court system). But no-one in Peru answered "no" to this confidence question. Comments tended to be laudatory of the qualities of women in the judicial role. For example: "Women judges are more studious"; "Women are seen as honest and fiscally more conservative than men"; "They are noted for their honesty and tenacity"; "...more sincere"; "...greater probity"; "...hard working"; "They are seen as confident, not accepting bribes, honorable, not venal." An attorney in private practice, after saying that women judges are honest and fiscally conservative, added a note of criticism from her perspective. She said: "An inferiority complex has appeared in some women judges when they confront a woman lawyer; and this makes it hard on the woman lawyer."

Table IVP-5

Perceptions of Confidence In and Practices Of Women Serving in the Judicial Branch in Peru

	Yes	Some-what	No	No Ans-wer
Do women in the Judiciary have the confidence of:				
(1) Colleagues?	67%	17%	o	17%
(2) Clients/Litigants	67%	17%	0	17%
(3) Society?	75%	8%	0	17%
Do they try to improve rights of women?	25%	25%	33%	17%
Do they help one another professionally?	33%	17%	33%	17%
Are they active at the international level?	8%	8%	58%	25%
Are they often members of international organizations?	8%	0	67%	25%

Do women judges try to improve the rights of women? Our Peruvian practitioners seemed to have the same problem with this question as the practitioners in Guatemala and Costa Rica (although less of them avoided the question). Comments of the "yes" respondents included: "The woman judge is working to solve immediate needs [of women] through the appropriate application of the law"; "They try to detect deficiencies in the law and adapt the law to realities"; "Yes, we try to do this in each judicial process." Another cautioned that she considered "this [female advocacy] more a force that must come at the level of public and private associations and institutions." A private law practitioner said: "They do this a little, but they don't make formal legal concessions to women." She added: "Without doubt, a woman gets a better hearing before a woman judge."

Regarding mutual professional help among female judges, our practitioners in Peru were far more affirmative than the practitioners in Guatemala. (Recall, again, that many respondents in Peru were themselves judges.) Half of all those law practitioners who responded said that women in the Judiciary in Peru help one another professionally at least "somewhat." Comments of some judges reveal the thoughts triggered by this question: "We give one another our points of view, share our experiences, exchange ideas"; "We interchange experiences"; "We help one another in all the areas of our activities." Other judges commented: "This is done at the level of orientation, because I only know the other women judges 'relatively'"; "In my work, we often don't have time to get together with colleagues; this is one of our problems"; "I don't know because in my work [in a mountain district] I am the only woman judge." One Justice of the Peace said, "no," there is no mutual professional help. Two non-judges said: "Help exists principally within the same [hierarchical] levels"; "In the majority, the women judges don't help one another" (lawyer in private practice).

Almost no perceptions of work at the international level were discovered in our brief exploration in Peru. Questions about international organizations or international scholarships for women in the Judiciary turned up no "yeses" and approximately equal numbers of "nos" and "no responses." Our instrument came up nearly blank in examining the international arena. There were some comments that provided at least dim markings on the instrument slate. They included: "There's no activity at the international level because in the Poder Judicial no type of organization has been formed for the exchange of ideas internationally"; "The channels don't exist for promoting intervention at the international level"; "I don't think those in the judicial career are interested in such participation." But, conversely, a Justice of the Peace said: "There's a lack of

promotion of this aspect. I think it's important to create an international organization and for us to have access to it." And a Director in the Ministry of Justice said: "Those who reach a certain level are active. Women aspire to gain a broader perspective on their work." Another judge mentioned that interest in international participation was low because costs of such participation were prohibitive and they would have to bear the financial burden of the expenses themselves.

One other comment, also made by the Justice of the Peace (above), highlights the problems posed to the Peruvian justice seeking a broader, international exchange of ideas. She said: "I had to finance myself to assist at an Inter-American Conference in Panama in 1975 and at a meeting of women in Argentina in 1986."

4. Bar Association Participation

In Peru, the practitioners contacted made lower estimates on Board participation by women in the "Colegio de Abogados" than were made in either Guatemala or Costa Rica. However, they reported more efforts by women to run for Board Membership than in Guatemala.

The male Dean (the President) of the Bar Association of Lima, contacted for our study, said that female participation in Board elections is small and that his present Board of Directors seats two women on a continuous basis. As in Costa Rica, just half (6 of 12) of our practitioners in Peru made estimates on "running for Board membership" and on actual "membership on the Board" of the Colegio. Their estimates produced the following figures:

- Percentages of women Bar members who run for Board membership - 25%
- Percentages of females on the Board of the Colegio (in the last 5 years) - 20%.

V. SUMMARY AND KEY PROBLEMS ACROSS THE THREE COUNTRIES

A. Comparison of the Three Countries

Clearly it is presumptuous on social scientific grounds to make generalizations on the basis of the tiny "samples"* of women practitioners of the law contacted by our study in three Latin American countries. Nevertheless, perhaps

* In social science terminology, the more appropriate word is "panels."

amazingly, the patterns revealed in our tabulations of the responses of just 37 practitioners did confirm knowledge about the three countries documented in other source materials. They also corroborated our own impressions obtained in brief visits to the countries and through conversations with small numbers of female law practitioners. Essential aspects of "pattern" revealed in our quantified findings are presented in Table IV-3.

The plottings in the table provide insight into "women in the law" in Guatemala, Costa Rica and Peru. In this final table we have pulled together findings that stand out most in reflecting comparative conditions for women in education for the law and in practicing the law in the Judicial Sector. A general finding, not displayed in the table (but indicated above), is that the law schools are now heavily populated with women, so that about half the law students in the three countries are women.

1. Education for the Law

We soon discovered that the practitioners contacted in all three countries (where -- except in Costa Rica -- large gaps exist between socioeconomic strata) were of an upwardly mobile "middle class." We contacted none who were Indians or non-landholding peasants in demographically heterogeneous Guatemala and Peru. In Costa Rica and Peru the practitioners tended to be upper-middle class; while in Guatemala they tended to be more toward the middle of the middle stratum (as they defined themselves in their society). Although all three societies had suffered economic dislocations during the 1980s, the inflation and other instabilities in Peru were the most consequential dislocations influencing the situations of women law practitioners in any of the countries.

What do our tabulations on education tell us about the comparative situations in the three countries?

- Many in Costa Rica had received scholarships for their studies; and such assistance, based on merit, was "common" for women (and men) in that society. Still, even with this assistance, most women law students in Costa Rica worked to prepare themselves for their profession while they were students, readily being placed in different law-related jobs in various institutions. But they did not have to work for economic reasons.

Table IV-3

A Comparative Profile of Three Countries:
Selected Factors of Women's Education For The Law
And Regarding Practices In The Judicial Branch

(Figures based on judgments of 37 female law practitioners)

	Guatemala	Costa Rica	Peru
Education For The Law:	(%)	(%)	(%)
Received financial aid while a student	15	58	25
Such aid is common for women (% "Yes")	54	75	33
Had to work while a student	62	17	25
Takes men or women longer? (% "No Diff.")	33	67	42
Percentages of law professors who are women	15	30	14
Financial situation as a student (% "Good")	38	42	17
Socioeconomics as began profession (% "Good")	62	58	17
Work In The Judicial Branch:			
Women concentrate in certain areas (% "Yes")	100	42	58
Have confidence of: Colleagues (% "Yes")	46	75	67
Clients (% "Yes")	46	83	75
Society (% "Yes")	46	83	75
Try to improve women's rights (% "Yes")	15	17	25
Help one another professionally (% "Yes")	23	0	33

- Few in Guatemala or Peru had received any kind of non-family financial aid, and most in Peru said their families (or spouses) put them through law school and they did not have to work while a student. In Guatemala, most of the practitioners contacted had to work-- often as secretaries or school teachers -- while pursuing their studies. And while student financial aid was said by many to be "common" in Guatemala, this aid came largely in the form of student loans made by the universities. In Peru, financial aid, either as scholarships or loans, was not common.

- Whatever the sources of their financing, more women in Costa Rica and Guatemala than in Peru identified their financial situation while a student as "good." The responses in Peru were influenced by economic conditions in that country and doubtless by the mind sets of respondents making judgments on their "financial status" compared to others in their society or perhaps compared to others in their social class. (Several in Peru noted that it was hard as a student to maintain an expected standard of living and that, as inflation worsened, they took a job toward the end of their studies.)

- A general impression that women in the law in Costa Rica are (compared to practitioners in Guatemala and Peru) presently more comfortable and competitive with men and more established in the profession was supported by responses to two questions on education. In Costa Rica, most said there was "no difference" in the time it takes men and women to complete their law studies. Actually, women in Peru viewed law studies much in the same way on this dimension. But in Guatemala, most saw "difference" and half felt it took women longer -- due to job and other responsibilities as well as the delays caused by marriage and motherhood. Perhaps the clearest demarcation of differences in women's maturing in the

profession appeared in estimates on numbers of female professors in law schools: estimates in Guatemala and Peru were very low, and comments indicated women were scarcely visible on law faculties; in Costa Rica women law professors were increasing noticeably in numbers and now (by estimates) almost 1/3rd of the law professors are women.

- Again with the caution that self-determinations of status are based on self-perceptions and comparisons with others in one's own society, the responses on socioeconomic situation upon beginning law practice showed practitioners in Peru much less frequently perceiving their situation as "good." An interpretation of findings for the three countries is that:

  - In Guatemala the practitioners felt most of all the uplift in economic status and social aspirations brought on by entering the profession (often, now, moving on from a job as secretary or teacher).

  - In Costa Rica, similar feelings of fulfillment and achievement were forthcoming (more often expressed as an improved social and cultural situation), but less actual economic improvement was perceived.

  - In Peru, women who were of an upper middle class, viewing unstable economic conditions in their country, did not perceive improvement or a "good" situation after graduation; and they, along with those on the panel who were less of a privileged class, also wished to react to the low pay in the positions they occupied in the profession (recall that most of our respondents in Peru were now judges in the Judicial Sector).

What of the work in the Judicial Sector? The largest number of practitioners now worked in the Judicial Sector.

What did key questions reveal about perceptions of actions and attitudes of women practicing their profession in the Judicial Branch?

2. Work in the Judicial Sector

It has been noted in our country profiles that in each country it was felt women were moving into the Judiciary in increasing numbers but faced special obstacles as women in rising in a hierarchy still controlled by men (and a subculture variously described as "machismo" and of the "patrones"). One or two women have risen to the Supreme Court both in Guatemala and in Costa Rica, but no woman has yet become a full-fledged Supreme Court Magistrate in Peru. And in each country, advancement for women above the lower courts -- to Superior Courts and to Magistrate -- is very difficult.

But most interesting in our findings were responses regarding perceptions of: concentration of women in certain areas of the Judiciary; confidence in women judges held by others; and women's practices as judges that might indicate "advocacy" for women as a group and "solidarity" among women in the Judiciary.

The practitioners we contacted had conflicts in considering some of these issues. And in the areas of advocacy and solidarity, they often avoided answering the questions (perhaps because explanations would be difficult, especially to inquirers who seemed to be advocating a position preferred by onlookers from outside the Latin American societies).

- Responses on "concentration in certain areas" are clouded by the fact that they reflect two different types of perceptions: (1) those that stress perceived limitations and impositions in assignments (due to predominant norms in the culture of the Judiciary and of the larger society); (2) those that reflect prideful self-perceptions of distinctive qualities, sensitivities, and capabilities women bring to the role of judge or justice. Regardless of the emphasis being expressed:

  - In Guatemala, given the current situation of women in the Judiciary in that country, all respondents felt that women concentrated in certain areas (Family, Minors,

Penal).

- In Costa Rica, where we contacted fewest women judges but found, in general, the strongest views that women can be equal participants with men in the legal profession, fewest practitioners said women judges concentrate in certain areas.

- In Peru, where most members of our panel were judges, the majority said women do concentrate (or are concentrated) in certain areas; and then they proceeded to specify a rather wide range of concentrations" -- which seemed to be covering the fairly broad spectrum of (albeit lower) judicial positions occupied by our responding judges in Peru.

- Responses on "confidence in women in the Judiciary" further reflected somewhat different conditions in each country:

  - In Guatemala, least strength was shown (among the three country panels) on the "confidence vote."

  - In Costa Rica, confidence in women judges was most strongly affirmed (although few respondents were themselves judges); and comments leaned toward "equal with men."

  - In Peru, perceptions of confidence were almost as high as in Costa Rica; and in this case, it was mainly judges themselves who were making these evaluations. (Comments here indicated a great deal of pride in abilities and earned reputations for honesty, probity, etc. among women in the Judiciary.)

The effort to discover perceptions of whether women in the Judiciary are advocates of women's rights and to discern degrees of professional solidarity among women judges opened more questions than it answered. Results of this (perhaps clumsy) exploration largely suggest interesting territory

where more sensitive examination might be on the very frontier of development of women in the law and of their potential contributions to improving systems of justice.

Most respondents in all three countries, in expressing perceptions of how women act as judges, rejected the view that women judges, in their roles, try to improve women's rights; and most rejected the view that women judges help one another professionally. Avoidance of these questions by many proclaimed as loudly as recorded responses: That there are a number of issues to be considered.

Women achieving responsible roles in the Judiciary, and other women practitioners considering the functioning of these judges, wish to see the law upheld and impartiality of the judge asserted and maintained. Is it proper for a woman judge to go beyond equality of the sexes before the law to "try to improve the rights of women"? Or by simply ensuring such equality are women judges, then, improving the rights of women? Can their sensitivities and insights into women's special problems in Latin American countries ensure that justice is fair to women whereas it penalized them in the past? And can these sensitivities and insights improve justice for both sexes?

Exploration of these questions requires the outsider who would help with dialogue and the airing of issues to listen to the experiences, the dilemmas, the day-to-day situations confronted by practitioners in their cultures and systems of justice. For it is the practitioners, experiencing first hand the ambiguities involved in developmental change, who must strive to meet the responsibilities of a difficult role while also nurturing change in that role and in the institutions surrounding it. The airing of this problem and varied experiences and points of view surrounding it among judges at the grass roots could at least draw the problem out of its isolation in many individual judgeship roles and prepare the way for shared experiences and mutual learning.

Women in the justice roles, apparently, have little opportunity, and perhaps little proclivity, to "help one another professionally." Those who did not avoid this question tended to agree that there was little mutual professional aid practiced among women in the Judiciary (although one judge in Peru was adamant in affirming this occurs "in every way possible"). A few said this was a matter of suspicion and competitive hostility. But several maintained that geography and organizational structures and established procedures in the systems of justice prevent this from occurring. The clear picture was that few steps have been taken, or have been contemplated, to enable women to support one another or to organize women as a "faction"

within the profession as they strive for greater acceptance and legitimacy in the Judiciary but also to make a contribution toward improving the systems of justice within their countries.

The same basic warning signal was run up by respondents on this question as with "improving the rights of women": A woman judge is first of all a judge (and one, in Peru, said "We try to help all of our colleagues regardless of sex"). But at the same time that our practitioners circled around this issue (with one or two, in Peru, indicating they hoped to see better organization of women qua women in the Judiciary), most in all three countries spoke of the concentration of power, influence, connections etc. in the Judicial hierarchy in the hands of men -- reinforced by tradition, the sub-culture of the Judiciary, and the larger societal culture. They clearly saw the problem of competing with men on connections and the politics of institutions and professions. But even as their numbers were growing in the profession, and in the Judicial Sectors, little mutual assistance was evident and little preparation was being mad to organize for mutual support and to compete more effectively with men -- for "power" and to develop "connections." In fact, avoidance of power struggles and disaffection with insider networks may be a counterpart of the distinctive sensitivities of women in the law and in the Judiciary. Hence, another facet of the dilemmas of developmental change: Must those who would infuse change and transform institutions become like those who maintain the status quo? And if they do become like and adopt the methods of those entrenched in existing institutions, will they lose the distinctive potential innovative energies they bring to the profession and to the Judiciary?

Only the practitioners themselves, within their respective countries, can decide on how much and what type of women's professional and political organization promises change that is positive for their society -- and for women and women judges in their respective societies. And doubtless those decisions will vary in each society.

But the blank slate our study drew when it attempted to discover knowledge of the participation in international organizations suggests that beginning to fill the blank in external relationships might vitalize internal energies within the countries -- energies that will at least promote greater dialogue and action on the issue of mutual support and political action by women for women. Some practitioners specifically yearned for opportunities to learn and exchange ideas in international arenas. Others commented on the present insularity and isolation of their work in the Judiciary. The field seemed ripe for priming internal

organization, or at least thoughtful deliberations about it, through providing greater opportunities for international participation.

B. Problem Themes Across The Region

Professor Luis Salas of Florida International University maintained the legal profession is the profession in Latin America with the most women throughout its many levels and institutions. The law schools are filling with women, as we have tried to show in this study. And in the group of lawyers 24-30 years of age, some 45 percent are women.

But, Salas said, this entrance of women into the legal profession is very recent, and the big jump began only in 1971. What are some of the major problems faced by women practitioners in the law in Latin America (specifically, in Guatemala, Costa Rica, and Peru)? Those key problems have surfaced in the preceding presentation based mainly on information obtained through a questionnaire. Let us summarize them here and, in so doing, recall some of the points made most forcefully by practitioners across the region who were interviewed for our study. The themes we present are all, in a sense, derivations of the pervasive theme treated first (below).

1. The Traditional "Machismo" Culture

A pervasive problem for women attorneys in Latin America is the cultural tradition in their essentially Latin/Hispanic societies which, in distinctive ways and perhaps more than in other societies in the Americas, have defined the home and motherhood role as primary for women and made all other roles not only secondary but superfluous and even "unnatural." While sexual equality has been proclaimed in democratic constitutions, perhaps more than in non-Latin countries equality does not work in practice in the household in Latin America. The institution of marriage there is based on women caring for the children in the home, and men do little or nothing in the home to effectuate equality. These societies, traditionally, have also emphasized personal relationships in human affairs over contractual ones; and a profession like the law is practiced in the area of contractual relationships, albeit both men and women lawyers tend to personalize their relationships with clients more in Latin America than in the North. But the contractual sphere is less "natural" traditionally for women than for men; and while participating in this sphere women professionals in the law encounter the view among men who are still in the majority in the profession that they are intruders.

Two female practitioners in "Guatemala described aspects of the male-dominated culture. One said: "Men see us as weak and dependent." The other maintained: "We are still in an 'ambiente machista.' The male lawyer with whom we deal wants to impose himself -- he wants to subordinate the woman and treat her as he does his wife or his daughters." The first woman described how such attitudes are manifested in professional practices: "I find this in actual practice before the courts. A woman will be seen first as a woman and not as an attorney, even by the male judges. There are times when men are even unwilling to be told by a woman that there has been a mistake. It is not so much what is said but the form of their statements. There is a form of rejection of advice from a woman. The men do not want to call one by one's title. And they refer to us as 'senora' or by our first name, not as 'Licenciada'." This woman attorney blamed the school systems for perpetuating sexist stereotypes. She said: "In the textbooks the woman is presented as a domestic and as working within the home as caretaker and mother. She is presented as if the household labors are solely to be done by women and that they are the primary thing women do." She also noted that, "Even with a new constitution, laws have always been written by men for the benefit of men. For instance, the offense of adultery is not recognized in Guatemala for men, but for the woman it is a very serious offense that can lead to very serious punishment and even imprisonment."

In Costa Rica this male-dominated tradition seems to be challenged more regularly and effectively by women attorneys. A pioneer woman attorney, practicing now for 20 years, said that when she began her career, she was one of the just two women among 30 lawyers in the Office of the Attorney General, and "They said we had a masculine mind and that is why we were so good." She added: "The idea has been that if we succeed it is in spite of being women; if we fail it is because we are women." Another of our attorney respondents in Costa Rica said that in the recent past there were complaints that sexual favors were asked of women attempting to rise in the Judiciary and called in to present their qualifications before superior magistrates. This practice was denied by the magistrates and now (she felt) has been eliminated (if it existed). But one of our private practitioners recalled her early experiences in a male-dominated law office. She said she could not be alone in the office with a male lawyer, and that such harassment also affected young women law students placed in law offices where there are all men. The intimidation is always there: "One is seen as a woman first. And even where women are in positions of authority over men, the males will express the sense that as men they are above any women."

This same informant, however, hastened to say that in Costa Rica if there is legal discrimination it is in favor of the women: who do not change their names after marriage (and are the same legal person from birth and throughout life); and do not need the permission of a spouse to obtain credit, open a bank account, or buy property. She said: "In the Constitution of our country there is a special instruction to protect women and children and that women should be taken care of first." She described conditions in the country whereby many women have children and are heads of family and that, therefore, this special protection is needed. She also spoke with pride of the many advances in political life that have been made by women in Costa Rica, and said (with conviction): "Eventually a woman will be President of the Republic."

In Peru, while describing some of these same inhibitions in the "machismo" culture in that country, our attorney respondents noted a growing support within families for women to pursue a profession in the law. One, describing this growing support within the parental family and among spouses as well, associated this change with economic conditions that cause all family members to value the importance of multiple incomes in a family. But others, in Peru especially, noted the strong self-images of women that are accepting of the traditional definitions of their "place" and role. One said: "The instinct of a woman to give or please at home is much stronger than the drive for independence or self-actualization through a profession. The instinct of benefiting home and family pulls harder on a woman than that of developing herself. Tradition and custom," she said, "do not stimulate the woman to develop herself independently and autonomously."

2. Not Staying with the Career

Our study attempted to make estimates of the numbers and percentages of women law students who graduate, but it obtained only very general impressions about the numbers who then pursue and stay with the career. In truth, this theme, that many "do not go on to practice a career," was only sounded clearly in Peru. In Guatemala and Costa Rica, it appeared that most attempted to pursue the profession although (especially in Guatemala) they often practiced part time -- or at least carried a clientele part time while holding on to a salaried position that might not really be adequately utilizing their legal training. But in Peru, with its varied cross-currents of economic dislocations impacting on formerly economically secure families, but with new definitions of male/female roles seemingly less influenced by

middle class values promoting individual striving, several informants described a situation where (as noted above) the pulls for self-realization by women preparing for the law are less strong than those of home and family.

In Peru one of our few practitioners who has been on the faculty of a law school for several years said: "The women are the best, the brightest students. But once they finish their studies many will not obtain the license and fewer still will practice law. Those I have interviewed tell me: 'Doctora, I got married'; or 'I have children.'" She felt that it was now accepted and proper for women to study at the university but that often this did not lead to a career. She said: "It has been determined that the university is a good milieu, a good environment for the woman to deal with the two major aspects of her life, her home and maternity. So many finish their studies but do not practice the career." Another respondent in Peru, however, indicated that the law provides distinctive opportunities for combining career and marriage. She commented: "The legal profession is one that a woman can share with her marriage. It permits her to be at home and be free enough to take care of familial responsibilities." But this situation seemed to hold, basically, for those who applied their legal training in providing some type of individual, private legal services. And most of the practitioners we contacted in the three countries occupied salaried positions.

An informant at the Organization of American States pointed to a key aspect of the problem of continuing a career in the Latin American countries. She pointed out: "There are no day care centers as in the United States in the Latin American countries." And this contributes greatly to the very small percentages trying to achieve a professional status after marriage. There are growing motivations to be more than a domestic. "But the problem is one of not knowing what to do with the children." Women do get maternity leave if they work for an organization, but the question is "how much?," and her view was that insufficient time after childbirth is allowed to account for breastfeeding. She said: "Some better way must be found."

3. Problems of Private Practice

As we begin to address the problems voiced about private law practice, let us present findings from a recent study

performed in the United States.* A report on representation of minorities including women, in the 250 largest law firms showed that while ethnic minorities, (especially blacks) lag greatly in their representation and progress in those firms (especially as "partners" and "associates"), women have been making noticeable strides.** The figures for 1981 and 1989 showed the following progress by women lawyers in the 250 largest private law firms in the United States:

	1981	1989
- Percentages of women of all lawyers surveyed:	15.5	24.0
- Percentages of women of all partners surveyed:	2.8	9.2
- Percentages of women of all associates surveyed:	23.9	33.0

The entire organization of private law practice is on a smaller scale in our three Latin American countries than in the United States. But still, those private firms that could be called "major" are, we were told, very negative about hiring women, let alone making them associates or partners. And in any circumstances, women practicing in the private sector face special obstacles. In Guatemala, large private law corporations do not exist and most women who choose private practice compete, like most of the men, as sole practitioners selling their individual services. We were told that large law firms, say with as many as 15 to 20 attorneys, do not exist in Guatemala and that even the two or three largest firms have 2-4 partners and at the most 2 or 3 associates. One informant recalled one woman associate in one of the larger firms. But, she said, generally women, as well as men, prefer to have legal representation by a man

* See article on minority under-representation in law firms by Joel Brenner in The Washington Post, February 13, 1990.

** In the survey, only 1.7 percent of all lawyers surveyed in the 250 firms (in 1989) were black, only 0.9 of all partners surveyed were black and only 2.2 percent of all associates surveyed were black.

than by a woman attorney. Our private practitioners in Guatemala saw hope, however, for greater acceptance in the future -- in a private sector where lawyers tend to "associate" into small groups of practitioners but do not incorporate into large firms. One respondent stated that in her 12 years of private practice she has formed friendships and working relationships with male lawyers where the old barriers between the sexes have broken down: there is respect and not contempt. Another said of these groups of associating lawyers: "There are many male attorneys who now seem to prefer women as associates. We find that the more mature men are beginning to look at the product of the work of the individual instead of at the sex." She cited a case where a male associate had benefited greatly from back-up work she had performed for him. She said: "Women are more disciplined and much better organized [in performing legal duties and responsibilities] than men." Finally, when the question was put to several respondents why they did not have large law firms in Guatemala, the answer was that the type of legal work required in their society was not conducive to having large law firms and that the type of legal work required was more on an individual basis.

A successful private practitioner in Costa Rica described the situation in that country too as one in which major-sized law firms do not exist. And she described experiences which have brought her to a point of successful competition with men as head of her own firm, acknowledging that women working in the more numerous male-dominated firms still face the tradition-based problems of male intimidation and of men placing gender characteristics first in relating to women even as professionals. She said: "They call this office 'El Matriarcado' because we are all women here. I have hired men to work for me, but I find that it is better with just women and that men do not want to work for women." Her practice presently consisted of four other attorneys and three law students. "They can have their own clientele," she said, "but they also work for me." Recalling her own problems of harassment when she worked in male-dominated private sector situations, she said: "I always try to give women the opportunity of working in a private law office. What I do is give them the opportunity of learning in the practice." She added: "Right now in my office I have too much work, more than I can handle. I would love to have two or three more lawyers working for me because I need the help." But the two or three large law firms in Costa Rica (the largest having 20 attorneys, according to our information) indicate explicitly that they will not hire women.

In Peru, where apparently there are somewhat larger law firms, we heard most about the problems of women breaking

into the private sector. One respondent said that there are about eight law firms in Lima that have between 12 and 20 lawyers. And she maintained: "I do not know of any women practicing law in those firms." She herself, a professor of law and the top graduate in her class, had been solicited by such firms "because I have a great deal of contact with lawyers and professors and the committee revising the legal code, and I have written a book on private international law." This informant said that the main reason women law graduates don't go into private practice is because they do not have, and cannot receive, the practical training. A vicious circle exists: the large law firms won't hire them or give them the chance to exercise what they have learned in law school and thus of learning in the practice. She said: "I have tried to help some of my students get into the big firms. But when I speak with my male friends in those firms they say it will be very uncomfortable. They say bringing in women will even require physical changes because they do not have bathrooms for women. And they say they will have to change their language, because when men congregate they use language that is not used in front of women." Another respondent, a practicing attorney specializing strictly in litigation, stated that having been the top graduate at the "best law school in Peru" she had been an assistant to the President of the Supreme Court; and that the only incident of discrimination she had encountered was when the President had made an effort to get her hired by his law firm (one of the major firms in Lima) and she had been rejected because she was a woman.

Our informants also described other problems facing women in the private sector, at least as perceived by men. Women are more prone to be absent because of children getting sick, or maternity, or some other type of female situation. The private firms feel they cannot count on women as they can on males, and they feel they will get less time from a woman than from a man.

So in the majority, those who enter the profession beyond graduation in Peru will, in the large majority of cases (our informants maintained), enter the public sector; and there they will stay for several years -- unless they become judges, in which case the career is likely to be somewhat prolonged.

4. Problems in the Public Sector

Many of the women practitioners in each country entered the public sector, working in ministries or other government agencies and -- especially in Peru (among our panels of informants) -- as judges in the Judicial Branch. A major problem they faced in attempting to pursue a career in the

public sector was crystallized by a woman judge in Peru in the phrase: "El que tiene padrino se bautiza" (He who has a godfather is baptized). For to this point women practitioners in the public sector are at a great disadvantage when it comes to connections and contacts and insider networks that are so consequential in selections for a role and for promotions in hierarchies. They begin as outsiders, and the hierarchies are quite resistant to women's penetrations toward insider status.

In Guatemala a practitioner said that a few women have been selected to be judges; there is improvement but it is very slow. Another told of how politics in the profession were especially difficult for women: she described a case where special meetings were held by a large group of men to discuss a strategy for blocking a woman who had been nominated to run for presidency of the Colegio de Abogados. At the same time, it was reported that a heavy concentration of women in the "secretary" role in the courts has had negative consequences in two ways: it not only perpetuates a stereotype about appropriate, lower-level female roles, but apparently lack of attentiveness and discipline by women in filling these roles had led to reports about disorder in the court system being largely due to poor performance in the function of secretary. The Colegio de Abogados had recently organized a seminar that identified poor performance in the secretary role with lack of discipline and responsibility in those who perform the role, mostly women. Thus, at least in Guatemala, the public positions for women attorneys not only have tended to remain at a low level but morale at that level also appeared to be low and opportunities to demonstrate commitment and discipline had not been acted upon positively.

In Costa Rica, a number of stories were forthcoming about barriers and sex discrimination in the hierarchies. One lower-level judge described how, after long experience, she was passed over for advancement in favor of a much less experienced man. She said of the Poder Judicial, that if there is a woman competing the balance will always shift in favor of the men. Yet, she felt, women in the Judiciary are much stronger and much less yielding to influence than men, who are more subject to the influences of their friends, their colleagues, over drinks, over dinner, over their contacts. (The informant at OAS maintained that men play their games and the women are left out. But some saw new strength for women emerging in this situation.) The judge who had been passed over said that later, when two Superior Court judges died, she was offered one of these vacancies, but she turned it down. She felt that the offer now was a slap in the face. And her basic position was that if selectors were looking for a person who could be influenced and whose independence could be compromised, they would not

find those qualities in her. In the long view, she felt there was a fear that women with principles were attaining more power and influence in the public sector than men in Costa Rica.

In Peru, where (given especially limited opportunities in the private sector) so many of our practitioners had seized the increasing opportunities in the public sector to become judges, the problems of slow advancement and "male politics" in selection were expressed most loudly. One government attorney in the Executive Sector said that males are already part of the "good old boy" network and it is very difficult for women to work on challenging or interesting things. Women are more accepted, she said, in positions where analytical legal work is involved. Another woman said that opportunities in the public sector are even less in the outlying geographic areas, because away from Lima, people are more conservative "and things are more traditional" and strongly resistant to women's inroads into new roles.

A Justice of the Peace in Peru said that the entrance of women in large numbers in judgeship roles began in 1984 when many were made Justices of the Peace under the Presidential Administration of Belaunde Terry. But women remain concentrated at the lower levels, she said. She felt that at these levels the differences in the situations of men and women judges are not great, although initial access to the role is still easier for men and moving up the system is still more difficult for women than for men. The real differences appear at the high levels. There the impediments are openly manifest: men support each other and exclude women. She said: "If you are friends with a legislator and he recommends you, you get the position. In that sense women are at a great disadvantage." Moreover, she felt that such political factors are more important today than they were under President Terry -- who opened the many opportunities for women in the lower levels of the Judiciary in 1984. "It was the first time," she said, "that such a large number of women entered the Judicial Sector to be judges." At that time, politics was not as noticeable. Now politics plays a much stronger part in selections, and combined with the current economic crisis this has created a very difficult situation for women, as the scramble for jobs and economic security intensifies. "The men are the ones pulling the strings. And the persons with the best political connections are getting the preferred judicial positions" more than ever before.

5. Special Problems in the Outlying Geographic Areas

From the beginning of our brief exploration into women in the law in Latin America we realized that the

practitioners we were contacting were heavily concentrated in the capital cities of each of the three countries focused upon in this study. And from those urban practitioners, and from the small number contacted who practiced law in outlying areas as well, we learned of special problems of law services and justice in the outlying areas. The systems of justice are extremely fragile and underdeveloped in the outlying areas. But we also learned how women face greater problems than men in performing in a legal role, whether as attorneys or as judges, in the hinterlands.

The private law practices are so heavily concentrated in the urban settings that the only insights on the outlying areas we were able to obtain first hand were from experiences of a few women serving as judges in those areas. In Costa Rica a practitioner described her experiences as the first woman judge in one of the outlying communities. And even in democratic Costa Rica, where the system of justice is strong and benefits from long precedents, this woman judge had many problems having her authority accepted. She said: "I even had problems with the police, who did not obey my orders until I ordered that a policeman be arrested. Then things changed." To exert the authority of her position she adopted many of the trappings of the men. "Whenever there was a particular inspection," she said, "I would put on my boots and my pants, and I went on horseback as the men did. I had to show I was as able and courageous as they were. I had to adopt the costume of the male. Otherwise, they would not obey my orders."

But if there were special hardships in working in the countryside even in Costa Rica, today such hardships are tremendously multiplied in strife-torn Peru and, to some extent, Guatemala. In Peru the "sendero luminoso" and other terrorist groups, concentrating in the Andean highlands, harass and contest for control, and both the military of the established government and the revolutionary forces usurp the power and authority of the local courts. A woman judge serving in an outlying locality described how she and a male judge are caught between forces which deprive them of their power. She said: "The one who is in charge of the military where I live and work is the maximum authority. He and his forces take people from their homes and there is nothing we can do. The military does not let us carry out our responsibilities." She described further how judicial authority is undermined. "The police," she said, "will arrest a person accused of being a terrorist and they have 15 days to make an investigation, preparing a 'resumen' that becomes the accusatory document. The judge is responsible for determining whether or not there was a crime, and the judge may find there is no basis for a criminal charge and release the accused. But the military group in charge will

then cause the accused to disappear, and there is nothing we in the courts can do." And then, back to the government/military, there are often threats that judges are terrorists when they release someone accused of being a terrorist. "There have been instances where judges have disappeared." She said that, true to her responsibilities, she attempts to apply the law but in so doing she receives constant threats from the military and from the sendero.

This young female Justice of the Peace indicated that this contempt of judicial authority compounds the contempt shown toward women in the law that is endemic in the hinterlands. The military commander makes fun of her youthfulness and her sex and tries to treat her as a joke. The lawyers also express disrespect and have tried to make problems for her, abusing her and bullying her psychologically. She said: "They do not like it that I am a judge and a woman."

Clearly, where the system of justice is most fragile, as it is in the hinterland areas away from the major cities in Latin America, the problems of women in the law are enhanced and their position in any role in the profession is weakened. In such situations, the normal problems of social and political isolation, seen in the lack of organization and mutual support, and "power," are further intensified by geographic isolation.

VI. RECOMMENDATIONS

In making recommendations on future actions by AID that can promote the development of women in the legal profession in Latin America, and concurrently their contributions to the development of systems of justice and democratic institutions in the region, we are guided by certain concepts that define major aspects of the problem. General approaches to addressing symptoms of the basic problem can be stated simply as:

- Overcoming isolation (of women professionals from one another and in their varied legal roles).
- Enabling new organization to take form (among women in the profession).
- Promoting mutual support and mutual learning (among women in their varied roles in the legal profession).
- Promoting improved communication...within countries and across the region.
- Providing technical improvements in systems of justice at points where technical deficiencies most penalize women.
- Providing training in substantive areas where opportunities for acquiring skills and obtaining experiences are most lacking for women as law professionals in the systems of justice in their countries.

It will be noted that these concepts build on one another and are simply different ways of looking at the pervasive problem of: A group weakened by lacking means for drawing together the potential developmental energies in its individualized skills, experiences, resources, vitality and motivational drives. We also suggest that any future steps, both in general strategy and specific tactic, look to calling upon, and enabling, these women practitioners in the law to help themselves as they support and learn from one another and then channel new energies from the group into the systems of justice and thereby building and strengthening democratic institutions in their countries.

With this general orientation in mind, we will now attempt to make concrete recommendations. At this point we caution that our suggestions do not benefit from sufficient knowledge of budgetary constraints and other internal AID factors that are so important in determining the feasibility of a future programmatic action. Moreover, we hesitate to tailor recommendations to the specific countries since our visits were short and quite limited. Thus in some instances our recommendations are proposals to extend and deepen the study process, but in ways that involve the women practitioners in a mutual learning process that in itself is developmental. Moreover, as we set down specific recommendations that are in tune with the orientation stated above, we are aware that other persons (at AID and elsewhere, closely involved in the problem and privy to information unavailable to us) may be better able to formulate feasible future steps flowing from this orientation.

The following recommendations attempt to address specifically the varied general symptoms previously cited.

1. Fund and orchestrate an in-depth study of problems and practices of women judges in administering justice at the local level.

This is especially needed in outlying areas in all the countries. The study should be performed with the assistance of indigenous persons. Drawing the local female judges into the study process and into the dissemination of findings could help overcome their isolation.

2. Nurture new forms of organization among women in private practice by providing subsidies to pay for infrastructure for such arrangements.

The "infrastructure" we have in mind is such things as office space, equipment, secretarial support, and legal reference materials for clusters of women practitioners who "associate" for mutual support in private practice. The forms their "clusterings" would take should be left up to the practitioners themselves (in their countries and cultures). However, we suggest that some consideration be given by AID/AOJ to assisting in this manner, or in some other way, existing women's lawyer organizations in the Latin America region.

3. Provide funds for a newsletter distributing and exchanging information on women in the law, or, specifically, in the criminal justice practice area.

This could be done within each country and/or across Central America (or even across all of Latin America).

4. Provide funding for regular, periodic regional conferences on problems of women in the law in Latin America.

Topics for such conferences could be selected by polling the women practitioners, perhaps through the newsletter. Sponsorship and coordination of such conferences could be performed by an existing regional organization. (This is already being done in Guatemala, where a university-wide discussion on the woman professional will take place in the near future. Perhaps such an effort could build on the Guatemala example.)

5. Organize and provide technical training for the Secretary of the Court.

A curriculum for such training should be developed after careful study of the role (its requirements and current deficiencies) that heavily involves women in the law (especially judges) in the study process. The research for this training might be included in the study processes of Recommendation #1. The Secretary of the Court is a crucial position in the administration of the justice system process in Latin America and ways should be developed to strengthen this position.

6. Provide technical assistance for improved court record-keeping.

This would help both men and women working in the Judicial Sector by addressing a key weakness in the systems of justice. But (in Guatemala, for example) it has been determined locally that the "Secretary of Court" role is mainly occupied by women, and this assistance would further address an aspect of the weaknesses targeted by Recommendation #5. The assistance we have in mind primarily involves installing court-recorder devices (where they are not now available) and placing trained technicians (perhaps Peace Corps Volunteers) in Court-Recorder roles at sites where they are requested and accepted (until indigenous persons can be adequately trained).

7. Provide funding for day care arrangements in both the public and private sectors.

Private law firms or clusters of "associates" could be given subsidies for day care for women practitioners. And day care subsidies could be introduced into judicial structures in the public sector. In all cases, however, the forms the day care services take should be left up to the professionals in their countries -- where the cultures would doubtless reject highly impersonal services (provided by "strangers") and prefer services through some type of familial relationships or extensions of the resources of the family.

8. Provide funding for a program of curriculum development in the primary and secondary schools that challenges old stereotypes of women and reinforces motivations toward professional -- specifically legal -- careers for women.

This curriculum research and development process should be undertaken by indigenous women law practitioners linked to education specialists. (The problem addressed was most strongly voiced in Guatemala.)

9. Provide funding to promote and enable mentoring in private practice for women attorneys: both by successful women practitioners and by successful male practitioners.

It would be preferable for this to occur within each country, although some cross-country arrangements (internships) might be organized to permit successful private practice developments by women (in Costa Rica, for example) to be utilized in other countries. In Peru, subsidies for accepting women interns in the large male-dominated firms might provide additional leverage for "opening" those firms to women. Most male lawyers have someone who introduces them to the finer points of legal practice. This is needed among women as well and could well be done through the cooperation of the Colegio de Abogados and the older members of the profession (male and female) in each Latin American country.

10. Provide funding for the establishment of a chair for a woman professorship at the various law schools.

This arrangement faces the dilemma that such a chair, set aside for women, might be stereotyped in negative ways by both male and female faculty members or used as tokenism for female inroads. However, in countries like Guatemala and Peru the idea could be given serious consideration and views

on it solicited from female students and various practitioners (male and female) in the law.

11. Conduct Interchanges with the American Bar Association whereby women attorneys from Latin America come to the U.S. and meet with women lawyers here who are involved in advancing the role of women in the legal profession.

The Litigation Section of the ABA has several committees that could serve a vital function in this exchange process; for example, the ABA Division on the Profession has panels on Equal Opportunity and The Law; Individual and Small Law Firms; Liaison With International Professional Associations; Professional Responsibility. There is a great deal U.S. female attorneys could learn from Latin American attorneys and vice-versa.

12. Provide funding for training seminars on criminal trial work and in various criminal justice areas through the law schools or the Colegio de Abogados in each country.

In speaking with several criminal attorneys, judges in the penal area and law school deans and professors in the course of this study, it was made clear to us that one of the major problems they face is the lack of up-to-date and current information regarding substantive criminal justice changes or advancements. Again, this should be undertaken only after a close examination performed through the practitioners themselves.

13. Provide funding for inter-country and cross-cultural (U.S.-Latin America) seminars on the criminal process and the criminal justice areas through the American Bar Association Litigation Section and the American Trial Lawyers Association.

VII. POSTSCRIPT

This limited study has focused on women in the law in three Latin American countries. This presentation is limited by resources made available to us and the very short period of time allowed for collection of the data. The reader will have noted that both in the Background sections and in the final sections on Practitioners we have indicated sources of information used, sources that generally were comparable in each country. In the case of the "findings from practitioners" we were careful to caution that our panels of informants were the sources of the reported findings and that

this section was based on the perceptions of those informants. We cautioned that "hard data" in that section should be treated as the hunches and estimates of the small number of practitioner informants contacted.

Although we conducted a fairly extensive search for hard data on women in the legal profession in Latin America, and specifically in the three countries upon which this study is focused, we were unable to find very many hard data sources. However, in the case of Costa Rica we did have access to a document* in Spanish that greatly enlightened, with hard data from systematic study, the situation of the legal profession, and women in that profession, in that country. We have drawn upon this study to the extent possible in our analysis on Costa Rica, but we were unable to deal adequately with its findings. We would like the reader to know of the existence of this study.

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* Alejandra Perez Johnson, "La Profesion Legal en Costa Rica," (Miami, Florida, Centro para La Administracion de Justicia, 1989).

NOTES

1. See Ilse A. Leitinger, "Women's Legal Status and Role Choices in Six Latin American Societies: A Cross-Cultural, Longitudinal Analysis (1950-70) and A Single Update (1980)," a Working Paper, August, 1985, p. 2.

2. See Carrie Menkel-Meadow, "Feminization of the Legal Profession: The Comparative Sociology of Women Lawyers," in Lawyers in Society, edited by Richard L. Abel and Philip S.C. Lewis (Berkeley: University of California Press, 1989), p. 199. The picture of worldwide trends developed here is based largely on the Merkel-Meadow work.

3. Ibid., p. 206.

4. Ibid., p. 207.

5. Ibid., p. 213.

6. See Alejandra Perez Johnston, "La Profesión Legal en Costa Rica," (Centro Para La Administración de Justicia: Florida International University, Miami, Florida and San Jose, Costa Rica, 1988), p. 12.

7. Menkel-Meadow, op cit., p. 202.

8. From Elsa M. Chaney, Women in the World: Latin America and the Caribbean (Washington, D.,C.: U.S. Department of Commerce, Bureau of the Census, May 1984), p. 42.

9. Ibid.,; data taken from tables on pages 48 and 49.

10. Ibid.,; data taken from tables on pages 61 and 62.

11. Ibid., p. 41.

12. Ibid., p. 46.

13. Ibid,,; data taken from tables on page 43.

14. Ibid., p. 66.

15. Ibid.,; data taken from tables on pages 86 and 87.

16. Ibid.,; data taken from table on page 95.

17. Ibid.,; information taken from table on page 97.

18. Ibid., p. 98.

19. Ibid., p. 42

20. All data taken from Attachment I of the CIM Draft Survey Expansion, 2 October 1989.

21. Listed items are taken selectively (with some restructuring) from Appendix: III, "Obstacles That Hamper The Full and Equal Participation of Women in Politics," in "Report of the Inter-American Seminar for the Preparation of Strategies for the Participation of Women in Politics," (31 May - 3 June 1988, Washington, D.C.).

22. See "Extracts From The Plan of Action of The Inter-American Commission of Women: Full and Equal Participation By the Year 2000," Inter-American Commission of Women and Development, 17-20 October 1989, Washington, D.C., pp. 2-4.

23. See Appendix to "Plan of Action of the Inter-American Commission of Women (CIM)," General Secretariat of the OAS, Washington, D.C. 1988, pp. 3 & 4.

24. Ibid., p. 3.

25. Facts in Table 7 taken from U.S. Department of State Background Notes publications on each country. Dates on those "notes" for the respective countries are: Guatemala - December 1986; Costa Rica - March 1989; Peru - December 1987. Discussion in this section is based mainly on those reference booklets.

26. The Washington Post, January 4, 1990 ("Economic Answers Elude Latin Leaders").

27. Facts in Table 8 taken from: Foreign Economic Trends Report For Guatemala (Draft) (American Embassy, Guatemala City, no date); Foreign Economic Trends ... Costa Rica (American Embassy, San Jose, August 1989); and Foreign Economic Trends Report ... Peru, (American Embassy, Lima, July 1989). Discussion in this section is based mainly on these economic trend reports from the U.S. Embassies.

28. See Project Paper: Regional Administration of Justice, Project Number: 597-0002 (Washington, D.C.: United States International Development Cooperation Agency, AID, Unclassified, no date).

29. Ibid., p. 6.

30. Ibid., p. 16.

31. See Alejandra Perez Johnston, p. 14.

32. Ibid., pp. 14-15.

33. Ibid., pp. 14.

34. Ibid., pp. 14.

35. Ibid., pp. 19-20.

ATTACHMENT I

CUESTIONARIO PARA MUJERES EN LA PROFESION LEGAL

El propósito de este formulario es conocer su opinión y recomendaciones respecto al alcance y oportunidades para la mujer en la carrera jurídica/judicial/legal. Le pedimos que por favor responda cada pregunta en forma sincera y con la mayor objetividad y franqueza posible.

Esta información será absolutamente confidencial y servirá sólo para mejorar las actividades de la mujer en la adminstración de la justicia.

Nombre: _____

Nacionalidad: _____

Profesión: _____

Cargo actual: _____

Estudios realizados (el grado más alto): _____

Nombre del Curso: _____

Fecha: _____ Lugar: _____

I. Facultad de Derecho

1. Recibió Ud. algún tipo de beca o asistencia económica mientras estudiaba? (Si fue así, por favor, descríbala.)

_____

_____

_____

2. Es este tipo de ayuda financiera común a muchas mujeres estudiantes en su país?

_____

_____

3. Considera Ud. que el proceso de admisión es discrimante de alguna forma en contra de la mujer? (Si es así, explique.)

4. Cuántas mujeres fueron compañeras suyas en las clases de derecho, números aproximados, absolutos y relativos? Cuántas de ellas se graduaron?

5. Tiene Ud. información en relación de la cantidad de mujeres que cada año se registran en las escualas de derecho? Es éste un numero creciente o estable?

6. Cómo se clasificaría Ud. desde el punto de vista socio-económico cuando ingresó en la facultad de derecho? (Por favor, describa ligeramente ingresos y situación económica familiar.)

7. Después de graduada como abogada, cuánto ha cambiado su situación económica y social? Como se clasificaría Ud. actualmente desde este punto de vista?

8. Puede describir la situación económica y social de sus compañeras en la facultad de derecho, tanto cuando fueron estudiantes como actualmente que son profesionales?

_____

_____

_____

_____

9. Mientras Ud. fue estudiante, se vio obligada a trabajar por razones económicas o lo hizo para capacitarse mejor desde el punto de vista profesional? Qué tipo de trabajo tuvo?

_____

_____

10. Cuántas mujeres en su clase de derecho trabajaban? Representaban una mayoría o una minoría? Trate de establecer porcentajes?

_____

_____

11. Provee el gobierno de Costa Rica/Guatemala/Perú entrenamiento especial o becas para la mujer interesada en la carrera judicial? Qué clase?

_____

_____

_____

12. Tiene la mujer acceso a entrenamiento profesional adicional, programas becarios, programa de intercambio, programas de materia judicial? Por favor, explique.

_____

_____

_____

13. Discriminan en contra de la mujer en el proceso de admisión a las escuelas de derecho? Por favor, explique.

14. Hay datos sobre el número de mujeres matriculadas en las escuelas de derecho?

15. Cuántas mujeres y hombres se han matriculado en las escuelas de derecho anualmente durante los últimos diez años? Dé su opinion sobre la tendencia.

16. Cuántos de cada uno de estos grupos se han graduado en estos diez años? Dé su opinion sobre la tendencia.

17. Fundado en las estadísticas de las escuelas de derecho, cuál es el nivel economico y social de las mujeres que se dirigen a la carrera judicial? Cuál es su opinión?

18. Qué porcentaje de mujeres trabajan mientras estudian en la escuela de derecho? Tipos de trabajos?

19. Cómo se comparan, entre mujeres y hombres, el tiempo que se toma para completar sus carrreras? Por qué razones?

20. Qué porcentaje de los profesores de derecho son mujeres? Por qué es que hay tales diferencias en los números entre mujeres y hombres profesores?

21. Cuántos decanos han sido mujeres? Por qué cree Usted que hay esta diferencia?

22. Cuántos y cuáles cursos son impartidos por mujeres? Por qué sería esto, en su opinión?

B. Ubicación Después de Graduación

1. Qué porcentaje de mujeres que estudian derecho escogen carreras en el sector judicial (como jueces, administradores de cortes, bibliotecarias de derecho etc.?) Porque sería esto, en su opinión?

2. En el poder ejecutivo? Por qué sería esto, en su opinión?

3. En la enseñanza? Por que sería esto, en su opinión?

4. Por que sería esto, en su opinión? Como abogadas ligitantes?

5. Qué razones dan las mujeres para seleccionar o rechazar una carrera en el sector judicial? Por qué sería esto, en su opinión?

C. Mujeres en el Poder Judicial

1. Qué clase o tipo de pruebas de admisión emplea el poder judicial?

_____

_____

_____

2. Discriminan estos procesos en contra de las mujeres? Por que sería esto, en su opinión?

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3. Se concentran las mujeres jueces en ciertas areas del derecho, como la familia o la de los juzgados tutelar de menores? Por que sería esto, en su opinión?

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4. Describa tendencias de ubicación de las mujeres en el sector judicial. Por que sería esto, en su opinión?

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_____

_____

a. Por competencia: (Civil, penal, administrativo, laboral, familia, etc.) _____ _____

b. En la escuela judicial: _____

_____

c. En el deparatamento de personal: _____

_____

d. En departmento de estadística: _____

_____

e. Por bibliotecarias: _____

_____

f. Otras: _____

_____

10. Durante los últimos cinco anos, cuántas mujeres han entrado las áreas de defensa pública, ministerio público (fiscales), judicatura, administración, policía judicial? Por qué sería esto, en su opinión?

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11. Qué tipo de beneficios de maternidad existen para las mujeres empleadas en el poder judicial? Son mejores que otros sistemas?

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12. Compare la ascención de la mujer profesional en comparación con la ascención del hombre, en el jerarquía socio-laboral de la judicatura. Velocidad de ascenso? Por que sería esto, en su opinión?

13. Hasta qué grado y a qué velocidad asciende la mujer dentro de la judicatura? Por que sería esto, en su opinión?

14. Qué tipo de asociaciones internas existen para las mujeres en la judicatura? Benefician a la mujer estas asociaciones? De qué forma?

15. Cuántos de los jueces femeninos son miembros de estas organizaciones?

16. Qué tipo de programas de promoción para la mujer patroncinan estas asociaciones?

17. Se reúnen estas asociaciones regularmente?

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_____

18. Qué mayores logros han realizado estas asociaciones? Por qué es esto, en su opinión?

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D. Percepciones Sociales de la Mujer en la Judicatura

1. Cuál es la percepción social de la mujer dentro de la profesion judicial? Por que sería esto, en su opinión?

2. Tienen la confianza de sus colegas, clientes, de la sociedad en general? Por que sería esto, en su opinión?

3. Dentro de la profesión judicial, trabaja la mujer para mejorar los derechos de la mujer? De qué forma?

4. Profesionalmente se ayudan unas a las otras? Ayudan a otras mujeres en el poder judicial? De qué forma, en su opinión?

5. Son activas estas mujeres a nivel internacional? Por que sería esto, en su opinión?

6. Son estas mujeres miembros de asociaciones judiciales internacionales? Opine, por favor.

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_____

7. Asisten estas mujeres a seminarios internacionales?

_____

E. Colegios de Abogados

1. Son diferentes los procesos de incorporación para mujeres? Por que sería esto, en su opinión?

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2. Qué porcentaje de los miembros femeninos participan en elecciones como candidatos para las juntas directivas?

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3. Qué porcentaje de mujeres en los últimos cinco años han sido miembros de las juntas directivas?

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F. Organizaciones Internacionales

1. Qué programas han tenido para la mujer en la judicatura en Latino America.

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2. Sabe usted de programas para la mujer que serán iniciados en el futuro? Cuáles son estos programas?

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3. Cómo se tratan en estos programas los asuntos de barreras idiomáticas y culturales?

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4. Tienen reuniones de jueces femeninos de Latin America?

_____

5. Proveen entrenamiento o becas para mujeres en su país? Qué tipo becas o entrenamiento?

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6. Proveen asistencia para organizaciones judiciales en el nivel local? Qué tipo de asistencia?

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