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COURT DECISIONS, GENDER ROLE AND FEMALE CRIME: JUDICIAL (DIS)PARITIES

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For years, crime investigation did not consider female, given the reduced involvement in the practice of criminal behavior. However, official data from the past few years has been challenging this impression, documenting an increase in crime perpetrated by women, all over the world. Social perceptions about women continue to be imbued with gender stereotypes (e.g., fragile, weak, more credible, maternal) that make female incompatible with the role of offender. Women are commonly perceived as playing the role of the victim and the man is usually considered the offender. This under-representation or even relativization of female criminal conduct tends to interfere with the performance of law professionals and the criminal justice system itself, also influencing the design of prevention/intervention policies. Using a qualitative methodology, the present study sought to identify the factors that are considered by the judicial professionals in the analysis of female criminal conduct, seeking to understand how gender stereotypes may influence the attribution of judicial sentences. To this end, a total of ten court sentences involving women

with criminal conduct, aged between 18 and 42 years old ($M = 30.5$; $SD = 12.26$) were collected and analyzed. In terms of results, previous criminal experience, modus operandi, perception of criminal responsibility, degree of illegality, as well as the sociodemographic characteristics of the victims, were identified as important variables in the judicial decision-making process. The criminal justice system doesn't seem to be oblivious of the influence of some gender stereotypes, which, under certain circumstances, appear to promote unequal treatment practices in situations involving women as a criminal agent. It is expected that this study may contribute to the deconstruction of some prescriptions, historically attributed to women (e.g., the greatest female vulnerability, the pathologization of the offending woman, among others) and may contribute to promote changes in the way judicial professionals face and judge the offender female, encouraging a greater judicial equity.

Keywords: *Female Crime, Gender Role, Criminal Justice, Court Decisions.*