

Brazilian Supreme Votes for End to Nepotism in the Courts

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As a result of a great effort, nepotism in the Brazilian government has been reduced over the last two decades. But it still exists. While it has been cut down, especially in the executive branch, nepotism remains rife in the judiciary branch.

Now the Brazilian Supreme Court came in favor of ending nepotism in the courts by deciding by 9 votes to 1 that the prohibition that judges hire spouses and relatives up to the third degree is not contrary to the Brazilian constitution.

The decision by the Supreme was made during an extraordinary session held to answer to a suit brought up by the Association of Brazilian Judges.

On February 2, the Associação dos Magistrados Brasileiros (AMB) brought a suit before the Supreme Court (Ação Declaratória de Constitucionalidade 12) (ADC 12) requesting a ruling on a resolution by the new National Justice Council (Conselho Nacional de Justiça) (CNJ), a judiciary branch watchdog agency, questioning the validity of administrative acts by the judiciary branch and calling for the prohibition of nepotism based on the constitution.

Minister Marco Aurélio de Mello, the only justice who voted opposing the end of nepotism justified his vote saying that he is against nepotism but does not believe that the National Justice Council has authority over the matter.

The Supreme's decision means that relatives who were chosen by judges to occupy posts in the judiciary have to be fired starting this Friday, February 17.

Now the AMB intends to file another suit requesting that the anti-nepotism measure be extended to the legislative and the executive branches of the government.

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