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From selection to the top: an audit of data availability on autistic people in Brazil's justice system

Entre a seleção e a cúpula: uma auditoria da disponibilidade de dados sobre pessoas autistas no sistema de justiça

De la selección a la cúpula: una auditoría de la disponibilidad de datos sobre personas autistas en el sistema de justicia brasileño

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Abstract:
This article examines what can be measured, using public documents, about the presence of autistic people in Brazil's Judiciary and Public Prosecution Service throughout entry, mobility and leadership. A documentary audit covered six national products from the CNJ, CNMP and Higher Council of Labour Justice, with a cutoff date of September 24, 2026. Units, denominators and criteria were defined to distinguish observed numbers, aggregated categories and unverifiable information. A voluntary Labour Justice census reports 670 responses to the question about types of disability, of which 13.73% selected autism; the rounded percentage corresponds to 92 responses. Participation-based selection prevents estimating prevalence among staff. The Judiciary's 9th Sustainability Review records 3.4% of employees with disabilities and 2.4% of leadership position holders with disabilities, without disaggregating autism. The products examined did not provide a comparable series of autistic people by entry, promotion, transfer, leadership, stages of the constitutional one-fifth appointment procedure or nomination to the Federal Supreme Court (STF). The contribution identifies existing numerators and denominators, locates unidentifiable links and proposes aggregate disclosure that protects privacy. The lack of public measurement does not constitute evidence of the absence of autistic people in these institutions.

Keywords:
Autism; Judiciary; Public Prosecution Service; Administrative data; Representation.

Resumo:
Este artigo examina o que se pode medir, com documentos públicos, sobre a presença de pessoas autistas no Judiciário e no Ministério Público brasileiros ao longo do ingresso, da mobilidade e da liderança. Realizou-se auditoria documental de seis produtos nacionais do CNJ, do CNMP e do Conselho Superior da Justiça do Trabalho, com data de corte em 24 de setembro de 2026. Definiram-se unidades, denominadores e critérios para distinguir número observado, categoria agregada e informação não verificável. Um censo voluntário da Justiça do Trabalho informa 670 respostas à pergunta sobre tipos de deficiência, das quais 13,73% assinalaram autismo; o percentual arredondado corresponde a 92 respostas. A seleção por participação impede estimar prevalência no quadro funcional. O 9º Balanço da Sustentabilidade do Judiciário registra 3,4% de servidores com deficiência e 2,4% de ocupantes de chefia com deficiência, sem desagregar autismo. Nos produtos examinados não se obteve série comparável de pessoas autistas por ingresso, promoção, remoção, direção, fases do quinto constitucional ou indicação ao STF. A contribuição consiste em delimitar os numeradores e denominadores existentes, localizar os elos não identificáveis e propor divulgação agregada que preserve a privacidade. A falta de mensuração pública não constitui prova da ausência de autistas nessas instituições.

Palavras-chave:
Autismo; Poder Judiciário; Ministério Público; Dados administrativos; Representatividade.

Resumen:
Este artículo examina qué puede medirse, mediante documentos públicos, sobre la presencia de personas autistas en el Poder Judicial y el Ministerio Público brasileños a lo largo del ingreso, la movilidad y el liderazgo. Se realizó una auditoría documental de seis productos nacionales del CNJ, del CNMP y del Consejo Superior de la Justicia del Trabajo, con fecha de corte del 24 de septiembre de 2026. Se definieron unidades, denominadores y criterios para distinguir cifras observadas, categorías agregadas e información no verificable. Un censo voluntario de la Justicia del Trabajo informa de 670 respuestas a la pregunta sobre tipos de discapacidad, de las cuales el 13,73% señaló autismo; el porcentaje redondeado corresponde a 92 respuestas. La selección por participación impide estimar la prevalencia en la plantilla. El 9.º Balance de Sostenibilidad del Poder Judicial registra un 3,4% de empleados con discapacidad y un 2,4% de titulares de puestos de jefatura con discapacidad, sin desagregar el autismo. Los productos examinados no proporcionaron una serie comparable de personas autistas por ingreso, promoción, traslado, dirección, fases del quinto constitucional o nominación al Supremo Tribunal Federal (STF). La contribución delimita los numeradores y denominadores existentes, localiza los eslabones no identificables y propone una divulgación agregada que preserve la privacidad. La falta de medición pública no constituye prueba de la ausencia de autistas en esas instituciones.

Palabras clave:
Autismo; Poder Judicial; Ministerio Público; Datos administrativos; Representatividad.

1 Introduction

An institution may know how many people took a recruitment examination, how many belong to its workforce and who holds leadership positions, without being able to say how many of the people represented in those totals are autistic. The problem is statistical before becoming interpretive: a count of persons with disabilities does not reveal, through simple mental disaggregation, the number of persons with autism spectrum disorder (ASD); a voluntary survey is not equivalent to a complete personnel register; a public list of names does not allow the neurotype of its members to be presumed. Between selection and the top, there are different records, produced by different bodies and concerning populations that change at every stage.

The 2022 Population Census, in preliminary sample results released by the Brazilian Institute of Geography and Statistics (IBGE), estimated approximately 2.4 million residents diagnosed with ASD, equivalent to 1.2% of the resident population (IBGE, 2025). This provides population context, not the expected proportion among law graduates, recruitment examination candidates, members of the Public Prosecutor's Office (MP), judges or people eligible for leadership roles. The overall unemployment rate of 5.3% in the quarter ending in July 2026, also released by IBGE, concerns the labor force surveyed in the Continuous National Household

Sample Survey (PNAD Contínua) and measures neither unemployment among autistic people nor access to public service (IBGE, 2026). Neither figure supplies the missing institutional denominators.

The question is: what public information actually identifies autistic people in justice system careers, in which population and at what point along the pathway? The aim is to reconstruct the limits of measurement along four routes: entry and staffing; promotion, transfer and leadership; formation of lists under the constitutional fifth; and nomination to the Supreme Federal Court (STF). The article answers the question that can be answered: what the sources allow us to count and what they leave undetermined. It does not estimate a national rate of autistic representation where there is no compatible numerator and denominator.

This choice delimits an original empirical contribution. The analysis does not presume that absence of a public record means there are no autistic people, propose a rule reserving positions or test a cognitive advantage of autistic people. It describes products, populations and variables, calculates two quantities derived from published percentages and shows why the series cannot be transformed into a personal trajectory. Consequences for institutional transparency are discussed as inferences, subject to ethical evaluation and the availability of protected microdata.

2 Theoretical framework

2.1 Legal and statistical categories

Law No. 12,764/2012 considers a person with ASD a person with a disability for all legal purposes (BRASIL, 2012). This legal inclusion does not imply equivalence between statistical sets. If a report presents only the total of persons with disabilities (PcD), it does not indicate what share has ASD; if someone has concurrent disabilities or conditions, adding responses across categories may duplicate people. In describing autism as the focus of this study, the broader category of neurodivergence is preserved as distinct and heterogeneous. No person not identified as autistic in the records will be classified here as neurotypical.

Institutional presence involves at least three different estimands. A proportion among serving members uses, within the same body and period, the number of autistic members divided by the corresponding total. A promotion rate requires autistic people promoted among eligible autistic people during a defined interval; a transfer rate requires another eligible population and another event definition. Participation in leadership positions is a snapshot of

incumbents, which does not measure probability of advancement without career length, applications and selection criteria. Comparing snapshots from different dates or sources does not reconstruct the pathway of the same individuals.

The problem intensifies in appointments to the top. Under the constitutional fifth, art. 94 of the Constitution distinguishes the six-name list formed by the Public Prosecutor's Office or the legal profession, the three-name list formed by the court and the choice made by the Executive Branch (BRASIL, 1988). Each filter has its own universe; a person may participate in more than one vacancy. The STF follows art. 101: presidential nomination, Senate approval and appointment; its eleven seats do not derive from constitutional-fifth lists. The public composition of these institutions may be known by name without making diagnostic classification of their incumbents legitimate.

2.2 Leadership, diversity and limits of inference

The rationale for examining autistic people's presence in decision-making positions includes a plurality of experiences and the possibility of diverse perspectives on work routines. This is an institutional hypothesis and an argument for participation, not a finding that every autistic person reasons better or exercises leadership better. In an experimental study with 467 participants with professional experience, Curseu et al. (2026) presented hypothetical vignettes of colleagues and leaders associated with different conditions and found greater social distance toward targets described as neurodivergent, particularly in leadership roles. The vignettes test judgments about descriptions, not the performance of real leaders or the behavior of Brazilian institutions.

To assess whether cognitive plurality reaches decision-making spaces, it would first be necessary to know who had the opportunity, who came forward and who was chosen, with appropriate definitions and data protection. Attributing exceptional talent to every member of a group, besides being empirically unjustified, would shift the access criterion: participation rights do not depend on a promise of extraordinary abilities. This article measures only what the identified databases allow; external literature helps interpret the interest of the question without filling its empty cells.

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2.3 Access, retention and decision-making power as different objects

In public service, the word access may denote at least four situations: conditions for competing, success in selection, actual entry and the ability to perform work after taking office. None is equivalent to access to management decisions. A person who enters may remain for many years without applying for leadership, fail to meet a particular time requirement, refuse a posting incompatible with their life or receive no invitation to hold a position of trust. To investigate unequal opportunities, it is essential to indicate which of these transitions is being measured. A workforce snapshot shows who is present on a certain date; transition analysis requires following defined populations over a period.

There are legal reasons why the question should not end with the recruitment examination. The Constitution regulates appointment to public office and establishes specific regimes for the judiciary and the Public Prosecutor's Office (BRASIL, 1988). Law No. 12,764/2012 recognizes ASD within the rights of persons with disabilities, but does not itself create a statistical measure of participation in each career. CNMP Resolution No. 240/2021 amended the rules for access by persons with disabilities to MP recruitment examinations and selection processes; CNMP Resolution No. 237/2021 provides special working conditions for members with disabilities or serious illness and states explicitly, in art. 10, that granting these conditions does not justify discrimination concerning transfer, promotion or the exercise of positions of trust (CNMP, 2021a, 2021b). These rules reveal that entry and professional development are distinct institutional problems. They do not, however, demonstrate how many autistic people advanced or failed to advance.

In the judiciary, CNJ Resolution No. 401/2021 sets accessibility and inclusion guidelines; CNJ Resolution No. 343/2020 addresses special working conditions for judges and public servants covered by its provisions (CNJ, 2020, 2021). The concrete scope of each measure depends on normative conditions and the individual case. Researchers should not infer from a request for special conditions that a person is autistic: the same channel may be used by people with other disabilities, illnesses or responsibilities for dependents. Nor should they presume that all autistic people need identical accommodation. Precisely because there are different instruments for entry and performance of the position, the administrative information they generate requires equally different purposes, definitions and separation.

This care applies to the term leadership. A court president, council member, head of a prosecutor's office, unit coordinator, appointed officeholder and public servant responsible for

a team do not belong to the same statistical population. Public servants' participation in leadership measured by the CNJ report does not reveal the composition of panels of judges. Similarly, the composition of the MP's Senior Administration does not automatically become an indicator of leadership roles among its administrative staff. If situations with different selection rules are aggregated, a single percentage may obscure precisely the barrier that was intended to be located.

It is possible to advocate greater participation by autistic people in institutional decisions without turning diversity into a prediction of performance. Autistic people do not share a single style of critical analysis. The hypothesis that different cognitive experiences expand the range of questions put to an administration may justify investigation and the design of accessible processes; the hypothesis that they necessarily produce better decisions would require other data, comparative designs and observable outcomes. Participation also matters for equal opportunities and democratic legitimacy, including when an autistic person needs significant support or does not fit the stereotype of the exceptional professional.

2.4 Administrative visibility and the decision to disclose a condition

Turning personal experiences into public statistics usually involves two stages that must not be confused: recording individual information in a protected environment and publishing an aggregate result. A person may identify themselves to obtain a workplace accommodation without wishing to appear in leadership studies; they may respond anonymously to a census without informing human resources of their condition; they may be diagnosed after taking office; or they may never have been assessed. In each situation, silence in the record has a different cause. The variable “no declaration” describes the information system, not a clinical property of the person.

An indicator calculated only among those declaring ASD is affected by this decision to disclose. Imagine, as a purely methodological example, two bodies with identical actual composition but different levels of trust in the confidentiality of the register. The recorded number of autistic people could differ even if entry and advancement were equal. If an information campaign increases declarations in one year, the series may suggest growth in representation without any change in staffing. Variation in the numerator may therefore result from changes in coverage or disclosure behavior. The example does not attribute these mechanisms to the six products; it shows why coverage and purpose must be published alongside figures.

The Access to Information Law protects personal information while establishing transparency as a public authority obligation; art. 31 requires its processing to respect intimacy and private life (BRASIL, 2011). The LGPD classifies health data associated with an identified or identifiable person as sensitive and requires consideration of the purpose and legal basis for processing (BRASIL, 2018). This work's statistical argument does not amount to a request for names or medical records. An admissible research architecture should explain who will collect the information, for what purpose, for how long, under which controls and with what alternatives for those who do not wish to disclose it. It would also need to separate personnel management statistics from any individual merit assessment.

There is a concrete tension between granularity and confidentiality. A national total combines too many people to show local differences; a table by body, career, year, gender and promotion stage may leave a single person recognizable. The National Data Protection Authority advises that anonymization should be analyzed as a process subject to reversal risk, rather than simple removal of names (ANPD, 2023a). In this context, publishing fewer cells may produce more reliable knowledge: it protects voluntary participation, avoids the false precision of tiny subgroups and allows a stable aggregate series to be maintained. The burden of demonstrating safety increases for six- and three-name lists and is extreme for the STF's eleven-seat composition.

3 Methodology

3.1 Design, source selection and coding protocol

A descriptive documentary audit, purposive in scope, was conducted and closed on September 24, 2026. The audited unit is the national public product, not the court or person. Six products providing information about personnel composition or participation in institutional positions were selected: (1) the First Accessibility and Inclusion Census of the Labor Judiciary, from the Superior Council of Labor Justice (CSJT); (2) the Second Judiciary Census, from the National Council of Justice (CNJ); (3) the CNJ Personnel Data Dashboard, supplied by the Monthly Personnel and Judicial Structure Module; (4) the Ninth Judiciary Sustainability Report, with reference year 2024; (5) the fourteenth edition of Public Prosecutor's Office: A Portrait, from the National Council of the Public Prosecutor's Office (CNMP), referring to 2025; and (6) the CNMP's Public Prosecutor's Office Equity Map. The Tenth CNJ Report, referring to 2025, already appeared on the research page in 2026, but its full document could not be

retrieved for consistent extraction in this audit; therefore, it was neither counted nor used to make assertions about the current situation.

Selection is deliberately restricted to central products of national scope. It is not a census of courts, MP units, recruitment examinations or constitutional-fifth vacancies; additional searches may locate local tables, including ASD tables. Official pages and documents from producers, publicly described dashboard fields, the Constitution and IBGE releases were consulted. A text search for “autis”, “TEA”, “deficiência”, “chefia”, “promoção”, “remoção” and “ingresso” was accompanied by contextual reading of retrieved results. When the interactive dashboard or PDF did not allow a cross-tabulation to be checked, “not verified in the material examined” was recorded, without inferring that the body does not collect it. The inventory of title, address, period, population, code and limitation accompanies this submission as a supplementary data file.

Three observation classes were defined for each route. “Partial ASD” requires a count or percentage of responses concerning ASD accompanied by the number of respondents to the question, but not necessarily the complete workforce. “Aggregate disability” means that a disability figure exists for part of the route without verifiable ASD disaggregation. “No verifiable ASD measure” indicates that the material examined did not provide the necessary numerator/denominator pair. These codes qualify the publication inspected, not all internal records. An observation was not converted into zero when its quantity was unknown.

The CSJT census allows a count to be reconstructed from the published percentage for the question “What is/are your disability/disabilities?”. The report identifies 670 respondents to this question and reports 13.73% for ASD (CSJT, 2024). The operation $670 \times 0.1373 = 91.991$ was applied and rounded to the integer compatible with the two-decimal percentage: 92 responses. The same procedure for the question concerning dependents (363 respondents and 68.32% for ASD) produces 248 responses. The uniqueness of these integers, given the usual two-decimal rounding rule, does not eliminate other possible errors in the instrument or publication. Because the question permits more than one disability, these responses are not additive with the other categories. No confidence intervals or tests were calculated: the sample is voluntary and selective, without a probability design allowing inference to the total workforce.

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3.2 Unit of observation, quality and data protection

In entry studies, the unit may be an application, unique candidate, successful candidate or appointee; in the workforce, a person serving on a defined date. In promotion and transfer, eligible person, application and act are distinguished. A constitutional-fifth vacancy has successive lists and choices; counting repeated names as distinct people would inflate participation. For the STF, the relevant unit would be the nomination procedure, but no examined database provides an individual diagnosis appropriate for that purpose. Table 3 specifies the minimum needed at each stage.

Diagnosis and health information fall within sensitive personal data under the General Personal Data Protection Law (BRASIL, 2018). The analysis therefore uses exclusively published aggregates and does not cross-reference names on lists with third-party statements. In lists of six or three names and among eleven justices, even an aggregate number may identify a person when combined with known data; any future release must examine small cells, subtraction between tables and repeated applications. “Undeclared” and “unknown” are not equivalent to “non-autistic”.

3.3 Inclusion criteria, extraction and traceability

The search was guided by institutions producing national statistics and the four moments in the trajectory defined in the introduction. For each product, the protocol recorded the responsible institution, title, document date or reference period, population covered, participation when available, unit of observation, existence of a specific ASD category, possibility of cross-tabulating it with career stage and public address. A figure presented in a report was distinguished from a description of a dashboard variable and a result that could only be calculated using internal data. A field described as “disability” was not coded as “ASD” without explicit disaggregation.

This method restricts the conclusions' scope. Selection of six products does not seek to represent through sampling every information channel in the country. It includes a specific accessibility survey in the Labor Judiciary, a broader voluntary judiciary census, a personnel dashboard, an administrative report and two national CNMP initiatives. Heterogeneity is deliberate: it allows testing whether products with different purposes and units answer the same question. The result may reveal incompatibility between instruments, but does not prove that

a variable has never been collected in systems not consulted. Normative and statistical sources used for context were also retained in the inventory, without counting them among the six personnel products.

During extraction, each percentage was transcribed with its textual denominator and year. When a report's terms were ambiguous, a description was not converted into a rate. The calculation of 92, for example, is presented as a derived integer because the CSJT publishes 670 responses to a question and 13.73% as the ASD percentage. The operation identifies only the number compatible with the published rounding. It neither proves that all respondents are unique people without checking the instrument nor describes nonrespondents. The second operation, 248, was retained exclusively as a contrast between workers and dependents, not as reinforcement of an estimate of autistic people in the workforce.

The supplementary inventory contains one row for each included product and delimits exactly what was inspected. A separate spreadsheet reproduces the two multiplications and specifies the universes. This level of documentation allows another reader to correct a possible transcription without having to guess which percentage was divided by which total. Nevertheless, reproducibility of gap classification is limited by possible dashboard updates and the impossibility of fully exporting some systems at the time of the audit. The codes therefore refer to the cutoff date and the content actually retrieved.

A subsequent search may change the availability matrix without invalidating the procedure. If a court publishes microtables with ASD and promotion after the cutoff date, the new product must be described by body, period, universe and small-cell protection, rather than inserted retrospectively into this sample. Likewise, mention of the Tenth CNJ Report does not authorize replacing Ninth Report figures with whatever may appear in the more recent report. Comparability depends on checking definitions and coverage in each edition. The observation period is therefore a dimension of the data, not merely a bibliographic date.

3.4 Indicator model for testing the pathway

An indicator model was developed as a methodological result, without assigning values to unobserved cells. At entry, four distinct events are defined: valid registration, success in relevant stages, appointment and commencement of service. For each, the numerator would be the number of people with legitimately declared ASD at that event; the denominator, everyone at the event, in the same recruitment examination and period. Comparing these percentages may locate points of relative reduction, but does not allow a conclusion of discrimination without

examining eligibility criteria, vacancies, withdrawals, missing data and conditions of competition. If identification occurs only after appointment, no retrospective application analysis is valid without an appropriate basis.

For careers already occupied, the first step is to define the stock in service: unique people on a given date, separating judges, MP members and administrative staff. The promotion application rate among eligible autistic people requires an objective eligibility rule observable during the period. The success rate among autistic candidates is another measure: autistic people chosen divided by autistic people who actually applied. The rate among eligible people incorporates both the decision to apply and selection; the rate among candidates describes only the second stage. Their difference is substantive: an apparently neutral formal rule may coexist with barriers to applying, while selection may be unequal even with equivalent applications.

Transfers require independent treatment. A transfer may occur on request, through an exchange, because of administrative need or under local criteria; it may improve quality of life, shorten travel, bring support networks closer or involve an involuntary move. Counting every transfer as promotion would falsify the event's direction. An appropriate indicator would distinguish requests, eligibility under the applicable rule, approvals, refusals and resulting posting. Individual information about special working conditions must remain in a protected system and must not become a negative label in merit assessment. Without these distinctions, “autistic people transferred” is a count without a reliable distributional interpretation.

In leadership roles, participation among incumbents is a composition estimand, not a selection estimand. To analyze the chance of appointment, it is necessary to know how many people were eligible for each role, who applied or was considered and who received the designation. Discretionary appointments may produce no formal candidate list; in that case, absence of an observable denominator prevents a success rate, but still permits description of the stock of appointments where protected, legitimate data exist. A leadership role lasting one month and another lasting years should not have equal weight in retention analyses; they may be counted as events or person-time, provided the study states its choice.

Finally, constitutional procedures do not belong to the same series as personnel careers. Each constitutional-fifth vacancy must be identified as its own unit, with the branch of origin and the stages actually prescribed. The same person may appear in several vacancies; counting appearances on lists or unique candidates answers different questions. For the STF, the universe of eleven positions may describe institutional composition at a given moment, but provides no population of applicants comparable to a six-name list. An audit of nomination processes would require another database and its own ethical assessment. This model prevents the desire for a

continuous line of advancement from producing a nonexistent statistical connection between positions governed by different rules.

3.5 Nonresponse, classification error and inference

At least four forms of absence matter to this study: the ASD question is not included in the instrument; it is included, but the person does not answer; there is an individual response, but the report publishes only aggregate disability; or there is a specific tabulation, but the cell cannot be released because of identification risk. These situations do not share the same meaning. The first requires redesigning collection; the second calls for investigation of trust, coverage and bias; the third may require new internal tabulation; the fourth recommends preserving the disclosure restriction. Classifying all as “zero autistic people” would be a measurement error. Classifying all as “the body has no data” would also erase differences between collection, access and release.

Autism may appear in an administrative record as self-declaration, a report submitted for a specific purpose or a category coded through a functional assessment. These channels have different criteria and incentives; the resulting count depends on which is accepted. The 2022 Census reports residents with a diagnosis declared in the household survey under its own instrument, whereas a voluntary workforce census asks participating workers about conditions. The law equating ASD with disability for legal purposes does not automatically harmonize questionnaires. The study therefore preserves the words used by each source and avoids fictitious standardization.

A conventional margin of error does not resolve the problem. Even if the arithmetic producing 92 responses is exact under rounding, participation in the survey was not probabilistic in relation to the entire workforce. A binomial confidence interval built on the 670 responses could quantify variation under an unproven random-selection model. It would be an appearance of precision applied to the wrong question. Internal robustness can be discussed more honestly: confirm the question's denominator, separate the dependents form, record nonrespondents and reread the source when updated.

Any discrepancies between the actual number of autistic people and the declared number have no determined direction with the available products. Some may conceal a diagnosis out of fear; others may lack a diagnosis; form failures may exclude cases; category changes may produce different responses over time. None of these mechanisms was measured here. Their role is to delimit hypotheses for future investigation, not to explain the six

publications retrospectively. The safest empirical conclusion remains narrow: among the audited publications, no comparable set of ASD counts was located that would allow calculation of the proposed transitions.

4 Discussion and results

4.1 The only specific numerator confirmed in the audited sample

The CSJT census received 1,416 responses distributed across two forms: 965 from internal personnel concerning their own condition and 451 from people reporting dependents with the surveyed conditions. Within the first form, 670 answered the question about disability types; 13.73% of those 670 responses indicate ASD, equivalent to the derived integer 92 (CSJT, 2024). The question's denominator is neither the 1,416 overall responses, the 965 from the first form nor the entire Labor Judiciary workforce. Nor is this ASD prevalence among judges, administrative staff or legal professionals: responding depended on knowing about the survey, choosing to participate and reaching a question directed at specific conditions.

The second form produced 451 responses from people with dependents; 363 answered the question about those dependents' disabilities, and 68.32% selected ASD, an integer compatible with 248 responses (CSJT, 2024). This count records workers' responses about dependents, not autistic workers. The possibility of multiple dependents and the question's rules prevent presuming 248 unique people. Mixing the two forms would produce a serious conceptual error, precisely when seeking to represent autistic people working in the institutions.

Table 1 – Published and reconstructed quantities with their universes

Source / period	Value	Denominator or universe	Permissible interpretation
CSJT, 2024 census	670; 13.73%; 92*	Respondents to the disability question, self-report by internal personnel	92 ASD responses estimated through rounding; no proportion of the complete workforce
CSJT, 2024 census	363; 68.32%; 248*	Respondents to the question about dependents' disabilities	248 responses concerning dependents; these are not autistic members
CNJ, Second Census	92,689; 32.01%	Respondents; fraction of the census's own target population	Voluntary participation, not national ASD prevalence
CNJ, Ninth Report, reference year 2024	9,442; 3.4%; 2.4%	Staff with disabilities; all staff; leadership incumbents, respectively	Description of disability, without ASD or an individual promotion rate

Source / period	Value	Denominator or universe	Permissible interpretation
IBGE, 2022 Census	approximately 2.4 million; 1.2%	Residents diagnosed with ASD; resident population	Population context, not a denominator for legal careers

Source: author's compilation based on CSJT (2024), CNJ (2024, 2025) and IBGE (2025). Note: *Integer counts reconstructed from published rounded percentages and denominators; not microdata. In the CNJ row, the universe for 2.4% is leadership position incumbents, different from the universe for 3.4%.

The reconstruction of 92 is a count of responses identified in the CSJT study, not the number of autistic people employed nationally in the Labor Judiciary. The report also provides the distribution of the 670 respondents by body and disability type, but local percentages without reliable numerators and small groups do not allow leadership to be inferred or finer combinations to be disclosed safely. The Second Judiciary Census totaled 92,689 respondents, 32.01% of its target population, with different participation across careers (CNJ, 2024). Its size does not eliminate participation bias or provide, in the results used here, an ASD breakdown by career stage.

The effect of denominator choice can be described precisely. Dividing 92 by 670 approximately reproduces the published percentage for the question about disability types. Dividing the same 92 by 965, the total for the first form, would construct a new and misleading indicator, because we do not know why the other people did not belong to the question's universe or did not answer it. Dividing it by 1,416 would also mix responses from internal personnel and people speaking about dependents. Finally, dividing it by the entire Labor Judiciary workforce would require the corresponding total and census coverage that voluntary selection does not provide. The same numerator can thus produce four grammatically similar statements, but only one aligns with the event actually described in the source.

There is also a difference between a response selecting ASD and a diagnosis ascertained through independent clinical research. The CSJT study is an institutional survey, whose usefulness lies in showing that the specific category can appear in an official publication. The article does not reassess reported diagnoses, estimate the instrument's sensitivity or project its percentage onto the Brazilian population. Where conditions coexist, the same person could select more than one option in the disability question; adding responses across options to obtain a total of people would be invalid. These limitations do not negate the finding that the category was counted among participants in a defined question. They specify exactly which question that finding answers.

The figure of 248 responses concerning dependents functions as a consistency test of the document's reading. In a system where workers and their dependents share a publication, an

automated search for “autism” may return the larger proportion and induce the assertion that much of the workforce is autistic. Separating forms before comparing percentages prevents a family member from being transformed into a worker. The same care should govern any future report: the question title, invited population, number answering it, possibility of multiple responses and relationship between respondent and referenced person must accompany every figure.

This survey does not establish entry rates or composition by position for autistic people with a valid institutional denominator. Some respondents may have been judges and others administrative staff, but the question's ASD percentage cannot be redistributed across careers without its own tabulation. Nothing indicates how many participants sought promotion, exercised leadership or were transferred during the interval. Reusing 92 as the numerator of one of these rates would confuse a voluntary cross-sectional sample with a longitudinal event record. The distinction is central because available information may seem more promising than it actually is when only the percentage headline is retained.

4.2 Where the products stop following the pathway

In the CNJ Personnel Data Dashboard, the official description lists sex, race/color, quotas, disability, position, age group and length of service, with aggregate release. The Ninth Report states that 9,442 staff reported having a disability, 3.4% of the workforce, and that persons with disabilities represented 2.4% of leadership incumbents in reference year 2024 (CNJ, 2025). The arithmetic difference between percentages is 1.0 percentage point, with different universes; it is neither a promotion rate nor a difference attributable to autism. No public table linking ASD, leadership and eligible people in the same period was verified in these products. The following Report edition, already announced by the CNJ, requires checking before any disability estimate is updated.

In the MP, the fourteenth edition of Public Prosecutor's Office: A Portrait brings together administrative data for 2025 from MP units and branches, including personnel structure (CNMP, 2026). The Equity Map presents information on entry, education, collegiate bodies and Senior Administration for 1988–2023, with results released by gender (CNMP, 2024). Both sources demonstrate the institutional possibility of counting different career points, but the public material inspected did not provide an ASD series with an eligible population at each transition. The documents' silence about such cross-tabulation does not demonstrate that the bodies do not collect individualized information or that none of their members is autistic.

Table 2 – Coverage of the ASD variable in the six audited national products

Product and institution	Product universe	Verifiable ASD information	Route remaining without an ASD measure
First Accessibility Census, CSJT, 2024	Voluntary internal personnel and a separate form about dependents	Yes, 13.73% of 670 responses to the internal personnel disability question	Entry, promotion, transfer and leadership; total workforce
Second Judiciary Census, CNJ, 2023 survey	Voluntary judiciary respondents	ASD breakdown by stage not verified in consulted material	Complete ASD workforce and transitions
Personnel Data Dashboard, CNJ	Aggregate court administrative records	Disability variable described; public ASD × leadership breakdown not verified	ASD entry and transitions
Ninth Sustainability Report, CNJ, 2025	Staff and leadership; reference year 2024	Aggregate disability, without verified ASD disaggregation	ASD leadership and advancement rate
MP: A Portrait, CNMP, 14th ed., 2026	Administrative structure reported by the MP; 2025	ASD breakdown by stage not verified	ASD entry, mobility and leadership
Equity Map, CNMP, 2024	MP members and leadership positions; 1988–2023 history	Metrics of other attributes; ASD by stage not verified	ASD entry and top positions

Source: author's compilation from the six publications indicated in the references. Note: “Not verified” is limited to public material actually examined on September 24, 2026. The codes do not describe the existence or absence of internal fields and do not allow the conclusion that any institution has zero autistic people.

Thus, among six selected products, one offers an ASD-specific percentage in a voluntary subpopulation and none provided, in the examined material, comparable numerator and denominator pairs for following autistic people's passage between stages. This product count is a property of the purposive audited set, not an estimate of the percentage of all bodies with or without data. Even for entry, the national count of appointments of persons with disabilities does not reveal the ASD subset. For promotions and transfers, dividing acts by personnel stock would mix eligible and ineligible people, and transfer may not even represent advancement.

The judiciary pathway illustrates a mismatch between database purposes. The voluntary census may record experiences and conditions reported by participants; the personnel dashboard may describe administrative workforce records; the Report may present sustainability indicators concerning persons with disabilities. These products do not necessarily

share a date, unit or linkage key, and no ASD cross-tabulation by stage was verified in the analyzed material. The three tables cannot be pasted together merely because all are produced within the same justice system. A number of autistic people in a voluntary survey and a total of leadership roles in an administrative database describe populations with unknown overlap.

In the MP, the difficulty is analogous, but events follow their own organization. The composition of members, administrative staff and Senior Administration cannot be reduced to a single total; members' careers have promotion and transfer procedures with specific requirements and powers. The Equity Map demonstrates that the CNMP already brings together certain trajectory breakdowns within a historical window, and A Portrait shows the existence of periodic institutional information production. The material consulted did not allow ASD to be associated with these transitions. This implies neither a recommendation to replace variables already collected nor an assertion that the absence is deliberate. The methodological consequence is to require, for each series, documentation of the variable dictionary and the proportion of units actually submitting records.

The expression “representation first in access, then within”, which guides this study's question, must be translated into two families of measures. The first covers the funnel of recruitment examinations and appointments. The second follows retention, opportunities to compete for changes in position or posting and participation in decisions. One body may improve examination conditions without changing leadership assessment rules; another may offer special working conditions yet still have records unable to describe progression. Research design must allow these combinations, since a policy's success at one stage does not demonstrate equality at subsequent stages.

A practical consequence for annual comparison is always to use the same reference population. If the proportion of declared autistic people among staff rises after previously absent bodies are incorporated, this may be a coverage effect. If a leadership position formerly classified as a position of trust moves to another administrative category, the series changes denominator. Leave records also change the notion of “in service” depending on the system. Before interpreting a trend as increased representation, notes on breaks in the series would need to be published and separate tables maintained for each career. None of these checks is possible for ASD in the six products as consulted; identifying them makes the reason for the gap explicit.

Table 3 brings together the quantities needed for the four pathways; the constitutional mechanisms in its final two rows are discussed next.

Table 3 – Required estimands and the status of public measurement

Pathway	Required numerator and denominator	Status in audited material
Entry and workforce	ASD registrants, successful candidates, appointees and serving personnel / corresponding total, by career, body and period	Partial ASD only among voluntary CSJT respondents; no national entrant series
Promotion, transfer, leadership	Autistic people promoted / eligible autistic people; autistic people transferred / eligible autistic people; autistic leadership incumbents / leadership incumbents on the same date	Aggregate disability in CNJ staff leadership; ASD lacks compatible denominators
Constitutional fifth	Autistic people among eligible applicants, on each six-name and three-name list and in selection, by vacancy and MP/OAB origin	No aggregate national ASD series verified; individual identification is inappropriate
STF	Voluntary, publishable information in each nomination procedure and in composition; universe of eleven positions	Neurotype not measurable; art. 101 rule distinct from art. 94

Source: author's compilation based on BRASIL (1988), CSJT (2024), CNJ (2024, 2025, 2026) and CNMP (2024, 2026). Note: The eligible denominator for the constitutional fifth corresponds to applicants at the stage, not the entire professional workforce; the table does not presume the existence of these data in administrative records.

4.3 Constitutional-fifth lists and appointment to the STF

The third pathway has yet another unit: the vacancy subject to art. 94. In the legal profession and MP branches, actual applicants, members of the six-name list, members of the three-name list and the appointed person must be separated, indicating court, vacancy, year and application origin. A proportion of autistic people on the three-name list would require legitimately recorded information about each eligible person and a denominator from the same stage; none of this follows from publication of names. Within the examined national scope, no aggregate database bringing together this information by ASD was identified. Comparison between branches would also be inappropriate without identifying which vacancies belonged to each origin.

The fourth pathway is exclusive to the STF. It has eleven justice positions, filled after nomination by the Presidency, Senate approval and appointment (BRASIL, 1988). The STF does not form part of constitutional-fifth lists. A ratio such as “autistic people among eleven” could only be calculated with legitimate and sufficient information about incumbents; absence

of public disclosure cannot be recoded as “non-autistic”. Even a voluntary statement would require consideration of consent and the possibility of reidentification. Thus, the Court's composition by neurotype remains unmeasurable with this study's data, and no diagnosis or condition is attributed to any appointed person.

Under the constitutional fifth, each filter offers a more specific question. Among those satisfying constitutional requirements and applying to the competent entity, how many reach the six-name list? Among the six, how many reach the three-name list? Who is appointed among the three? Calculating ratios at each stage would require documentation of the number of vacancies, the seat's origin, actual applicants and names without clinically exposing them. The six-name and three-name lists for the same vacancy are not independent samples: the three people on the second belong to the first. Adding their totals as though they were new candidates duplicates participation. Any public count of autistic people on a single three-name list would also tend to identify the individual, especially when combined with circulating self-declarations.

In the MP-origin branch, the population eligible for the constitutional fifth is not all staff and members indiscriminately; constitutional requirements apply to the professional group of origin. In the legal profession branch, applications follow another universe. Mixing both origins dilutes differences in opportunity and produces a legally incorrect denominator. A national-scale analysis would have to distinguish open vacancies, vacancies actually filled, selection year and the possibility of resubmitting an application. The resulting series would describe participation in procedures, not a continuous career from the first appointment in the justice system, since entry from the legal profession is not an internal promotion of a judiciary member.

For the STF, even the analogy between an “eligible list” and a “six-name list” is inappropriate. The Constitution states appointment requirements, but presidential nomination and Senate approval do not belong to the art. 94 procedure. The universe of people potentially considered before nomination is not given in a public application database. Describing a possible autistic nominee, if legitimately reported, would not allow estimation of the proportion of autistic people among everyone considered. The eleven-position scale itself calls for caution: a change in one seat alters the composition snapshot by approximately 9.09 percentage points, without that arithmetic jump meaning an equivalent change in access opportunities for a broad population. This calculation describes the sensitivity of the denominator eleven, not the existence of any autistic justice.

An institutional solution would not be to require applicants' diagnostic disclosure. For the constitutional fifth, numbers of vacancies, applications, lists and appointments can be reported separately, without clinical breakdown in small cells, while procedural barriers are

examined through protected mechanisms. For the STF, transparency about formal process stages and procedural accessibility are objectives distinct from exposure of incumbents' health data. A person's right not to disclose their condition does not diminish their right to participate in top-level decisions. The audit identifies the quantitative limitation and does not turn it into a license to diagnose through behavior, interviews or public biographies.

4.4 The institutional meaning of a measurement gap

Three findings must remain separate. This study found specific ASD responses in a voluntary Labor Judiciary survey and an aggregate disability and leadership measure in the judiciary, in different populations and years. An external experiment suggests that neurodivergence labels may affect hypothetical leadership judgments, but does not measure judges, MP members, actual promotion or the explanatory strength of that perception in the institutions analyzed here (CURSEU et al., 2026). Finally, the institutional inference is that appropriate publication of denominators, coverage and categories would allow assessment of opportunities throughout careers without presuming autistic people's cognitive superiority.

A future series should report, by career, body and period, how many were eligible, how many applied and how many were selected at each event, alongside an ASD category declared under a legal basis, clear purpose and access rules. The total of undeclared cases and coverage of responding bodies are as necessary as the numerator. For constitutional-fifth and top-level vacancies, the high identification risk may require disclosure only in temporal or national groupings, or prevent the breakdown altogether. Small cells must never be released as evidence of transparency if they allow the health of appointed people to be inferred.

There are additional limitations. The audit did not access restricted registers, interview managers, reconstruct notices or lists from all units or validate the full Tenth Report. Nor does it prove that the six products are all those in existence. The CSJT census does not follow the same person over time; its percentages are conditional on response. The two Ninth Report percentages refer to different comparison sets and to disability, a broader category. No causal estimate or hypothesis test would be justified with the assembled materials. The expression “public data gap” refers strictly to this research's question and procedure.

The gap also affects how inequality itself is presented. The 3.4% of staff with disabilities and 2.4% of leadership incumbents with disabilities in the Ninth Report do not form a transition between two groups observed over time. A difference of 1.0 percentage point may motivate investigation of the presence of persons with disabilities in leadership, but does not quantify an

individual barrier, much less an ASD-specific barrier. It would be necessary to observe which staff could occupy each position and whether disability, posting and leadership records refer to the same people and period. Until then, the direction of the composition difference is descriptive, and its cause remains unknown.

The absence of an ASD table should not be attributed to a single mechanism. The variable may not be collected; a collected variable may be unreliable; information may be processed for individual accommodation rather than statistics; publication may be limited by privacy; or a tabulation may exist but not yet be included in the selected product. The audit demonstrates the impossibility of answering the question using its defined sources, without resolving which hypothesis explains each case. This distinction matters for the institutional response: a new questionnaire, an improved data dictionary and a decision not to release a small cell are different actions.

The hypothesis that autistic perspectives contribute to leadership deserves treatment symmetrical to any organizational hypothesis: outcome definition, relevant comparison and attention to bias. “Distinctive critical thinking” is not a variable that can be attributed to every autistic person or inferred from a diagnosis. It can, however, serve as a reason to examine whether selection processes recognize varied ways of communicating and solving problems, provided assessment focuses on skills relevant to the role. The experiment by Curseu et al. (2026) helps formulate a question about candidate perceptions, but its vignettes and participants do not identify an effect in the CNJ, CNMP, courts or STF. The normative inference of expanding opportunities is separate from the empirical result, which for now is the unavailability of comparable ASD rates.

4.5 Conditions for a responsible institutional series

The results allow a sequence for building evidence to be proposed, without claiming that bodies already follow it. First, each institution would need to state the purpose of measurement: monitoring accessibility in recruitment examinations, assessing participation in management roles or examining career stages. The same individual record should not circulate indiscriminately across all purposes. For each, the controller would need to identify appropriate legal grounds, limit access, document retention and check whether an ASD-specific question is necessary. This planning precedes publication of any percentage.

Second, a common dictionary of categories and events must be built. “Autistic” may mean self-declaration on a voluntary form, a condition recorded to exercise a right or

information verified under specific recruitment examination rules; these channels should not be merged without qualification. “Entry” may mean registration, ratification of results, appointment or taking office. “Leadership” requires definition of position, duration and employment relationship. An aggregate indicator may appear standardized because it uses the same word while combining legally different events. Without this semantic stage, a national dashboard would facilitate only apparent comparisons.

Third, numerators must be accompanied by the eligible universe and the number of unknown situations. A leadership table, for example, should present the total number of incumbents, the number with a declared condition, the number without a declaration and, where appropriate, distribution by career and period. The same logic applies to promotions: open vacancies, eligible people, people who actually competed, choices and classification impossibilities. The total of people without information is not a dispensable residual; if high or variable between bodies, it may dominate any comparison between periods.

Fourth, the entity producing statistics must separate record quality from substantive results. An increase in ASD declarations may indicate greater trust in the procedure, entry of new members, expanded unit coverage or a combination of factors. A decline may reflect instrument changes or doubts about confidentiality. A series' technical note should state collection dates, bodies submitting data, question changes and the proportion of usable responses. This documentation would allow increases or reductions in the measure to be discussed without turning every administrative change into an automatic narrative of inclusion or exclusion.

Fifth, release must be planned with reidentification in mind. A small cell may be omitted; however, suppressing one cell in isolation sometimes allows its value to be calculated from row sums or comparison with the previous edition. Grouping years, regions or careers may reduce risk, but also change the question's meaning. The decision depends on available auxiliary combinations, event frequency and the possibility of recognizing the person. The ANPD describes reversal of anonymization as a risk to consider in impact assessments, and the LGPD defines anonymized data by the impossibility of identification through reasonable technical means available at processing time (ANPD, 2023b; BRASIL, 2018). There is therefore no universal numerical small-cell rule that dispenses with contextual assessment.

Sixth, measures to monitor opportunities must be combined with actual process accessibility. A census portrays only those who chose to respond; changing its question does not guarantee accessible examinations, meetings, deadlines, communication and workspaces. CNJ and CNMP rules on special conditions and inclusion provide institutional parameters, but

the audit did not evaluate implementation (CNJ, 2020, 2021; CNMP, 2021a, 2021b). Documenting accommodation requests and decisions in protected records may help identify bottlenecks without turning granted accommodation into a penalty for career advancement. Data must serve the review of barriers, never informal selection of people based on health.

Table 4 – Minimum protocol for a future series, without imputed values

Stage	Unit and denominator	Record and safeguard	Result that could be calculated
Examination and entry	Person by phase: registration, success, appointment, service	ASD defined; unknowns counted	Participation by phase and coverage
Promotion	Eligible people, candidates and selected people by interval	Criteria and declarations protected	Rates among eligible people and candidates
Transfer	Requests and acts by type	Special conditions are not a demerit	Requests and decisions by type
Leadership	Incumbents by date or person-time	Restrict identifiable cells	Composition, not appointment probability
Constitutional fifth and STF	Vacancy and constitutional stage	Reidentification risk; no inference from names	Formal stages; ASD if release is legitimate

Source: author's compilation based on constitutional requirements, the LGPD and limitations found in this audit.
Note: “Could” indicates a possibility conditional on appropriate collection and effective data protection; the table does not report empirical observations of these stages.

An institution may be able to publish only part of this protocol. It is methodologically better to report how many recruitment examinations had a recorded accessible phase and leave impossible-to-observe stages without a national ASD rate than to fill every field with percentages extracted from incompatible samples. Gradual implementation could begin with documentation of examinations and body coverage, move to an internal inventory of career events and only then decide whether any ASD disaggregation can be released. Each stage produces a verifiable quality gain. The public version must preserve the distinction between collected data, data analyzable under institutional control and data suitable for release.

Monitoring must include independent auditing of the instrument and the possibility of challenging improper interpretations. Autistic people and other persons with disabilities may contribute to designing understandable questions, assessing response barriers and discussing publication consequences, but participation does not replace confidentiality rules. Similarly, a statistics team may check denominators without receiving named diagnoses. Separating

responsibility for collection, custody, analysis and release reduces the risk that a workplace support request becomes information accessible to the person responsible for promotion. The final design belongs to the competent institutions and requires specific legal and technical examination.

5 Final considerations

There is at least one autism-specific public measurement among justice system workers: 13.73% of 670 responses about disability types in the 2024 voluntary Labor Judiciary census, a figure compatible with 92 responses. It demonstrates the usefulness of distinguishing the question about the worker from the question about their dependents, but does not permit estimation of judiciary prevalence. The 3.4% of staff with disabilities and 2.4% of leadership incumbents with disabilities presented by the CNJ describe aggregate disability in 2024, not autistic people's participation in decision-making positions.

Within the six delimited national products, no numerator and denominator pair allowed calculation of comparable rates of autistic people's passage from entry to promotion, transfer and leadership. Constitutional-fifth lists and STF nomination have different filters and likewise provide no publishable information, in the consulted material, for calculating autistic presence. The initial question remains only partially answered: a subset of respondents can be counted, but neither autistic people's trajectory nor their representation at the top.

The most precise finding is not that “there are no autistic people”, but that the examined public records interrupt observational capacity precisely where population, eligibility and decision must be distinguished. Improving observation requires denominator integrity and respect for the choice not to declare a sensitive condition. Only then will it be possible to investigate empirically whether initial access translates into comparable opportunities within institutions. Until then, any national percentage concerning autistic people in judiciary, Public Prosecutor's Office or STF leadership would exceed the assembled evidence.

The resulting research sequence does not depend on attributing a universal ability to autistic people. It requires each institution to define which opportunities it wishes to make verifiable, distinguish judges, MP members and administrative staff, document who could compete and preserve clinical data confidentiality. Where ASD disclosure is unsafe, public selection criteria and auditable institutional records may advance without personal exposure. Representation at entry and representation in decisions are equally legitimate questions; they

are not the same indicator. Commitment to both begins with willingness to show what is known and identify, without filling gaps through imagination, what cannot yet be counted.

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