## Brazil

### Discrimination in the family

<table>
<thead>
<tr>
<th>Category</th>
<th>Value 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal framework on child marriage</td>
<td>75%</td>
</tr>
<tr>
<td>Percentage of girls under 18 married</td>
<td>15%</td>
</tr>
<tr>
<td>Legal framework on household responsibilities</td>
<td>50%</td>
</tr>
<tr>
<td>Proportion of the population declaring that children will suffer if mothers are working outside home for a pay</td>
<td>60%</td>
</tr>
<tr>
<td>Female to male ratio of time spent on unpaid care work</td>
<td>4.3</td>
</tr>
<tr>
<td>Legal framework on inheritance</td>
<td>0%</td>
</tr>
<tr>
<td>Legal framework on divorce</td>
<td>0%</td>
</tr>
<tr>
<td>Discrimination in the family 28%</td>
<td></td>
</tr>
</tbody>
</table>

### Restricted physical integrity

<table>
<thead>
<tr>
<th>Category</th>
<th>Value 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal framework on violence against women</td>
<td>25%</td>
</tr>
<tr>
<td>Proportion of the female population justifying domestic violence</td>
<td>9%</td>
</tr>
<tr>
<td>Prevalence of domestic violence against women (lifetime)</td>
<td>33%</td>
</tr>
<tr>
<td>Sex ratio at birth (natural =105)</td>
<td>105</td>
</tr>
<tr>
<td>Legal framework on reproductive rights</td>
<td>50%</td>
</tr>
<tr>
<td>Female population with unmet needs for family planning</td>
<td>11%</td>
</tr>
<tr>
<td>Restricted physical integrity 15%</td>
<td></td>
</tr>
</tbody>
</table>

### Restricted access to productive and financial resources

<table>
<thead>
<tr>
<th>Category</th>
<th>Value 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal framework on working rights</td>
<td>25%</td>
</tr>
<tr>
<td>Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay</td>
<td>5%</td>
</tr>
<tr>
<td>Share of managers (male)</td>
<td>60%</td>
</tr>
<tr>
<td>Legal framework on access to non-land assets</td>
<td>25%</td>
</tr>
<tr>
<td>Share of house owners (male)</td>
<td>40%</td>
</tr>
<tr>
<td>Legal framework on access to land assets</td>
<td>25%</td>
</tr>
<tr>
<td>Share of agricultural land holders (male)</td>
<td>87%</td>
</tr>
<tr>
<td>Legal framework on access to financial services</td>
<td>0%</td>
</tr>
<tr>
<td>Share of account holders (male)</td>
<td>51%</td>
</tr>
<tr>
<td>Restricted access to productive and financial resources 17%</td>
<td></td>
</tr>
</tbody>
</table>

### Restricted civil liberties

<table>
<thead>
<tr>
<th>Category</th>
<th>Value 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal framework on civil rights</td>
<td>0%</td>
</tr>
<tr>
<td>Legal framework on freedom of movement</td>
<td>0%</td>
</tr>
<tr>
<td>Percentage of women in the total number of persons not feeling safe walking alone at night</td>
<td>67%</td>
</tr>
<tr>
<td>Legal framework on political participation</td>
<td>25%</td>
</tr>
<tr>
<td>Share of the population that believes men are better political leaders than women</td>
<td>28%</td>
</tr>
<tr>
<td>Percentage of male MP’s</td>
<td>89%</td>
</tr>
<tr>
<td>Legal framework on access to justice</td>
<td>0%</td>
</tr>
<tr>
<td>Share of women declaring lack of confidence in the justice system</td>
<td>62%</td>
</tr>
<tr>
<td>Restricted civil liberties 24%</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](https://oe.cd/ds/GIDDB2019).

Brazil

Brazil’s Federal Constitution enshrines the principle of equality between men and women (Article 5). Since its approval in 1988, reforms have been made to the Penal Code (2005) and the Civil Code (2002) in order to ensure coherence between former legislations and the Constitution (CEDAW, 2007).

1. Discrimination in the family

a) Overarching legal framework for marriage

The reforms of the Civil Code from 2002 have established the equality between men and women in marriage (Civil Code, article 1.511). However, article 1.523 mandates that widows or divorced women need to wait 10 months after the beginning of the widowhood or the dissolution of the marriage to re-enter into a new marriage. Several provisions in the previous Code such as the different ages of marriage for men and women have been repealed. The law also recognises civil and informal unions and religious marriages and defines equality of rights and obligations between men and women in these partnerships (Civil Code, articles 1.515, 1.517 and 1.723).

b) Child marriage

Even though the legal age of marriage has been established as 16 years for both men and women, the law stipulates that marriage of a person under the legal age will not be considered void if a pregnancy results from the marriage (Civil Code, article 1.551). There is, however, a contradiction in the legal framework, since article 217-1 of the Penal Code establishes that any “libidinous act” with minors under 14 is considered to be a rape. Recent research on the issue of early marriage ranks Brazil “the fourth country in the world in absolute number of women married or co-habitating by age 15” (Tayler et al., 2015). Promundo also called attention to census data that points to 88 000 girls and boys aged 10 to 14 years in civil or religious unions in Brazil (Promundo, 2015). Little research on the subject has been produced and no mention on child marriage was made in the third National Policies for Women Program.

c) Household responsibilities

Article 1.567 of the reformed Civil Code states that the “direction of the conjugal partnership are performed in collaboration between husband and wife, in the interest of the couple and their children”. The article has replaced and repealed the previous code which recognised men as head of the household and responsible for defining where the family should live. Under the new Civil Code, rights and duties related to children’s guardianship are equally shared between both parents, and can be demanded by any of the two in the event of divorce or dissolution of de-facto unions (Civil Code, articles 1.566 and 1.724). Women, regardless of their marital status, are free to choose where to live as per articles 5 and 70 of the Federal Constitution.

Until recently, the government have emphasised on conditional cash transfer programmes such as Bolsa Familia which included a clear gender component. Women were defined as the beneficiaries of these programmes. Law 12.693 mandates that in the case of divorce for families living in social houses,
women have the priority in retaining the accommodation. The third National Policies for Women Program clearly stated that economic autonomy, especially for poor women and women in the intersection of multiple discriminations, cannot be achieved without ample debate and policies that account for the unfair division of domestic chores (Brazil, SPM, 2013). CEDAW (2010a) noted that Brazilian women’s insertion into the labour market has been hindered by a sexual division of labour. Women are still restricted to the domestic sphere, and are expected to be responsible for majority of the care and productive work (CEDAW, 2010a).

Nevertheless, recent changes in the Brazilian government has resulted in a reversal in the above strategy. The UN Women noted that the recent decisions to amend the Constitution and establish a 20-year public expenditure cap would be harmful to the most vulnerable parts of the population (UN Women Brazil, 2015). As statistical data has shown, these segments of the population are mostly composed of women, especially women in the intersection of multiple discriminations (UN Women Brazil, 2015).

d) Divorce

Under Civil Code, women and men have equal divorce rights. Articles 1.572 and 1.548 of the Civil Code mandate that any of the spouses can initialise the dissolution of the marriage or civil union and request the guardianship of the children, which can be equally or partially shared, in accordance to the parents’ demands and the best interest of the children.

e) Inheritance

Article 5 of the Brazilian Federal Constitution mandates the equal rights of all individuals in front of the law, including inheritance rights. Furthermore, the Civil Code stipulates the same rights for daughters and female surviving spouses to inherit as male ones (article 1.790).

Notwithstanding the establishment of equal inheritance rights for women and men, FAO (2007) reported a gap between the implementation of these rights, particularly in rural areas. In practice, sons tend to control most of the family’s assets (Guivant, 2003). The practice called minorato, defined as “the duty of the youngest son to take care of the parents and in compensation inherit the family plot, whereas girls are excluded”, is still predominant in some parts of the country (Guivant, 2003). The exclusion of women from inheritance plays as a major reason for the fact that young women are more likely to leave the countryside than men (Guivant, 2003). During the 1980s, the Brazilian Institute for Land Reform (INCRA) systematically excluded women without husband, male partners or grown sons from all land distribution programs and policies (Deere, 2003). Organisation working on rural women have played an important role in changing these discriminatory attitudes and policies in the context of re-democratisation (Deere, 2003).

2. Restricted physical integrity

a) Violence against women

Brazil has ratified the Inter-American Convention to Punish, Avoid and Eradicate Violence Against Women, also known as the Belém do Pará Convention. This Convention, recognised as a Human Rights Treaty, has gained legal value of a constitutional right after the vote held by both houses of Congress
In the same year, Brazil’s congress also voted and approved a bill addressing violence against women (“Lei Maria da Penha”). “Lei Maria da Penha” provides a comprehensive approach to address violence against women, particularly domestic violence.

In 2013, presidential decree No. 8.068 instituted a federal programme for combatting violence against women, called “Mulher: Viver sem Violência” (“Woman: Living free of violence”). It articulates the existing policy for combatting violence against women, as well as the National Pact for Combating Violence against Women under the responsibility of the Special Secretariat for Women’s Policies. The Program not only reinforces the need to provide women with a holistic response to violence, but also establishes as main poles of action: implementation of Brazilian Women Homes”. The Homes are public spaces which centralise the main specialised services needed to support women victims/survivors of violence and amplify the hotline for violence against women. The Programme also promoted awareness-raising campaigns on violence against women.

In 2015, Law 13.104 addressed femicide as a criminal offense. Femicide was defined as “homicide of a woman for the reasons related to her condition as a member of the female sex”.

Chapter four of the Third National Policies for Women Plan is dedicated to the issue of “elimination of all forms of violence against women” (Brazil, SPM, 2013). The Plan establishes a number of targets and benchmarks that include expanding access to services defined by law, training state agents, augmenting civil society participation, mainstreaming gender throughout Federal institutions and local government, awareness-raising campaigns, as well as data and statistical collection and analysis.

The decree establishing the national programme does not mention budgetary commitments. The Special Secretariat for Women’s Policies, which is responsible for the Programme (article 1) is part of the Ministry of Justice and, as such, counts with an annual budget which is mainly directed at the execution of the program. The civil society shadow report does point nevertheless to a failure from the State in financing these kind of initiatives in a stable and continuous fashion, which makes delivering services and monitoring the law’s application difficult (CEDAW, 2012).

b) Domestic violence

Domestic violence is a criminal offense, punishable for 3 months to 1 year of imprisonment and up until 12 years in case of aggravating circumstances (Lei Maria da Penha, article 129). Article 5 of “Lei Maria da Penha” defines domestic violence as any action or omission based on gender and resulting in death, injury, physical, sexual or psychological suffering and moral or patrimonial damage. This definition applies to any family or intimate relation, inside and outside marriage and regardless of sexual orientation.

Article 12 and 18 of “Lei Maria da Penha” mandates that police authority and judges, while respecting due process, treat cases of domestic violence in a maximum period of 48 hours. Article 14 determines the creation of special courts for dealing with domestic violence. Article 17 excludes the possibility of lighter sentences, such as payment of amends, in cases of domestic violence.

Lei Maria da Penha also creates the institution of urgent protective measures for cases of domestic violence. A state’s representative, the judge or the woman herself can demand, at the very beginning
of the procedure, that the accused be preventively detained or not allowed to approach the woman or her family. It can also be demanded that the woman be placed in a public shelter, be removed or reinstated at home, as well as that her property be legally protected from the accused. As for protection and support services for victims/survivors, article 29 provides for social services, public health system and the judicial and penal system to deal with domestic violence cases. Article 32 also determines budget provisions in the judiciary branch to guarantee the maintenance of this network.

Notwithstanding the thoroughness of the text, a parliamentary commission was set up in 2014 to evaluate a decade of implementation of the law (Brasil, Senado Federal, 2013). It has found out that the introduction of the law had not sufficed to domestic violence in Brazil. CEDAW (2012) noted some difficulties in the implementation of the law. Some lower house judges understood that the law went against the principle of equality because it targeted women specifically (CEDAW, 2012). They therefore continued to apply older provisions that have been prohibited by the new legislation, such as recommending victims to conciliation or mediation (CEDAW, 2012).

To ensure its applicability at the state and local level, a National Pact to Combat Violence against Women has been signed by the 27 states of the federation. The Third National Policies for Women Plan mentions an increase of 65% in the number of specialised services (Brazil, SPM, 2013). It includes provisions for the training of judges and other public agents in relation to the provisions of the law. Civil society’s last shadow report to the CEDAW pointed to a lack of action on the part of national and local authorities for putting in place these services. Most of the specialised services are provided in the states’ capitals, and sometimes only one specialised court is provided for one state. In states like São Paulo, this means one specialised court for a population of 41 million (Brazil, SPM, 2013).

c) Rape

The Penal Code’s reform in 2009 has replaced the criminal offense type “crimes against customs”, to which rape belonged before, with “crimes against sexual dignity” and “crimes against sexual freedom”. All mentions to “honest women” or “defence of honour” have been erased in order to harmonise domestic law and international conventions. It has also established the statutory age of consent at 14 years old.

Under the reformed Penal Code, rape is then legally defined as “an action to constrain someone, through violence or serious menace, to carnal conjunction, or to practice or allow one to practice libidinous acts”. Penalties range from 6 to 10 years of prison, and can be increased to 8 to 12 years if the victim suffers from physical injury or up to 30 years if the rape results in the death of the victim. They are increased by a fourth if committed with the help of two or more people and by half if the aggressor is related to the victim or if the victim is impregnated or contracts a sexually transmitted disease as a result of rape.

The programme “Mulher: Viver sem Violência” addresses rape. Sexual violence is also addressed in the chapter previously mentioned of the Third National Policies for Women Plan (Brasil, SPM, 2013). The presidential decree that underpins the “Mulher: Viver sem Violência” program was preceded in some days by the approval of law 12.845. It determines that victims of sexual violence have a right to immediate and free medical assistance. As part of this legislative effort to address violence against
women, Law 10.778, also from 2013, determines that medical assistance personnel have an obligation of notifying authorities in case of injuries related to domestic abuse.

The Brazilian Health Ministry has issues a technical guideline for professionals who deal with rape, (Brazil, MS, 2012). It responds “to the needs of health professionals and society in general through the reviewing of conducts and by indicating, according to the legislation, the existing policies and technical-scientific advances. Based on the principles of the SUS (Serviço Único de Saúde, Brazilian Public Health System) and of gender mainstreaming, it is intended to be for the service of people who have suffered sexual violence — regardless of sex, age, sexual orientation or gender identity — and represents the measures to be taken in order to reduce health damages resulting from this type of violence” (Brasil, 2012, p. 15). The technical norm addresses the issues of: human resources, physical installations equipment and sensitivity training, legal and ethical aspects, treatment of physical injuries; psychosocial support; emergency contraception; STDs; pregnancy and abortion; laboratory procedures.

The articles in the Penal Code addressing rape do not directly mention provisions such as legal assistance or awareness-raising campaigns, the law that establishes the national programmes for combatting violence against women do. There are no budgetary commitments defined by the law, but civil society organisations such as CFêmea work in identifying, by analysis of the Brazilian Budget Law, how much budget has been directed by the federal government and its ministries to comply with national plans and programmes relating to women’s rights. In 2013, the axis of combat of violence against women and women’s health received BRL 694 and 36 843 million (Brazilian Reais) respectively (CFêmea, 2013).

d) Sexual harassment

Sexual harassment is penalised under Law 10.224 (2001). It is defined as the act of exerting pressure in order to receive sexual favours through the use of one’s position as hierarchically superior in work context or any other function where the victim is economically dependent in some way, or if trust is an important component of the relationship — which means it includes doctor-patient relations, teacher-student or any other relation to be considered analogous. Sexual harassment is punishable for one to two years of prison. Article 61 of the Penal Contraventions Law addresses harassment in public places and cyberstalking.

Sexual harassment, as domestic and sexual violence, is mentioned in all of Brazil’s National Programs and Plans regarding violence against women. The same provisions mentioned for both issues are thus also valid in regard to sexual harassment.

e) Female genital mutilation

There is no evidence of female genital mutilation in Brazil.

f) Abortion

Abortion is illegal in Brazil (Penal Code, art. 124). There are two exceptions to the crime of abortion: in the case of rape or risk to the woman’s life. In 2012, the Supreme Court of Brazil decided in favour
of the National Confederation of Health Workers, ruling that abortions were legal in cases of severe malformation of the foetus, known as anencephaly (APDF 54).

In its last report to the CEDAW committee, the state of Brazil recognized that the high maternal mortality rate represented a violation of Brazilian women’s human rights (UN, CEDAW, 2010a). Studies indicate that unsafe abortions are in large part responsible for that high maternal mortality rate, and that access to abortions even in the cases allowed by the law is not easy (Diniz et al, 2014). There were no regulations established on how to deal with cases of pregnancy due to rape before 1999, and until today doctors and healthcare workers lack basic knowledge about how to proceed, routinely demanding police notifications, for example, even when this has been expressly rejected by the technical notes published by the Health Ministry (Diniz et al, 2014).

The CEDAW Committee to Brazil asked for urgent reconsiderations of the legislation “in view to removing punitive provisions imposed on women who undergo abortion, in line with general recommendation 24 and the Beijing Declaration and Platform of Action” (CEDAW, 2010b, p. 6).

More

Trafficking of the minors, sexual tourism and commercial sexual exploitation are major issues in Brazil. The country is not only a destination for people coming by force from different parts of South America, but it is also the origin of important migrations flows (ILO, 2006).

The Third National Policies for Women Plan has incorporated the combat against human trafficking as one of its major objectives, and two National Plans to Combat Human Trafficking have been approved since 2002. The current Plan was established by the presidential decree 7.901 in 2013. It includes a special section on actions for the protection and promotion of the rights of women. They range from capacity building and the creation of professional programmes aimed particularly at women survivors of trafficking to awareness-raising and educational campaigns.

In 2016, one of the Plan’s objectives was put into practice with the approval of the law 13.344 that creates a legal framework for combatting human trafficking in Brazil. The law includes a clear gender angle. Article 2 defines gender mainstreaming as one of the basis for the policy, and article 6 states: “special attention must be paid to their particular needs, especially in relation to gender, sexual orientation, social or ethnic background, origin, nationality, race, religion, age, migrant status, occupation, cultural diversity, language, family ties or any other status”.

As the civil society shadow report states, even though it is a known fact that human trafficking does not only touches women, it does reflect gender inequalities in society, and that women and girls are particularly and especially vulnerable to trafficking in views of sexual exploitation. It also points out that one of the main problems in combating trafficking is the lack of information and data about the trafficking networks and flows. No further data has been released on the subject since the first governmental research on trafficking, which dates from 2002.
3. Restricted Access to productive and financial resources

a) Secure access to land and non-land assets

Brazil’s Civil Code determines that women and men have the same rights regarding land and resources. The presidential decree No. 759, which complements the Land Statute (Lei 4.504-64) and the Agrarian Law (Lei 8629-93), establishes that women and families headed by women should be given priority in receiving land titles.

Notwithstanding the provisions protecting women’s land ownership rights, local customs commonly infringe the enjoyment of women’s land rights over inheritance or after divorce (UN Women Brazil, 2015). An agricultural census research from the government on land property in 2006 found that women represented only 13% of farm and agricultural establishment owners (UN Women Brazil, 2015).

Some steps were taken in recent years to support women’s land and non-land rights, including programmes that document rural women such as ‘Programa Nacional de Documentação da Trabalhadora Rural’ and microcredit loans that target women specifically such as ‘PRONAF Mulher’ (Normas Brasil, 2007). The documentation program aimed to address the fact that a large number of women in rural areas have no birth certificate or identification cards and are thus precluded access to land assets. This was the first step in the process to allow women to access their rights regarding property, public programs and services (Normas Brasil, 2007).

b) Secure access to formal financial resources

Women have the same rights as men to open a bank account and obtain credit at a financial institution (Federal Constitution, Article 5). This article takes precedence before every legislation in the country. Any discrimination in matters related to access to credit, opening banking accounts or access to formal financial institution are thus excluded and unconstitutional.

Brazil’s conditional cash transfer program Bolsa Família gained international recognition for prioritising women as recipients instead of the men (FAO, 2007). Credit and land redistribution policies also give priority to women, as do federal public housing policies (FAO, 2007).

Even though governmental cash transfers have, for a decade, worked against the customary gender bias in housing and credit concession, evidence shows that all the financial architecture of lending in Brazil, especially in relation to microcredit, has not taken up the needs of women into consideration, particularly poor women and women at the intersection of multiple discriminations (Mattos Pimenta, 2015).

c) Workplace rights

Brazil has ratified ILO conventions n° 100 and 111, on equal remuneration and discrimination, respectively. These conventions have been translated into the domestic legal framework through article 5 of Brazilian Labour Laws, which mandates equal pay for work of equal value, and through law 9.799, that prohibits any discrimination on the ground of sex, inter alia, during recruitment, hiring, promotion, training, assignment, termination or pay.
The law mandates paid paternity and paternity leave (Federal Constitution. Article 6). Maternity leave in article 6 is set to 120 days and paternity leave, 5 days. Federal law 11.770 and Presidential Decree 6.690 allow for an extension of maternity leave in the private and public sector, respectively, to 180 days. For paternity leave, the increase acted by Federal law 8.112 and Presidential decree 8.737 is of 20 days maximum. Adoptive parents also have a right to maternity and paternity leave. Article 6 of the Federal Constitution also protects women’s jobs during maternity leave and law 9.799 prohibits employers of demanding pregnancy exams when hiring or promoting women.

Anti-discrimination laws are under supervision of the Justiça do Trabalho, Labor Courts, which can receive, investigate, adjudicate and enforce any complaints related to sex discrimination.

Law 9.029 establishes as penalty for sex, race, age and other types of discrimination in the workplace: fines that can amount to ten times the highest salary paid by the employer, which can be double in case of recidivism and interdiction for the employer of applying for loans in official financial institutions. In case of termination based on discrimination, the employer might choose from readmission with retroactive payment for the time the employee has been removed from work, plus interests, or payment of double the amount of salaries, plus interests, equivalent to the period the employee has been away from work since the moment of her termination (article 3).

In practice, traditional gender roles determine segmentation in the work market that place women, especially black women, in the worst working conditions and determines that unemployment among black women rates at 12.5%, against only 5.3% for white men (Retrato das desigualdades, 2011). They are also the segment least protected by social security and receive annually, in average, less than half of men’s annual average revenue (Retrato das desigualdades, 2011).

The 2006 census points to 18.2% of economically active population working in the domestic work sector (JICA, 2008), which means 6, 158 million domestic workers in Brazil in 2016. According to the ILO (2017), 92% of domestic workers are women. This makes paid domestic work, according to the CEDAW report (2010a), Brazilian women’s main occupation. This is a precarious activity, with extremely high rate of informality (CEDAW, 2010a). Employment that does not guarantee any labor rights is nevertheless not exclusive to the domestic sector. In 2008, 42% of economically active women in Brazil were working in the informal sector, particularly in jobs related to housework, health services or the service sector in general (CEDAW, 2010a).

### 4. Restricted Civil liberties

#### a) Citizenship rights

Brazilian Federal Constitution article 5 also applies to citizenship and nationality rights. All women, married as unmarried, are equal to men in their ability to acquire, change or retain their nationality, and to confer it to their spouse and children.

Since the Constitution’s approval in 1988, the Civil Code has gone through multiple reforms in order to be harmonized with the Constitution’s provisions. Law 13.112 enacted in 2015 allows women to register a child’s birth without the presence of the father.
The same applies to questions of identity cards and passports. In support to the constitutional framework, and recognizing the difficulties that these women experience to access citizenship rights, campaigns have been launched, especially in rural areas, to register women (MDS, 2016). The “Programa Nacional de Documentação das Trabalhadoras Rurais” (“National Programme for Rural Women Registration”) has been launched in 2004. It allows for rural women to have national identity cards issued for free, as well as other documents that facilitate access to land rights and credit. It also promotes debates about women’s and citizenship rights. More than 1 million women have been registered since the beginning of the programme (UN Women, 2016).

Brazil has been very active internationally against statelessness and ratified all conventions related to statelessness and refugees. Migrant men and women have equal rights in relation to Brazilian law, according to presidential decree 8.501.

b) Voting

Women have the same rights to vote as men (Electoral Law, article 4). According to the latest Electoral Court poll on voter’s participation, women are the majority of voters in Brazil. Women represented 52% of voters in the last election (TSE, 2016).

c) Political voice

Article 3 of Brazilian Electoral Law, in accordance with the federal constitution, allow women to hold public and political office in any of the branches of power.

Legislative quotas for women have been mandated in 2009, but Brazil still has very low representative in both high and lower chambers of national parliament, as well as on the local level. The electoral law determines that each gender must represent a minimum of 30 and a maximum of 70% of the electoral list. The quota law also establishes that 10% of all party’s publicity time be allotted to female candidates and 5% of party financing to campaign for females candidates. Parity in the direction committees is strongly encouraged. Electoral law, in its article 12, instated Regional and Federal Electoral Courts, who are responsible for upholding the electoral law and are thus also responsible for monitoring party quotas and applying sanctions. If the minimum percentage is not met, candidates of the over-represented sex can be removed (but not replaced by candidates of the under-represented sex). However, this only applies if the party submits the maximum number of candidates stipulated per constituency. This maximum was raised from 100% to 150% per cent of total seats per constituency with the introduction of the quota law.

The quotas do not refer to seats in the parliament but to minimum number of candidates on each party’s electoral list. Little change had been seen in the number of women elected since the approval of the quota, with women composing only 10% of elected seats in the last election (Quota Project, 2016).

There are no provisions in the law related to training for women or specific budget allocations in that sense. Political participation is nonetheless one of the axis of the Third National Policies for Women Plan, which include actions related to public awareness campaigns, training for women candidates
and community leaders and close collaboration with the Electoral Justice in order to increase women’s political participation.

d) Access to justice

Civil and Criminal codes are in accordance with article 5 of the Constitution, stipulating women’s same rights as men to sue and be sued and to give testimony in all courts.

Ensuring women’s access to justice is one of the provisions of Maria da Penha Law on domestic violence, which contains several articles relating to access to criminal, civil and family courts and judicial assistance (notably, articles 28 of the law provides for free judicial assistance for women victims of domestic violence; article 29 creates special courts for dealing with domestic violence, these court are endowed with a multidisciplinary approach encompassing criminal and civil procedures, as well as providing for health assistance and social services)

The Special Secretariat for Women’s Policies (Secretaria Especial de Políticas para as Mulheres, SPM) is also responsible for monitoring gender actions in different levels of government (article 27, law 13.341), compliance with international human rights standards, as well as conducting education and public awareness campaigns. The Special Secretariat is responsible for the Third National Policies for Women Plan, and for ensuring gender mainstreaming across all levels of government and federal institutions. One of the actions of the plan under its responsibility is the production and dissemination of gender statistics. Following this determination, the Special Secretariat has assisted the publication by the Instituto de Pesquisa Econômica Aplicada (IPEA) of the two volumes of “Retrato das Desigualdades”, a publication that disaggregates Brazilian census data according to gender and race.
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