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## **THE NEED FOR PUBLIC POLICIES TO COMBAT GENDER-BASED VIOLENCE IN BRAZIL**

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**Abstract.** The scenario of female oppression has taken up space around the world, stripping women of their most fundamental rights. This context begins to change more effectively, only from the 20th century onwards, when women began to climb social spaces and claim their rights more assertively. In Brazil, this process developed slowly and gradually. In the political scenario, it was only on February 24, 1932, through the enactment of the Federal Constitution of 1934, that the Electoral Code began to guarantee female suffrage, one of the main achievements of Brazilian women in this century. In 1988, a group of women opened space for female entry and active participation in the national political scenario, being considered a landmark of civil rights in Brazil and guaranteeing the effectiveness of public policies in the defense of their interests. In this context, this qualitative literature review article carried out a documentary investigation through the deductive method, seeking to understand the importance of female participation registered in the 1988 Constitution, responsible for chaining an important process of women's empowerment, triggering the right to gender equality, so necessary in view of the context of violence in the country. This occupation in the political scenario came to guarantee important legal reforms, such as the Maria da Penha Law, a landmark of violence against women.

**Keywords:** Feminist movement, Constitution of 1988, public policy, gender, Brazil.

## **A NECESSIDADE DE POLÍTICAS PÚBLICAS EM PROL DO COMBATE À VIOLÊNCIA DE GÊNERO NO BRASIL**

**Resumo.** O cenário de opressão feminina ocupou espaço em todo o mundo, alijando as mulheres de seus direitos mais fundamentais. Esse contexto começa a mudar mais efetivamente, somente a partir do século XX, momento em que a mulher passou a galgar espaços sociais e a reivindicar mais assertivamente seus direitos. No Brasil, esse processo se desenvolveu de modo lento e gradativo. No cenário político, foi somente em 24 de fevereiro de 1932, mediante a promulgação da Constituição Federal de 1934, que o Código Eleitoral passou a assegurar o voto feminino, uma das principais conquistas da mulher brasileira deste século. Em 1988, um grupo de mulheres abriu espaço para o ingresso e a participação feminina atuante no cenário político nacional, sendo considerada um marco dos direitos civis no Brasil e garantindo a efetivação de políticas públicas na defesa de seus interesses. Nesse contexto, esse artigo de revisão de literatura qualitativa realizou uma investigação documental através do método dedutivo, buscando compreender a importância da participação feminina registrada na Constituição de 1988, responsável por encadear um importante processo de empoderamento da mulher, deflagrando no direito à igualdade de gênero, tão necessário diante do contexto de violência existente no país. Essa ocupação no cenário político, veio a garantir reformas legais importantes, a exemplo da Lei Maria da Penha, um marco da violência contra a mulher.

**Palabras clave:** Movimento feminista, Constituição de 1988, políticas públicas, gênero, Brasil.

## **NECESIDAD DE POLÍTICAS PÚBLICAS PARA COMBATIR LA VIOLENCIA DE GÉNERO EN BRASIL**

**Resumen.** El escenario de la opresión femenina ha tomado espacio en todo el mundo, despojando a las mujeres de sus derechos más fundamentales. Este contexto comienza a cambiar de manera más efectiva, recién a partir del siglo XX, cuando las mujeres comienzan a escalar los espacios sociales y reclamar sus derechos de manera más asertiva. En Brasil, este proceso se desarrolló lenta y gradualmente. En el escenario político, fue recién el 24 de febrero de 1932, a través de la promulgación de la Constitución Federal de 1934, que el Código Electoral pasó a garantizar el sufragio femenino, una de las principales conquistas de la mujer brasileña en este siglo. En 1988, un grupo de mujeres abrió espacio para el ingreso y la participación activa de las mujeres en el escenario político nacional, siendo considerada un hito de los derechos civiles en Brasil y garantizando la eficacia de las políticas públicas en la defensa de sus intereses. En este contexto, este artículo cualitativo de revisión bibliográfica realizó una investigación documental a través del método deductivo, buscando comprender la importancia de la participación femenina registrada en la Constitución de 1988, responsable de encadenar un importante proceso de empoderamiento de las mujeres, desencadenando el derecho a la igualdad de género. tan necesaria en vista del contexto de violencia en el país. Esa ocupación en el escenario político vino a garantizar importantes reformas legales, como la Ley Maria da Penha, un hito de la violencia contra la mujer

**Palabras clave:** Movimento feminista, Constituição de 1988, Políticas públicas, gênero, Brasil.

### **Introduction**

The traditional bourgeois family emerged in the 18th century, in the context of growing European industrialization, responsible for starting a socioeconomic reorganization on the continent. In this context, women took on the role of being directly responsible for the children's education, whether in the interests of the state, the church, or the family, while men were reserved for matters relating to politics and economics.

From this perspective, the stereotype of female fragility associated with the need for effective male protection emerges, including in the field of law, keeping women tied to a role of extreme paternalistic submission.

It can be said that the family is the pillar of civilized society. Based on this assumption, for millennia, this base revolved around the patriarchal figure, giving men a prominent place in the family and social structure. Women, in turn, are sidelined and have their role relegated to a position of inferiority. Such fragility has been expressed for centuries in the most diverse social spheres, such as the arts, science, sports, and even in the (suppression of the) guarantee of their most fundamental rights (Silva, 2010).

In this context, the predominance of rural life meant that only in the nineteenth century modern social themes gained greater prominence, including women's attributions and the family structure of the then Brazilian society, which began to incorporate, belatedly, values and habits from the contexts then experienced by the European bourgeoisie, as stated by Coelho and Batista (2009).

But not when it comes to the national political scenarios. These movements will only emerge from the 20th century on. For Oliveira (2013), the process of women's performance in politics indicates different forms of exclusion, of which three main moments of greater relevance stand out, regarding the effective female participation in Brazilian politics.

In this sense, the author points out as the first of these, the suffragist movement, in the 1930s, enshrining the woman's right to vote; the second moment deflates in 1970, with the feminist movement, where the woman gains voice and requires a more active political and social role; the third and last, stands out in 1988, through female participation in the 1988 Constitution, where it is formally recognized, the equality of rights between men and women in Brazil (Oliveira, 2013).

Carvalho (2013) points out that the main banner raised by women during the second phase of the feminist movement occurred during the 1980s, and was based primarily on the reestablishment of national democracy this was precisely the phase in which the women's movement fully stands out in its performance. And this action was extremely necessary.

This phase was crucial for real changes, as will be seen. Until then, women did not have significant representatives in Congress. The laws for women were created by men and this generated a lot of oppression and omission by the public power.

An example of this is domestic violence in Brazil, which has become an alarming historical and social phenomenon. In 2006, with the enactment of Law 11.340, we see Brazilian society taking a great leap forward in guaranteeing the rights of its women.

The Maria da Penha law brings a more coherent and fairer proposal to combat violence against women, suggesting improvements in the protection and punishment of crimes, with a special focus on those committed in the domestic environment. This is the importance of women being in politics and demanding public policies capable of meeting their real demands.

In view of the above, this qualitative literature review article carried out a documentary investigation through the deductive method, seeking to answer the following research question: what is the importance of the insertion of women in politics in favor of public policies aimed at combating gender violence?

To do so, the following objectives were determined: to trace a brief history of Brazilian women; to analyze the insertion of women in politics in Brazil; to verify the main achievements of women since 1988; to determine the importance of gender equality as a political milestone; and, finally, to understand the need for public policies against violence against women.

Notably, gender violence is configured as a historical-social phenomenon, especially in the Brazilian context, whose need to be understood is of extreme urgency, since only then, such violence can be combated.

Therefore, this essay aims to analyze the evolutionary process of women in national politics, tracing a brief history of the trajectory of Brazilian women, from the colonial period until the 1988 Constitution. This moment constituted a milestone for women's rights in Brazil, as it deflated the long-dreamed-of right to equality (between genders), to seek to understand the importance of women promoting public policies aimed at defending their rights, knocking down old concepts and creating new structures.

### **A brief history of Brazilian women**

In the 15th century Portugal began its colonization and settlement process in Brazil, where there were still no white women.

Portugal, for its part, lives in the days of the great navigations. However, this process of maritime expansion ended up being responsible, not only for the Portuguese territorial expansion, but also for creating in the nation, a considerable contingent of orphaned women

and widows, "devoid of protection, 'fragile and susceptible' to sin in their 'feminine nature,'" as stated by Thiago (2014, p. 1).

According to the author's notes, these women lacked training. For this reason, the so-called "Recolimentos" were created in Portugal, institutions maintained by charity, and that followed the pattern of the monasteries and convents of the time. The women gathered there, were educated to serve God, men, the kingdom and the colony <sup>1</sup> (Thiago, 2014).

And, according to Thiago (2014), during the first decades of Brazil's colonization, with the surplus lack of women in the colony, the State and the Church took responsibility, sending some of their female collectors to Brazil. These women would come to form families with the settlers here, in exchange for land, titles, and other benefits.

In this context, we clearly observe that,

It is in the logic of the economy of symbolic exchanges - and, more precisely, in the social construction of kinship relations and marriage, in which women are determined their social status as objects of exchange, defined according to male interests, and thus destined to contribute to the reproduction of the symbolic capital of men -, that lies the explanation of the primacy granted to masculinity in cultural taxonomies (Bourdieu, 2003, p. 56)

In this context, during the 15th and 16th centuries, Brazil lived under the traditional model of Portuguese society, of medieval structures, adopted by its colonizers. Over time and with the tightening of other sociocultural relationships and interactions, these structurings were slowly reformulated, but without being completely detached (Magalhaes, 2018).

Thus, that,

(...) since the century. XVI that the Jesuit Colleges pursued two main goals: 1- To teach reading and writing to small Indians isolated from their families; 2-To form the cadres for the Society of Jesus itself in Brazil. The girls sent to convents in Portugal escaped illiteracy. The elite did not hesitate to send their daughters to the convent. They were the daughters of plantation owners, captains, field marshals and noblemen. It was a practice of the nobility to place in the convent (Oliveira, 2017, p. 2).

Magalhaes (2018) states that women sought to avoid any kind of posture that would tarnish the family's honor, being always under male care and surveillance. Her virtue was considered and measured by her fear of God and her subservient behavior to her husband.

In this sense, (2005), "The married woman's whole life revolved around her husband, children, and the care of domestic and religious matters. There was no life independent of the condition of man, if not in subordination to it" (Magellan, 2018, p. 75)

This social structure lasted for long centuries. According to Oliveira (2017, p. 2): "Female roles were well defined: 'they have a home to rule, a husband to make happy, and children to raise in virtue.' Girls were to be limited to reading, writing and counting (home economics), as well as embroidery and sewing (20th century). XVIII."

In the mid-19th century, some women's publications appeared, bringing to light, the importance of female expression in society. Coelho and Baptista (2009) state that a pioneer in this theme was the newspaper "O Jornal das Senhoras", which in its first edition, published in the first month of 1852, brought questions about the lack of recognition of husbands by those

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<sup>1</sup> The aim was to transform the woman into a model of a devout and virtuous woman, educated within the precepts of the Catholic religion; however, her true attributions consisted in treating her children and husband well.

who were their wives, requiring them greater spiritual and emotional attention as wives and mothers.

However, for Miranda (2010), the historical milestone of female emancipation in Brazil begins with the educator Leolinda de Figueiredo Daltro, at a time in history when women did not yet have the right to vote. In 1910, the educator founded the Women's Board Pro-Hermes da Fonseca, with the intention of cooperating with the electoral campaign for the presidency of the Republic. After her candidate's victory, Leolinda de Figueiredo Daltro campaigned for the participation of women in Brazil's political life.

But it was only from the beginning of the 20th century that the role of women in society began to change. This occurs with their insertion in the world of work, a process that began in the 1930s and that has provided the opportunity for more generalized, active, and permanent changes. This movement is observed through more critical placements about the socio-cultural patterns, then established, by Patriarchal society (Oliveira, 2017).

Contrary to other countries, the movement for women's suffrage in Brazil came from a man: the constituent César Zama, who defended universal suffrage during the first republican constitution, which occurred in 1890, so that women could participate more effectively in national political life (Miranda, 2010).

So, through Decree no. 21.076, of February 24, 1932, signed by the then President Getúlio Vargas, instituted the Brazilian Electoral Code, which defined in its article 2 that an elector was a citizen over 21 years of age, enlisted according to the law, without distinction of sex. It is noteworthy, however, that although the electoral registration was carried out throughout the national territory, at that time there was no compulsory vote for women (Miranda, 2010).

According to Barsted and Pitanguy (2011, p. 28): "Women's right to vote constituted one of the main struggles for women's human rights in the first decades of the 20th century." In the Brazilian national context, the authors note that, for a long time in history, women were not admitted as political subjects, besides the fact that they were not active in expressive political activities either.

According to Sow (2009), it was only after the new Electoral Code in the period following the 1930 revolution, through the regulation of the registration and the national electoral process, under Decree No. 21.076 / 32, that women had, in fact, their right to suffrage guaranteed.

### **The insertion of women in politics in Brazil**

A secondary role was reserved for women, which was not a choice, but an imposed place, in which gaining a larger space in public life could mean death, internment or social isolation (Silva, 2010)

Things took a while to change.

It can be said that one of the great milestones in Brazilian history occurred in 1930, the moment when Brazilian women would vote and be voted for the first time. At this time, an Assembly was created with the objective to promote the text of the 1934 Constitution.

Thus, the then physician Carlota Pereira de Queiroz, who was a member of the Health and Education Commission, was part of the work developed in the National Constituent Assembly, and launched herself as a candidate for the Single Slate of São Paulo (Sow, 2009).

For the first time in history, a woman was elected to be part of such a relevant political action. The election of Carlota Pereira de Queiroz, on May 3, 1933, occurred a little more than a year after President Getúlio Vargas had instituted the Brazilian Electoral Code, through Decree No. 21,076, of February 24, 1932, which implemented, in its article 2, that every citizen over 21 years of age, without distinction of sex, was considered an elector (Souza, 2008).

Thus, the federal deputy, Carlota Pereira de Queiroz, based her mandate on the defense of women's and children's rights. According to Souza (2008), her presence in the 1934 Constituent Assembly, despite the glaring disproportion between men and women in the then National Congress, was a milestone in the political representation of Brazilian women.

Analyzing this context, we observe that between the 1940s and the 1980s, the feminist movement in Brazil managed to organize itself and conquer important spaces. An example of this is the expansion of married women's rights, consolidated through the implementation of Law no. 4,121, of 1962, which would modify what was expressed in the then Civil Code (Souza, 2008).

By way of clarification, the Married Women's Statute was a new milestone in the liberation of women in Brazil. Notably, the Statute's greatest merit was to abolish female incapacity, repealing several discriminatory norms (Barsted and Pitanguy, 2011).

In this context, it is important to point out, for the sake of clarification, that:

The educational reform of 1879 guaranteed women access to higher education, but there were few women with enough education to attend the courses. A few women finished law school at the end of the 19th century and practiced law. There was resistance to their joining class bodies, but they were overcome after some years of internal negotiations. Throughout the 20th century there was an increase in the number of female lawyers. Several Brazilian suffragists had law degrees (like Bertha Lutz) or practiced law (like Orminda Bastos and Nathércia da Silveira). Marital consent was only abolished in 1962 with the Married Women's Statute, which was a legislative change sponsored by lawyers Orminda Bastos and Romy Medeiros da Fonseca (Vianna, 2016, p. 55).

Perhaps it is not so easy to explain to the woman of the 21st century, that until 1962, the Brazilian woman needed her husband's express permission to work. Only through the principle of the free exercise of profession by married women, which made it possible for women to freely enter the labor market, was it possible for women to become economically productive and independent of a man.

These legal increments, denoted the importance of women beyond family relations, promoting a consequent increase in female economic power, generating a drastic social change and entailing decisive changes in family relationships, especially between spouses, states Miranda (2010).

It is noteworthy here that the effervescence of the women's movement, from the second half of the 1970s on, was marked by the diversity of feminist agendas and men's violence against women gained space in the media, especially after the high rates of murders committed to women by their husbands and partners were found to be increasing (Brazil, 2010).

In this sense, the deaths of Ângela Diniz in Rio de Janeiro, Maria Regina Rocha and Eloísa Balesteros in Minas Gerais, and Eliane de Gramont in São Paulo had national repercussions. Thus, in October 1980, the first group to combat violence against women was created in São Paulo, called "SOS Mulher" (Brazil, 2010).

For Souza (2008), the 1980s were a democratic transition process, in terms of the political and normative level in Brazil. It was a moment of formal redemption of civil and political liberties, which had been suppressed with the Military Coup since 1964, and which were consolidated through the 1988 Federal Constitution.

As society slowly changed, women's groups emerged from the middle class with the purpose of fighting for rights. The historiography on this phase of the Brazilian feminist movement is extensive, and it is reasonably well established that the emergence of organized women's political groups did not correspond to the massive entry of these women into the labor market. Dissatisfied with the legal and political inferiority of women in Brazilian society, many of them were motivated to participate in the political sphere (Marques and Melo, 2008, p. 468).

For this reason, the significant number of women elected to the National Congress during the 1986 elections was considered unprecedented in the history of Brazilian politics. Souza states that this fact occurred, essentially, as a result of the intensification of the role of these women in the labor market, in addition to the social changes in the country, which eventually culminated in the 1988 Constitution (Souza, 2008).

One can see, through this context, that Brazil had been maturing in terms of the search for re-democratization and for a guarantee of citizenship rights. This printed idea and sentiment manifested itself at the same time that a greater participation of women in politics was evident, states Souza (2008).

It is worth mentioning that the 1988 Brazilian Constitution, besides being an important milestone in Brazil's democratic transition, brought countless advances regarding the recognition of women's social and individual rights, resulting from a long journey and a deep work of articulation among feminist movements, proposing the creation of a fairer and more equitable document, also known as the lipstick lobby.

The elections for the Constituent Congress, which took place on November 15, 1986, was a materialization of what had long been longed for, in the face of a scenario that was ready to take the most important step in history, also in the context of the political representation of Brazilian women (Souza, 2008).

From this perspective, it is important to consider that:

Differently from what had happened in the past, in the National Constituent Assembly of 1987 it was no longer a fight of a single warrior - the women's caucus, nicknamed the "Lipstick Lobby" had 26 congressmen who acted incessantly in defense of women's rights, such as maternity leave of 120 days, the right of men and women to own land, equal rights and salaries between men and women, and the guarantee of mechanisms to curb domestic violence, among others. The result of the work of these parliamentarians can be seen in the 1988 Constitution, which ensured several mechanisms to defend women's rights so that they could exercise with dignity the full exercise of citizenship (Sow, 2009, p. 15).

According to Carvalho (2012, p. 2), the Lipstick Lobby "had as its goal: participation with the constituent process so that the 1988 Federal Constitution would ratify citizenship for Brazilian women. This movement was, therefore, the representation of the conquest of the dreamed of legal equality of rights and responsibilities, aiming at the expansion of civil, social, and economic rights of women, the conquest of the principle of non-discrimination by sex and race-ethnicity and in the workplace, among others.

In this way, Carneiro (2003) infers that Brazil is one of the countries with the greatest expressiveness when it comes to the fight for the guarantee of women's fundamental rights, a fact that can be observed in the movement committed in the 1988 Constitution against the patrilineal power, effectively contributing to the State's democratization process.

At this time, the feminist movements opened institutional fronts in the nascent democratic government, through intense political action, which resulted in the recognition of full gender citizenship in Brazil.

According to Carneiro (2003), the Councils for the Feminine Condition, which were defined as bodies directed at creating public policies to promote and combat discrimination against women, as well as to properly agency gender equality measures. However, the author points out that the paradigm shift, associated with the implementation of public and private policies, only happened through a consistent fight against sexual and domestic violence.

From the feminist movement's perspective, we can say that it was extremely relevant in the defense of women's human rights in the constitutional scope, which later culminated in the elaboration of the Letter of the Brazilian Women to the Constituents. This document, says Piovesan (2004), opened a broad discussion and national debate regarding gender inequality, formulated by women in the constitutional text of 1988.

### **Major achievements of 1988**

Throughout this approach, it can be seen that, as far as the public sphere is concerned, the context of Brazilian women was permeated by a period of great stagnation, which gave way to great struggles and resistance.

Thus, it can be observed that, in the last thirty years, the central focus of international movements for the protection of women's human rights was based on the axes of discrimination, violence, and the sexual and reproductive rights against women.

However, attention is drawn to the right to difference, which alludes to the right to the recognition of one's own identity, which refers to the revision and re-signification of concepts about the gender perspective (Piovesan, 2001).

Thus, according to Bourdieu (2003), about the paternalistic domination of the time:

It is undoubtedly in the encounter with the "objective expectations" that are inscribed, especially implicitly, in the positions offered to women by the still strongly gendered structure of the division of labor, that the so-called "feminine" dispositions, inculcated by the family and the entire social order, can be realized, or even expanded, and see themselves, in the same act, rewarded, thus contributing to reinforce the fundamental sexual dichotomy, both in positions, which seem to demand submission and the need for security, and in their occupants, identified with positions in which, enchanted or alienated, they simultaneously find themselves and lose themselves (Bourdieu, 2003, p. 72).

For Carvalho (2013), the main banner raised by women in the development of the second phase of the Brazilian feminist movement in the 1980s was the reestablishment of national democracy and the creation of new public policies aimed at women.

We emphasize here, the way women brought their issues to the fore, working their discourses to create new fields of "struggle and power. This assertion illuminates the picture of



dissatisfaction that came to make up much of the 1980s, prior to the CNDM2 Campaign - "Women and Constituent" (Amancio, 2013, p.73)

For Amâncio (2013), the process of modification of these social relations, lies essentially in the insertion of women in the labor market. We agree with the author when he defines that female emancipation was an important contribution to the projection of women in the public space and in the political formation present in women's movements.

It is possible to notice that the new relations created between the spaces (neighborhood, church, factory, etc.), started to offer the base that was missing for the organization of more encompassing movements, such as the women's performance in the constituent process, which had an enormous repercussion in all national public spheres.

Carvalho (2013), infers that still in the early years of 1983, the political oppositions present in the feminist movement, and of women linked to leftist parties, joined together in favor of the Women's Movement for the "Diretas Já", and so followed in similar situations.

In 1985, the National Council for Women's Rights (CNDM) started the "Women and the Constituent" campaign, responsible for mobilizing several debates throughout the country, which resulted in the Brazilian Women's Charter to the Constituents. This document was delivered in 1986 to the National Congress by more than a thousand female representatives. In this way, the CNDM proved to be extremely relevant in the dialogue between the existing social movements in the country, states Carvalho (2013).

From mid to late 1980, specifically between 1985 and 1989, the Council worked in the Campaign for a Constituent Assembly together with the feminist movements, which demanded the insertion of more rights for women in the new Constitution.

According to Amâncio (2013, p. 73), the CNDM "fostered the struggle for women's rights during the process of political redemocratization, acting as a mediator between women's movements and constituent parliamentarians."

In light of what we have seen throughout this brief analysis, we note that the new Constitution started to integrate more significant rights, directed specifically to women, of which many of their claims were incorporated into the original constitutional text.

Together with the promulgation of the 1988 Federal Constitution, the legal and political framework for the institutionalization of human rights in the country was established, as well as the effective process of democratic transition.

This legislative landmark brought countless benefits to the reality of Brazilian women.

### **The importance of this political framework**

According to the UN - United Nations Organization, violence against women can be defined as any act of gender violence that results in harm or suffering to women, whether physical, sexual or psychological (Miranda et. al, 2010).

According to Miranda et. al (2010), when this type of violence is committed by a woman's intimate partner, be it her husband, boyfriend or partner, it is called "conjugal violence against women" and "marital violence against women. Thus, the intimate partner, with whom she should feel welcome and safe, ends up becoming the perpetrator of physical violence against the woman.

Thus, it can be observed that, in the last thirty years, the central focus of international movements for the protection of women's human rights was based on the axes of discrimination, violence, and the sexual and reproductive rights against women.

However, the right to difference alludes to the right to the recognition of one's own identity, which leads to the revision and re-signification of concepts about the gender perspective (Coelho and Batista, 2009).

From the data made available by the Superior Electoral Court (TSE) on the 2012 municipal elections, one can see that, for the first time, there was compliance with the quota obligation, and that women represented 32.6% of the candidacies to the municipal legislature, considering the overall average of candidacies. However, these same data show that when it comes to winning elections, women remain underrepresented, constituting only 13.3% of the total number of councilors elected in Brazil. Furthermore, when we analyze the candidacies for the office of Mayor, we have that in the 2012 Elections, women represented only 13.4% of the candidacies (Oliveira, 2013, p.29).

Thus, one agrees with Garcia (2016) when he talks about male domination and infers that, the dispositions imposed by the family and society on women, contribute to reinforce all this sexual dichotomy that has been established on the gender, either in positions, which require submission and the need for security, as in their occupants, who are shown subjugated with positions in which, they lose themselves, states the author.

Analyzing the historical context of women, one notices that, although women had been authorized to attend higher education in Brazil since 1879, this right was little used, considering the heavy criticism suffered by those who chose this path.

From this perspective, Miranda (2010) believes that in the definition of the social roles established between genders, women were restricted to the domestic scene, as well as to those professions that evoked qualities that referred to fragility, submission, and abnegation.

According to Oliveira (2013), the trajectory of women's effective participation in the Brazilian political scene has gone through several phases in search of being consecrated as political, social, and economic subjects. The process of women's participation in politics highlights the different forms of exclusion, portraying a socially constructed reality that is constantly changing.

It was only in the 1970s, with the feminist movement, in which women began to take on a more active political and social role; finally, female participation in the 1988 Constitution, a moment in which the formal achievement of equal rights between men and women in Brazil was recognized. (Oliveira, 2013).

However, it is possible to note that the violence inflicted against women over time conflates a problem of vast magnitudes, especially with regard to domestic violence. Thus, data from population studies conducted in several countries show that since the mid-1980s the prevalence of violence against women has come from their intimate partners, whether husbands or boyfriends, followed by their family members (Hanada et al. Al, 2010).

It is possible to state that the apex of violence committed against women is death. Thus, the rate of women's deaths recorded as a result of gender-based conflicts - feminicides or femicides - are commonly committed by men, especially *former* or current partners, and stem from situations derived from abuse in the domestic environment, sexual violence, threats or intimidation, among others.

Thus, we can say, that it is a correct assertion that intimate partners are primarily responsible for the murder of women.

According to Garcia (2006), about 40% of all homicides against women in the world are committed by intimate partners. In contrast, this number falls to 6% when the proportion of men murdered by their partners is analyzed.

This means that the proportion of women murdered by their partner "is 6.6 times higher than the proportion of men murdered by their partner," Garcia (2016, p. 1) states.

In this context, between 2001 and 2011 in Brazil, an estimated 50,000 feminicides occurred. This number is equivalent to approximately 5,000 deaths per year if the total Brazilian population is analyzed. A good portion of such deaths are believed to have stemmed from cases of domestic and family violence against women, as one-third of these cases stemmed from the woman's place of domicile (Garcia et. al, 2016).

Even in the face of this context, in Brazil, the first initiative to attend to sexual violence was only in 1998, and included the appropriate procedures for abortion, as provided by law. According to Hanada et al (2010), this milestone represents an important step towards better addressing gender-based violence. But it was in 2006, with the promulgation of Law 11.340/06, that the country demonstrated its real commitment to a more equitable and just society.

The debilitating effects that patriarchy has subjected its women to are unquestionable. All kinds of abuse, rape, submission, and violence can be affirmed on many levels and in many different forms. This situation becomes even worse when this type of aggression takes place in the individual's home. The figure of the husband, characterized as a protector transfigures into that of the aggressor when his will is not satisfied. For years this kind of attitude was legitimized by the state.

### **Public policies against gender violence**

The best way to understand a given reality is to get to know it better. In view of this assertion, in the words of Maria da Penha:

The pain and humiliation that I have suffered for almost twenty years, having to tolerate the bad faith and turpitude of many, having to knock from door to door begging for justice is the same pain that has castrated my right to accompany, more closely, the development of my daughters, who are now adults and present here (...). I am happy to receive this compensation, but my greatest joy remains the existence of the law 11.340/06 called Maria da Penha Law, which allows me to share with each woman who suffers violence in this country. It is she who ensures that women's dignity demands respect and who transforms violence against women into a crime against human rights. Excerpt from Maria da Penha's speech at the symbolic and material reparation event in 2008 (Fernandes, 2010, p. 201).

Thus, one can understand why the Maria da Penha Law can be considered one of the greatest achievements of contemporary Brazilian women. The Law was created especially against family and domestic violence, since this type of aggression deeply hurts women's most fundamental rights. At this juncture, the said Law has the effect of compelling society and the state to protect its women from such violence and aggression that has been perpetrated throughout history (Carvalho, 2012).

Violence against women in Brazil evidenced an endemic problem, while the need for the State to intervene more ostensively was urgent. This happened through laws and public policies capable of confronting a type of violence based on power relations and male domination, the legacy of patriarchy. (Mesquita, 2010)

The most common form of violence are those threats made by partners, boyfriends, husbands, and the like, in a veiled way, in intimacy, where feelings of love get mixed up with crimes of passion. Studies reveal the threat is the beginning of other forms of violence, which is not limited to the mere use of physical force, but in its most diverse manifestations. In other words, violence is linked to the imposition of power, the submission of the other to your will through the use of force or through the imposition of fear. (Mesquita, 2010).

According to Mesquita (2010, p. 4), it is observed through data collected in studies on this topic, that the threat sets up about 45% of 1033 reports of violence against women, and that such amount makes up 962 cases of bodily injury (40%), 20 cases of slander (1%), 54 complaints of outrage (2%), 114 reports of defamation (5%). These data show that this violence occurs mostly in the domestic environment, "which has a cruel and perverse character, since the home has historically been seen as a welcoming, safe place. Which reveals the other face of the home as a space of conflict and violence."

In this way, one notices a kind of "social permission" for certain abusive patterns, in which such violence takes place within the domestic space, and is committed by family members not even being considered as a legitimate violation of rights, but as private and peripheral problems (Mesquita, 2010, p. 5).

According to UN data: "domestic violence is the leading cause of injury to women between the ages of 15 and 44 in the world, manifesting itself not only in socially disadvantaged classes and developing countries, but across different classes and cultures." (Piovessan and Pimentel, 2011).

In Brazil, due to its historical and socio-cultural context, many traces of the patriarchal culture are still present. However, it can be noted that,

By repudiating state tolerance and discriminatory treatment regarding violence against women, the Maria da Penha Law constitutes a historic achievement in the affirmation of women's human rights. Its full implementation - with the adoption of public policies aimed at the prevention, punishment, and eradication of violence against women, in all its manifestations - emerges as an imperative of justice and respect for the rights of the victims of this serious violation that threatens the destiny and steals the lives of so many Brazilian women. (Piovessan and Pimentel, 2011, p. 116).

With the enactment of the Maria da Penha law, the omission and silence of the Brazilian State, which violated its most basic legal obligations, is broken. Tolerance of violence against women has perpetuated impunity over time, representing a profound act of institutional violence. In this way it is possible to affirm that it is up to the State to act diligently in order to "prevent, investigate, prosecute, punish and repair violence against women, ensuring women adequate and effective resources" (Piovessan and Pimentel, 2011).

The Maria da Penha Law has continuously represented an important advance, especially in the protection of women's rights and in curbing the many situations of domestic violence, by effectively penalizing the aggressor, something that did not happen before, under Law no. 9.099/1995.

From this law on, many cases of violence against women were considered crimes with less offensive potential, in which no protective measures were offered to the victim of such abuses, and the penalty imposed on the aggressor focused on the payment of basic food baskets only (Medeiros and Santos, 2017).

Medeiros (2017, p. 10) states that, even so, some challenges have been emerging, among which stands out a greater need for more conclusive official data about the rates of violence against women, as well as the processing of data that enable the understanding of the dimension of the reality experienced by women in their daily lives when they seek the legal apparatus to protect themselves in their places of residence, since "the application of emergency protection measures, the accountability of aggressors and the effective guarantee of the rights of these women and their children.

Therefore, it is through the Maria da Penha Law that measures to protect the physical integrity of women and guarantee their rights are established, such as the creation of a series of specialized services, such as: police stations, public defender's offices, shelter homes, health services, medico-legal expertise centers specialized in serving women in situations of domestic and family violence, and comprehensive and multidisciplinary care centers (Medeiros and Santos, 2017).

In this way, it can be understood that:

Research in this area appears as fundamental to think about strategies to confront this type of violence, and promote analysis of the rates of violence against women in the country, as well as to evaluate and monitor the effective results related to the applicability of the law in the various instances (police stations, judiciary, public defender's office, Public Ministry and institutions of care in the various areas of social policy) (Medeiros and Santos, 2017, p. 11).

Finally, another challenge is in the very implementation and operation of the network to deal with violence against women, which is composed, as they have already seen, of specialized police stations for women, courts for domestic and family violence, but also of Reference Centers, Shelters and health services, as well as spaces for social control, among others (Medeiros and Santos, 2017).

It is important to note that with the edition of Law 11.340/2006, also known as "Maria da Penha Law", which was recently amended by Law 13.641/2018, the non-compliance with emergency protective measures is now considered a crime.

With this change, the offender who disregards the measure imposed on him is committing "the crime typified in article 24-A of the Maria da Penha Law and is subject to a penalty of 3 months to 2 years of detention. The urgent protective measures are foreseen in articles 22 to 24 of the Maria da Penha Law. These are measures that the magistrate can determine to ensure the physical integrity of the victim of domestic violence" (Brazil, 2018).

Based on these assumptions, we can infer that with the enactment of the Maria da Penha Law, a new format of lawmaking has been inaugurated in Brazil, in which the Maria da Penha Law has also become a historical milestone, having been the fruit of the unfolding of the democratic process, and should be embraced "as an exemplary successful case of political articulation between civil society, represented by the Brazilian women's and feminist movements, and the Executive and Legislative Branches" (Medeiros and Santos 2017).

It is understood that the treatment given to femicide in the current Brazilian criminal legislation infers a better world in terms of the improvement of the norms responsible for protecting the violations of women's fundamental rights.

## **Conclusion**

As discussed in this study, in Brazil, the stereotype of fragility together with the supposed need for constant male protection, including in the political-legal sphere, has kept women in a role of extreme submission and social passivity.

It was observed throughout this analysis that it was through a process of struggles and resistance that, very slowly, women were conquering their space in the midst of an authoritarian male planet.

In this sense, the paths traced in the course of the political and civil gender conquests in the world resulted from the historical and sociocultural processes that have been expanding with the evolution of time. In the Brazilian context, whose obsolete values forced women to ask their husbands for permission to even work, a fact that lasted until 1962, women were deprived of their rights, especially that of equality, for a long time. Only in the middle of the 20th century did some women's publications appear bringing into vogue the importance of women's role in society in Brazil.

But it was only after the 1988 Constitution that a group of women was really able to make room for the entry and active participation of women in the national political context. It is at this moment in history that their interests became part of the country's legislative Constituent Assembly, making possible the recognition of equality between genders and enabling a series of legal achievements for women in the political context of Brazil, as proven here through the approach of several authors.

The effects that patriarchy has subjected its women, in Brazil, are unquestionable. This abusive situation gets worse when this type of aggression is established at home, when the figure of the husband, characterized as a protector, turns into an aggressor, whenever his will is not satisfied. For years this kind of attitude was consented to or legitimized by the state.

The case of a woman named Maria da Penha, who was left paraplegic by such an example, is about to change the course of history by demanding the punishment of her attacker internationally after being denied her right to justice for years. The Maria da Penha law is, therefore, the fruit of a successful articulation of the Brazilian women's movement. Through legal, political, and communication stratagems it was possible to establish the necessary and urgent legal reforms and transformations of public policies; effective and efficient in favor of the dismantling of violence against women.

Thus, the women of 1988 marked female empowerment, in the Brazilian political scene. From the democratic transition process initiated with the drafting of the 1988 Constitution, women began to integrate a much more effective role in the national public sphere in subsequent years, as exemplified by the aforementioned Maria da Penha Law, edited in 2006 and updated in 2018, and even with the election of Dilma Rousseff in 2011, becoming the first woman elected to the Presidency of the Republic in Brazil, only 23 years after the promulgation of the aforementioned Constitution.

Currently, the current Brazilian electoral legislation guarantees women effective participation in elections. For this to occur, it obliges political parties to present a minimum of 30% female candidates on their slates, as determined by Miranda (2010). This milestone registers a great evolution of women's political empowerment in Brazil, evidencing the advances already made.

However, improvements are still needed in Brazil, one of the countries with the highest rates of domestic violence against women in the world. One can see that, even with a population of more than 190 million people, among which the female population outnumbers the male, Brazil still lacks equity, and is characterized as a violently unequal country, as defined by Barsted and Pitanguy (2011).

We are in the process of evolving and I feel optimistic about the future. I understand the current challenges, especially the high rates of violence against women that are in the news every day. However, we know that we cannot change centuries of oppression in such a short time. Thus, slowly, each day, we move closer to what would be an ideal and equitable society.

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