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**Gender policy in the Brazilian Chamber of Deputies: institutional
contexts and the forces affecting processes and outcomes**

Maria Fernanda Barreto Ribas

A thesis presented for the degree of
Doctor of Philosophy

Department of Politics
Birkbeck, University of London, UK
September 2015

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Abstract

The research examines the forces that affect the deliberation and passage of gender-related policy in the Brazilian Chamber of Deputies. It analyses the formal and informal institutions that organise the legislative environment and influence gender policy processes and outcomes. I developed an original database that traces all 1,561 gender-related bills deliberated in the lower house for the past 20 years, through each stage of the legislative process. I make a comparison between three different governments and present a detailed examination of bill content through both quantitative and qualitative analyses and interviews with members of the women's caucus. The thesis is divided into three parts. First, the historical background, description of the case study and mapping of the formal and informal networks, connections and rules that affect gender policy. Second, the collection and analysis of evidence in each government using five variables: legislative agenda control; the executive; the women's caucus and women's movements; international agreements; and religiously-based opposition. And third, a comparison between the three governments and the trends seen in terms of the different themes deliberated. The research shows that there was a clear increase in gender bills presented and enacted over time as a result of changes in the institutional context, in particular the election of the Workers' Party (PT) and the establishment of a Women's Policy Agency. Although action by women's organisations during all stages of the legislative process was a fundamental condition for positive outcomes, on its own it would not have been sufficient to accomplish change. The ability of the women's caucus and women's movements to reach their goals varied depending on the institutional context. Influential forces such as party elites and the elected executive played a key role.

Acknowledgements

I would like to thank the Politics Department at Birkbeck, University of London and especially my supervisors Joni Lovenduski and Rosie Campbell. I am grateful for their academic mentorship and for their time, invaluable comments, and insights generously shared with me. I would also like to thank my external supervisor Fiona Macaulay for sharing her knowledge of gender politics in Brazil that greatly helped me and was an essential part of this thesis. Moreover, both external examiners - Timothy Power from the University of Oxford and Fiona Mackay from the University of Edinburgh - contributed a vital component to the final product.

I am thankful to the staff of the Centro Feminista de Estudos e Assessoria – Cfemea in Brasília, the Politics Department at the Federal University of Minas Gerais, and professor Marlise Matos for their helpfulness in sharing contacts, information, and networks. Furthermore, the members of the women’s caucus of the 54th Legislature of the Brazilian Chamber of Deputies and their generosity with their time were of crucial importance in supplementing my findings with critical insights. I would also like to thank Mike Crean for proofreading the final version of the thesis.

Finally, the research would not have been possible without Marc Crean’s help with proofreading, formatting, editing, and with much needed encouragement and support throughout the last four years.

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Introduction and Thesis Rationale

The research examines the forces influencing the deliberation and passage of gender-related policy in the Brazilian Chamber of Deputies. I present an analysis of the relationships and the formal and informal rules that organise the legislative process in ways that either promote or obstruct positive policy outcomes. In order to explain processes and outcomes, I developed an original dataset that traces all gender-related legislation deliberated in the lower house for the past 20 years. I focus on the influence of institutional contexts on gender policy as according to Farah (2006:01) and Matos (2010:16) there is still a lack of systematic analyses done in terms of policy outcomes in Brazil. Understanding what factors shape levels of governments' commitment and responsiveness to gender initiatives is important in order to define constraints and opportunities for actions and to guide definitions of gender strategies. Institutional aspects, such as the internal functioning and culture of political parties, serve as constraints on women's political participation, influence and promotion of gender equality (Sacchet 2007:02).

There are several studies on gender policy in Latin America (e.g. Htun 2000, 2003, 2005, Schwindt-Bayer 2003), a number of studies on women's access to power and in Brazil (e.g. Araujo 2007, 2010, Malheiros Miguel 2000, Miguel 2008, 2012, Sacchet 2003), and studies and surveys on female politicians' preferences and attitudes towards representing gender in the country's National Congress (e.g. Cfemea 2001, Htun 2003, Power and Htun 2006). However, although the field of gender studies was consolidated in Brazil in the late 1970s, along with the strengthening of the country's feminist movement, since then the incorporation of the perspective of gender by public policies has remained a theme that is little explored. The wave of gender quotas that has swept Latin America since the mid-1990s stimulated analysis of the impact of the electoral system on women's

political representation. However, scholars have so far largely neglected the interactions between allies and competitors within party systems (Macaulay 2006:4-5).

By comparing legislative activity on gender issues in the past 20 years I am able to determine whether variations in the institutional context produced more or less ‘gender friendly’ environments, better outcomes in terms of gender policy, and whether this had any effect on agents’ ability to advocate gender legislation. One important change was the Workers’ Party (PT) ascension to presidential status². Historically, gender policy and gay rights have not been seen as priorities in the Brazilian Congress, with previous governments treating economic stabilisation as a priority, leaving the social agenda in second place (Power and Htun 2006). The election of the Worker’s Party (PT) to the federal government provides a great opportunity for a study that can contribute to theories on how the institutional context shapes the power of political actors to promote change (Skocpol 1992), and explore whether PT’s historical connection to women’s movements and openness to gender issues (Haas 2001, Keck 1993, Macaulay 2000, 2006, Sacchet 2005) would be translated into policy outcomes.

Research Questions

This research aims to address the following questions:

1. What influences the passage of gender-related policy in the Brazilian congress?
2. How does the institutional context encourage or obstruct positive outcomes in terms of gender policy in Brazil?

² The Workers’ Party has been in government since 2003. After competing for the presidency in three previous elections (1989, 1994, 1998), Luiz Inácio ‘Lula’ da Silva was elected in 2002 and re-elected in 2006. His chief of staff Dilma Rousseff was elected in 2010 and re-elected in 2014.

Research Goals

This research aims to achieve two major goals:

1. To explain processes and outcomes in terms of gender-related policy deliberated in the Brazilian congress, taking into consideration different institutional and political contexts.
2. To understand whether there is a variation in agents' ability to affect policy outcomes on gender-related issues in Brazil depending on the political context.

Theoretical Background

Some research on gender policy has found that female legislators act for women (Tamerius 1995, Taylor-Robinson and Heath 2003, Thomas 1994, Vega and Firestone 1995, Wolbrecht 2002), while others are more sceptical about an automatic link between descriptive and substantive representation (Childs 2004, Dodson 2006, Grey 2006, Reingold 2000, Schwindt-Bayer 2006, Vincent 2004, Weldon 2002). Moreover, scholars have examined the role of left parties in implementing gender-oriented policies (Caul 1999, Lovenduski 1993, Waylen 2003, Wolbrecht 2000) and some have found that party membership is a better predictor of support for women's rights policies than legislators' sex (Carroll 2001, Dolan and Swers 2011, Poggione 2004, Power and Htun 2006, Tremblay and Pelletier 2000). However, whether women or left wing parties are the best advocates for gender equality, political institutions and the political contexts may either promote or obstruct the advancement of policies. As Swers (2002) shows, actors' willingness and ability to expend political capital on women's issues and express preferences based on gender is highly dependent on variations in the political and institutional contexts (2002:10-15). Variation in the political environment – the institutional environment and the extra-institutional environment – may be a reason the

relationship between descriptive and substantive representation varies across studies and across individuals in the same studies (Dodson 2006:15,36-37).

To understand what influences the passage of gender-related policy, it is essential to look at the role of institutions. Institutions are configurations of ideas and interests which are expressed as the 'formal rules, compliance procedures and standard operating practices that structure relationships between individuals in various units of the polity and the economy' (Hall 1986:19,20). March and Olsen (1989:107) argue that these rules take meaning through the actions of the individual organisations that they constitute (congresses, parliaments, executives and political parties) and at the same time also structure the interactions that take place within these organisations. New institutional theory (see March and Olsen 1989) provides the insight that history is encoded into institutions and permits a focus on process. It also offers a conceptual toolkit that includes formal and informal institutions, and invites consideration of the roles of ideas in determining the interests of actors operating in a specific institutional context.

Lovenduski (2011:viii,ix) shows that new institutionalism's advantages are frequently set out as the expansion of definitions of institutions to include norms, values and ideas, incentive systems and its ability to explain the persistence of social structures. She shows that, whilst all of the new institutionalisms have something to offer feminist scholarship, historical institutionalism is especially adaptable to the concerns of feminist political scientists who seek to explain gendered outcomes in different contexts (2011:x). Historical institutionalism scholars draw attention to the ways in which institutions operate not just as constraints, but also as strategic resources for actors. While institutions constrain actors, they are themselves the outcome of 'deliberate political strategies, of political conflict, and of choice' (Thelen and Steinmo 1992:10). In their efforts to explain variations in important or surprising patterns of events, historical institutionalism scholars

take history seriously, adopting problem-driven, contextual and temporally sensitive research strategies (Mackay, Kenny and Chappell 2010:575).

In order to explore both formal and informal rules and procedures that influence policy outcomes, the approach of this research is based on a multi-method in a broadly historical neo-institutionalist framework. I focus on the explanation of the processes and outcomes of gender-related policies through characterising and comparing aspects of the institutional environment in Brazil over time. Waylen (2011:154) argues that to explain gender outcomes and better understand how institutional change is gendered within an historical institutionalism framework, ‘attention to processes over time is important in order to identify the causal sequences and developmental pathways that led to these varying outcomes’. As Lovenduski (2011:vii,x) shows, this entails the specification of contexts, the collection and analysis of evidence, and the theorisation of political relationships. This is important because the institutional context, the ideological composition of congress, the identity of the presidential party, the relative power of the leadership, the configuration of interest groups, and the level of media and public attention to the issues, shape the power of political actors to promote change (Skocpol 1992). Moreover, according to Franceschet (2011:62), electoral rules, party discipline, candidate nomination procedures, and executive-legislative relations are the institutions that structure and gender the legislative environment and influence both legislator behaviour and policy outcomes. She continues by showing that informal institutions include representative-constituent relations, internal and cross-party dynamics (for example, how to distribute committee assignments among their legislative caucuses and how participation in floor debates is allocated), and norms of appropriate parliamentary behaviour.

To analyse the role of formal and informal institutions in structuring the legislative environment and influencing policy outcomes in Brazil, I look at five variables: legislative

agenda control (the centralisation of legislative authority in the hands of party elites); the executive (how support from the president and the core executive branch shapes the legislative agenda); the women's caucus and women's movements (a connection that supplies substantive representation); the impact of international agreements made by the country (Brazil's treaty obligations and the influence of international conferences); and religiously-based opposition (opposition by religious groups in congress which has often diluted key initiatives, especially with regard to reproductive and LGBT rights). I am aware of the fact that there are other aspects that influence gender policy outcomes, such as the role of the judiciary, the media and constituency pressures. However, I decided to identify patterns of change in the role of these five different variables throughout time, as they represent different aspects of the executive, the legislative, the civil society and international actors, and there is sufficient diversity between them.

Methodology

To acknowledge the impact of the complex combinations of actors and events that influence the enactment of gender policy, I make a comparison between three different governments using an original database with all gender-related bills deliberated in the Chamber of Deputies from 1995 to 2014. I present both a qualitative and quantitative analysis across the whole legislative process of all 1,561 gender-related bills introduced in the Brazilian Chamber of Deputies. I also included interviews with members of the women's caucus in the last legislature (2011-2014). In the analysis, not only are statistical trends acknowledged, but also there is a deeper analysis of the institutional context, the historical background, and the formal and informal networks, connections and rules that brought bills to their enactment or rejection.

This research is based on both processes and outcomes, as focusing gender policy research mainly on one type of methodology or one aspect of the legislative process has been criticised by many scholars (Dodson 2006, Franceschet 2011, Htun and Piscopo 2014). In order to determine what influences different outcomes in terms of gender policy, researchers have found that either focusing on legislators' opinions and attitudes towards gender or focusing exclusively on a quantitative analysis of outcomes has weaknesses. Scholars researching substantive representation have done so through surveys of legislator attitudes (Htun and Power 2006, Schwindt-Bayer 2006), through bill introduction (Swers 2002, Taylor-Robinson and Heath 2003), or through voting records (Vega and Firestone 1995). Franceschet (2011:60) shows that 'although these research strategies likely reflect pragmatic decisions by scholars seeking to simplify a highly complex process, they can nonetheless lead to mistaken assumptions that a multi-faceted concept such as women's substantive representation can be measured by a single indicator. Selecting a single indicator implies a relatively straightforward relationship among attitudes, legislator behaviour, and policy outcomes, whereas in reality, any such relationship is highly contingent'.

There are limitations to the conclusions that can be drawn from analyses based purely on politicians' opinions. Reingold (1998) and Dodson (2006:09) show that officeholders' self-reported attitudes about representing women are not good predictors of their behaviour. Beliefs do not necessarily translate automatically into action, and actions do not translate into policy change. According to Dodson (2006:15,41-44) this is because individual attitudes and experiences are potentially only one of the numerous factors that may affect whether policies address the needs and interests of women, as changes in the internal structure and political streams can alter the power that participants have to pursue some solutions rather than others. Legislators may hold favourable attitudes towards

women's rights and prioritise gender issues, but might not act on these attitudes by introducing or supporting women's rights bills (Childs 2004).

Focusing exclusively on one stage of the process, such as bill introduction or voting, in order to explain outcomes is also problematic. Franceschet and Piscopo (2008) show that an exclusive focus on legislator behaviour often produces optimistic conclusions that do not correspond to legislative outcomes. Even when attitudes are translated into action these actions may fail. As Childs (2006:09) shows, there is a difference between the "feminization of the political agenda (where women's concerns and perspectives are articulated) and a feminization of legislation (where output has been transformed)". As bill introduction only captures procedural aspects and reveals nothing about policy outcomes, we cannot know whether legislators' actions were successful and the reasons why they failed. Franceschet and Piscopo (2008) show that legislators' attempts to represent women will be mediated by the norms and procedures that shape the institutional environment. Exploring the disconnection between legislators' actions and policy outcomes requires a closer look at context (2008:399-401). Moreover, according to Swers (2002:08), analyses focusing exclusively on voting are also problematic as they only scratch the surface of aspects influencing legislative participation. Power and Htun (2006) show that a complete analysis the role of legislative politics in the evolution of gender-related policy would tackle the contradiction between legislative attitudes and policy outcomes, and why widespread progressive views do not translate into legislative output (2006:99). Finally, it is important to notice that as Dodson (2006:32) shows, focusing a research on the passage of gender related policy exclusively on a quantitative analysis of outcomes is also flawed. She shows that simple, straightforward quantitative analyses seem doomed to provide inconsistent answers over time and across settings.

Childs and Krook (2009:134-135) show that one solution to the methodological problems exposed above is to examine the entire legislative process. Another is to recognise that policy-making involves numerous elements of contingency that make such models appear overly simplistic. “On the one hand, complex combinations of actors, often in series of chance events, are generally responsible for moving an issue to agenda prominence and gaining its passage. On the other hand, policy innovations rarely proceed in a vacuum, because policy cycles and demonstration effects strongly condition which issues enter and which are kept off legislative agendas, separate from any assumed prerequisites for change”. The relative strength of conservatives and liberals within the institution will affect the agenda, the flow of legislation, and the way issues are framed. The more dominant ideological perspective will determine the kinds of policies that have a chance of passing in that institution, the range of conditions that are generally seen as problems, and the relative access of various outside groups and interests (Dodson 2006:39). A focus on both process and outcomes permits a firmer grasp of the gendered institutional dynamics in the legislatures that either facilitate or obstruct favourable policy outcomes (Franceschet 2011:60, 61).

Chapter Outline

To focus on both process and outcomes, the thesis was divided as follows: chapters 1 and 2 present the specification of context, the historical background, description of the case study, and the variables used in the analysis (the formal and informal rules and institutions). As the thesis is broadly based on a historic neo institutionalist framework, to answer my research question I start by mapping the formal architecture and informal networks, connections, conventions, rules and norms of institutions. According to Franceschet (2011:68), as women’s substantive representation is a dynamic concept,

involving both procedural and substantive aspects, analysis along the lines of institutionalism would lead to ‘dense empirical descriptions’ of how institutional context produces specific preferences among legislators, encourage their articulation, and generate particular outcomes. Researchers would aim to ‘tell a story’ about the factors that produce (or inhibit) substantive representation in a particular context.

Chapters 3, 4 and 5 present the collection and analysis of evidence. As I undertake a multi-period case study³ of gender policymaking in Brazil, I analysed the two terms in government of President Fernando Henrique Cardoso (1995-2002) from the Party of Brazilian Social Democracy (PSDB), the two terms in government of President Luiz Inácio ‘Lula’ da Silva (2003-2010) from the Workers’ Party (PT), and the first term of President Dilma Rousseff (2011-2014), also from the PT in government. The case study of diverse legislatures permits the exploration of the impact of institutional and extra-institutional environments on the substantive representation of women (Dodson 2006:19). Although this is a single-country case study, the assessment of different governments provides points of comparison to elucidate issues such as the relationship between the executive and legislative, the power of party leaders and international organisations to influence the legislative agenda on gender, and the role of lobby groups such as women's movements, the women's caucus, and religious groups in advocating for or against change under presidential systems.

The final part is the theorisation of political relationships and an analysis of how the norms that structure the political environment influenced processes and outcomes in terms of gender-related policy in Brazil. This will be seen in chapters 6 and 7. Chapter 6

³ According to George and Bennett (2005:18), case study approaches allow a researcher to achieve high levels of conceptual validity (in other words, to identify and assess the indicators that best represent the theoretical concepts the researcher intends to measure) and this is especially important in the social sciences (George and Bennett 2006:21).

presents a comparison between the three governments and show the effects of the formal and informal rules and different institutional contexts on gender-related policy deliberation throughout time in Brazil. Chapter 7 cuts transversally into the database instead of looking at governments. It examines the types of legislation to see the different themes deliberated and which categories are more likely to prosper under which conditions. This is based on Htun and Weldon's (2010) suggested framework for an analysis of gender equality policy. They show that in order to better understand the interaction between agents and contexts, policies should be analysed taking into consideration the type of gender issue. This also gives suggestions for future improvements. According to them, an analysis should not look at gender equality as one issue, but many, with each issue confronting different axes of state-society relations, different causal dynamics at work, and involving different casts of characters (2010:213). Showing how these different issues, actors, and contexts interact provides a framework to guide the analysis of political struggles over equality policy. The conclusion finally shows that in a nascent democracy with a presidential system, a highly fragmented Congress and an impressive degree of agenda control by party leaders and the executive branch, the ideology of the presidential party and the parties within the government coalition matter.

Definition of Key Concepts

In this research both the terms sex and gender are used. The binary variable of sex is used to classify Federal Deputies and members of the women's caucus in congress. When discussing the role of the women's caucus and their influence in terms of substantive representation, I am talking about the binary of sex. However, to classify bills, policies, and the nature of issues discussed, I use the concept of gender. That is because according to Lovenduski (1998:338-348), institutional research in political science requires

the close description of contexts, norms, processes, and cultures to which a gendered vocabulary may be applied. Such specification is necessary in order to avoid essentialism⁴. The concept of gender refers to the many and complex ways in which social differences between the sexes acquire a meaning and become structural factors in the organisation of social life (Braidotti 2002:287). Sex is used as a dichotomous variable only in a closely specified, gendered context. The uses of sex and gender must be explicit if effective research is to be designed (Lovenduski 1998:338-348).

Throughout the text I use the term “gender-related” bills to mean all bills that relate to women’s and feminist issues based on cultural and historical contexts, as opposed to an essentialist definition of the physical differences between the sexes. As Scott (1986) shows, “gender as a substitute for “women” is used to suggest that information about women is necessarily information about men, that one implies the study of the other. This usage rejects the interpretive utility of the idea of separate spheres, maintaining that to study women in isolation perpetuates the fiction that one sphere, the experience of one sex, has little or nothing to do with the other” (1986:1056). Gendered research into public policy should treat differences among women (and differences among men) as well as those between women and men and consider how masculinities and femininities interact in organisations, institutions, and processes. According to Steinmo ‘rather than treating all political actions as if fundamentally the same irrespective of time, place, or context, historical institutionalists explicitly and intentionally attempt to situate their variables in the appropriate context’ (2008). Likewise, for feminist scholars, employing gender as a concept necessarily gives rise to a research strategy that is contextual, comparative, and

⁴ Gayle Rubin describes her sex/gender system as the categories of sex and gender collapsing as a tool of ideology and that “patriarchy subsumes both meanings into the same term” (1975:168).

relational (in that femininity cannot be analysed without reference to masculinity) (Waylen 2009).

In proposing the use of the concept of gender a discussion about intersectionality is also included. As Borchorst and Siim (2002:91) argue, there is a difference between “women-friendly” policies and “gender-friendly” policies. They show that policies that increase equality for some women may increase inequality between women. That is because gender is not always constituted coherently or consistently in different historical contexts. It intersects with racial, class, ethnic, sexual, and regional modalities of discursively constituted identities (Butler 1990:03). As Spelman (1990: 57-79) shows, feminism for a long time had not paid sufficient attention to questions of ethnicity, class, and race, and made heterosexist assumptions (For this see Butler in Cheah & Grosz 1998). The result of such an approach was that the experiences of a particular group of women (usually white, middle-class, heterosexual) were seen as those of all women. The use of intersectionality is an attempt to move away from whiteness, ethnocentric and heteronormative concepts (Dietz 2003).

I use Swers’ (2002:10) definition of women’s issues, as those being particularly salient to women because they address women’s needs, such as women’s health concerns or child care; or issues that confront matters with which women have traditionally been concerned in their role as caregivers, such as education or the protection of children⁵. By feminist issues, I mean those that seek to achieve role equality or role change, by protecting reproductive rights, expanding family and medical leave, dealing with sexual

⁵ Dodson and Carroll (1995) considered women’s rights laws those that on the one hand, relate directly to women or have a feminist undertone, and, on the other hand, laws concerning women’s traditional arena of interest, which relate to the role of women as “dispensers of care” inside the family as well as in society, and to themes such as healthcare and education.

harassment and domestic violence (2002:10). Finally, 'anti-feminist' bills are also included in the analysis, which are those that seek to inhibit role changes as a threat to the traditional family (Gelb and Palley 1996). That is because an analysis of the introduction, deliberation and voting of these bills will give an insight into who are the supporters and opponents of change in the Brazilian congress.

To define which subjects would be considered in the analysis, I started by looking at the themes discussed in the National Plans on Policies for Women (PNPM) elaborated by the Secretariat for Policies for Women (SPM). This is because the Plans were designed taking into consideration the discussion about sex, gender and intersectionality, and were the result of the deliberations between many groups of women and members of Congress (as we will see later on). The themes included in the Plans were: economic autonomy, work equality and social inclusion; inclusive education (non-sexist, non-racist, non-homophobic); women's health, sexual rights and reproductive rights; violence against women; participation of women in positions of power and decision; right to land, decent housing and social infrastructure; egalitarian, democratic and non-discriminatory culture, communication and media; racism, sexism and lesbophobia; and generational inequalities that affect women.

The themes presented in the Plans cover all the subjects that *should* be included in the elaboration of women's policies in the country. The research is inspired by this discussion but is based on subjects that were *actually* deliberated in the Chamber of Deputies during the period in analysis. The final categories used in the analysis were: Economic equality and employment benefits; Health; Reproductive rights; Violence against women and girls; Women in conflict with the law; Representation and Political rights; Marriage, children and family; LGBT rights; Honours bills; and Anti-feminist bills. Bills such as those on the subject of LGBT rights are included based on the discussion

about intersectionality (in an attempt to move away from heteronormative concepts) and also based on the fact that the rights of all members of the Lesbian, Gay, Bisexual and Transgender (LGBT) community have been for a long time part of the feminist movement and the women's caucus' agenda (Power and Htun 2006:46). As Marsiaj (2006:175) shows, an examination of the membership of the 'Parliamentary Front for the Freedom of Sexual Expression' in the Brazilian congress shows that members of the women's caucus were the majority of the members.

Hypothesis

My hypothesis is that changes in the institutional context, such as the election of the Workers' Party (PT) in 2003 and the change in the ideological composition of congress will influence the process and bring positive outcomes in terms of gender-related policy. The variables "Legislative agenda control" and "the executive" are expected to be the most significant ones. This is based on the fact that the PT is a centre-left party that has a historical proximity to the feminist and women's movements, is more institutionalised than most Brazilian parties, and has a higher number of women in leadership positions. As there was a general lack of interest in gender issues by most parties during the rule of the right in the 1990s, the women's caucus together with the PT were responsible for building a coalition and promoting change. With the change in the PT from opposition to presidential party, a better environment for the discussion of gender issues is expected to exist, as new actors come to play.

The change in congress from a centre-right coalition government to a centre-left one, and in the PT from opposition to presidential party, is important because it is through negotiations between party leaders that most bills are put on the agenda, considered urgent and enacted (Figueiredo and Limongi 2000). Moreover, the creation of Women's Policy

Agencies by the new government in 2003 will mean that the women's caucus and women's movements have now new spaces for discussion and for their demands to be heard. This is because while the caucus had constantly worked as an instrument to promote women's legislative goals and advance women's position within congress, more traditional access to influence, such as party support and committee leadership are expected to have dramatic effects in terms of substantive representation (Schwindt-Bayer 2010:197).

Based on this, I propose that change should be expected to be observed with Lula's election and should continue to grow throughout Dilma Rousseff's government (2011-2014), as her government is in many ways a continuation of the Lula one (2003-2010). On top of this, she is the first female president that the country has had, one who has appointed many key women to her inner circle and explicitly backed a feminist agenda, despite the mobilisation of religious groups against her.

Chapter 1

Background of the Brazilian Case

This chapter presents the specification of context and historical background of the Brazilian case. Here I start to outline the networks, connections, conventions, and norms of institutions through a description of some key phenomena that shaped the political context of the three governments under analysis - the two terms in government of President Fernando Henrique Cardoso (1995-2002), the two terms in government of President Luiz Inácio 'Lula' da Silva (2003-2010), and the first term of President Dilma Rousseff (2011-2014). I start by exploring the relationship between the women's movements and the Workers' Party (PT) in the 1980s, and how the party was seen as a new channel for social movements to become more involved in institutional politics. I also explore the Cardoso presidency (1995-2002) and how the women's caucus in congress built coalitions to advance gender equality and used international agreements as a tool to convince apathetic parties and domestic opponents. Moreover, I look at the change in the political scenario with the election of Lula and the Workers' Party in 2002, and the effects of the creation of institutional spaces for the discussion of women's rights. Finally, I look at Dilma's first term in government (2011-2014) and the difficulties encountered during her government in establishing change because of the strong religiously-based opposition in the Brazilian congress.

The 1980s - The Relationship Between the Women's Movements and the Workers' Party

Brazil is a federal republic consisting of the union of twenty-six states and one federal district. After the 1964 coup, the military remained in office for 21 years, finally

abdicating power to civilian rule in 1985. The military did not abolish all party activity, instead permitting a two party system⁶. The Workers' Party (Partido dos Trabalhadores - PT) was founded in 1979 (and legalised in 1981) by a grassroots association of labour activists, Christian base communities, and leftist intellectuals⁷. It represented a new direction for the Brazilian left (Keck 1992, Nylén 2000). As the main platform of the Workers' Party was citizenship, it had a natural affinity with different social movements that proliferated in Brazil during the 1980s (Castro, Koonings and Wiesebron 2014:02,03). The participation of social movements in the creation and development of the PT broke with the traditional transmission belt model (Levy 2012:784) and PT activists described this relationship as 'organic', which meant that without being officially linked to each other, each organisation pursued goals that complemented each other and reinforced each other's agenda (Guidry 2003:92). The party has been signalled as a way in which the popular sectors could have some representation in institutional politics, overcoming the dilemmas of autonomy and integration (Waylen 1993:578).

This pioneer relationship was also extended to the women's movements. Influenced by the American feminist movement of the 1970s, many feminists started their activism in Brazil in Leftist and progressive Catholic groups. The process of gradual, slow democratisation that Brazil entered into in the mid-1970s, and the developments in the international arena in terms of gender and women's rights (the 1975 U.N.'s International Women's Year, and the 1979 UN Convention on the Elimination of all forms of

⁶ One party was the pro-government party (ARENA) and the other one was the official opposition (MDB)

⁷ The party still echoes the diversity of its founding members: it has both the highest percentage of deputies with postgraduate education (14%) and the highest percentage without a high school degree (9%) (Power and Mochel 2009).

Discrimination Against Women - CEDAW⁸) facilitated the growth of anti-regime groups and social movements through a common agenda - the struggle for equal rights, the struggle for democratic regime, and the struggle for the implementation of public policies (Tabak 1994:130).

The return to electoral politics changed the movement's dynamics as growing numbers of women started taking their demands for increased participation to the political parties (Caul 1999:82). Its leaders increasingly integrated themselves into political parties in order to advance their claims and the movement began to see the state not as purely punitive and authoritarian but as a means to influence society (Molyneux 2003:68). According to Friedman (2009:416,424), although the relationship between feminist movements and the left in Latin America has long been contentious, in the case of Brazil feminist alliances with left-wing parties have helped to give them access to the state. Waylen (1993:578) shows that women already active within the opposition political parties were joined by feminists who started considering it necessary to move into the orthodox structures and try to change these from within. The abolition of the two-party system provided an opportunity for women to enter the political scene, which they did through the left and centre-left parties, such as the official opposition party MDB renamed PMDB (Brazilian Democratic Movement Party), and the newly created Workers' Party (PT). "A number of feminists saw in the PT a new way of doing politics" (Haas 2001:250).

The PT's attempt within the transition process to create a political identity that broke with both the pattern of relations characterising the authoritarian period and with

⁸ The Convention, adopted in 1979 by the UN General Assembly, is described as an international bill of rights for women consisting of 30 articles defining what constitutes discrimination against women and setting up an agenda for national action to end such discrimination. By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including: to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women; and to ensure elimination of all acts of discrimination against women by persons, organisations or enterprises.

historical traditions converged with women's movement principles and practices. As Macaulay (2006) shows, in the PT three key barriers to women's involvement in left-wing party politics have been much lower: firstly, the influence of a male-dominated union movement was reduced by the diversity of the party's support base. Secondly, the job losses in industry and the banking sector in the 1990s led to the new Trade Union Confederation (Central Unica dos Trabalhadores – CUT) becoming dominated by public sector and service unions, which have a much higher proportion of female membership (Samuels 2004:1007). Finally, the existence of a discourse on ethics as well as one on class made the party a more amenable environment for women, who are more often socialised to think of themselves as moral rather than political agents in the public sphere (2006:62).

The party's significant feminist presence attracted other women, with the drafting of a new constitution in the mid 1980s offering a good opportunity for them to organise among themselves and take part in the policymaking process. The women's movement campaigned within the party to support feminist PT candidates and successfully influenced the PT to implement both an internal and candidate quota for women in the first year of the party's existence (Sacchet, 2002:129). However, it was not until 1988 that feminists campaigned for a quota of 30 per cent, which was finally approved by the first National Congress in 1991, making the PT one of the first parties in Latin America to institute such a measure (Htun and Jones 2002), a tendency followed by other parties in Brazil (Sacchet, 2005:02,03).

Finally, promoting a feminist agenda also brought awareness to LGBT rights and from early on the party expressed its openness to the struggle of sexual minorities. This was demonstrated by the speech of the founder and party leader, Luiz Inácio Lula da Silva, at the First National Convention of the PT in 1981 when Lula said that the party supported the right of minorities to organise and defend their space in society. As Marsiaj (2006:176-

177) shows, since then a number of official party documents, including resolutions from national meetings, plans for political action, and electoral government plans and directives, have included the fight against discrimination based on sexual identity (2006:176-177). During the drafting of the new constitution in the 1980s, LGBT organisations mobilised to pressure for the inclusion of "sexual orientation" as one of the grounds for protection against discrimination. After this attempt failed, in the 1990s a number of pro-LGBT legislative bills and constitutional amendments were presented in the federal Congress. A look at these bills shows that most of the proponents of pro-LGBT legislation come from leftist parties, particularly the PT.

The 1990s - Fernando Henrique Cardoso's Government

Whilst PT had by the 1990s become the party that most consistently adopted and promoted the feminist agenda (Macaulay 2006:35), the transition to democracy in the 1980s and 1990s was characterised by rule from the centre and right, with the left being largely out of power. The first democratic presidential election in Brazil since 1960 was held in 1989. Lula⁹ ran against Fernando Collor de Mello from the centre-right National Reconstruction Party (PRN). During Collor's administration (1990-1992), Fernando Henrique Cardoso's party (PSDB) was invited many times to join the cabinet of the president, but Cardoso refused the offer on the party's behalf. He cited the strong presence of the notoriously clientelistic Liberal Front Party (PFL)¹⁰ in the coalition and refused a connection with them. However, Collor resigned in 1992 in a failed attempt to prevent his

⁹ Lula first ran for office in 1982, for the state government of São Paulo and lost. In the 1986 elections Lula won a seat in Congress with the most votes nationwide.

¹⁰ The Liberal Front Party (Partido da Frente Liberal - PFL), was founded by a dissident faction of the Democratic Social Party (PDS), which had been founded in 1980 as the successor of the National Renewal Alliance Party (ARENA), the former ruling party during the time of military dictatorship (1965–79).

impeachment by the Brazilian Senate, as his trial for corruption was about to begin. He was impeached on the 30th of December 1992 and his vice president Itamar Franco assumed the presidency from 1992-1994. With Collor's impeachment the PSDB finally entered the government and Senator Cardoso became the finance minister from 1993 to 1994.

Lula ran as the PT candidate again in 1994 against the then finance minister Fernando Henrique Cardoso (PSDB). Cardoso won the election in October 1994, with 54% of the popular vote in the first round and was re-elected in 1998 for another 4-year period. Cardoso's candidacy and victory marked a turning point in the history of the party. The PSDB was founded in 1988 as the 'left wing' dissident faction of the Brazilian Democratic Movement Party (PMDB). It initially followed Western European models, advocating redistributive politics and the deepening of democracy. As an intellectual with little political experience, Cardoso was aware of his own political limitations. Although he had been on the opposite side of history from the Liberal Front Party (PFL), in 1994 he shockingly announced an electoral alliance with them. As Power (2000) shows, the PSDB-PFL plan of joint action in Congress was a far cry from the policy positions of the PSDB of the late 1980s. According to Power and Zucco Jr. (2009:229), the estimates of the political positions of the PT and the PSDB in 1990 show that they were both left of centre (even though the PSDB and the PT were not very close in ideological terms). Between 1993 and 2001, the PSDB took a sharp turn to the right and at the same time, the PT established itself as the main opposition party. In Cardoso's second term (1999-2002), the legislative contingents of the PT and PSDB were as far apart as they would ever be (2009:230).

Immediately upon taking office, the Cardoso coalition embarked on an ambitious plan of neo-liberal reforms and adopted a heavily market-oriented programme (Power

2000). This resulted in increased unemployment, falling real wages and measures such as the removal of food subsidies. That meant that women in poor households had to adopt survival strategies, which involve greater income generation, often through participation in the informal sector. The market-oriented programme meant that a significant portion of social services was privatised and social issues were put in second place. The effects of that were felt by women with changes and cuts to the social security system, policies to motherhood and family, and investments in child care services (Butto 1998:79-83, Mendonça 1998:108). Evidence shows that female-headed households in the country were hardest hit by recession in the 1990s (Waylen 1993:579).

The market-oriented programme meant that the government focused mainly on economic stabilisation. In general, this resulted in an indifference to women's demands from the executive and the government coalition. Because of that, Simões and Matos (2009:54) and Sacchet (2005:07-08) show that congresswomen organised themselves in congress through a cross-party women's coalition and used coordination between state feminists, female politicians, social movements and civil society actors to secure the introduction of important women's rights and gender-related policies. Organisation across political and social sectors in Brazil is a well-known long-standing feature of the Brazilian women's movement. It enabled them to implement important gender policies in the constitution of 1988, and this strategy has been successfully employed ever since.

One of the demands of the women's caucus was for the newly elected government to restore and upgrade the National Council on Policies for Women (CNDM). The Council was formed in 1975 and had previously had its most prosperous moment under the first democratic government (1985-90). It was then constituted as a consultative body, with a twenty-member unpaid advisory board appointed by the president composed of one third women's movement representatives and two-thirds government officials (Draibe 1998,

Macaulay 2006, Tatagiba 2002). It had considerable administrative and financial autonomy, a budget allocated by Congress and a technical support staff. All of this was however reversed during the Collor government (1990-92), when the council was then reduced to a purely advisory body stripped of resources. Although feminists expected that President Cardoso would be more open to attend feminist demands than the previous president, this however proved not to be true (Rodrigues 2003:05). During his government the Council had just one staff member - a personal friend of Cardoso without strong movement support. It was not until the final months of Cardoso's two terms in government in 2002 that it regained its own executive staff, although still under the guidance of the Human Rights secretariat.

As Macaulay shows (2006:49), the "CNDM's mixed fortunes illustrate the impact of the foundational, organisational and ideological characteristics of the party of the government. (...) For all the PSDB's alleged social democratic credentials, its caucus character (elite-dominated foundation and no mass membership) left it aloof from social movement claims and it presided over an evisceration of both the national and state women's conselhos, both for fiscal reasons and because the women's movement could not exert pressure on the tightly knit clique of party leaders. It has no policy on gender issues qua party, and feminists within it tend to act individually, not collectively. By contrast, from 1994 the PT had committed itself in its election manifestos to upgrade the CNDM to an executive level Secretariat with autonomy, a substantial budget and decision-making powers, cross-sectorial access and influence".

The Internationalisation of the Women's Movement in the 1990s

As a strategic tool to convince an indifferent government, lobby for change, and neutralise their domestic opponents, the women's caucus and the CNDM drew on

international gender norms as Brazilian feminists became more involved in the international arena in the 1990s. The beginning of preparations for the Fourth World Conference on Women held in 1995 provided an excellent opportunity to strengthen feminist and women's movements¹¹. Many feminist groups and hundreds of women's organisations built a diverse and complex network of cooperation for the preparation of the Conference¹² (Friedman, Hochstetler and Clark 2001:23). Sacchet (2007:04) shows that the fourth UN World Conference played a key role in encouraging women's agency and in raising the profile of demands for gender equality. Subsequently, the Beijing Platform for Action became an instrument used by women to press states and political parties to take positive steps to promote women's rights and political representation. Beijing stressed the indivisible character of political and social rights, recommending the promotion of women to political decision-making positions as a stepping-stone for achieving gender equality (2007).

In order to strengthen and unify the women's movement independently of ideological and political differences, the Articulation of Brazilian Women to Beijing-95 was organised representing about 800 women's groups in 27 state-level women's forums. This process generated a real agenda for the women's caucus in Brazil, focused on the needs of women of all classes and ethnic and racial groups. They mobilised around the 25 priority areas of the Platform of Action, translating them into 'Strategies for Equality', a

¹¹ Although the 1979 UN convention on the elimination of all forms of discrimination against women (CEDAW) had already motivated women's mobilisation in the country (especially during the voting of the new constitution), it lost its importance in the 1990s. The Brazilian government did not submit its periodic report to the committee for the next 17 years, and only in 2003 the Workers' Party government started submitting the reports again.

¹² Included were black women's organisations, urban and rural women's movements, LGBT organisations, domestic workers' unions, academic feminists, prostitute associations, among others (Soares 1995, Soares 1998:46-47).

document for gender equality legislation¹³ for all three levels of government. During the conference, parallel sessions were held and after the debates, shadow reports were prepared in order to highlight the problems faced by women and make recommendations to government representatives present at the official meeting (Sardenberg 2009:126,127). Very often this parallel action was successful at ensuring the inclusion of their deliberations on official documents (Stromquist 1996:38).

The Early 2000s and the Workers' Party Transition to Power

Although PT traditionally had a connection to social movements, in order to transition from a period of rule of the centre and the right in the 1980s and 1990s to the election of a president in 2002, the party had to go through many changes. It is important to look at these changes in order to understand whether the party managed to evolve from obstructionist opposition to pragmatic government in a system with high party-system fragmentation, low partisan identification, strong orientations toward personalism and pork barrel politics, and still managed to maintain its relationship with social movements in general, and the women's movements specifically.

As Hunter (2007) shows, until mid-1990s the Workers' Party pursued a radical leftist programme and concentrated on building a strong organisation, rather than focusing on maximising votes. Throughout time, the Workers' Party consistently reaffirmed its identity as a party that is singular in ideological and organisational terms. From these perspectives there was indeed a logic of difference (2007:449,450). She shows (2007:456)

¹³ One of the outcomes of this process was the passage of a quotas law in the Brazilian congress. Borba (1998:160) shows that for the 1996 elections there was the introduction of the mandatory minimum quota of 20% women on party lists for proportional elections. By initiative of Federal Deputy Marta Suplicy (PT), in August 1995 it was presented a bill proposing the minimum quota of 30% women on the lists for the parliamentary elections at all levels. The proposal was accepted but with a reduction of 30% to 20% and an increase of 100% to 120% of the number of candidates.

that during the 1990s the PT “was making steady albeit slow electoral progress by uniting behind clear alternative positions on major economic and political cleavages, building strong networks, and restricting its alliances to the left. By forgoing a more meteoric political ascendance, the party managed to retain a core identity and to avoid being sucked into the corrupting whirlpool of Brazilian politics”. However, even though the party began as highly ideological, it had to give in to the international political economy and Brazil's political institutions in order to reach state-led change.

According to Levy (2012:794) there is a consensus in the literature that the PT had to change from a party with a mission of radical social transformation through democratic representation, to a party which accepts and has integrated itself into the dominant political and economic regimes of the day. The need to provide 'results', as opposed to merely criticising the government as an opposition party in the legislature, influenced PT politicians to adapt to the norms of these political institutions and their political practices (Petras and Veltmeyer 2009:218) as they adjusted to a political system and culture they once criticised and aimed at transforming. Castro, Koonings and Wiesebron (2014:02-03) show that in order to become the party in office, the PT shed most of its radicalism. In 2002, after winning progressively greater first-round vote shares in every presidential election since 1989, Lula was elected. He was re-elected in October 2006.

According to Hunter (2007:442-443), even though the party abandoned its transformative project in favour of more conventional electoral goals, it did not adapt entirely. First of all, the PT's rise to executive office facilitated the integration of social movements' with the state (Samuels 2004:13) as many PT administrations staffed offices with social movement leaders. Indeed, as Levy (2012:795) shows, the women's movements maintained relations with the PT at different levels and in different spaces and won spaces of influence within the state through the party's election. Their dual activisms

at times blurred the lines between the social movement and the party, even though there are no official ties between them. Second, Hunter (2007:442-443) shows that the party's history and foundation conditioned how it met external challenges or whether in some instances it did at all. "Even as the PT moderated its ideological programme and made other modifications designed to boost its electoral standing, it continued to stand out for the high levels of cohesion, discipline, and loyalty commanded among its political ranks" (2007:440). This can be explained by an historical institutionalist perspective and the importance of the founding moment of institutions. Shefter (1994) shows that "an externally mobilised party is established by leaders who do not occupy positions of power in the prevailing regime and who seek to bludgeon their way into the political system by mobilising and organising a mass constituency. Most often, they orient their energies toward long-term organisation building rather than toward short-term vote maximisation. Because such parties are led by individuals with strong ideological commitments, they will not turn readily into catchall parties willing to get ahead by blowing with the political winds. Instead, the origins of externally mobilised parties will shape their future orientation and organisation, imbuing them with an ideological policy-seeking cast" (1994:05).

As predicted by Shefter (1994), the party remained distinctive after introducing changes in the period leading up to Lula's victory. As Castro, Koonings and Wiesebron (2014:02-03) show, despite making some concessions to neoliberalism, the governments of Lula and Lula's successor Dilma Rousseff sought to address a wide variety of issues in the original spirit of the Workers' Party while at the same time facing certain realities - globalised capitalism, sustainability, domestic coalitional politics at the federal level, and a quickly changing global environment in which Brazil actively sought to redefine its position.

Lula's Government (2003-2010) and its Effects on Gender Equality

Based on the history of the party, Lula's election predictably brought high expectations that the Workers' Party would perform better than previous governments in the promotion of gender equality. The election of the Workers' Party was seen by social movements and the left in general as a crucial moment of transformation when social change was expected to happen faster and more intensively than ever before (Levy 2012:791, Silva 2010:139). According to Hochstetler (2008), throughout the period of democratic transition and consolidation, social movements supported the party, assuming that it would carry their agenda forward if it finally managed to reach national power (2008:34). Because of that, the women's movements supported the PT and the election of Lula and took an active role in his campaign by rounding up the grassroots for public rallies and visits to poor neighbourhoods (Levy 2012:793).

Indeed, in terms of gender equality, Lula's election had an impact at many different levels: 1) at the electoral level; 2) in the composition of his cabinet; 3) in the consolidation of women's national machineries; 4) in the government's response to its international commitments; and 5) the rising backlash from religious groups in congress. First of all, Araujo (2003) shows that, although Brazil had seen the rise in female representation slow down after the initial positive impact of the return to the democracy in 1988, political representation of women gained a new boost during the federal elections of October 2002. She suggests that the election of the Workers' Party and president Lula had an impact on all electoral levels. In the legislative branch, the number of centre-leftist members increased. There was also a rise in the number of women, both in the Chamber of Deputies and in the Senate. The party was more successful than other parties in electing women to proportional positions and in 2003 it had twice the female representation in congress than

any other party. These elections also seemed to have an effect on the female presence in executive offices (state governors and mayors) (Araujo 2003:3-4).

Second, Lula's election had an impact not only at an electoral level, but also on the composition of ministries. Htun (2003:04) shows that compared to the rest of the Latin American region, women's representation in Brazilian politics has been low, though their numbers increased after the 2002 election and Lula's appointment of more women to the cabinet. From the beginning of his presidency the new president quickly signalled his commitment to social movements and to women's movements. During his two terms in government, Cardoso appointed only two women to serve in cabinet positions – one of them was appointed during his last year in office and served for only a very short time. During Lula's government, eleven women were appointed to serve in cabinet positions (including his chief of staff and current Brazilian President, Dilma Rousseff). This is important because as Friedman (2009) shows, cabinet positions appointed by executives and changed at their discretion are a particularly sensitive measure of the commitment of executives to gender equality in decision-making posts. The theory that left-wing presidents are likely to appoint women to their cabinets is confirmed in the case of Lula's government (2009:425).

Third, Lula's election had an impact in the consolidation of women's national machineries such as the Special Secretariat on Policies for Women. The Special Secretariat of Policies for Women (SPM) was created in a context of profound changes in the organisation of the State characterised by an internationalisation of various social movements' agendas (Montano, Pitanguy and Lobo 2003:32). The Secretariat has now dropped the 'special', being called only 'Secretariat of Policies for Women'. At the end of his second term, Cardoso created the National Secretariat for Women's Rights through a provisional decree. On the first day of the new legislature, Lula gave it ministry status by

transforming it into the Special Secretariat on Policies for Women, which is attached to the president's office. The secretariat is a body of the presidency that assists the president on the creation of policies, campaigns, and programmes for women in Brazil. It reports directly to the President and has advisory, coordinating, and monitoring functions with respect to women's policies. As Bachrach and Baratz (1962) noted, the very organisation of the administrative structure facilitates some policies and obscures or obstructs others. The organisation of government, for example, tends to reflect the priorities of the dominant groups who defined the basic administrative categories, creating a sort of institutional bias in the structure of public administration in favour of the issues important to historically dominant groups. In this way, institutional structures can also formalise and entrench the understandings of policies ("policy-images") preferred by dominant groups (Baumgartner and Jones 1993).

The creation of the secretariat resulted in the introduction of important new programmes and policies such as the National Policy on Combating Violence against Women and the National Pact to Combat Violence against Women. Moreover, in June 2003, in response to pressure from the LGBT movement, the Secretariat organised a National Seminar on Affirmative Policies and Rights of the Gay, Lesbian, Bisexual, Transvestites, and Transsexual Community, held in the Chamber of Deputies. Out of discussions held during the seminar emerged the idea to create a Parliamentary Front for the Freedom of Sexual Expression. As Marsiaj (2006:175) shows, an examination of the membership of the Parliamentary Front highlights where support for sexual minorities lie. Of the 85 members of the Parliamentary Front (76 federal deputies and 9 senators), 56% are from the PT. Members from leftist parties account for 81% of the Parliamentary Front.

The fourth effect of the election of Lula and the Workers' Party is the response to commitments made by the country to international bodies and treaties. In July 2003, the Secretariat of Policies for Women (SPM), the Ministry of External Relations, the Ministry of Justice, and women's organisations presented to the CEDAW committee a combined initial, second, third, fourth and fifth periodic report. Since the return of democracy in 1985, no other administration had presented a report to the committee, even though Brazil had been a signatory of the Convention since 1984. The combined report gave an overview of measures adopted by the government in compliance with the Convention, covering a period of 17 years. The SPM assumed this commitment in 2003 and has been presenting regular reports since then.

Finally, it is not possible to talk about Lula's election and its effect on the fight for gender equality without acknowledging the role of the religiously-based opposition in congress. Although conservative-religious forces have been present in the Brazilian Congress for a long time, an officially organised evangelical caucus called *bancada evangélica* have become increasingly more vocal about gender policy since the PT's election. The *bancada evangélica* is an inter-party grouping composed mainly by members of various Pentecostal and neo-Pentecostal churches and also some historical protestants (Freston 1993, Reich and Santos 2013). With a highly gendered moral/religious discourse, the *bancada* at times joins forces with moralistic Catholic deputies to block legislation such as gay rights, the criminalisation of homophobia and abortion liberalisation¹⁴.

¹⁴ Souza (2014:55) shows that although some evangelical groups are a little more flexible and are willing to accept abortions in certain situations (e.g. the Presbyterian and the Methodist Church), in terms of numerical representation in congress the historic Protestant churches currently do not have much strength. The Evangelical majority in Brazil during Lula's government came from Pentecostals and later one from the so-called Neo-Pentecostals. Besides being resistant to the expansion of proposals regarding pregnancy interruption, caucus' members frequently also propose laws to try to prevent women from access to legal abortion.

According to Friedman (2009), the impact of the mobilisation of religious group in congress means that whilst trying to balance demands of political allies, left-wing executives often seem unable to back a policy that deeply challenges gender roles and religious belief (2009:428). Although part of the executive in the Lula Government was quite sympathetic to the feminist agenda, the same was not true of the national Congress. Cole and Phillips (2012:389) show that Lula had consistently tried to fulfil international commitments made by the country and commitments made to the feminist movement¹⁵. For the first time, a Brazilian president took on responsibility for implementing international commitments, especially those endorsed by Brazil at the 1995 Fourth World Beijing Conference on Women, and the CEDAW commitments in relation to sexual and reproductive rights (Simões and Matos 2009:108). However, although Lula has previously declared in favour of changing abortion laws, after much pressure from religious groups in congress, during his second presidential campaign he became much less vocal on the issue.

The theme of sexuality will define (if not completely then at least strongly) the political agenda of Evangelical parliamentarians. In the 2006 elections a Parliamentary Front to Defend Life campaigned for ‘God’s List’, an account of candidates who answered a questionnaire on abortion, contraception and LGBT rights in accordance with the church’s positions. Moreover, as Souza (2014:54) shows, the Third National Plan of Human Rights (PNDH-3) was targeted by the Evangelical Parliamentary Front in 2010. The Front issued a letter rejecting the decriminalisation of abortion and gay marriage.

Researchers have shown that the executive has proven relatively receptive to pressure by “organised civil society” on the theme of LGBT rights (Schulenberg 2009:13,

¹⁵ Currently, abortion is legal only in the case of risk death of the mother, rape or if the foetus is diagnosed with anencephaly.

Friedman 2009:429, and Carrara 2012:187). Some of the examples of this include the federal Programme to Combat Violence and Discrimination against LGBT persons known as 'Brazil without Homophobia'. Furthermore, Friedman (2009) shows that Brazil has been at the forefront of international and regional developments on sexual rights. The Brazilian delegation to the UN's Commission on Human Rights proposed the 2003 resolution on 'Human Rights and Sexual Orientation' that called upon member states and the UN itself to 'promote and protect the human rights of all persons regardless of their sexual orientation'. The Special Secretariat for Human Rights has advocated within MERCOSUR for state and regional action against discrimination, and in June 2008 Brazil presented Resolution 2435, 'Human Rights, Sexual Orientation and Gender Identity', to the General Assembly of the Organisation of American states (OAS). However, even though the executive seemed to be open to change during Lula's presidency, legislative change remains elusive. According to Carrara (2012:187), although the issue of LGBT rights has gained great attention, it has given rise to a crisis in the relationship between the branches of government. The support from the executive has brought some change, but backlash from the *bancada evangélica* has stopped legislation from being passed in the congress. Moreover, members of congress have clashed with the judicial branch, as was the case concerning stable unions for gay couples. Federal deputies accused the Court of invading their jurisdiction and Justices claimed that Congress is failing to meet its role in the consolidation of a democratic society.

Dilma Rousseff's First Term in Government

Following the 1964 coup Dilma Rousseff joined various left wing and Marxist guerrilla groups that fought against the military dictatorship in the late 1960s and early 1970s. Between 1970 and 1972, Dilma was eventually captured, and jailed. After

her release, she helped found the Democratic Labour Party (PDT). Throughout the 1980s and 1990s Dilma was appointed to a number of key positions, including the State Secretary of Mines and Energy in the state of Rio Grande do Sul. It was as State Secretary that Dilma started receiving attention from the Workers' Party and Lula. In 2000 she left the PDT and joined the PT, continuing her term as State Secretary. In 2003, the then recently elected president Lula appointed her Minister for Mines and Energy. In 2005, after the mensalão scandal (a vote-buying case of corruption) rocked the PT's political structure, Lula appointed Dilma to the most important cabinet role in the country - his Chief of Staff. From that moment on Dilma started being seen not only as a powerful cabinet member but also as a potential presidential candidate. As the constitution only allows presidents to be re-elected one time, Lula needed to find a suitable successor (Fernandes 2012).

Jalalzai and Santos (2013) show that because Dilma was relatively unknown in national politics (outside the PT political circle), Lula had to work on "selling" her as the natural choice as his successor. Given his popularity in the country, it made sense to develop a campaign strategy framed around the idea that Dilma's presidency would be a continuation of his. Her position as Lula's Chief of Staff increased her popular exposure, especially since she was the first woman to occupy that position (Fernandes 2012:119-120). According to Araújo (2010), dependence on male support is a factor for women candidates, especially those running for higher political positions. Family connections are a significant factor that contributes to the entrance of women in the political arena and their election in Brazil. Although Lula and Dilma are not related by blood, patriarchal structures are promoted by the presence of "personalist ties" in Brazilian politics (Cleary 1999:17). In fact, polls conducted prior to the official electoral period indicated that Dilma had little chance of defeating her main opponent, José Serra from the PSDB. Serra is the former governor of São Paulo and in February 2010 was way ahead of her with 41 per cent of vote

intentions. This was however turned around after a long campaign and extensive public endorsement by President Lula.

Dilma was elected Brazil's first woman president for the 2011-2014 legislature in October 2010, with over 55 million votes¹⁶. As she took office on the 1st of January 2011, she gave the following speech: "By the sovereign decision of the people, today will be the first time that the presidential sash encircles the shoulders of a woman.... I am immensely honoured by this choice the Brazilian people have made, and I recognise the historic significance of this decision... I am not here to boast of my own life story, but rather to praise the life of every Brazilian woman. My greatest commitment, I repeat, is to honouring our women, protecting our most vulnerable people, and governing for everyone". According to Jalalzai and Santos (2013:16), Dilma offered Brazilian women enhanced symbolic representation, as she herself seemed aware of the importance her presidency would have on the self-esteem of women in the country as a whole, and on the confidence of women seeking positions of power.

The election of a woman for president however did not have a significant influence in the size of the women's caucus in congress in comparison with Lula's presidency. Forty-five women were elected for the Chamber of Deputies and eight for the Senate. The PT continued to be the party that elected most of them. Women were elected from fourteen different parties for Federal Deputy and six different parties for Senator. The PT elected nine Federal Deputies and three Senators (22.7% of the total number of women). The PMDB came in second place in the number of women elected with 13.2% of the total. However, the real difference came in terms of cabinet positions. Dilma appointed more women to her cabinet in her first four years than any other president. The government of

¹⁶ Dilma was re-elected in October 2014 for the 2015-2018 legislature.

Brazil lists thirty-eight cabinet positions. While twenty-four head ministries, fourteen occupy cabinet level offices including some senior aids such as the Chief of Staff. She appointed a total of twelve women in four years - nine women for her initial cabinet assignments and three more throughout the course of the legislature. Dilma appointed more women in four years than Lula did in his entire eight-year administration. As we have seen, Lula had previously appointed a total of eleven female ministers during his eight-year term, which was already more than all other democratic elected presidents combined. “While this hardly represents record highs for women in cabinet in positions worldwide, this is a record for Brazil” (Jalalzai and Santos 2013:17).

Dilma continued to signal her commitment to gender equality through the announcement of a few different programmes, especially aimed at low-income women. She established in 2012 the Rede Cegonha (the Stork Network). The programme aimed to increase social assistance to pregnant women and new-born babies and diminish infant and maternal mortality. In commemoration of International Women’s Day in 2012 she also announced the enactment of a Provisory Decree stating that, in the case of divorce, a house acquired through the Minha Casa Minha Vida programme (My House, My Life - a programme established by former President Lula with the intent to provide home loans and grants to low income families) would be property of the woman in the relationship. On the 13th of May 2012, while making a speech commemorating Mother’s Day in Brazil, Dilma announced the program Brasil Carinhoso (Caring Brazil) a complement to Bolsa Família’s¹⁷ cash transfers for families with children under six years old and in extreme

¹⁷ Bolsa Família (Family Allowance) is a social welfare program of the Brazilian government, part of the Fome Zero network of federal assistance programmes. Bolsa Família provides financial aid to poor Brazilian families. If they have children, families must ensure that the children attend school and are vaccinated. The program attempts to both reduce short-term poverty by direct cash transfers and fight long-term poverty by increasing human capital among the poor through conditional cash transfers.

poverty. Finally, she introduced Provisional Decree 593 on the 6th of December 2012. It became law 12.816 in June 2013. The bill added changes to Law 12.513 from 2011, establishing the National Access Programme for Technical Education and Employment (Pronatec). The bill determined that teenage girls and women that are heads of family and are beneficiaries of the Bolsa Família, or other federal income transfer programmes, should have priority in accessing the programme.

Jalalzai and Santos (2013:29-30) show that several of Dilma's gender related policies extend back to Lula's administration and correspond closely to the Workers' Party platform. While the PT has grown substantially and moved more towards the centre (Hunter 2007), it has done so while increasingly appealing to marginalised groups, including women. She claims that evidence indicates that Dilma has gone a bit further than other presidents (including Lula) in promoting women's substantive representation. One example is the deliberation of bill number 60 from 1999. The bill was proposed during former president Fernando Henrique Cardoso's government by Federal Deputy Iara Bernardi from the Workers' Party. The bill deals with the subject of sexual violence and establishes that hospitals should provide victims with multidisciplinary care for control and treatment of the different impacts of the crime. They should provide immediate diagnosis and repair of any physical damage, medication to prevent pregnancy, medication to prevent sexually transmitted diseases, information about the right to abortion, and collection of material for DNA testing in order to identify the aggressor. The bill was filed and retrieved several times during previous governments before becoming a law during Dilma's government in 2013. The bill passed during the celebrations of the international Women's Day on the 8th of March, it was widely supported by the women's caucus and the feminist movement with several deputies speaking in its favour during deliberations. Federal Deputy Iara Bernardi from the PT declared that the passage of this law was the

product of a negotiation that counted on the support of the caucus, ministers, the president and other members of the executive. However, members of the *bancada evangélica* together with a few Catholic deputies asked president Dilma not to sanction the law, as it was against the values endorsed by them. Several religious organisations protested the passage of the bill. President Dilma however sanctioned the bill without amendments.

Finally, the National Conferences on Policy for Women initiated during Lula's government continued during Dilma's administration and the Third National Conference on Policies for Women was held in 2011. Moreover, the Secretariat of Policies for Women together with other ministries also continued to produce periodic reports to the CEDAW committee. However, although Brazil has used executive branch resources to promote rights when legislative avenues are closed, backlash from religious groups still slow change. The previously seen increased participation of the *Bancada Evangélica* in congress with Lula's election became even more evident after the 2010 election. As Souza (2014) shows, "the more explicit participation of Evangelicals in Brazilian politics brought greater emphasis to the political arena to the theme of sexual morality, which persists despite countless social changes about sexuality in the 21st century" (Souza 2014:52).

In line with the PT ideological position that abortion should be legalised, Dilma stated before and during part of her campaign that women should have the right to choose. However, during the 2010 presidential campaign, various religious groups mobilised against Dilma's election based on the fact that she would be favourable to the criminalisation of homophobia and the decriminalisation of abortion (Fernandes 2012:121). To deal with the backlash, Dilma presented statements favourable to the non-execution of controversial issues that were rejected by Pentecostals, showing clearly that the religious population could influence and/or set the election. By September 29, 2010, two days before the first round of elections, she claimed to be personally against abortion.

The same can be said for Dilma's position regarding gay marriage. While she was at first favourable to the legalisation of civil unions, she positioned herself against it at the end of her campaign (Fernandes 2012:121). Since her election, Dilma has kept a fairly low profile regarding these issues¹⁸.

Although Dilma's leadership style appears to be guided by gender consciousness, substantively she has not been successful in influencing more controversial gendered issues such as abortion and gay rights (Jalalzai and Santos 2013:29-30). As Soares (2012) shows, the controversies developed during elections have acquired strength and gained ground in recent years, when the country observed the progress of democratic institutions that allowed greater visibility to social minorities. The importance of the evangelical vote could not be ignored as it compromised the outcome of the first round in the 2010 elections, when it was hoped that Dilma would win without need for a second round. Although the campaign against the candidacy of Dilma was reversed, the involvement of evangelicals in the political space has not ceased in the electoral race. "Outside that period, the evangelical bench has acted expansive, rebellious and influential of the formation of public policy" (Soares 2012).

Conclusion

This chapter presented the mapping of the historic background and the basis for the research on the actors, relationships and networks that influence outcomes in terms of gender policy in Brazil. We explored key facts such as the PT's affinity with the women's movements in Brazil since the 1980s. By the 1990s the PT had become the party that most

¹⁸ Souza (2014:58) shows that in her first administration (2010-2014), 66 Parliamentarians claim to be Evangelicals, eight of which are women. The party with the greatest representation of Evangelicals is the Christian Socialist Party – PSC.

consistently adopted and promoted the feminist agenda. However, the transition to democracy in the 1980s and 1990s was characterised by rule from the centre and right, with the left being largely out of power. An important change in the political context came with the election of the PT in 2003. The party has been in government since.

The first government that will be analysed is the Cardoso government (1995-2002). We have seen that immediately upon taking office, the Cardoso coalition embarked on a plan of neoliberal reforms and adopted a heavily market-oriented programme, which focused mainly on economic stabilisation. This resulted in an indifference to the social agenda and women's demands. As a response, congresswomen organised themselves in congress through a cross-party women's coalition to secure the introduction of important women's rights and gender-related policies. As a strategic tool to convince an indifferent government, lobby for change, and neutralise their domestic opponents, they drew on international gender norms. The beginning of preparations for the Fourth World Conference on Women held in 1995 provided an excellent opportunity to strengthen feminist and women's movements.

The second government to be analysed will be the Lula government (2003-2010). We have seen that throughout the period of democratic transition and consolidation the women's movements supported the party, assuming that it would carry their agenda forward if it finally managed to reach national power. Indeed, in terms of gender, Lula's election had an impact on many different levels: 1) at the electoral level; 2) in the composition of his cabinet; 3) in the consolidation of women's national machineries; 4) in the government's response to its international commitments; 5) and the rising backlash from religious groups in congress.

Finally, the last government to be analysed in the research will be the Dilma government (2011-2014). We have seen that the election of a woman for president for the

first time did not have a significant influence in the size of the women's caucus in congress. The real difference came in terms of cabinet positions. Dilma appointed more women to her cabinet in her first four years than any other president. She continued to signal her commitment to gender equality through the announcement of different programmes (especially aimed at low-income women) and continued with the National Conferences on Policy for Women. However, although Brazil has used executive branch resources to promote rights when legislative avenues are closed, backlash from religious groups still slow change. The previously seen increased participation of the *Bancada Evangélica* in congress with Lula's election has become even more evident since the 2010 election. As a result, she has not been successful in influencing more controversial gendered issues such as abortion and gay rights.

The description of the historic background is used to provide a basis for the analysis of the forces influencing the passage of gender policy presented in the next chapters. Based on the outline of the relationships and networks described here my analysis is constructed around the effects and changes seen in the role of 5 variables throughout different governments. The variables are: legislative agenda control, the elected executive, the women's caucus and women's movements, international agreements, and religiously-based opposition in congress. The next chapter will show how these variables will help to explain processes and outcomes in terms of gender policy in Brazil and the methodology used in the research.

Chapter 2

Theories and Methods

This chapter presents the methodology and data that will be used to analyse the forces influencing processes and outcomes in terms of gender policy deliberated in the Brazilian Chamber of Deputies. I present a description of the case study and the five variables used in the analysis to account for the impact of local and global political conjunctures and institutional contexts: legislative agenda control; the executive; the women's caucus and women's movements; international agreements; and religiously-based opposition in congress. In order to measure the changes in policies, I chose the case study approach by comparing three different governments – 1995-2002, 2003-2010 and 2011-2014. These five variables were identified based on the analysis of the historic background and represent the most prominent forces influencing the process of deliberation in gender policy in Brazil in the past 20 years. The relationships and dynamics between them help to understand the institutional and political context and what determines whether and how gender policy is proposed, is voted on and becomes successful. We will now look at how the variables were collected, used in the analysis and how their impact will be measured.

Methodology

In order to create the dataset for the analysis, I started by sending a request to the Brazilian Chamber of Deputies asking for a list with all the bills (Federal Laws – Ordinary and Complementary, Provisional Decrees, and Amendments to the Constitution) presented in the Chamber of Deputies from the first day of President Cardoso in office (1st of January 1995) to the last day of Dilma's first term in government (31st of December 2014). I read

the descriptions of all 41,788 bills in order to identify those that fit the category of gender bills based on the theory set out in the introduction, and bills that have been traditionally supported by the women's caucus and women's movements in the country. These are women's rights bills and feminist bills. I also included 'anti-feminist' bills, which are those that seek to inhibit role changes (Gelb and Palley 1996), as they help to understand the role of opponents of change.

In total there were 1,561 gender bills. The first period (Fernando Henrique Cardoso's government, 1995 to 2002) had 491 bills. The second period (Lula's government, 2003 to 2010) had 595 bills. The last period (Dilma Rousseff's first term in government, 2011 to 2014) had 475 bills. Of all these bills, from 1995 to 2014, 111 were enacted. I created 3 different datasets; one with all 1,561 gender bills introduced (enacted, rejected or that were still being deliberated¹⁹) from 1995 to 2014, one with all 111 gender bills enacted from 1995 to 2014, and one with the responses of interviews done with members of the women's caucus. I categorised all 1,561 gender-related bills using the following variables:

- The bill's situation - if it passed, was rejected or is still being deliberated (as of January 2015)
- Who presented it
- The party of the person who presented the bill
- If that party was part of the government coalition
- If the person was a member of the women's caucus
- If the bill was declared ordinary, special, priority or urgent by party leaders

¹⁹ The term "still being deliberated" is used throughout the research to refer to bills that were being deliberated as of January 2015.

I also classified the bills into 10 categories based on their content: Violence against women and girls; Economic equality and employment benefits; Health; Marriage, children and family; Reproductive rights; Representation and Political rights; Women in conflict with the law; Gay rights; Honours bills; and Anti-feminist bills. These were the 10 distinct themes that I identified as having been discussed during the period.

For the dataset with the 111 enacted bills, I produced a detailed examination of bill content. I looked at all the variables presented above plus any procedural information on the bill, the media, speeches in the Chamber of Deputies, documents produced by social movements, advocacy groups and the women's caucus, international reports and recommendations, the National Plans on Policies for Women, government programmes, and whether there were speeches or news reporting on backlash from religious groups. The description of the context surrounding their passage is presented on the 'Notes on the Content of Enacted Bills Analysed' at the end of the thesis, and is done in order to 'tell a story' of the institutional and political context surrounding their passage. This will entail the specification of contexts, the collection and analysis of evidence, and the theorisation of political relationships (Lovenduski 2011:vii,x). All of these sources were in Portuguese so there was a high amount of translation from primary and secondary sources.

I then created the dataset of the 111 enacted bills based on the following variables:

- The theme of the bill
- Who presented it
- What was the party of the person that presented the bill
- If that party was part of the government coalition when the bill was presented
- If that party was part of the government coalition when the bill passed
- During which government the bill was presented
- During which government the bill was passed

- If the person who presented was a member of the women's caucus
- If the bill was considered under ordinary, urgent priority or special procedures
- If it was supported by the women's caucus
- If it was supported by the executive
- If it was part of the National Plan on Policies for Women
- If it was part of an international agenda
- If it received backlash from religious groups in congress

Finally, for the interviews with members of the women's caucus I asked questions such as whether they considered themselves right, centre or left-wing; whether they had any involvement with social movements; asked about their religion; if gender equality was part of their priorities; and asked about their personal opinion on the importance of the support or opposition of the variables described here (legislative agenda control, the executive, the women's movements and caucus, international organisational organisations and religiously-based opposition) in legal innovation in terms of gender equality.

The methodology and theory behind the use of the five variables representing the forces influencing policy outcome is described below:

First Variable: Legislative Agenda Control

Political parties play an important part in the analysis of the forces influencing the passage of gender policy. This is because of their role in the political socialisation of citizens, and development, coordination and representation of interests and ideological perspectives in political spheres (Sacchet 2005, 2007). However, the degree to which political parties promote gender-related policies and incorporate a gender perspective varies depending on their ideology, on the degree to which they are institutionalised, on the level of coordination and mobilising dynamics of their gender actors, and on the existing

internal and external political conjunctures. Although some party ideologies may offer greater opportunities to pursue feminist policy concerns, prospects for success often depend on aspects of the political climate, including local trends and/or the presence of women's caucuses and women's policy machineries (Childs and Krook 2009:129-130).

In the case of Brazil, Power and Htun (2006) have shown that historically there had been a general lack of interest in the subject and gender policy has therefore not been considered a priority. According to Macaulay (2006), parties have historically filtered feminist claims through both commission and omission, 'neither actively promoting nor blocking access to political rights, creating a political habitus that can absorb a gender equality and equity agenda without much resistance, yet that support may just as easily leach away due to these characteristics' (2006:56). However, in 2003 the country changed from the rule of a centre-right government to the rule of a centre-left government. Many researchers have claimed that there is a tendency for Left and centre-left parties to be more open to women's demands (Caul 1999, Norris 1993, Waylen 2003, Toole 2003) and more hospitable to women politicians (Duverger 1955). Historically left-wing parties, movements, and governments have an uneven record with regard to women's rights, as well as to their proponents (Friedman 2009:415).

The ideology of the presidential party is important as it has the potential to create a more or less gender friendly environment. According to Swers (2002:17), formateur party membership provides congress members with more opportunities to gain leadership positions within committees and to generate action on one's priorities on a range of issues. The most significant way presidential parties and coalitions can influence the outcomes of policy in the Brazilian context is through the power of party leaders in defining the legislative agenda. Scholars such as Figueiredo and Limongi (1999, 2000, 2002), Santos

(1997, 2003), Amorim Neto et al (2003), and Pereira and Mueller (2004) theorise about the power of party leaders in influencing legislative outcomes in Brazil.

Throughout the 1990s and early 2000s there was an accepted notion that the Brazilian electoral legislation encouraged an anti-party behaviour, with the political system providing politicians with an environment where they could operate in ways that maximised their autonomy in relation to their parties, and constantly vote against the party line. Scholars such as Giovanni Sartori argued that ‘probably no country in the world is currently as anti-party, both in theory and in practice, as Brazil. Politicians relate to their parties as a ‘partido de aluguel’, as a rental. They freely and frequently change party, vote against party line, and refuse any kind of discipline on the grounds that their constituency cannot be interfered with. Thus, parties are powerless and volatile entities, and Brazilian presidents are left to float over a vacuum, an unruly and eminently atomised parliament’ (Sartori 1994:113). Furthermore, the electoral legislation, a variant of proportional representation called open-list PR²⁰, helped to create a lack of discipline. All of this was seen as undermining the role of parties and party leaders, and according to Ames (2001), the electoral system in Brazil created an individualistic and inefficient congress with fragile political institutions. The country's "deadlock of democracy" meant that policy changes reflected executive action and rarely resulted from congressional initiatives (Ames 2001).

²⁰ In contrast to a closed-list system, in open-list systems parties do not rank their candidates, and the electorate vote for individuals rather than parties. Seats are then distributed first to parties according to the total number of votes they and their candidates get, and then within parties according to the number of individual votes each candidate has received. The situation is complicated in elections in the Chamber of Deputies as parties are allowed to present a list with up to one and a half times the number of available seats, causing high intra-party competition. Since in open-list PR campaigns the focus is on individual candidates instead of the party, the election of a given candidate will then depend on his or her performance in relation to other members of the same party or coalition.

Figueiredo and Limongi (1999, 2000, 2002) however challenged this view highlighting the importance of parties through the College of Leaders in influencing legal innovation and controlling individual politicians' autonomy. According to the Chamber standing orders, each party leader is elected every two years by the majority of his/her caucus. Part of the Legislative branch of government, the College of Leaders is an auxiliary organ to the speaker in tasks relating to the organisation of legislative process. It is composed of the speaker of the Chamber of Deputies and party leaders. One of its main functions is to create the agenda of legislative proposals to be considered each month. After the 1988 Constitution, the College of Leaders was created in order to support the Chamber's Board of Directors in matters related to the assembly's voting schedule (Santos and Rennó 2004:57). Party leaders have two important routes to define the agenda and influence legislative outcomes: through the committee system and through the use of urgent procedures.

The committee system

Pereira and Mueller (2004) claim that committees play an important informational and gate-keeping role in the Brazilian Chamber. Under ordinary procedures, the Chamber of Deputies director's board sends all the legislative propositions to committees for written review that are in turn submitted for voting. Every proposed bill is first analysed by one or more technical committees according to its subject, and all bills eventually have to be analysed by the Constitution and Justice Committee. In each committee, a rapporteur is appointed and produces a report evaluating the legality, constitutionality, and merit, suggesting either the approval or rejection of the bill. The rejection of a written review in the committee or the non-deliberation of a bill in the same legislature results in the bill being automatically filed. The report has to be approved by members of each committee

and only after that can a bill be either sent to the floor for voting or, as is the case for most gender bills, continue to be deliberated inside the committees. Pereira and Mueller (2004:18-19) show that the Brazilian Constitution of 1988 endowed the standing committees with a procedural instrument that could, potentially, provide them with an important source of power; conclusive (or terminative) power. This allows the committee to approve a project directly, exempting it from having to be voted by the floor. This institutional innovation was 'an attempt to unburden the legislative agenda and make Congress more effective and productive' (Figueiredo and Limongi 2000:74,82)²¹.

Pereira and Mueller (2004) show that the internal rules of the Chamber of Deputies has guaranteed a central role to the College of Leaders in the conduct of the legislative process and the definition of the committee system. Party leaders are in charge of choosing committees' president, vice-president, secretaries and rapporteurs. Although officially those positions are chosen through secret ballot by an absolute majority of votes among committee members, in practice they are chosen by leaders. The composition of standing committees must take into account the proportion of each party's representation in the House, with larger parties having a higher number of members in each committee. An informal rule also dictates that chairmanships of the most important committees should be granted in favour of the largest parties. As Santos and Rennó (2004:54) show, intra-legislative rewards such as access to committee chairmanship are clearly part of the roster of resources leaders have to reward allies. Moreover, evidence shows that the executive,

²¹ Most gender bills were voted through symbolic voting. According to the House's standing orders, a roll call vote only takes place in two situations. First, it is mandatory for the most important decisions, such as constitutional amendments and legislation that is supplementary to constitutional norms (*leis complementares*). Second, party leaders may request it. Leaders will force a roll call based on political calculations. They may hope to reverse decisions or to increase their adversaries' political costs by recording their votes. Leaders of parties holding at least 5 per cent of the seats may announce their parties' position on an issue before a roll call vote takes place. Party leaders leave members free to vote their conscience only in a few cases (Figueiredo and Limongi 2000:158).

through party leaders in Congress, stacks certain committees with loyal members (Pereira and Mueller 2004:17).

Party leaders help the Board of Directors not only stipulate the size and composition of committees, but also to refer bills to certain committees (Santos and Rennó 2004:56). The Speaker has the right to establish which, and how many, committees will analyse and give an official report to a specific project. This is important because when more than three standing committees have jurisdiction over a bill a special committee must automatically be created to analyse it. Party leaders also have the power to decisively influence the composition of the special committees. Santos and Rennó (2004) argue that whenever there is a conflict of interests between a party leader and his/her caucus in a permanent committee around a specific bill, the former can try to reallocate this bill through the creation of special committees, thus circumventing obstacles posed by the committee the bill was originally referred to.

As we can see, because of their influence on who gets to be in different committees and to which committee a bill gets to be sent, party leaders have ways of influencing the route taken by bills and who will deliberate on them. This is then, the first way the presidential party and coalition parties will influence policy deliberation, as larger parties usually have the highest number of representatives inside committees and are favoured in the choice for important committees' chairmanship. Swers (2002:54) shows in her research that a closer inspection of whose bills become law highlights the extreme importance of committee position²².

²² Htun and Piscopo (2014:25) argue that research across Latin American countries shows women tend to be clustered in the legislatures' less prestigious committees, which deal with social issues. Women are virtually excluded from powerful committees, such as those distributing federal funds or dealing with economics or foreign affairs (Heath, Schwindt-Bayer, and Taylor-Robinson 2005, Miguel 2012).

Urgent procedures

The second way party leaders influence policy outcomes is through discharging bills from the committees and requesting the use of the urgency procedure. Figueiredo and Limongi (1999, 2000, 2002) highlighted the importance of the College of Leaders in influencing legal innovation by establishing a strong relationship between bills declared under urgent procedures by party leaders and bills enacted in the Chamber of Deputies. As politicians tend to support the decisions of leaders, bills that come to be sanctioned depend, for the most part, on the actions of the leaders. Through an analysis of roll call votes, they show that the mechanisms used by party leaders' that allow them to control the agenda - such as urgency - provide high levels of discipline and predictability. This puts them in a privileged position, being able to influence the definition, priority and timing of the legislative agenda. The urgency procedure forces action on a bill and its importance resides not only in the capacity to bring to the floor bills that are (or may become) "stuck" in committees, but also the capacity to determine what will be decided first.

A bill introduced in the Brazilian congress can be considered under ordinary, special, priority and urgent procedures. Bills considered under special procedures are the ones that propose amendments to the constitution. The amendment must be proposed by at least one third of the members of the Chamber of Deputies or the Senate; by the President; or more than half of the State Legislative Assemblies. All bills that propose amendments to the constitution (PECs) are considered under a special procedure that is more difficult and goes through a longer process than ordinary bills. Bills can be considered under priority procedures if they are proposed by the Executive, the judiciary, the legislative board of directors, the public prosecutor's office, standing or special committees, the Senate, a group of citizens or the author of the bill if they are supported by a tenth of the members or party leaders representing that number. Bills considered under priority procedures have to

regulate constitutional provisions and their amendments; regulate the elections; or change or reform of the Bylaws; A priority procedure waives procedural requirements to determine that a proposition is included and considered in the next session of the agenda, after the proposals under urgent procedures are deliberated. Committees have a deadline of ten sessions to examine propositions in the case of priority and forty sessions in the case of bills considered under ordinary procedures.

Most importantly, party leaders determine which bills are considered under urgent procedures. Pereira and Mueller (2004) explain that the urgency petition is equivalent to a discharge petition in the US Congress. However, in contrast to the discharge petition in the US Congress, the request for urgency in the Brazilian Congress is widely used (2004:15). When an urgency petition is requested for a bill, a committee is given two sessions (45 days maximum) to examine and work the bill before sending it to the floor. Through urgency petitions the bill will be put to a vote in the next legislative session whether the committee has concluded its report or not. Although the committee may request two additional legislative sessions to examine the bill, in practice this rarely happens.

According to the internal Chamber rules, an urgency request is sent to the Board of Directors by the College of Leaders. The weight of each leader's vote depends on the size of the caucus under his/her leadership (Santos and Rennó 2004:57). It is also the leaders who select the amendments to be submitted for a vote, combine the text of existing amendments, and establish agreements that allow them to overcome impasses that might emerge. Since deliberation of the college of leaders precedes the deliberation in the committees (as they decide which bills will stay in the committees for discussion and which will be discharged), the support of members of Congress in many cases depends on the results of previous negotiations between the leaders (Figueiredo and Limongi 2000:160).

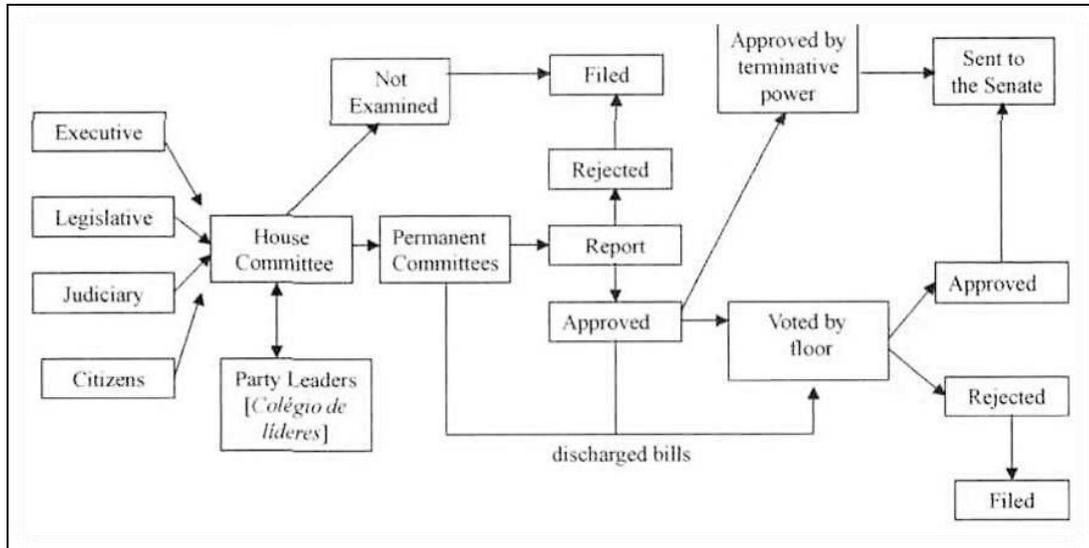


Figure 1 - The ordinary path taken by bills in the Brazilian National Congress

Source: Figueiredo and Limongi (1996) “Congresso Nacional: Organização, Processo Legislativo e Produção Legal”

Based on the importance of the role of party leaders and the routes chosen for the deliberation of gender-related bills, the research will look at committee work, the procedure type assigned to bills, and the discrepancy in support from different parties. The analysis of committee work is based on the examination of bill content (see: ‘Notes on the content of enacted bills analysed’) for enacted bills²³. This will help to understand party leaders’ work by clarifying whether a bill was ultimately analysed and voted on from within the committee, or party leaders chose to discharge them from committees. Moreover, it will help to understand whether special committees were created for the deliberation of certain gender bills and the level of success of bills deliberated by such committees.

To assess whether a gender bill being declared ordinary, special, priority or urgent predicts its enactment, a series of cross-tabulations and regression models will be used. This will illuminate not only how gender bills get to be enacted, but also why party leaders

²³ This is done only in the cases of enacted bills, as only in such cases it is possible to provide a full account of the context surrounding their enactment. In the case of rejected bills there is not enough procedure information made available by the Chamber of Deputies to provide an accurate account of committee work.

choose to declare certain bills urgent. That is because the influence of the other variables on support from party leaders will be taken into account. As all variables presented here might exert some influence on each other, the analysis will look at the effects of the other variables on urgency to understand whether being supported by the executive, the women's caucus, receiving international attention or being rejected by religious groups will have any influence on whether party leaders declare a bill urgent or not (see figure 2).

Finally, the analysis will also look at the discrepancy in support for gender bills from different parties. That will be done by looking at whether certain party leaders had a tendency to see gender more as a priority than others, whether different party leaders presented and enacted more gender bills than others, and in contrast, whether some presented more anti-feminist bills than others.

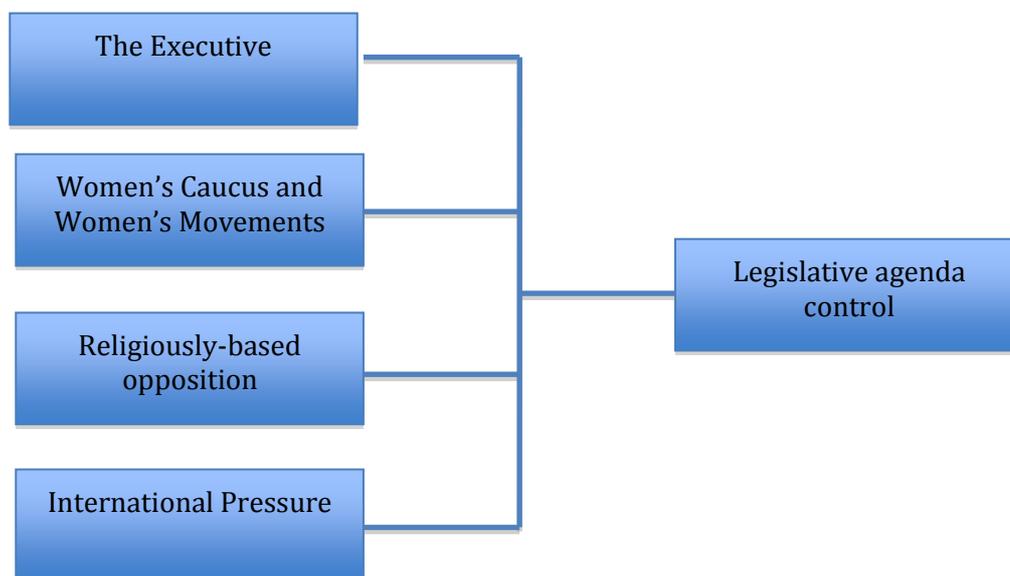


Figure 2 - Theoretical agents affecting legislative agenda control

Second Variable: the Executive

The elected executive and its relationship with the legislative also play an important part in the analysis of the forces affecting the deliberation of gender policy. This variable

will be used in the analysis to assess how the executive's ability to affect policy varied based on ideology, the institutional spaces created and general level of interest displayed by the different elected offices. According to Dodson (2006:42) control of the executive branch matters, for although technically an outside actor, the administration has an insider's advantage in setting the agenda, shaping policy, and determining whether bills passed by congress become law. To assess the role of the executive in the enactment of gender policy, the analysis looks at agenda control by the executive in two ways: first, it looks at whether a bill was presented by the executive itself, whether the executive openly declared its support for the bill, and whether bills presented by the executive received a different treatment by party leaders and the legislative in general (chapters 3, 4 and 5). Second, the analysis will also look at the importance of the creation of institutional spaces by the executive such as Women's Policy Agencies (chapter 6).

Executive control of the legislative agenda

According to Pereira and Mueller (2004:23-38), the most salient feature of the Brazilian Congress is the ability of the executive to pursue its preferences in the legislative process. The 1988 constitution awarded a range of agenda control tools to the executive branch (2002:163), making many exclusive 'reactive' and 'proactive' legislative powers available to the president (Shugart and Mainwaring 1997). Amongst other powers, the executive is able to initiate legislation (and has the exclusive right to initiate certain types of policies²⁴), veto legislation wholly or in parts, and make use of provisional decrees (medida provisória). The provisional decree has 'immediate force of law' and must subsequently be passed in congress within thirty days (Santos and Vilarouca 2003:70).

²⁴ Mainwaring (1997:61,62) shows that, as Congress is not permitted to initiate projects that are not included in the president's budget, presidents can obstruct the allocation of resources for the programmes that they might oppose.

Another important tool used by the executive to control the legislative agenda is their relationship with party leaders. Given one of the most fractionalised systems in the world, it is almost a certainty that the party of the Brazilian president will never control a majority of the seats in Congress. To deal with that, presidents govern through what has been called “Presidencialismo de Coalizão” (coalition presidentialism). The party leader, in this setting, functions as an intermediary between the executive branch and legislators. The former needs congressional support for the approval of its policy proposals and the latter need monies that benefit their constituencies. “The leader informs their caucus about the executive's policy priority and conveys information to the president about possible congressional reactions towards these proposals as well as legislators' desires of patronage benefits in exchange for supporting the executive programme” (Santos and Rennó 2004:55-56).

Figueiredo (2007:202) shows that to be a coalition government, all it takes is for the party forming the government to offer ministerial posts to other parties, which, by party decision rather than individual decisions, are accepted. Consequently, these parties join the Executive and legislative support is expected. The core insight of coalitional presidentialism is that presidents must behave like European prime ministers. Executives must fashion multiparty cabinets and voting blocs on the floor of the legislature (Power 2010:19-27). In Brazil, it is widely acknowledged that coalitional presidentialism has become the ‘best practice’ of executive-legislative coordination under the presidencies of Cardoso, Lula and Dilma. Since 1995, it has become routine for presidents to command the allegiance of up to 70 per cent of deputies in the lower house (Figueiredo 2007:190). Legislative coalitions are therefore not only ‘oversized’ (meaning that they accumulate more nominal members than what would be necessary to pass legislation), but also ‘disconnected’ (meaning that the parties that compose the alliance are not ideologically

adjacent to one another). 'Oversized and disconnected coalitions are thus insurance policies: the goal is to protect the president's legislative programme via various forms of political overcompensation' (Power 2010:19-27).

Scholars (Figueiredo and Limongi 1999, Amorim Neto, Cox, and McCubbins 2003) have shown that the institutional tools and resources available to the Brazilian executive are substantial enough to help correct for party fragmentation, and '(...) proportionality in cabinet shares is the equilibrium solution for the bargaining problems faced by presidents and parties regarding the division of the executive pie' (Amorim Neto 2002). Through negotiations with party leaders 'the extensive legislative powers of the president allows the executive to exert some control of the legislative agenda, affect a legislator's capacity to pursue particularistic policies, and restrict the legislature's transformative power' (Figueiredo and Limongi 2000:159).

Figueiredo and Limongi (1999, 2000) show that rather than stress their two independent variables separately (presidential power and the existence of centralised leadership in the lower house), they stressed the interactive effect of having enhanced presidential power and centralised legislative organisation at the same time. This model allowed them to claim that 'parties matter' and that presidents negotiate with parties and not with individual legislators and/or supra-party groups, and that behaviour on the legislative floor is reasonably predictable and consistent. In sum, this interpretation holds that Brazil is eminently governable: minority presidents possess the means to obtain legislative support through negotiations with the parties. 'Presidents introduce most of the bills approved and can count on political support for their agenda in the congress' (Figueiredo and Limongi, 1999:151).

All these tools help the executive to control the legislative agenda. According to Dodson (2006:42) control of the executive branch may open (or close) windows of

opportunity within the institution, thereby affecting a) prospects that members' attitudes toward gender equality may be turned into positive actions, b) the ease with which they may garner political support for their efforts and elevate these efforts to the top of the political agenda, and c) the intensity of opposition they might face internally for their work on these matters. A sympathetic executive can then use most parties' indifference towards gender issues to ensure that certain bills are enacted. However, although bills presented by the executive are expected to have a high level of success, it is not expected that the executive itself will introduce a high percentage of gender bills. Another efficient instrument for the implementation of gender policy will then be the creation and strengthening of Women's Policy Agencies by the executive.

Women's Policy Agencies

Women's Policy Agencies are state-based mechanisms charged formally with furthering women's status and gender equality. They are "a single body or complex organised system of bodies, often under different authorities, but recognised by the government as the institution dealing with the promotion of the status of women" (Ashworth 1994:05). The power of influence of Women's Policy Agencies has been constantly debated in the study of substantive representation of women as it helps researchers to answer the question of whether institutions matter in terms of representation, democracy, and achieving feminists' goals. Moreover, it helps to evaluate the democratic capacity of the state to include underrepresented groups in the affairs of government (Mazur and McBride 2008:245, 254). Assessing the role of women's policy agencies is important because those are seen as an institutional counter to the gender-biased features of the state.

Women's Policy Agencies can however be more or less effective. Stetson (1995) argues that agencies that have centralised, cross-sectorial approaches to promoting gender equality are the most efficient (1995:288). Women's Policy Agencies must be set up to coordinate women's policies in an authoritative manner, having the power to direct policy making across a number of departments. This suggests that a sub departmental desk in a low-ranking ministry is unlikely to be an effective mechanism for representing women in policy deliberations. A Women's Policy Agency must have a degree of independence, some of its own resources, and positional authority in order to be consistently effective in representing women (Mazur 2005:15). Based on that, the National Council on Policies for Women (CNDM) will not be used in a comparison with the Cardoso government, as the council lost its staff and budget under that administration (chapter 1). Moreover, there is no equivalent document to the National Plan on Policies for Women that clearly state the government positions on gender equality during the 1990s. The analysis of the role of Women's Policy Agencies will then only take into account the impact of the Secretariat of Policies for Women created in 2003.

Because the role of Women's Policy Agencies cannot be assessed for the first government, in order to maintain the same methodology and provide a better comparison across governments, the empirical analysis of data presented in chapters 3, 4 and 5 we will look at: bill introduction by the executive, whether this was an instrument used to guarantee the advancement of an agenda on gender, and cross tabulations and regression models to investigate their use of urgency, their level of success, and which themes and areas are more often presented by them. The analysis of the role of Women's Policy Agencies comes in chapter 6. This chapter presents the comparison between governments and explanation for why certain executives were more successful than others in enacting gender policy. I use the analysis of bill content presented in the 'notes on the content of

enacted bills analysed' to understand how the creation of new institutional contexts influenced outcomes in terms of gender policy.

Third Variable: the Women's Caucus and Women's Movements

The third variable influencing the passage of gender policy is the women's caucus²⁵ and women's movements. I will treat the two groups as one single variable, as the work of the women's caucus in Brazil has been heavily influenced and connected to the work and demands of the women's movements. I want to understand how they influenced and were influenced by the political and institutional context. As Swers (2002) shows, 'the ability of congresswomen to express preferences based on gender is highly dependent on variations in the political and institutional contexts, particularly the identity of the presidential party, the relative power of the leadership, the ideological composition of congress, and the public mood' (2002:10,11,15).

Since Hanna Pitkin's (1967) distinction between descriptive and substantive representation²⁶, feminist scholars have explored the connection between the two types of representation (Sapiro 1981, Phillips 1995, Mansbridge 1999), and whether increasing the descriptive representation of women in legislatures would improve the substantive representation of women's interests. Throughout this discussion, many studies on women's influence on the legislative process have demonstrated that women in Congress have had a unique influence on the congressional policy-making process, particularly in the area of gender issues. According to these studies, compared with their male colleagues, women office holders' policy attitudes are more liberal and more feminist (Dodson and Carroll

²⁵ All women in the Chamber of Deputies are members of the women's caucus.

²⁶ Descriptive representation is largely symbolic, with representatives mirroring certain social characteristics of the constituents. Substantive representation refers to the ability of the representative to act for the interests of the represented (Pitkin 1967).

1991, Havens and Healy 1991). Women have opened the national agenda to gender-related concerns by sponsoring and cosponsoring more legislation (Vega and Firestone 1995, Swers 2002), have used their committee positions to advocate for the incorporation of women's interests (Dodson 1998), have demonstrated higher rates of participation in floor debates on women's issues (Tamerius 1995), and have spoken with a distinctive voice on these issues (Dodson 1995, Swers 2002). Studies conducted in some countries in Latin America seem to validate this position (Schwindt-Bayer 2003:117). Htun and Piscopo (2014:25) show that research from Latin America has underscored that female legislators are more likely than their male counterparts to advocate for women's interests.

The same view is shared by some scholars researching gender and politics in Brazil (Alvarez 1990, Verucci 1991, Tabak 1994, Pinto 1994, Grossi and Miguel 2000, Rodrigues 2004, Sacchet 2005, Miguel 2008, 2012, Matos 2010). Research suggests that since the return of democracy in the 1980s, congresswomen have used most parties' indifference over gender issues (Macaulay 2006), especially those from the centre-right and right (Sacchet 2005, 2007), as a means to build coalitions between themselves and across political sectors²⁷. Rodrigues (2004) shows that despite competitiveness and differences in ideology, female representatives have made an effort to come together and at the state level, a collective action for women's citizenship and empowerment has been put in practice (Rodrigues 2004:214). Sacchet (2005) shows that 'by uniting across parties and social sectors inside political institutions, by working strategically on the way they frame their demands, and by making alliances with high-profile political leaders, women are able to achieve support for their demands and to pressurise political institutions into approving gender related policies' (2005:11).

²⁷ Caucuses in the Brazilian National Congress were officially created in the constituent assembly that formulated the 1988 constitution.

Some research however indicates party affiliation better explains legislators' opinions and attitudes towards gender equality (Kittlison 2006). In the case of Brazil, Power and Htun (2006) present findings that suggest that left parties have consistent and programmatic policy positions on controversial gender issues, while women and men are more divided. They argue that 'women, like men, are included in politics through parties. As a result, partisan loyalty will often trump gender solidarity. Parties, particularly programmatic ones like those on the Brazilian left, are the relevant actors in legislative politics, not coalitions of women and men. People advocating a feminist agenda can only hope that the growth in women's leadership in parties will transform partisan interests' (2006:101,102). However, although Htun (2003:07-08) claims that given women's low numbers, the PT and other leftist parties had often been more prominent agents of change on women's rights than even elected women politicians, she also explains that the PT's behaviour reflects years of close working relationships between feminist groups in civil society and PT members. "Due to their common history of struggle against the dictatorship and advocacy for social justice, many PT militants came to internalise and assume, as their own, key elements of the feminist agenda" (2003:07-08)²⁸.

Childs and Krook (2009:131-132) show that although key feminist political theorists have suggested a shared perspective among women as a group to justify calls for greater female political presence, most empirical studies stress divisions among women – such as race, class, age and party affiliation – that prevent the formulation of a collective legislative agenda. They show that these conflicting perspectives and debates on the need

²⁸Campbell, Childs and Lovenduski (2009) add that "it is very often women members of left-leaning parties rather than all women representatives who make the most effort to raise women's issues and concerns". Although party can be a best predictor of attitudes to gender equality, within this the sex of the candidate also matters (2009:173-174).

to establish differences in the behaviour of women and men in political office reveal the importance of context when studying women's substantive representation. Looking at the context means looking not only at who has the intent of advocating women's interest or who proposed more bills on the subject, but also at the process as a whole and how change comes as a result of the influence of several different factors. Women's caucuses or left-wing parties and governments can influence policy outcomes not only by presenting bills or voting, but also by supporting each other's bills or creating institutional spaces for their discussion. As Weldon (2002:1158-1159) shows, policy outcomes are not just a product of the legislators that enact them. They are shaped and implemented by the institutional structure in which they are formed. This institutional structure does not affect all policy ideas in the same way. Legislative success is dependent on institutional rules.

Formal and informal norms can limit or benefit legislators' ability to move from bill introduction to bill passage. Party leaders' agenda control and executive dominance can be an obstacle for legislators on the outside of the majority bloc or an advantage, when the presidential party is sympathetic to the cause of women. Although research in Latin America has emphasised that female legislators are more likely than their male counterparts to advocate for women's interests, they have also shown that across Latin American countries, women are not usually in leadership positions inside parties and tend to be clustered in the legislatures' less prestigious committees, which deal with social issues (Heath, Schwindt-Bayer, and Taylor-Robinson 2005, Miguel 2012). This is important because according to Swers 2002:19 "the translation of preferences into policy is mediated by the position of members within the institution and their relationship to their party caucus and national party constituencies. Representatives' access to committee seats and leadership positions as well as their status as a member of the governing coalition both

limit the range of policies representatives can influence and constrains their likelihood of success (Swers 2002:10-11).

In order to assess how the ability of the women's caucus and women's movements to influence the enactment of policy varied depending on the institutional context, I first checked on bill introduction by members of the caucus, their success rate, their themes, whether they were supported by party leaders and were considered urgent, and members of which parties presented bills. According to Schwindt-Bayer (2010:82,98-99), bill sponsorship has been a common indicator of legislators' policy priorities in research on gender and representation. She shows, however, that although sponsoring bills is an important part of the policymaking process, once bills are on the legislative agenda, they need legislators to support them as they work their way through the policymaking process.

I also classified enacted bills on whether or not they received support by the women's caucus. To do so, I looked at bills that were cited in speeches in congress as supported by the caucus, documents presented by advocacy groups and media on the subject. I used these sources because no caucus in the Brazilian Congress, even those that meet regularly, has permanent staff or a fixed membership list. Their agenda is not officially defined. Moreover, there is no way to trace politicians' votes on gender issues as those are usually voted on inside committees. They don't go to the floor, much less are voted through roll call. I will provide cross tabs and regression models in order to understand how the demands of the women's caucus and women's movements were met by the three different governments. In order to understand the effects of the political context, I will investigate the relationship between the women's caucus and women's movements and the other variables: whether party leaders supported certain bills because of pressure from the caucus, which themes are more commonly presented and supported by the caucus over time, which parties are the most supportive of bills presented by the

caucus and which parties have the most members of the caucus, how the caucus relates to international forums, and how the women's caucus demands are more or less affected by religiously-based opposition in congress.

Finally, I have also interviewed some members of the women's caucus in the Chamber of Deputies in the last legislature (2011-2014). My questionnaire was designed to assess their personal opinions on the importance of the support/backlash of each category (legislative agenda control, the executive, women's caucus, international pressure, and backlash from religious groups). The analysis of the responses of insiders' opinions and preferences towards gender in conjunction with other methods is an important tool in a comparison and can shed light on the quantitative findings.

Fourth Variable: International Organisations

The fourth variable in the analysis of the forces affecting gender policy processes and outcomes will be the influence of an international agenda on gender over the past 20 years. I want to understand how the dynamic between the national and international contexts influenced gender related policy deliberation in the Chamber of Deputies. This is because as Htun and Weldon (2007) show, poor countries seeking financial capital and legitimacy are usually more susceptible to international pressure, as they are under stress to demonstrate their 'democratic and human rights credentials' (2007:11).

Research on a number of countries shows that a vibrant domestic feminist movement can use international conventions and agreements to influence policy-making. Strong local movements bring home the value of global norms on women's rights and international treaties alter the expectations of domestic actors and strengthen, and in some cases even instigate, domestic mobilisation. Norms create standards in global civil society, create shared expectations in regional communities of nations (such as Latin America), and

mobilise domestic civil society (Simmons 2009). Htun and Weldon (2013) show that there are three distinct mechanisms by which the norms of an international society might affect national policymaking. The first of these is the influence of global treaties and documents, such as CEDAW, on women's rights within states. Second is the influence of regional agreements on violence against women (particularly after certain tipping points are reached); and third, regional pressures for conformity, captured as diffusion within regions after certain points at which there is widespread support.

Htun and Weldon (2013:245) suggest that autonomous feminist movements are not just helpful, but necessary, to implement international treaties. This is because as Risse-Kappan (1994), Keck and Sikkink (1998), Clark (2001), and Friedman (2005) show, international networks of actors work for change on women's rights in various ways. They fund and train local activists; they pressure governments; they raise awareness of the rights recognised by the treaties; and they share ideas and resources across countries. Treaties give normative leverage to national civil society organisations and at the same time, local activist organisations bring home the value of international and regional treaties. Global agreements such as CEDAW and the Beijing Platform for Action call on countries to reform discriminatory laws and adopt gender equality policies (Htun and Weldon 2012:556-558). Htun and Weldon (2013:245) show that feminist activists magnify the effects of treaties in local contexts by drawing attention to any gaps between ratification and compliance with goals for equality. In the CEDAW process, for example, governments must produce an official report for a UN committee and submit to questioning by committee members. Most of them also have to read the critical 'shadow' reports written by civil society organisations. Even governments with little intention to comply are held to account for their behaviour in a public international forum. In this process, domestic

activists work with international groups and organisations to increase pressure on their national governments, a pattern called the 'boomerang' effect (Keck and Sikkink 1998:12).

As we have seen, in the case of Brazil, domestic players such as the women's caucus and women's movements have used the country's international commitments to pressure for change. Pitanguy (2002:816) argues that international treaties have brought legitimacy and visibility to certain issues and exercise a "moral" effect in Brazil, as grassroots organisations combined with governmental support contribute to policy developments. According to Macaulay (2006:50), the interplay between Brazil's international commitments and national legislation has been dynamic, each influencing the other. During the 1980s women's struggles in Brazil gained momentum, flourishing as the country embarked on the road to re-democratisation (Alvarez 1990). The UN International Women Conferences, such as the 1985 Nairobi Conference, the 1995 Beijing Conference, and the subsequent Beijing +5 and Beijing +10 conferences have continued to provide global support to local feminist demands. The AMB - the 'Articulation of Brazilian Women' - is an example of that, which was created in 1995 precisely to organise Brazilian women's participation in the Beijing Conference (Sardenberg 2009:126,127).

Roure (2009) shows that in the case of Brazil's adoption of the CEDAW, grassroots' organisations combined with governmental support have contributed to such developments as the creation of women's police stations, federal domestic violence legislation, the new Civil Code (2003), legislation relating to employment, maternity and health issues, and several legislative initiatives at state level in different areas. According to Macaulay (2004:15), "the CEDAW has allowed women to form alliances to lobby for ratification, for accession to the Optional Protocol, for submission of the periodic reports or for the implementation of the committee's recommendations". As regional and international conferences often prompt networking within and between countries, women's

alliances form around a broad package of reforms. That means that even if individual representatives, for reasons of party ideology or personal conviction, do not subscribe to every single detailed point, they may nonetheless support the general thrust of the legislation (2004:15).

The use of international law and the campaign mounted by the women's movement against domestic violence has been integral to Brazil's progress. The strategy of the women's movement in Brazil has always been broad and complex, in order to give credibility and visibility to its complaints, demands, and goals. The achievements in Brazil are an example of how a society can be positively affected by the adoption of international law (Roure 2009:96,97). This however shows that international pressure is not an independent actor of change, but rather a force that might be used by domestic actors lobbying for domestic change.

To assess the effects of international pressure on domestic gender policy in Brazil, I focused mostly on the suggestions proposed by the Beijing Platform of Action (1995) and the CEDAW committee responses to periodic reports presented by the country. I examined documents produced by the government, the women's caucus in the Chamber of Deputies, and women's movements. Some examples are:

- 'Women, Politics and Action' presented in 1997 by the 'Special Committee Created for the Study of Legislative Measures to Implement in Brazil the Decisions of the Fourth World Conference on Women (Beijing)'
- 'Strategies of equality' developed in 1997 by the National Council on Policies for Women (CNDM)
- 'National Report on the Implementation in Brazil of the Platform for Action of the Fourth World Conference on Women (Beijing 1995)'

- ‘Questionnaire on the Application of the Beijing Platform of Action and the Results of the Twenty-third Period of the Extraordinary Sessions of the General Assembly (2000)’
- ‘Women’s Citizenship and the Legislative: New and Old Questions in the End of the 20th Century’, published in 2001 by Cfemea
- ‘Feminist Political Platform’ by the National Conference on Brazilian Women (2001)
- ‘Dossier: Public Policies and Gender Relations in the Labour Market’ published by the Cfemea in 2002
- ‘Propositions About Women's Issues in the Brazilian Parliament (1826-2004)’ published by the Senate
- ‘Violence against women: a story told through decades of fight’, published in 2006 by Cfemea
- ‘Women's Rights in the Post-Constitutional Brazilian Legislation - Federal, State and Municipal Legislation on Women's Rights since the Constitution of 1988’, published in 2006 by the Cfemea
- ‘Cfemea’s political incidence: dynamics and reflexions’ published in 2010
- Cfemea’s monthly newsletter Femea
- The periodic reports produced by the country to the CEDAW committee from 2003 onwards

The question at hand is whether the bill being voted on in the Chamber of Deputies was cited in the documents as a response to international suggestions. I want to compare which government was more open to and/or made use of the recommendations of international forums and how this helped to shape gender policy deliberation processes. In doing so this will help clarify whether this was an instrument used by the women’s caucus

independently of the political context, and how effectively different governments responded to these demands. It will also help to shed light on what the instruments used by different presidential parties in the pursuit of gender equality are.

Fifth Variable: Religiously-based opposition in Congress

The last variable in the analysis of the forces influencing the passage of gender policy is the presence of religious groups in the Brazilian Congress. As we have seen, there has been an organised protestant and neo-Pentecostal group called “Bancada Evangélica” in the Brazilian Congress for many years. According to Freston (2008), there have been Evangelicals in congress since the 1930s. They were originally few in numbers and were from historical Protestant churches. It was at the time of democratisation that new Evangelicals emerged - the Pentecostals, especially those from the Assembly of God. By the time of the Constituent National Assembly of 1986, there were 33 Protestants (generally referred to as evangelicals, regardless of denomination) in Congress.

In the 1989 presidential campaign Evangelicals in congress positioned themselves as pro-Collor and anti-Lula, calling him a communist (if elected, he would pursue evangelicals). In the 1994 presidential campaign, evangelical participation did not much influence the outcome of elections, as the financial stabilisation plan of then finance minister Fernando Henrique Cardoso defined the winner of the race (Soares 2012). According to Rodrigues (2003:05), at the time of Lula’s election, the formulation of favourable legislation to gender equality in Brazil faced resistance from two perspectives: the liberal perspective, which aimed to empty the state functions, reducing their responsibilities and expenses in relation to social welfare; and the religious fundamentalist perspective, which aimed to extend its beliefs and practices to the whole population. In the years that followed, the Evangelical Caucus kept growing in party politics, but instead of

members of the historic protestant churches, the ones that saw the biggest growth were the Neo-Pentecostal politicians²⁹. By 2010, the caucus had grown to 71 members (or 12% of Congress as a whole). Pastors and bishops frequently run for office, often listing their religious title on the ballot and emphasising their status as clergy during the campaign (Boas, 2013)³⁰.

The “Bancada Evangélica” caucus is very diverse in terms of the parties they represent with over 11 parties represented between 2003 and 2006. In the 2007-2010 legislature, caucus members came from 12 parties. In the 2011-2014 legislature they are distributed over 14 different parties. Macaulay (2006) shows that “the parliamentary catholic group’s members range across the political spectrum, but are concentrated in the main parties. Meanwhile, the ‘born again’ Christian movement is much more focused on questions of personal morality and salvation. The Pentecostal churches’ social following and representation in congress has grown enormously since the mid-1990s, and they control resources (TV and radio stations) that the Catholic Church lacks. However, the members of its parliamentary caucus are dispersed, mainly across the smaller personalist parties associated with clientelist political practices” (2006:40).

The Evangelical parliamentarians do not form a cohesive group when dealing with economic, administrative, and institutional issues, with their opinions varying from party to party. However, when dealing with issues such as abortion or gay marriage they often

²⁹ Religious practice has grown considerably in the last few years. According to the last surveys, 88.6% of the Brazilian population claims to be Christian with 68.4% identifying themselves as Catholics (the lowest percentage since the first survey in the country) and over 20% identifying themselves as Evangelical from various denominations. This growth however has happened especially among Pentecostal and Neo-Pentecostal groups. The classical Protestants, or those with a rather long mission history in Brazil, do not exhibit significant growth (Souza 2014:52).

³⁰ Freston (2008) shows that proportional representation is more likely to help evangelical Christians to win office. He shows that particularly open-list PR with high district magnitude is an electoral system favourable to evangelicals’ electoral prospects. Open-list PR facilitates evangelicals’ access to the ballot by giving party leaders incentives to diversify their lists and bring additional votes, and potentially seats, for the party or coalition (Freston, 2008).

come together as a group (Souza 2014:55). Moreover, although the caucus does not have Catholic members, it draws support from moralistic Catholic representatives when it comes to sexual and reproductive issues. As researchers including Weldon (2002) and Htun (2003) argue, the salience of organised religion varies depending on the type of issue being deliberated. When gender equality policies challenge the established doctrines of organised religion, the strength of organised religion will be a critical factor. The strength of organised religion is however largely irrelevant to non-doctrinal issues.

As Htun (2002) shows in her study of women's rights in Latin America, women's groups in the region have organised for change in different areas, as have international organisations. However, there is a greater rate of change of some types of policies (for example violence against women and quotas) over others (such as abortion and gay marriage) in the particular region. She shows that doctrinal policies like abortion are very difficult to change because they provoke moral outrage and political opposition from the Roman Catholic Church, and the evangelical churches (Htun 2001, Baldez 2004). Latin American human rights activists were among the first ones to organise across national borders, working within the framework of the Organisation of American States to develop the Inter-American Convention on Violence Against Women. The same favourable combination did not extend to changes on other social rights (Htun and Weldon 2007:18,19).

According to Souza (2014:57), religious groups in congress have acted in the name of "the struggle for moralisation of the family" offering strong political-religious opposition to change on doctrinal issues. Because of that, I will look at specific themes in order to evaluate the effects of backlash from religious groups. This variable is called "religiously-based opposition in congress as evaluates backlash from both the Bancada Evangélica itself and the Catholic deputies that join forces with them on specific issues. I

will look at bills that concern sexual and reproductive rights and determine the speeches given during deliberation of these bills. I will also determine whether there was any press on the subject that showed the concern of religious groups with the theme. To assess the effects of religiously-based opposition on bills dealing with such themes, I will investigate which parties presented more bills on these subjects, whether the difference in the presidential party makes any difference in terms of reception or rejection for the bills, whether the women's caucus was more or less involved in the formulation of these types of bills, how the party leaders and the executive treated such subjects and how international pressure played a role in the process. Finally, I will also look at anti-feminist bills. Although anti-feminist bills are not exclusively presented by members of religious groups, they often vocalise their support to such bills.

Conclusion

The chapter described the theories and methods for the study of the forces influencing gender policy processes and outcomes in Brazil. I explained the five variables that will be used in the empirical analysis presented in the next 3 chapters: legislative agenda control; the executive; the women's caucus and women's movements; international agreements; and religiously-based opposition. We have seen that the most significant way presidential parties and coalitions influence the outcomes of policy in the Brazilian context is through the power of party leaders in defining the legislative agenda. Party leaders define the agenda and influence legislative outcomes through the committee system and through the use of urgent procedures. Moreover, the elected executive and their relationship with party leaders is another important tool in the definition in the legislative agenda. But the most significant way that the executive can influence the passage of gender policy is through the creation of institutional spaces such as Women's Policy

Machineries. As the Special Secretariat of Policies for Women was only created in 2003, this will not be part of the empirical analysis presented in the next 3 chapters. Rather, the role of the secretariat will be discussed on chapter 6, when we look at a comparison between governments and the explanation for why certain governments performed better than others in terms of the enactment of gender policy.

The third variable to be used in the analysis will be the women's caucus and women's movements. In order to assess how the ability of the women's caucus to influence the passage of policy varied depending on the institutional context, I will check on bill introduction by members of the caucus, their success rate, their themes, whether they were supported by party leaders, and members of which parties presented bills. I also classified enacted bills on whether or not they received support by the women's caucus. To understand the effects of the political context, I will also investigate the relationship between the women's caucus and women's movements and the other variables.

The fourth variable to be analysed will be Brazil's response to an international agenda. I want to understand how the dynamic between the national and international contexts influenced the passage of gender related policy in the Chamber of Deputies. Finally, the last variable to be analysed is religiously-based opposition in the Brazilian congress. I will look at specific themes such as sexual and reproductive rights in order to evaluate the effects of backlash from religious groups. Moreover, I will also look at anti-feminist bills.

Using these five variables to understand the importance of the political and institutional context in the deliberation of gender policy, chapters 3, 4 and 5 will present the collection and analysis of evidence. Chapter 3 will look at the forces influencing the passage of gender policy during the two terms of President Fernando Henrique Cardoso in government (1995-2002). Chapter 4 will present the analysis of the two terms of President

Luiz Inácio Lula da Silva in government (2003-2010). And chapter 5 will look at the first term of president Dilma Rousseff in government (2011-2014).

Chapter 3

Fernando Henrique Cardoso's Two Terms in Government

This chapter presents an analysis of the deliberation and passage of gender-related policy during the two terms in government (1995-1998 and 1999-2002) of President Fernando Henrique Cardoso from the Party of Brazilian Social Democracy (PSDB)³¹. The chapter is an examination of the PSDB's agenda on gender and how the centre-right coalition performed in terms of legal innovation. As shown in Table 1, during Cardoso's two terms in government, 491 gender-related bills were deliberated in the Chamber of Deputies - 401 were filed, 61 were still being deliberated (as of January 2015³²) and 29 bills were enacted and became gender related laws.

Filed	Still being deliberated	Passed	Total
401	61	29	491
81.7%	12.4%	5.9%	100%

Table 1 - Gender-related bills deliberated in the Chamber of Deputies (1995 to 2002)

First Variable: Legislative Agenda Control

Federal Deputies from 19 parties, one special committee and the Executive presented gender-related bills during the period. Figure 3 below shows the frequency of bill introduction by parties, the percentage of seats occupied, and the percentage of bills presented by members of the women's caucus within each party. The percentages in this specific case do not include anti-feminist bills. I excluded anti-feminist bills from this table

³¹ Although Brazil has almost 30 registered parties, since 1994 the PT and the PSDB have led the presidential race and competed against each other.

³² As we have seen on chapter 2, the rejection of a written review in the committee or the non-deliberation of a bill in the same legislature results in the bill being automatically filed. They can however be retrieved at the beginning of the new legislature. Bills that are still being deliberated either were filed and kept being retrieved or had at least one positive review in a committee but no other action happened since then.

because the idea is to show parties' commitment to gender equality when it came to bill introduction. Anti-feminist bills are not representative of parties' commitment to gender equality, but quite the opposite³³. However, for the rest of the analysis, anti-feminist bills are included³⁴. Twenty different parties elected candidates during the period. However, the five biggest parties held most of the seats. They were: the Liberal Front Party (PFL), the Party of Brazilian Social Democracy (PSDB), the Brazilian Democratic Movement Party (PMDB), the Brazilian Progressive Party (PPB), and the Workers' Party (PT).

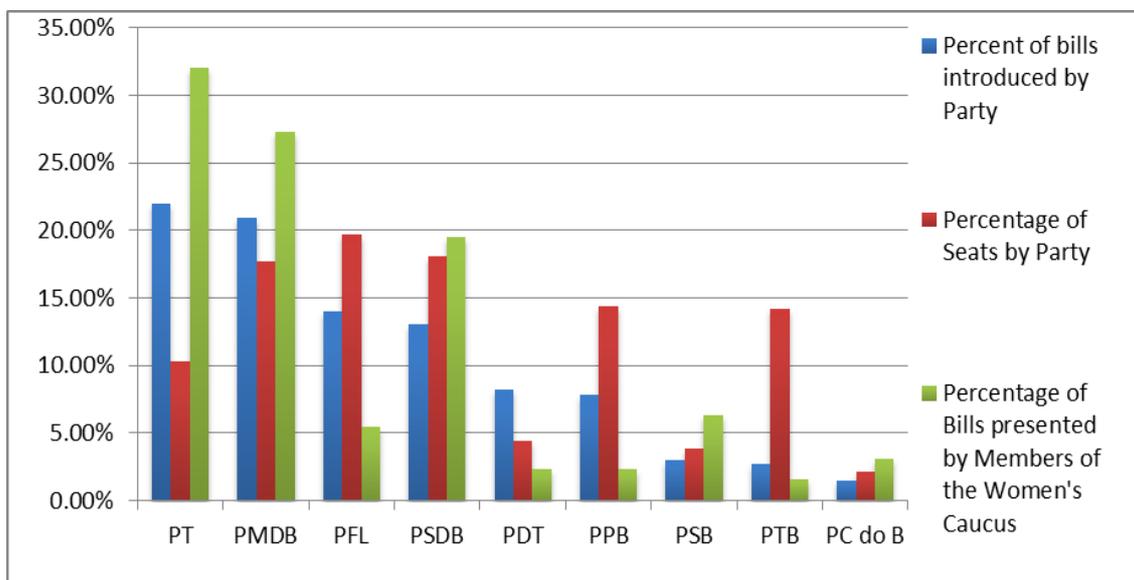


Figure 3- Percentage of gender bills presented by party, members of the women's caucus within the party, and party size (1995-2002)

* This graph includes only the biggest parties

As we can see, the PT was the party that presented the highest number of gender bills during the period. The party was only the fifth biggest party bloc in congress, and yet it presented more bills than the bigger parties, including the presidential party (PSDB). The presidential party PSDB was the second biggest party bloc in the Chamber of Deputies but came in fourth place in the ranking of percentage of bills introduced. The PT at the time of

³³ 'Anti-feminist' bills are those that seek to inhibit role changes between men and women as a threat to the traditional family (Gelb and Palley 1996), e.g. anti-abortion laws.

³⁴ As we will see throughout the chapter, no anti-feminist bills were proposed by the executive, by members of the women's caucus or were enacted.

election had the highest number of women, and also had the highest number of bills presented by members of the women’s caucus. As we have seen, theory shows that the PT is highly connected to women’s movements (Hunter 2007) and has the highest number of women in leadership positions (Sacchet 2005). In order to better investigate the role of both the opposition party PT and the government party PSDB, I will examine the support for gender bills from party leaders.

Is there a relationship between procedure type and success for gender bills? Figure 4 shows the percentage of gender bills declared ordinary, priority, special or urgent and whether they were filed, passed or were still being deliberated.

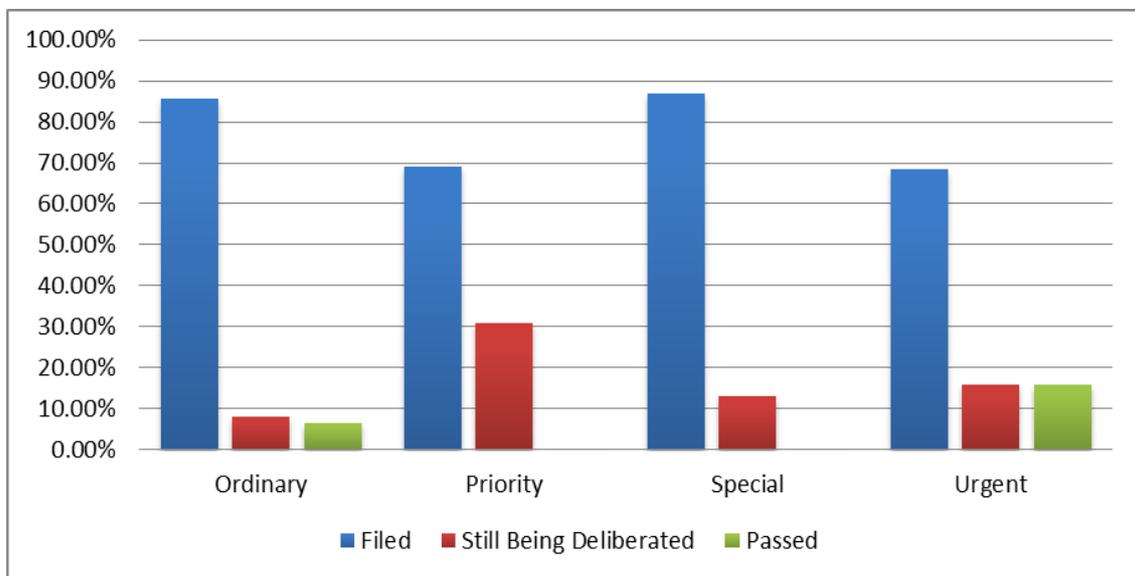


Figure 4 - Procedure type and situation for gender bills (1995-2002)

According to theory, most bills enacted are bills declared urgent by party leaders (Figueiredo and Limongi 1999, 2000, 2002). However, as we can see from the graph above, the majority of bills deliberated under urgent procedures ended up being filed. Of the 38 bills declared urgent, 26 were filed, 6 are still being deliberated and 6 passed. Of the 26 bills that were filed, 25 were done so because other legislation on the subject passed

before the bill could be voted³⁵. The one bill declared urgent that went to vote and was rejected was bill 605 from 1999 presented by Professor Luizinho from the PT. The bill established the obligation of Police Stations to inform rape victims about the right to legal abortion. The bill was approved in the Chamber of Deputies but rejected in the Senate.

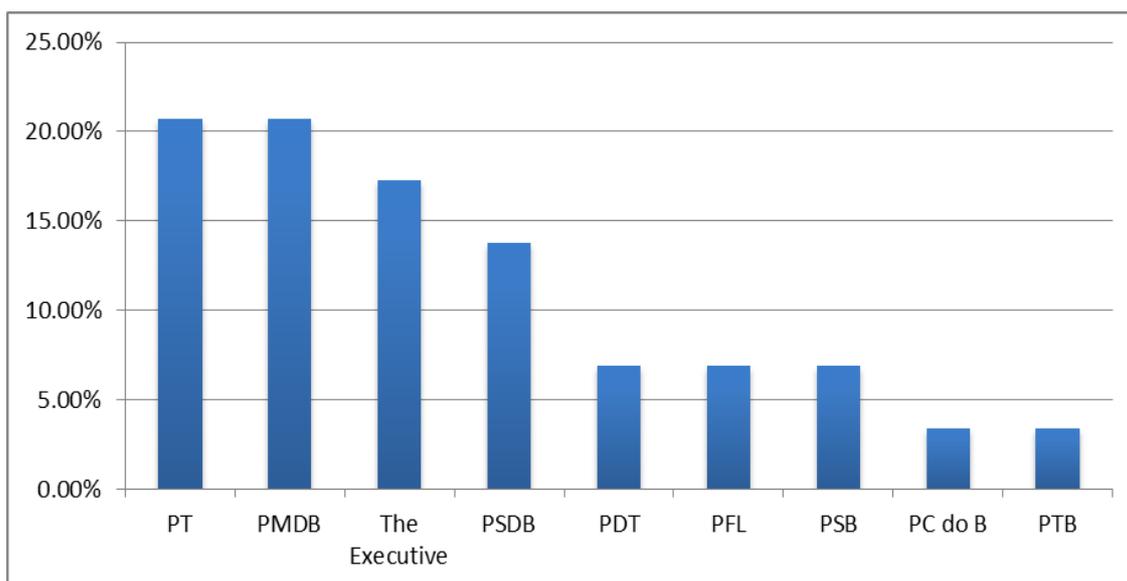


Figure 5 - Gender-related bills enacted by party (1995 to 2002)

The PT had the most bills deliberated under urgent procedure. However, most of PT's urgent bills were rejected. Figure 5 above shows that the PT together with the PMDB had the most enacted bills. These parties also presented the highest number of bills, suggesting that success had not much to do with that extra support from party leaders.

Second Variable: the Executive

The second variable to be analysed is the role of the executive in the passage of gender legislation during this government. The executive proposed eight gender bills

³⁵ I ran a regression model using 'urgency' and 'situation of the bill' and did not find a relationship between urgency and success. The fact that most bills declared under urgent procedures were filed (as other legislation on the same subject was enacted) compromises the use of a regression model to establish a relationship between procedure type and success.

during the period: three were considered under ordinary procedures, two under priority procedures and three under urgent procedures. Five of them were enacted and three were filed. I conducted a multinomial regression to determine whether there was a relationship between success and being proposed by the executive. Table 2 shows that with bills presented by the Executive odds increase by 27 times.

	Passed	Still being deliberated
Presented By The Executive	27.6***	NS
Not Presented By the Executive	NS	NS

Table 2 - Regression model on the success of gender bills proposed by the executive (2003-2010)

Notes: Reference category is Filed
 *p = 0.05 **p = 0.01 ***p = 0.001
 N = 491

As predicted, bills presented by the executive were in a privileged position compared to those presented by the legislative. Although the executive proposed only 1.6% of all bills, they were responsible for 17.3% of all enacted bills. This relationship is very strong and as theory predicts, the legislature tends to respect the executive's agenda and vote yes on what is proposed by them. However, it is interesting to notice that 82.7% of all enacted bills were proposed by the legislature. Scholars such as Figueiro and Limongi (2000) have shown that on the one hand, most enacted bills in the Chamber of Deputies are proposed by the Executive. On the other hand, they also showed that the executive's traditional agenda is focused on administrative and economic issues, not social ones. That affirmation seems to be true for this government. Although the executive's agenda was supported by the legislative and bills presented by them were more likely to be voted on, the theme of gender did not seem to be a big part of that agenda.

Furthermore, the agenda presented by the executive on gender was not often supported by the women's caucus and women's movements. The examination of bill content for enacted bills proposed during the period at the end of the thesis presents the

political context surrounding the passage of gender bills. This revealed the types of support received by such bills. Looking at the speeches given in congress, relevant media on the subject and documents presented by women's movements and the caucus shows that in the case of gender bills presented by the executive only one was openly supported by the caucus. That was Provisional Decree 37 from 2002, which created the National Secretariat for Women's Rights. As we have seen, when the PSDB was elected, feminists had high hopes that president Cardoso would restore the National Council on Policies for Women (CNDM)'s previous status, staff and budget, which it had lost during the Collor administration. They also wanted the upgrade of the CNDM to a state secretariat. This never happened. Instead, the National Secretariat for Women's Rights was created by provisional decree in the last months of his second government. However, it only gained ministry status a few months later when the new government transformed it into the Secretariat for Policies for Women (SPM).

One interesting example of a gender bill presented by the Executive that was not supported by the caucus or women's movements was bill 1724 from 1996. It regulated temporary employment and established stability for pregnant women in this type of employment. Several documents published by the advocacy group Cfemea showed that the regulation of temporary work contracts for a specified period, as proposed by the executive, compromised the enjoyment of maternity leave and the temporary stability of pregnant woman.

So far we have seen that neither party leaders nor the executive were major players in the passage of gender related policy during this government. Although they are generally seen as responsible for dominating the agenda, gender-related bills were not a significant part of their agenda.

Third Variable: Support of the Women's Caucus and Women's Movements

Of the 491 gender bills presented during the period, the women's caucus introduced 128 bills (26.1% of them). On top of this, when it comes to enacted bills, that percentage increases considerably. As we can see from Figure 6, almost half of all enacted gender bills during the period were presented by a member of the women's caucus. Non-members of the caucus presented 35% of bills enacted and the executive 17%.

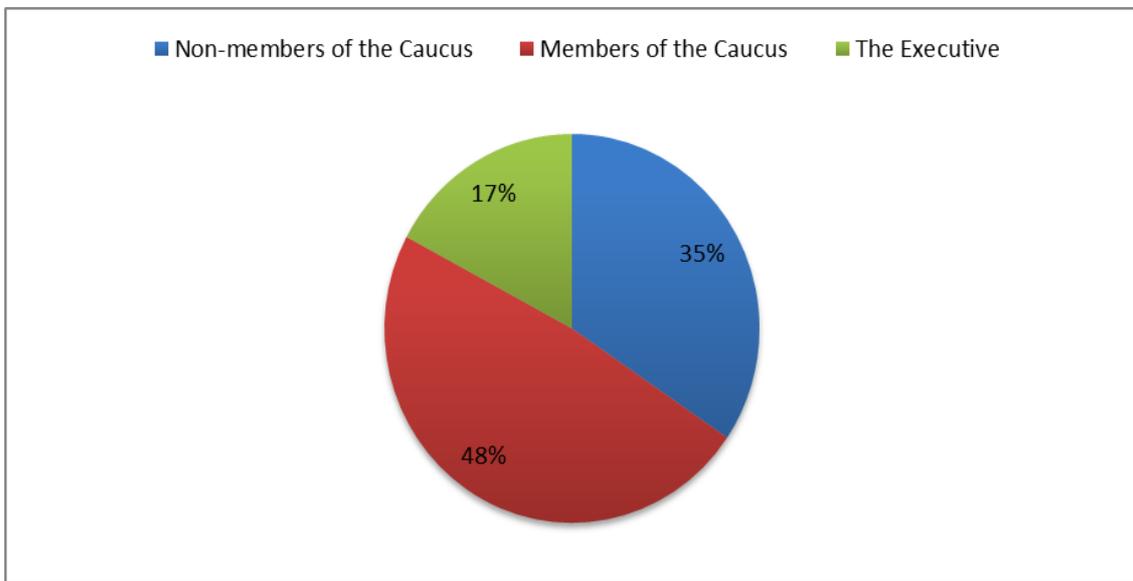


Figure 6 - Percentage of enacted gender bills presented by members of the women's caucus (1995-2002)

The women's caucus was responsible for most gender bills enacted in the period even though they only reached 6.2% of representation in the national congress in 1995 and 5.6% in 1999. Representation was very low, and yet women were the key agents in bringing change in terms of legislation. As described in chapter 2, coordination between the caucus and sympathetic parties, such as the PT, has helped to increase their bargaining power. Figure 7 shows the support given by members of the women's caucus to bills proposed by different actors. These statistics are based on the examination of bill content for enacted bills presented at the end of the thesis. Looking at the speeches given, media on

the subject, and documents presented by the caucus, these are the bills openly supported by the caucus. As we can see, during the period the women's caucus tended to support first bills presented by their own members, then bills presented by non-members of the caucus.

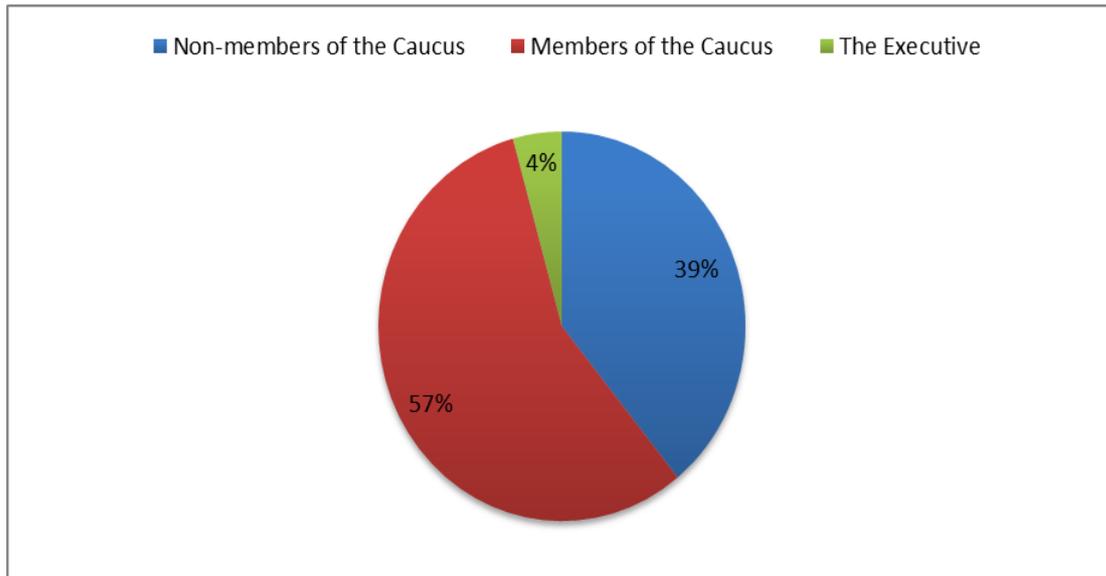


Figure 7 - Percentage of enacted gender bills supported by the women's caucus by sponsorship (1995-2002)

An example of a bill presented by a non-member of the caucus then supported by them was bill 180 from 1995. This bill was presented by Federal Deputy Paulo Bernardo from the Workers' Party (PT). This is the first quotas bill presented in the country and established new electoral rules, including a minimum of 20% of candidatures to be reserved for women. The bill received support from women's movements, the women's caucus, and was also part of an international agenda. The 'Special Committee Created for the Study of Legislative Measures to Implement in Brazil the Decisions of the Fourth World Conference on Women (Beijing)' presented a document in 1997 called "Women, Politics and Action". The Committee conducted the survey of nearly two hundred propositions on women's issues in Congress in order to identify those prioritised by them. They then formed thematic subcommittees with the purpose of examining the propositions. The committee declared that the passage of this law was supported by the caucus and a response to decisions of the Beijing conference. It is important to note that, although the

adoption of quotas for women candidates initially had a positive effect, the document presented by the Cfemea called “Women’s rights in the Brazilian Legislation Post-Constituent” showed that the quotas law approved in 1995 was not as efficient as the women’s caucus and women’s movements wanted it to be. This is because the law was severely amended in congress before its enactment. The final version reserved 20% of candidacy for women, but at the same time increased 20% on the total number of places in the Chamber of Deputies making it possible for the party to reserve 20% of places for women and still only elect men.

As we can see, support from the women’s caucus had a crucial effect on the passage of gender bills. Though they had a small percentage of seats in Congress, they presented a considerable proportion of gender bills and were responsible for the majority of bills enacted. Coalition building also meant that the caucus supported each other’s bills by speaking in congress and working together with advocacy groups such as Cfemea. Cfemea conducted a survey at the time asking male and female politicians their opinions and concerns about women’s rights. 52% of the national congress took part in the survey. They concluded that almost all women were more concerned and informed about gender issues than men, were more connected to women’s movement’s claims, and were more likely to support the cause when it came to voting on gender related bills.

Although the caucus also supported some bills presented by non-members, the most striking aspect of their influence here is the unity between them, independent of party, and how they undertook strategic action in order to achieve a number of positive changes. The women’s caucus and the PT were the actors who most frequently proposed and passed gender legislation during Cardoso’s government. They worked together in an environment where there was not much interest from other parties and the executive. So far all of this is in agreement with existing research. As we will see next, the success of the caucus in

bringing change came not only from forging alliances between themselves and the PT, but also through the use of international pressure as a guiding force to convince domestic opponents.

Fourth Variable: International Pressure

The analysis of the influence of international agreements is focused on whether bills were a response to suggestions made by international organisations to the country. Given the influence of the 1995 Beijing Platform in the country in the 1990s, to determine whether a bill was part of any suggestion from international organisations I looked at the documents presented by the women's caucus, women's organisations, and the National Council on Policies for Women (CNDM) cited in Chapter 2.

55.2% of all enacted gender bills from 1995 to 2002 were related to an international agreement made by the country. This was made possible by support from the women's caucus and women's organisations. Support from the women's caucus for bills that were part of an international agenda was very high. Sixteen of the 29 bills enacted during the period received international support and all of those bills were also supported by the women's caucus. This is not surprising. These 16 bills were all part of the suggested legislative measures presented by women's organisations, the caucus and the CNDM to the National Congress. These suggestions used the country's international agreements to back up long-standing demands of the movement on the subjects of domestic violence, maternity leave, quotas, etc. That means that support from international organisations may only be effective when combined with the support from actors within the national context. In the case of Brazil, a United Nations recommendation on the subject of gender brings legitimacy to demands from domestic players, but a recommendation alone is very unlikely

to be able to change domestic policy without the support from social movements, and members of the congress.

Two bills exemplify how the women's caucus used the influence of international pressure to push for the passage of gender policy and the different tools used by them. The first one was bill 61 that was presented by Federal Deputy Iara Bernadi in 1999. The bill established the crime of sexual harassment. It received extensive support from the feminist movement and the women's caucus. In the newsletter *Femea* (06/2001) published by the advocacy group *Cfemea*, the group declared that the proposed law was a long-standing claim of the feminist movement in the country. Together with the women's caucus, they presented a list to the Chamber of Deputies of all bills that they thought should be considered under urgent procedures by party leaders. They declared that the passage of the bill was a response to commitments made by the country during the Beijing Conference in 1995 as shown on the "National Report on the Implementation in Brazil of the Platform for Action of the Fourth World Conference on Women (Beijing 1995)". The bill was sent to the Senate for revision and became law 10.224 on the 15th of May 2001.

The second was bill 1733 presented in 1996 by Federal Deputy Fátima Pelaes. It amended law 5.452 from 1943, extending the right to maternity leave to adoptive mothers. In the newsletter published by the *Cfemea*, *Femea* (Number 108 – 01/2002), they declared that they, together with the women's caucus, were lobbying for the bill to pass during the celebration of the 8th of March in 2002. The bill gained momentum. On the 22nd of March 2001, the Inter-American Commission on Human Rights (IACHR) received a petition by several groups alleging the international responsibility of the Federative Republic of Brazil for the alleged discrimination against an adopting mother called Fátima Regina Nascimento de Oliveira and her adopted daughter, because of the denial of the right to maternity leave. The petition maintained that Brazil had violated several articles of the

American Convention on Human Rights. The country was notified in accordance with the provisions of the Rules of Procedure and the American Convention. The bill was sent to the Senate in October 2001 and became law 10421 in April 2002. Part of it was however partially vetoed by the president.

As we can see, there is a very high connection between bills enacted as a response to international pressure and women's caucus' support. All bills that received international pressure and passed did so through the women's caucus using this support to lobby for their enactment. This shows that international pressure is not independent from other variables, but rather it is a force that might be used by domestic players in lobbying for change.

Fifth Variable: Religiously-based opposition in Congress

The final variable used in the analysis of the forces influencing the passage of gender bills during the Cardoso government is backlash from religious groups in congress. My analysis of the influence of religiously-based opposition on gender related policy focuses on the theme of the bills. As we have seen, when it comes to doctrinal issues, the evangelical caucus gathers support from other religious politicians in order to oppose change. As Htun and Weldon (2007, 2010) show, some gender equality policies such as reproductive and gay rights challenge the established doctrines of organised religion, but the strength of religion will however be largely irrelevant to non-doctrinal issues. Accordingly, I concentrate in this section, on bills that propose to expand sexual and reproductive rights. Although there might be religious backlash on other issues, those are the two subjects that clearly cause a reaction from religious groups. I will also include bills that I have classified as anti-feminist. Anti-feminist bills are also mainly on the subject of

reproductive and gay rights but in this case are introduced with the intention to restrict these rights.

Twelve bills were proposed during the period on the subject of gay rights. Figure 8 shows that 41.7% were filed and 58.3% of them are still being deliberated. No bill on the subject passed. There is a high level of rejection, but also a lack of interest, with more than half of the bills being left in committees without seeing much action. On top of this, Figure 9 shows that four parties and one special committee presented bills on the subject of gay rights. The PT presented half of all bills and the president’s party PSDB did not propose any of the bills. Of the bills presented by the PT, most of them were presented by members of the women’s caucus.

On the subject of reproductive rights, twelve bills were presented. In this case just one bill was passed with the other eleven being filed. Again the PT presented half of the bills. The women’s caucus was a lot less involved in presenting bills on the issue of reproductive rights than on the issue of gay rights. The caucus only presented 25% of bills on reproductive rights, most were presented by PT members. In the case of support for reproductive rights bills, party membership seems significantly more important than sex.

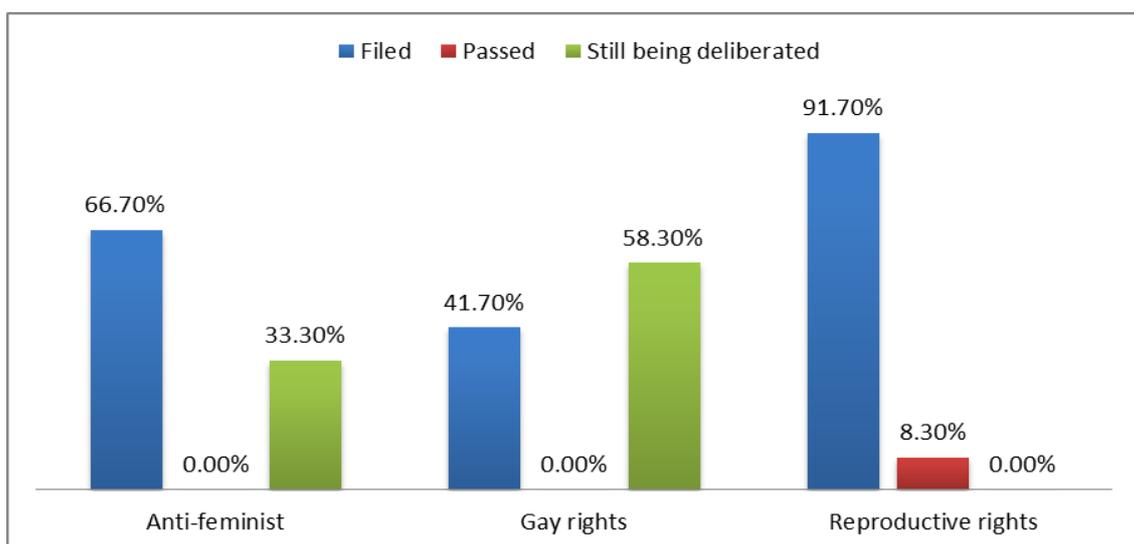


Figure 8 - Anti-feminist, gay and reproductive rights bills proposed (1995-2002)

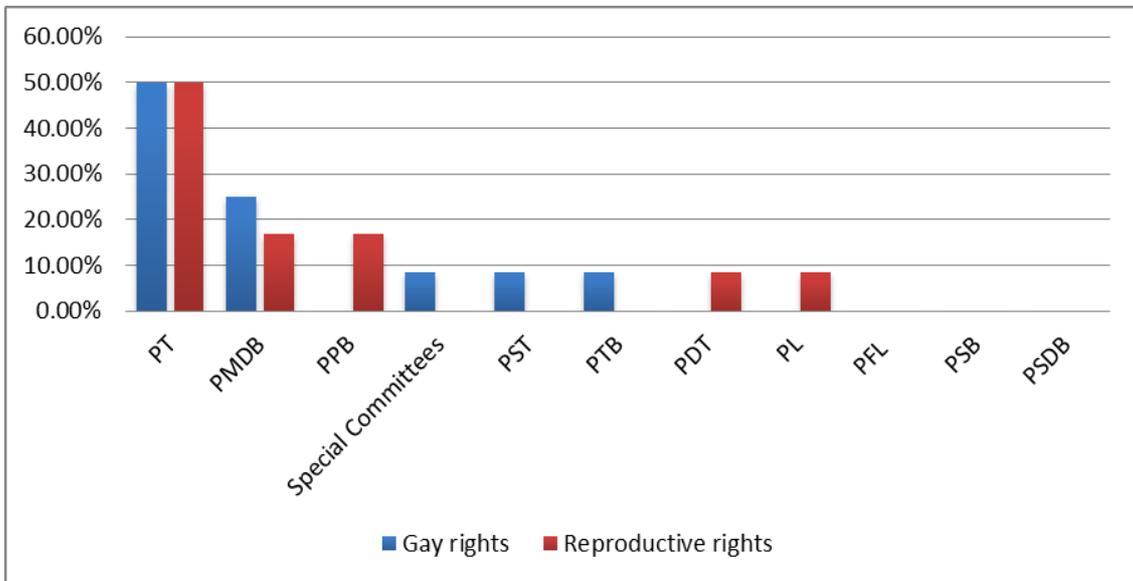


Figure 9 - Gay and reproductive rights bills – percentage by party (1995-2002)

The one bill on the subject of reproductive rights that passed during the period was bill 209 from 1991 presented by Federal Deputy Eduardo Jorge from the Workers’ Party (PT). This was also the only enacted bill that passed in the face of religiously-based opposition. It established standards and conditions for the exercise of reproductive rights and family planning. A document called “Women’s Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil”, published in 2001 by the advocacy group Cfemea, declared that the passage of this law fulfilled agreements made towards the implementation of the Beijing Platform for Action (1995) and was supported and the result of the efforts of the women’s caucus and women’s movements. The document also shows that the passage of this law (named the Family Planning Law) encountered backlash from religious groups. Because of pressure from them, the law was partially vetoed by president Fernando Henrique Cardoso on the item that regulated the voluntary sterilisation of men and women. In 1997 however, the “Special Committee Created for the Study of Legislative Measures to Implement in Brazil the Decisions of the Fourth World Conference on Women (Beijing).” was formed by a number of deputies, mostly members of the women’s caucus. The passage of this law was presented by the

committee in this document as a priority for the women’s caucus and a response to decisions of the Beijing conference. Women’s movements then questioned the presidential veto and in 1997 the legislative rejected the partial veto proposed by the president. Although the passage of the law was of extreme importance, Cfemea declared that it was not being respected in the country. They showed that there was no financial incentive from the government for its implementation.

The fact that only one bill on the subject of gay rights and reproductive rights managed to pass is a good indication of the level of opposition encountered by such bills. It seems that bills on the subject of reproductive rights received a little more attention with half of gay rights simply not being deliberated. Another good indication of the level of rejection of such themes is that more bills were proposed against those rights than in favour of them. Eighteen ‘anti-feminist’ bills were proposed during the period. None of those bills were proposed by members of the women’s caucus and none were proposed by members of PT.

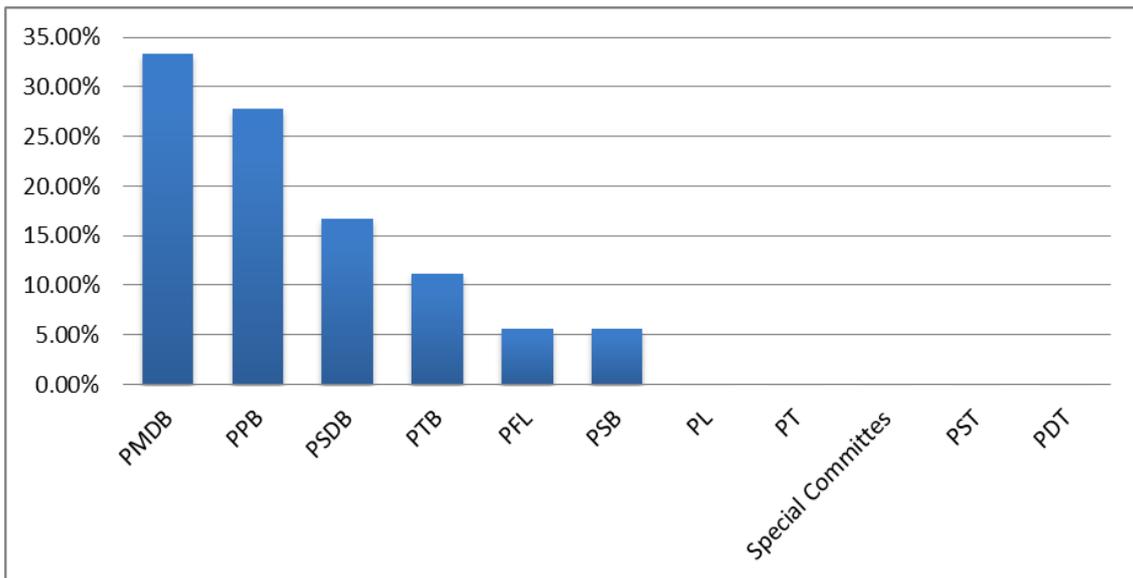


Figure 10 - Percentage of anti-feminist bills proposed by party (1995-2002)*

* Only includes the biggest parties

The analysis of bill content shows that the majority of anti-feminist bills were about the restriction of reproductive rights. According to Friedman (2009:431) there is a contrast in Latin America between reproductive and sexual rights, as the rights-based arguments used by LGBT activists do not raise debates over the inception of life they can be more persuasive in a region deeply influenced by human rights movements. Twelve of the anti-feminist bills were filed and six are still being deliberated in the Chamber of Deputies. None of the 18 bills was considered under urgent procedures. Two were considered under special procedures as they were amendments to the constitution, three were priorities and thirteen were ordinary. That means that even though there is a lot of religiously-based opposition on the subject of reproductive and gay rights, there is also a high level of rejection on anti-feminist bills.

In terms of party membership and anti-feminist bills, if we look at Figure 10 above we can see that six parties presented anti-feminist bills. The party that presented the highest percentage of anti-feminist bills was the PMDB. The president's party, PSDB presented three of the bills. The diversity of the six parties that proposed bills on the subject is interesting, as we can see that some members of the centrist PMDB for example proposed gay rights bills, reproductive rights bills but also anti-feminist bills. That supports the theory that not only is Brazil's party system weakly ideological, but also that parties of the centre and centre-right have a lower ideological definition than parties of the left.

Conclusion

This chapter presented the empirical examination of the forces influencing gender policy processes and outcomes in the Brazilian Chamber of Deputies during the first government in analysis (1995-2002). The analysis of the 491 gender bills deliberated

during the period shows that even though the PT was the opposition party and only the 5th biggest party bloc in congress, they presented most gender bills and had the highest percentage of bills enacted. The presidential party PSDB was less active than the PT, but more consistent than the PMDB (who presented both feminist and anti-feminist bills). The PT however did not have an advantage within the college of leaders. As was the case for all parties, support from party leaders was not a definitive force influencing the passage of gender bills. The only actor that had this advantage was the executive. Bills presented by the executive were immediately more likely to be enacted. Gender did not however appear to be one of the executive's highest priorities, which historically has tended to favour economic and administrative issues. Although the executive had an advantage, PT bills and bills presented by the women's caucus managed to achieve higher numbers in terms of enactment. These two groups are more connected to the issue and presented a much higher number of bills. Their bills took longer to pass and their efforts seemed to be more intense, but in the end, they were more successful at lobbying and having their agenda enacted.

We have seen that the party that had the highest number of members of the women's caucus was the PT so it is perhaps not surprising that the women's caucus and PT were responsible for most gender bills. As many scholars have shown, the caucus' capacity of coordination, alliance and coalition building has resulted in them having more bills enacted than non-members, even though up to this day they have not yet reached 10% of the seats in the National Congress. The success of bills presented by the caucus is also explained by the fact that they have used other parties' indifference (Macaulay 2006) to organise themselves and vote together on gender issues using international norms to pressure for change. The power of influence of the women's caucus however varied depending on the issue type. Backlash from religious groups meant that only one bill on

the subject of reproductive rights was enacted, but even this was partially vetoed by president Cardoso.

Chapter 4

Lula's Two Terms in Government

This chapter presents an analysis of the deliberation of gender-related bills introduced during the two terms in government of President Luiz Inácio Lula da Silva from the Workers' Party (PT). The same methodology applied to the analysis on the previous chapter will be used here to examine the deliberation process of the 595 bills introduced in the Chamber of Deputies during the period – 308 filed, 232 were still being deliberated (as of January 2015) and 55 bills were enacted and became laws.

Filed	Still being deliberated	Passed	Total
308	232	55	595
51.8%	39%	9.2%	100%

Figure 11 - Gender-related bills deliberated in the Chamber of Deputies (2003 to 2010)

First and Second Variables: Legislative Agenda Control and the Executive

Federal Deputies from 22 parties, the Executive, and four legislative special thematic committees presented bills. There was some variation in the size of party blocs. That is because first, we are looking at two legislatures, and second, some politicians switched parties during the period. Figure 12 shows an average between the two periods. The PT was not the biggest party bloc in the Chamber of Deputies at all times, but had the highest average of the period, with 17% of the seats. The Lula administration governed through a party coalition that started with 43% of the seats in the lower house. That number rose to 63% when the PMDB joined in January 2005 and by the end of the first term, the coalition held 70% of the seats in the Chamber of Deputies. Hunter and Power (2005:132-133) show that like all Brazilian presidents, Lula needed to fashion multiparty

voting blocs on the floor of the legislature and to offer cabinet portfolios to different parties in exchange for legislative support. Lula and his inner circle fared fairly well in managing a heterogeneous ten-party coalition. “It augurs well for Brazilian democracy that a major leftist party has been able to work with others across the political spectrum. The passage of controversial reforms in 2003—largely Cardoso’s unfinished business in the areas of social security and taxation—attested to the ability of Lula and his chief of staff to get the PT to join ranks while securing the support of legislators from other parties. The government’s capacity to exert a strong hand within the party while extending a warm hand across the aisle has proved a formidable combination”.

As was the case with the previous government, during this period the PT continued to be the party that presented the highest number of gender bills. The high number of bills presented by the party could be attributed to their number of seats in congress. However, if we compare these numbers to bills presented by other parties, we can see that the second largest party (PMDB), which was very close to the PT bloc in size and at times even bigger, presented only 14% of gender bills. Moreover, the PSDB held an average 13.3% of the seats in the Chamber of Deputies and presented just 4% of gender bills. Another interesting trend that continued during this government was that, of all gender bills presented by members of the women’s caucus, 32% of those came from women belonging to the PT - the highest percentage of all parties. Finally, as was the case in the previous chapter, anti-feminist bills are not included in this specific table, as the table is intended to show different parties’ commitment to gender equality when it comes to bill introduction. They will be however included in the rest of the analysis.

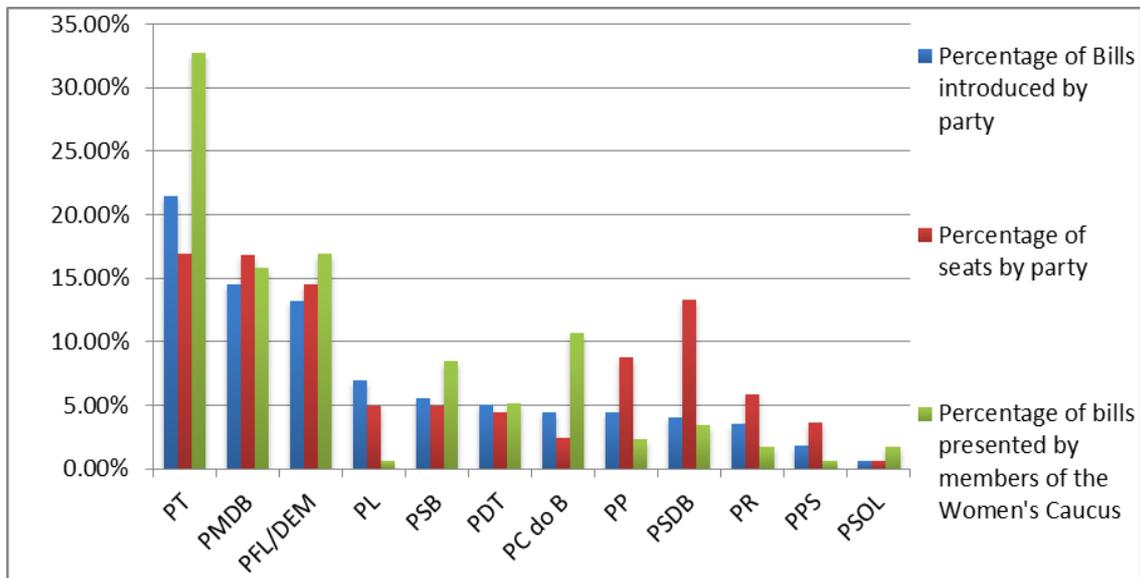


Figure 12 - Percentage of gender bills presented by party, members of the women's caucus within the party, and party size (2003-2010)*

* This graph only included the parties that presented a significant amount of bills

So far the theory holds. However, in order to better investigate the role of parties, I will analyse the support from party leaders. I start by looking at whether there is a relationship between procedure type and success for gender bills. Figure 13 shows the percentage of gender bills declared ordinary, priority, special or urgent and whether they were filed, passed or were still being deliberated in January 2015 when the analysis of the data was finalised. Bills declared urgent not only pass more frequently, but pass much quicker in the Chamber of Deputies. The average amount of time for deliberation for ordinary enacted bills during the period in analysis was 4 years. In the case of urgent bills, the average time for them to be sent to the Senate for revision was 10 months with an 18-month average time to actually become a law.

Of the 595 bills analysed here, 391 were deliberated under ordinary procedures, 137 were declared a priority, 49 were considered urgent and 18 were considered under special procedures. Because there was such a high number of bills declared under priority procedures, I will not only look at urgency but also at the difference between ordinary bills and bills considered a priority. That is because a priority bill also requires action by the

college of leaders and could be classified in between urgent and ordinary procedures. It follows a similar path to urgent bills, being discharged from committees and forced to be deliberated in the next legislative session (after urgent bills are deliberated). They can be considered under priority procedures if they are proposed by the executive, the judiciary, the legislative board of directors, the public prosecutors office, standing or special committees, the Senate, a group of citizens or if the author of the bill is supported by a tenth of the members or party leaders representing that number. However, in practice, party leaders tended to declare bills proposed by the Senate as priority.

As we can see in Figure 13 below, in this government bills considered under urgent procedures had a distinctive level of success when compared to other procedure types: of the 49 bills that were considered under urgent procedures, 53.1% passed and 10.2% are still being deliberated. Although bills considered under urgent procedures were only 8.2% of all bills, the majority of bills enacted were considered under this type of procedure. 22.6% of priority bills were filed, which in most cases meant that no action was taken, and they were filed at the end of the legislature. That percentage is much higher when it comes to ordinary bills, with 64.5% of them being filed and only 4.3% of them passing. According to this, urgent bills have a higher level of success, priority bills come in second and ordinary bills come in last place.

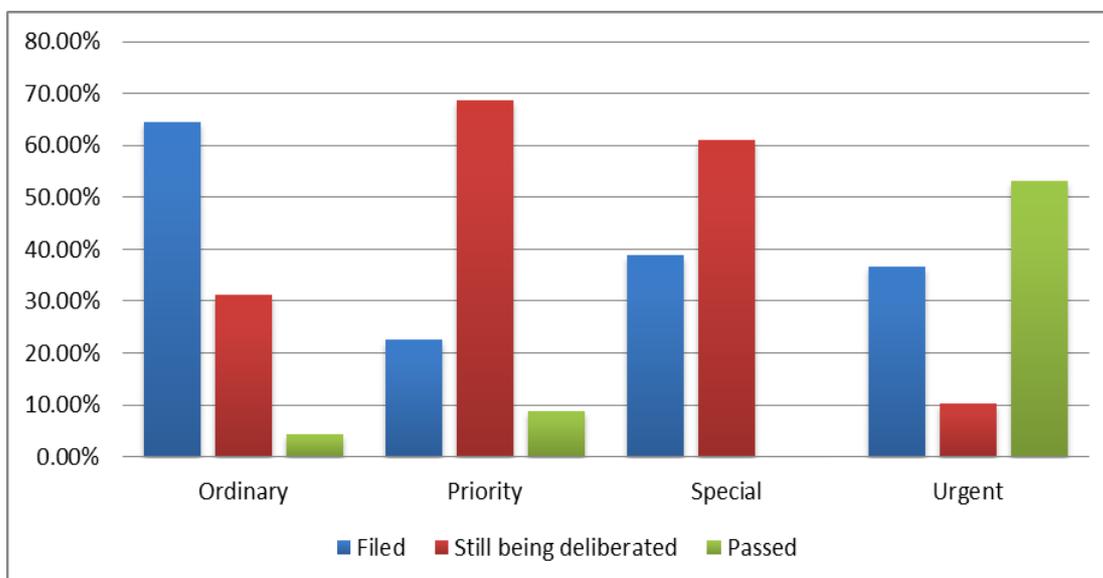


Figure 13 - Procedure type and situation of gender bills deliberated in the Chamber of Deputies (2003-2010)

In order to further examine whether this relationship was statistically significant, I conducted a multinomial regression analysis. The independent variable was ‘procedure type’ and the dependent variable was ‘situation’. The model produced was statistically significant as shown below. The null hypothesis that there was no difference between the model without procedure type and the model with procedure type was rejected and the existence of a relationship between procedure type and situation was supported. Table 3 shows an estimate of the impact of each parameter value on the variance in “situation”. The reference category used was filed bills. The results suggest the following: for bills that are declared urgent the odds of passing increase by 20 times as opposed to ordinary bills. Bills that are declared priority are 4.7 times more likely to be passed (as opposed to filed) than ordinary bills.

	Passed	Still being deliberated
Urgent	21.4***	NS
Priority	5.7***	6.3***
Special	NS	3.2**
Ordinary	NS	NS

Table 3 - Regression model on procedure type and situation of gender-related bills (2003-2010)

Notes: Reference category is Filed
*p = 0.05 **p = 0.01 ***p = 0.001
N = 595

These results reinforce those founded in the cross tabs. For this government procedure type has an impact on the passage of gender-related bills. Another interesting result is seen in the bills that are still being deliberated. Here priority bills are around 5 times more likely to still being deliberated (as opposed to filed) compared to ordinary bills. Most priority bills have not been as successful as urgent bills, but are not as unsuccessful as ordinary bills. There seems to be a connection between bills being considered urgent and passing, bills being considered a priority and still being deliberated (as opposed to being filed), and bills considered ordinary and in most cases being automatically filed at the end of the legislature because of a lack of deliberation.

The importance of negotiation between party leaders and arrangements on the deliberation of gender bills can be clearly seen with one of the only bills in this dataset that was voted using roll call. Bill 52 from 1999 amended law 79 from 1994 that created the National Penitentiary Fund (FUNPEN), which is the fund responsible for activities and programmes that improve the national penitentiary system. In this bill we can see how previous arrangements play an important role in the deliberation of legislation. Looking at the voting numbers, even Deputies from opposition parties voted yes on the passage of the bill. The results show that for this bill, of the 403 representatives present, 402 voted yes. Party leaders not only put matters in the agenda, but also make sure that when the draft reaches the floor, most of the negotiation has already been previously done.

Looking at which parties had the highest percentage of bills declared urgent we can see that 60% of bills introduced by special committees were declared under urgent procedure. What is interesting is that, in the Lula government, four legislative thematic committees were created to deliberate on gender bills. All of these were committees created in the Senate. According to Santos and Rennó (2004:57-58), special committees

are created when there is jurisdiction conflict around proposed legislation. When legislation is submitted for the consideration of more than three permanent committees, a special committee is created. Based on that, we can deduce that party leaders created special committees to reassure the passage of the bills, as leaders control membership on these types of committees. On top of that, when the bills were sent from the Senate to the Chamber for revision, party leaders in the Chamber assured their passage by using another type of control of the legislative agenda: declaring urgency, discharging them from committees, and sending them straight to floor voting.

The reason party leaders made sure that such bills were quickly enacted was the amount of pressure and lobbying for their passage. All of the bills presented by special committees were on the subject of human trafficking and were heavily supported by international organisations. One example was bill 4125 from 2004. It establishes that the media should circulate campaigns on sexual exploitation and trafficking of children and adolescents, pointing ways for complaints to be made. The bill was presented by a Joint Parliamentary Committee for investigating violence and sexual exploitation of children and adolescents in Brazil (CPMI) in the Senate, was declared under urgent procedures by party leaders and was sent straight to the floor for voting in the Chamber of Deputies. It was supported by the women's caucus, which had previously presented a list to the Chamber of Deputies with all the bills that they thought were important to be voted on. Moreover, in the concluding comments presented by the CEDAW committee in consideration of the sixth period country report, the committee declared that while acknowledging measures taken by the State party to combat human trafficking, the Committee was concerned by the scope of the phenomenon and called upon the State party to effectively apply its anti-trafficking measures, fully implement its National Policy for Fighting Trafficking in Persons and complete, without delay, the elaboration of the

national plan on trafficking in persons. Months later, on the considerations of the seventh report, they noted that while taking note of the State party initiatives to address trafficking in persons, the Committee was still concerned at the extent of the phenomenon of trafficking in women and girls. Based on that, Federal Deputy Domingos Dutra from the Workers' Party spoke in the name of the government's coalition during the deliberation of the bill and asked members of the opposition to support this project.

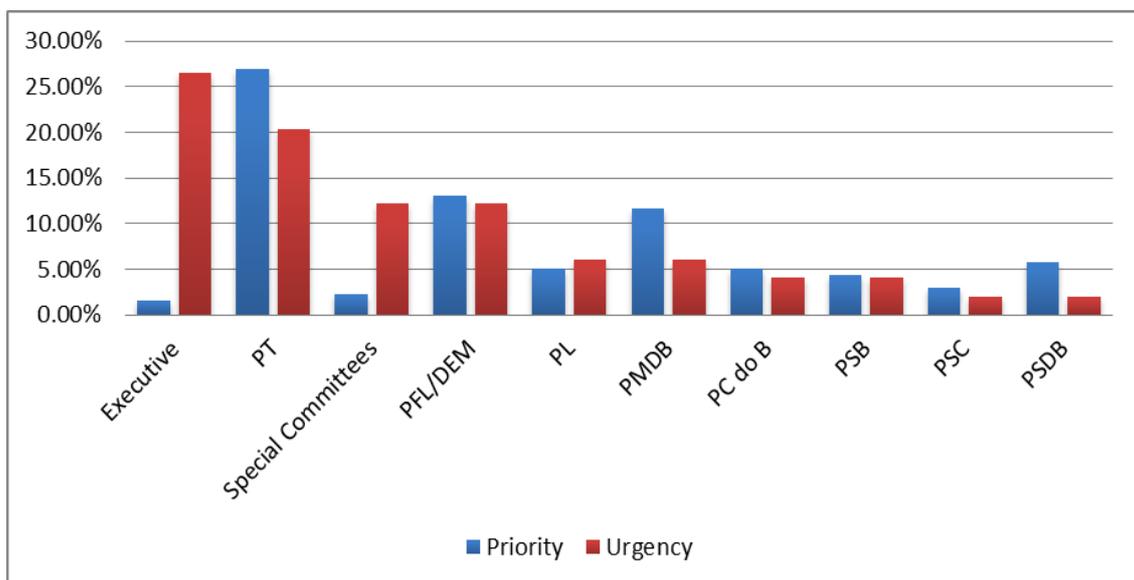


Figure 14 - Percentage of gender bills declared under urgent and priority procedures by party (2003-2010)*

* These are the 10 biggest parties

We have established that party leaders got involved in the deliberation of gender bills and mechanisms such as the use of urgency procedures and the establishment of special committees were used. More than half of all bills enacted were declared under urgent procedures, in comparison with only 4.3% of bills declared under ordinary procedures. Moreover, most of the bills presented by the Executive and special committees were more often declared urgent than bills presented by members of the legislative, with 80% of bills presented by the Executive being deliberated under urgent procedures. Figure 15 below shows that the Executive and the PT were responsible for getting the highest number of bills enacted. Of all urgent bills, 20% of them were presented by PT members

and 24% of enacted bills were presented by PT members. Two differences in comparison with the previous government can be seen here: first, urgency was highly used by party leaders to enact gender bills during the Lula government. Second, although the PT continued to be the party that presented and enacted most bills, now that they are in government, the executive became an important agent of change, sharing first place with the PT in terms of bills enacted. The PT continued to be the most successful party in enacting bills because of the high number of bills presented by them. However, with the change in the composition of the Chamber, the use of urgency was more commonly used to pass gender legislation and it was spread across different parties.

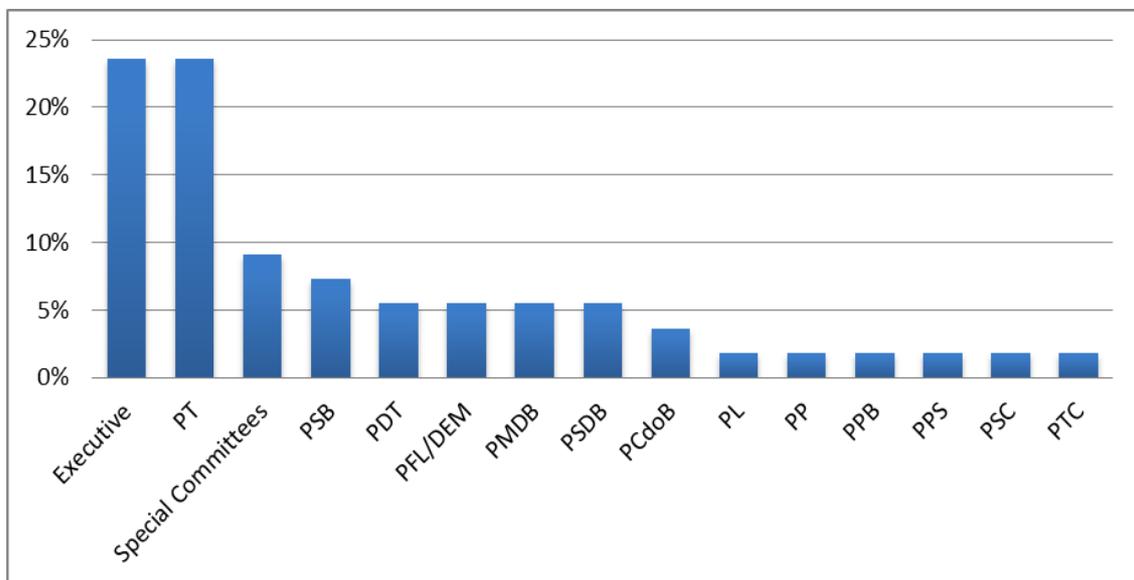


Figure 15 - Percentage of gender-related enacted bills by party (2003-2010)

Third Variable: Support of the Women's Caucus and Women's Movements

Of the 595 gender bills presented during the period, the women's caucus introduced 29.7% of them. Non-members of the caucus presented 65.9% of bills and the Executive and Special Committees presented 4.4% of gender-related bills. The caucus at the time had an average 8.7% of all seats in the Chamber and still managed to present a significant amount of bills on the subject. In terms of enactment, Figure 16 below shows the

distribution between enacted bills presented by members of the caucus, bills presented by non-members of the caucus and bills presented by the Executive or Special Committees (N/A). The distribution between sponsorship of enacted bills was very uniform, with a third of enacted bills being presented by each one of these actors. This shows that non-members of the women's caucus were significant players, but more importantly, it shows the power of the executive to influence the passage of in the enactment of legislation.

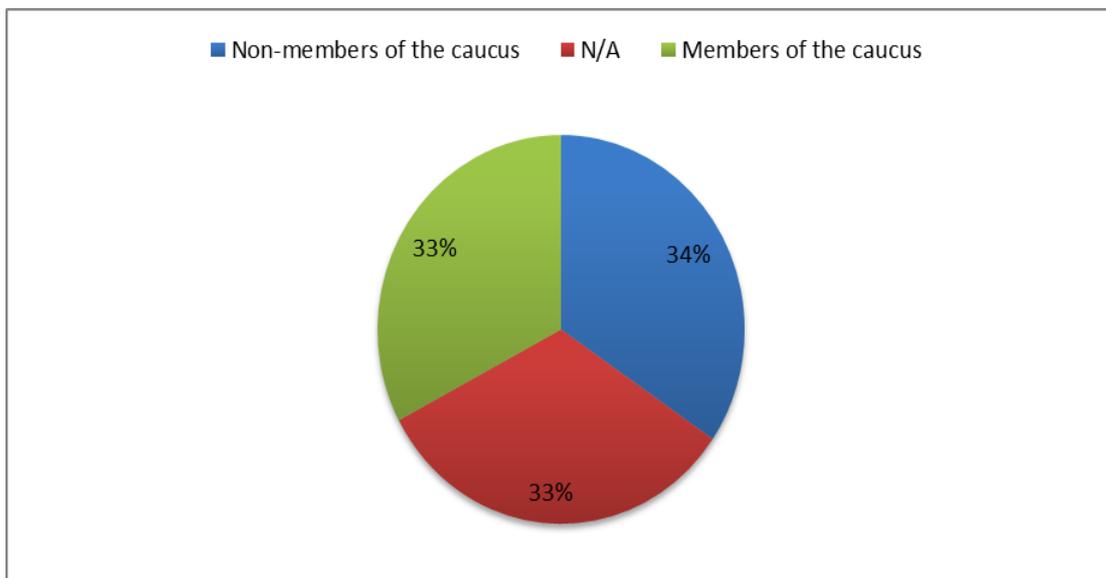


Figure 16 - Percentage of enacted gender bills presented by members of the women's caucus (2003-2010)

Another way the women in congress can influence the enactment of gender bills is through their support for certain bills being deliberated. This type of support could be seen in 67.3% of all enacted bills. This means that they were very involved in the process of deliberation of gender bills through not only bill introduction but also through lobbying. The unity between them, independent of party, made it possible to achieve a number of positive changes. The way this was measured was through speeches given in congress, documents presented by the caucus or women's movements and media on the subject. Support from the caucus in congress can be seen in both bills presented by other members of the caucus or bills present by other actors. Figure 17 below shows that 43% of all bills supported by the caucus were presented by its own members. 30% of bills supported by the

caucus were presented by non-members and 27% of bills supported by the caucus were presented by Special Committees or the executive. Although the caucus tended to support bills presented by its own members, they also showed significant support for bills presented by non-members and bills proposed by the executive and special committees.

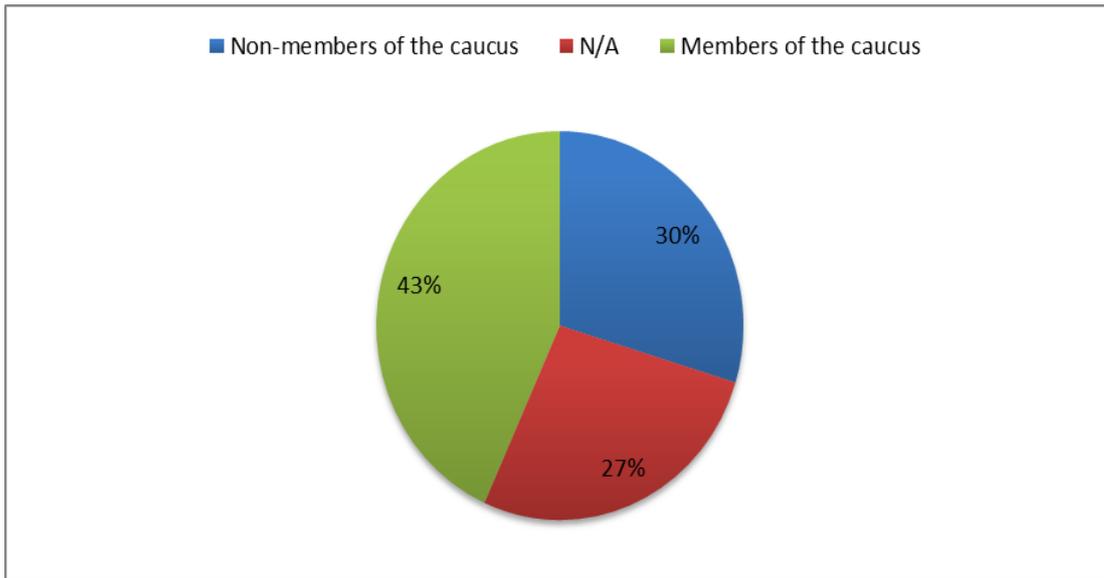


Figure 17 - Percentage of enacted bills supported by members of the women's caucus according to author (2003-2010)

One bill that exemplifies the support given by the caucus to a bill presented by a non-member is bill 6264/2005 presented by Senator Paulo Paim from the PT. This bill creates the Statute of Racial Equality. Among its provisions it stated the rights of Afro-Brazilian women and the state's commitment to collect more data on the afro-Brazilian female population to better implement social policies and programmes. The bill was discussed on the floor with speeches by deputies such as Janete Rocha Pietá, who is a member of the women's caucus. She declared that the approval of the bill was of extreme importance for women's movements and afro-Brazilian women in particular. Representatives of the National Joint Black Women Association also spoke on the subject. Moreover, in the concluding comments of the CEDAW committee in consideration to the sixth periodic report of Brazil, the Committee encouraged the State to enhance its efforts to close the gap between de jure and de facto equality of afro-Brazilian women and men by

ensuring full implementation of laws, plans and policies. They declared that it was necessary to have a regular and effective monitoring and impact assessment, especially in regard to the most disadvantaged groups of women. While acknowledging positive developments in the implementation of article 11 of the Convention, the Committee was concerned about the situation of women domestic workers, principally women of African descent, who have been generally excluded from the protection of labour law and are vulnerable to exploitation by their employers, including sexual abuse. On top of that, the Committee was concerned at the lack of sufficient data about women of African descent, who often suffer from multiple forms of discrimination. The Committee noted that this lack of sufficient information and statistics has prevented it from forming a comprehensive picture of the de facto situation of these women in all areas covered by the Convention and the impact of governmental policies and programmes aimed at eliminating discrimination against them.

Fourth Variable: International Pressure

For the analysis of the influence of international agreements I looked at all bills that were a response to suggestions made by the CEDAW committee to the country (as shown on the “Notes on the content of enacted bills analysed”). 34.5% of bills enacted during the period analysed fitted this criterion. In order to determine for this type of influence, I ran a multinomial logistic regression analysis to try to predict whether an enacted bill would be considered urgent, priority or ordinary using a comparison between support from the women’s caucus, support from the executive and international pressure as the independent variables. The model produced was significant supporting the idea that the independent variables have a relationship with the dependent variable, procedure type. The reference category chosen was ordinary bills.

The data presented in table 4 shows the effect that each variable in the model have on the dependent variable. As we can see from the table, the odds for bills that had executive support increased by 5.7 times. The regression model reinforces the idea that support from the executive is related to whether a bill is declared urgent or not. However, it is necessary to emphasise that apart from the relationship between executive support and urgency, no other parameter result was statistically significant. Being supported by the women's caucus or receiving international support did not make bills more likely to be declared urgent by party leaders. That does not mean that support from the caucus and international pressure did not influence the passage of bills, but rather that their influence may be better understood using other methods.

	Priority	Urgent
Support from the women's caucus	NS	NS
International Pressure	NS	NS
Government Support	NS	6.7*

Table 4 - Percentage of enacted gender bills presented by members of the women's caucus (2003-2010)

Notes: Reference category is Ordinary

*p = 0.05 **p = 0.01 ***p = 0.001

N = 55

As the description of bills shows, the effects of international pressure are highly dependent on other variables. International treaties can be an important instrument that will help groups to lobby for certain changes, but that support can only happen together with the support from actors within the national context. Indeed, as was the case with the previous government, all enacted bills that were a response to international treaties were also supported by the women's caucus. One example of that is bill 117/2003 presented by Federal Deputy Iara Bernardi from the PT. The bill repealed discriminatory provisions contained in the articles 216 and 231 of the decree-law 2.848 from 1940 of the Brazilian Penal Code. Article 216 which dealt with "Crimes against sexual freedom" previously

stated that sexual assault and rape meant 'to constrain an honest woman to carnal conjunction upon violence or serious menace', requiring the victim to be an "honest woman" in order to prosecute the perpetrator. This bill shows a combination of many forces influencing the success of a bill. The bill was considered under urgent procedures by party leaders, and was supported by the women's caucus. In speeches given in congress, different members of the caucus declared their support during the voting of the bill. On a publication by the advocacy group Cfemea called "Violence against women: a story told through decades of fight" they show that members of the women's movements and the women's caucus together with the National Council on Policies for Women had been asking for this specific part of the penal code to be amended since the elaboration of the new constitution in the 1980s.

Federal Deputy Iara Bernardi, in a speech given in the Chamber of Deputies in 2003 declared that such changes to the penal code were crucial in order to make the countries' laws more in accordance to international treaties signed by the Brazilian government and its commitment to gender equality. A draft report on Brazil by the CEDAW in July 2003 showed that the Committee was concerned that the Penal Code still contained several provisions that discriminate against women. It was especially concerned about the articles that required the victim to be an "honest woman" in order to prosecute the perpetrator. The Committee called upon the State party to give priority to amending the discriminatory provisions of the Penal Code without delay so as to bring the Code into line with the Convention and the Committee's general recommendations. The World Organisation Against Torture (OMCT) submitted an alternative country information report on violence against women to the UN Committee on Economic, Social and Cultural Rights in May 2003. On the report, OMCT declares that 'This kind of moral judgment is an open door to defence lawyers to criticise the victim's behaviour in order to excuse or diminish

the seriousness of the aggressor's crime' (2005:81). OMCT urged the government of Brazil to repeal these discriminatory provisions as soon as possible.

Fifth Variable: Religiously-based opposition in Congress

The final variable influencing the passage of gender bills is the role of religiously-based opposition in congress. As explained in the previous chapter, the analysis of backlash from religious groups looks at the performance of bills on certain themes (i.e. gay and reproductive rights and anti-feminist bills). Starting with the theme of reproductive rights. Figure 18 below shows that 56.5% of bills on the subject were filed and 34.8% of them are still being deliberated. Two bills on the subject passed. The two bills on the subject that passed were bills 1696 and 2401 from 2003.

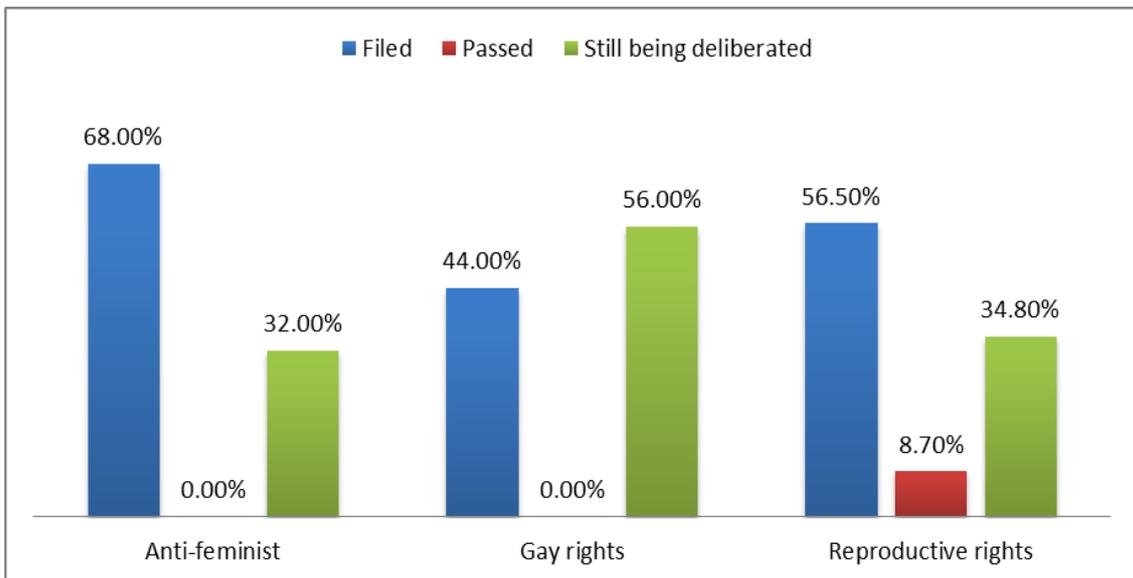


Figure 18 - Anti-feminist, gay and reproductive rights bills proposed (2003-2010)

The first one became law 11.935 in 2009 and did not cause any reactions from religious groups, as it did not touch the subject of abortion. The bill simply amended law 9.656 from 1998 that regulates private health care and health insurance in Brazil. It established that health insurance companies should bear the costs of fertility treatments and family planning. The second bill was the only bill that received backlash during president

Lula's government and still managed to pass. The bill was presented by the executive and it was called the "New Biosafety law". It established safety standards and mechanisms for monitoring activities involving genetically modified organisms (GMOs) and their derivatives. It also established the National Biosafety Policy and regulated the use of stem cells and assisted human reproduction. On this subject, the bill revoked law 8.974 from 1995 and allowed the use for research and therapy of embryonic stem cells obtained from human embryos produced by IVF procedures and that cannot be used for human fertilisation. According to Dolabella, Araújo and Faria (2005:73), this bill was unusual because it first intended to deal mainly with the subject of genetically modified organisms (GMOs). However, the controversy on the use of embryonic stem cells dominated the discussion and guided the final debate on the day of its approval. According to them, the voting of the bill took place in an emotional atmosphere, in the presence of citizens (including children) suffering from degenerative diseases in order to press parliamentarians for the approval of the bill. Farmers gave way to another group pressuring for the passage of the bill, and in the end the issue of GMOs "piggybacked" on the theme stem cells (2005:73).

Several different forces applied pressure to the passage of this bill, which was considered under urgent procedures. It was presented by the executive and the president's party (PT) openly supported the passage of the bill. The government was highly criticised by environmentalist groups that claimed that the passage of the bill was the result of negotiations with multinational companies such as the company Monsanto. On the other hand, many feminist groups, such as the advocacy group Cfemea, were present during the deliberation of the bill and supported its passage because of the item of the bill that allowed the use for research and therapy of embryonic stem cells obtained from human embryos. Many members of the women's caucus gave speeches during celebrations of the

8th of March supporting the passage of the law. However, there was not a consensus among them. Federal Deputy Angela Guadagnin for example spoke on the subject and asked for amendments to the bill on the part that dealt with stem cells. She was supported by members of several different religions that protested the passage of the bill asking for the amendment of the same article. Public hearings were held for the discussion of the bill but the executive decided not to amend it.

On the subject of gay rights, we can see from Figure 17 above that none of the 25 bills proposed were enacted. 44% of them were filed and 56% of them are still being deliberated. One of the rejected bills was bill 2000 from 2007. It attempted to establish the 29th of August as National Lesbian Visibility Day. Federal Deputy Cida Diogo from the PT presented the bill in 2007. The bill approved in the Education and Culture Committee but two members of the *Bancada Evangélica* abstained and did not vote on the report. However, when it was sent to the Constitution, Justice and Citizenship Committee, Federal Deputy Carlos Willian, who is also a member of the *Bancada*, produced a report suggesting the rejection of the bill. After the report was presented, Federal Deputy Chico Alencar from the Socialism and Freedom Party (PSOL) asked his vote to be registered and declared its rejection to Deputy Carlos Willian's report, declaring that the rapporteur was using personal convictions to suggest the rejection of the bill. Press on the subject shows that the bill was taken out of the agenda and rejected as a result of pressure from members of the *Bancada Evangélica*.

Figure 19 below shows that the PT was responsible for presenting most bills on the subject of gay and reproductive rights. Especially on the subject of gay rights, the difference between this party and the others is very significant - 16 out of 25 bills were presented by them. On the subject of gay rights members of the women's caucus introduced more bills than their male colleagues - 68% and 32% each respectively.

However, on the subject of reproductive rights, 61% of bills were presented by men. In this case, the party of the representative was more important than their sex.

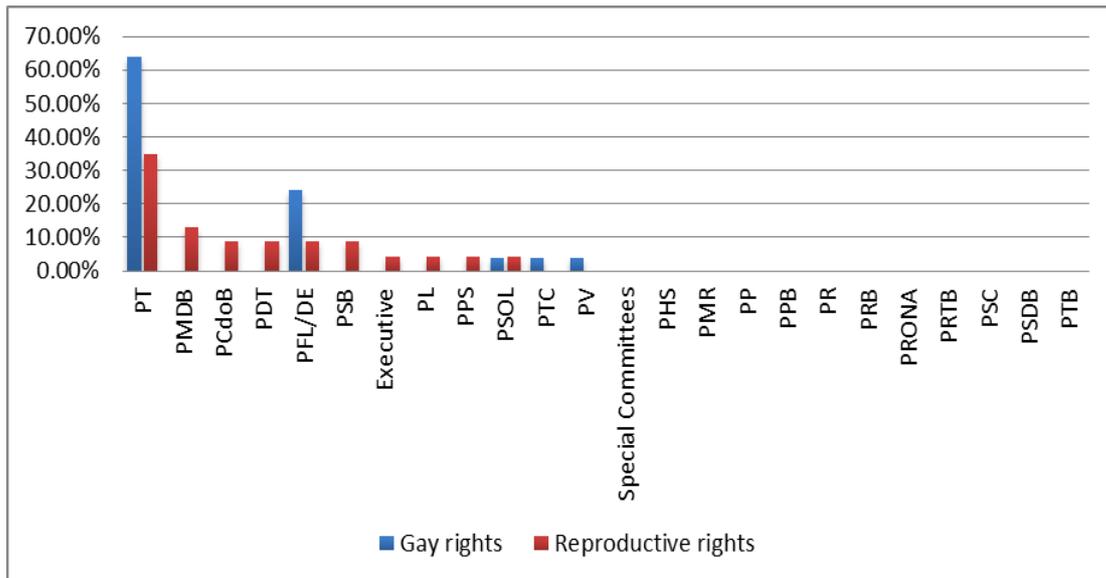


Figure 19 - Percentage of gay and reproductive rights bills introduced by party (2003-2010)

Finally, during the period, 50 anti-feminist bills were proposed. 34 were filed and 16 are still being deliberated in the Chamber of Deputies. Anti-feminist bills are most of the time highly supported by religious groups, even if they are not always proposed by its members. None of the 50 bills was considered under urgent procedures. That means that even though, there is a lot of backlash on the subject of reproductive and gay rights, there is also a high level of rejection on anti-feminist bills. A surprising factor is that for the first time, two anti-feminist bills were presented by members of the women's caucus, both on the subject of reproductive rights. The first one was bill 5230/2005. The bill was presented by Federal Deputy Angela Guadagnin (PT) and was against the commercialisation and distribution by the National Public Health service (SUS) of emergency contraception (morning after pill). The second one was bill 3748 from 2008 proposed by Federal Deputy Sueli Vidigal (PSB) and authorises the executive to grant pension to the mother who keeps a child born of a pregnancy resulting from rape. This bill is still being deliberated and has

been highly criticised by the feminist movement in the country. They argue that providing benefits to women who decide to carry a pregnancy that was the result of rape will further increase the shame for women who decide to have an abortion. None of the two bills received any type of support other than from religious groups.

Not only were anti-feminist bills presented by members of the women's caucus for the first time, but also some anti-feminist bills were presented by members of the PT, as we can see from Figure 20 below. The PT was responsible for presenting six anti-feminist bills. They were all on the subject of reproductive rights. The bills were against the commercialisation and distribution by the National Public Health service (SUS) of emergency contraception (morning after pill) like bills 5230/2005 and 1413/2007; bills that proposed the "unborn child statute" and claimed that life starts at conception, in this way intending to make laws on abortion stricter (bills 478/2007 and 489/2007); and a bill (5364/2005) that intended make abortion in the case of pregnancy resulting from rape illegal. The party however had a meeting in 2009 in order to decide whether 17 of its members who were openly against the legalisation of abortion should receive a warning or should be asked to leave the party. Another two cases were discussed in 2010. Federal Deputies Luiz Bassuma and Henrique Afonso were punished and left the party because of their positions on the subject.

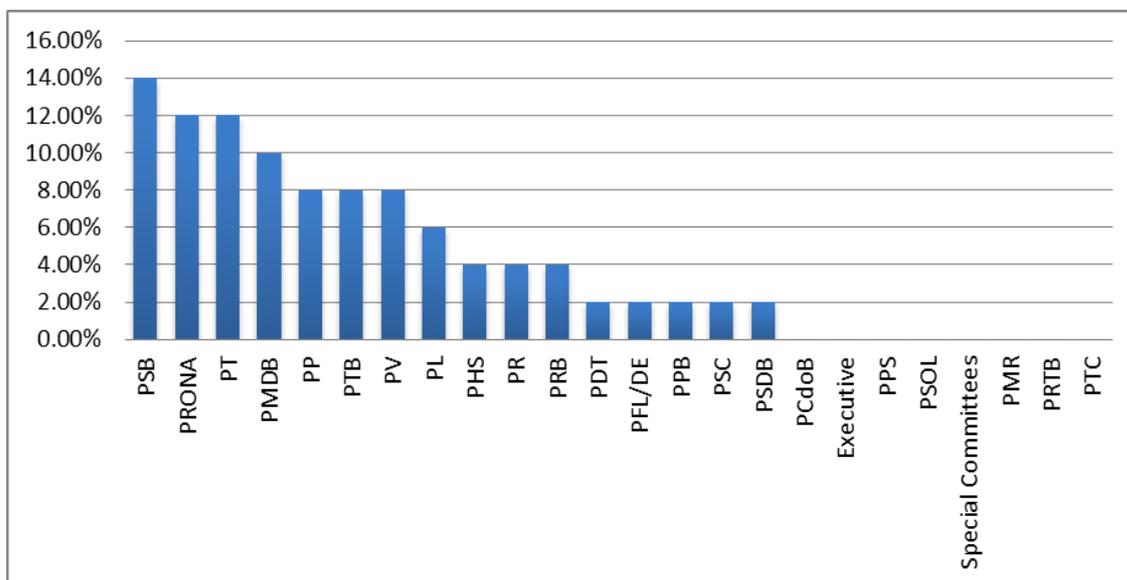


Figure 20 - Percentage of anti-feminist bills proposed by party (2003-2010)

Conclusion

This chapter presented the empirical examination of the forces influencing gender policy processes and outcomes in the Brazilian Chamber of Deputies during the second government in analysis (2003-2010). The analysis of the 595 gender bills deliberated during the Lula government shows that the PT continued to present more gender bills than any other party, and had the highest number of bills enacted. Party leaders were involved in the process of deliberation of bills, as gender became a theme more present in the Chamber. Gender bills were more commonly declared urgent and priority and many special committees to deliberate on gender issues were created. The executive became an important agent of change. It did not present a high number of bills, but in terms of bills enacted was, along with PT, the dominant force. The executive's relationship with the college of leaders meant that party leaders declared their bills urgent more often.

The relationship between the PT and the women's caucus continued to be the same, even when the party became the presidential party. Most bills presented by caucus members were presented by women in the PT. What is interesting is the fact that the

women's caucus continued to present the same numbers of bills as in the previous government, but the percentage of bills enacted that were presented by them fell. With the election of the PT the theme of gender became more present in congress. But as the long-time indifference from parties to the issue began to change and the executive got more involved, the women's caucus was no longer the sole campaigner for gender change.

Being part of an international agenda was also one of the variables analysed. We have seen that this variable alone does not define whether a bill will be successful. However, the influence of international organisations will vary according to issue type. The fact that international groups such as the CEDAW committee have worked closely with the women's movements on the subject of gender equality has helped to include these issues in the agenda. The success of the women's caucus, the PT and international organisations in bringing change was however not very effective when it came to gay and reproductive rights. The influence of religious groups helps to explain that. Although the *Bancada Evangélica* and its Catholic allies have been present in the Brazilian congress for a long time, its growing influence can be seen in this government. On the subject of gay rights, the PT presented a high number of bills and many of these were declared urgent. In general, the party was successful in passing many of its proposed bills, however this was not the case for bills on gay rights. Backlash from religious groups meant that no bill on the subject was enacted. On the subject of reproductive rights, religiously-based opposition meant more than just stopping bills from passing. It also meant that many anti-feminist bills against abortion rights were put on the agenda (in some cases by members of the PT and members of the women's caucus) and received support in the committees. No anti-feminist bills were enacted during the period, but many are still being deliberated.

So far we have seen variations between the two governments analysed. Using the same methodology made it possible to better assess the forces that influence gender policy

outcomes during two very different governments. The next government to be analysed will be the first term of president Dilma Rousseff (2011-2014). Although this is just one term (as opposed to the two terms analysed for each of the previous governments), the same methodology will be used for the 2011-2014 legislature. Although Dilma is also a member of the PT, differences are expected to be seen, as she is the first woman to be president in Brazil and religiously-based opposition was even more perceptible during her administration.

Chapter 5

Dilma Rousseff's First Term in Government

This chapter presents an analysis of the forces influencing processes and outcomes of gender-related bills deliberated during the first term of president Dilma Rousseff from the Workers' Party (PT). The same methodology applied to the analysis on the previous two chapters will be used here to examine the deliberation of the 475 bills introduced in the Chamber of Deputies during the period. As the data for this government are more recent and go up to the 31st December 2014, most bills were still being deliberated (85.7%) when I finished the data analysis (January 2015). We can see that the percentage of bills 'still being deliberated' is higher in more recent governments. For this government, of bills marked as 'still being deliberated' at least one has since had a positive review in a committee but nothing else has happened since. The deliberation of social bills is expected to take a longer time, as they are not the priority (usually economic and administrative bills, especially proposed by the executive are). Based on that, the percentage of bills under this situation is expected to change as time passes and this proportion is expected to decrease (as happened during the Lula government in comparison with the Cardoso government). With time, the majority of these bills will either be filed or pass. Finally, as we can see from Table 5, 8.6% of bills were filed and 5.7% passed.

Filed	Still being deliberated	Passed	Total
41	407	27	475
8.6%	85.7%	5.7%	100%

Table 5 - Gender-related bills deliberated in the Chamber of Deputies (2011 to 2014)

First Variable: Legislative Agenda Control

Federal Deputies from all 22 elected parties, the Executive, and legislative special committees introduced bills. The PT was elected the biggest party bloc in congress with 17% of all seats and presented 16.4% of gender bills. The PMDB came in second place with 14% of all seats and introduced 12% of bills. Moreover, looking at Figure 21 we can see that of all bills presented by members of the women’s caucus, PT members introduced almost a third during this period. Special committees created to deliberate on the subject of gender also presented a considerable number of bills with 33 bills in total (7%). As the intent of the graph below is to show how support varied according to party, it does not include anti-feminist bills. Anti-feminist bills (e.g. anti-abortion laws, etc.) are not representative of the party’s commitment to equality, but quite the opposite. Anti-feminist bills are however included in the rest of the analysis.

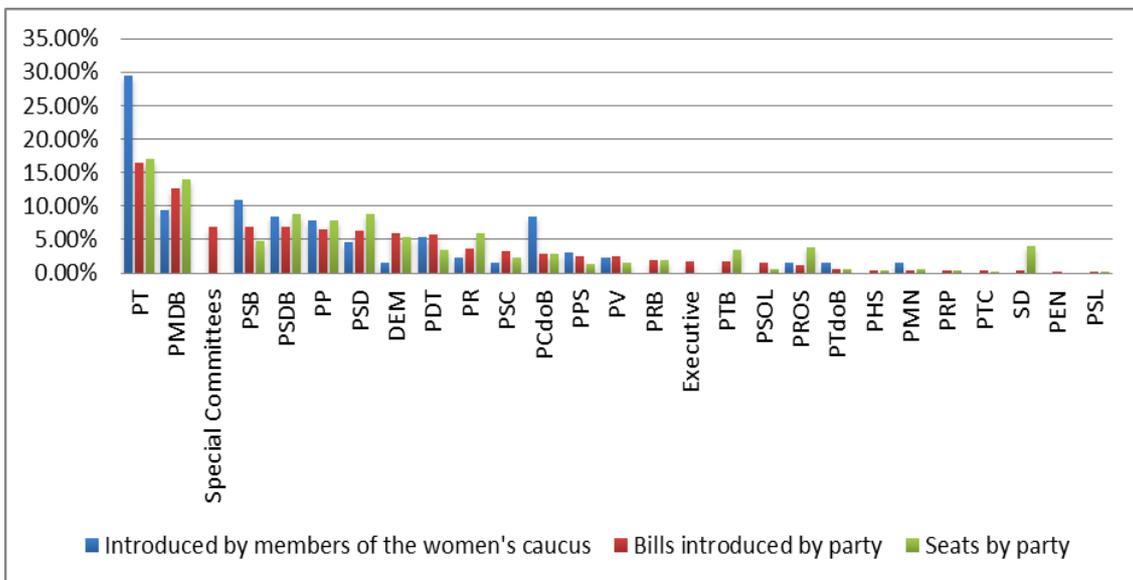


Figure 21 - Percentage of gender bills presented by party, members of the women’s caucus, and party size (2011-2014)

Of the 475 bills analysed here, so far 277 were deliberated under ordinary procedures, 153 were declared a priority, 25 were considered urgent, and 20 were considered under special procedures. As we can see in Figure 22 below, bills considered under urgent procedures had a distinctive level of success when compared to other procedure types: of the 25 bills that were considered under urgent procedures, 56% passed

and 20% are still being deliberated and 24% of them were filed. Although bills considered under urgent procedures were only 5.3% of all bills, the majority of bills enacted were considered under this type of procedure. In the case of bills that are still being deliberated, only 1.2% of them were urgent bills. Looking at ordinary bills, only 1.4% of them passed and almost 90% are still being deliberated.

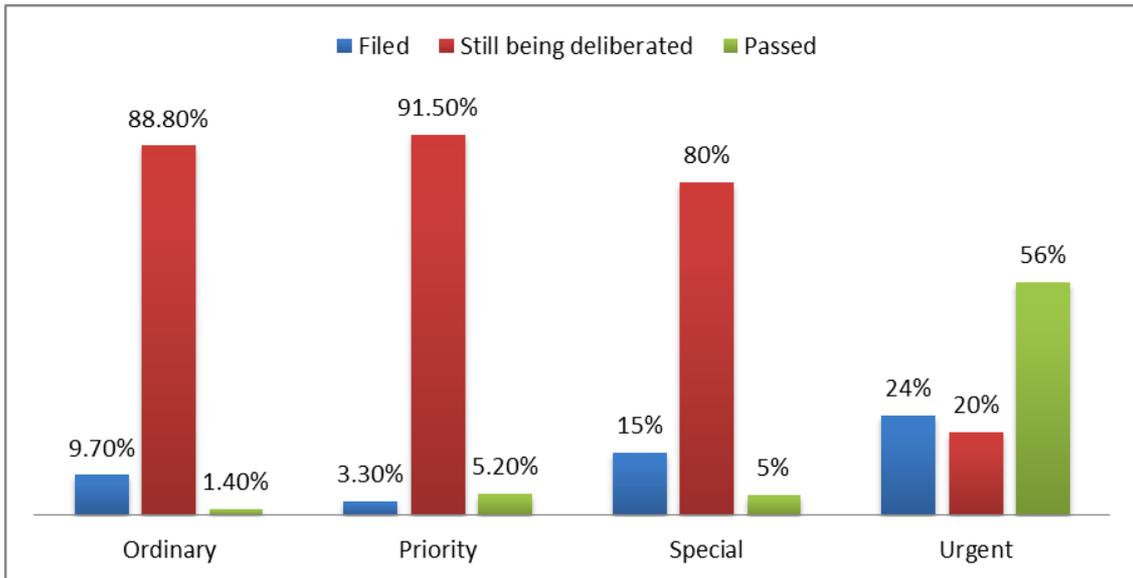


Figure 22 - Procedure type and situation of gender bills in the Chamber of Deputies (2011-2014)

Moreover, a multinomial regression (see Table 6) with all the 475 gender bills proposed shows that the odds for bills declared priority increase by 9.8 times. For bills declared urgent the odds increase by 14.7 times. Urgency bills have then a higher level of success, priority bills come in second and ordinary bills come in last place.

	Passed	Still being deliberated
Ordinary	NS	NS
Priority	10.8**	3.1*
Special	NS	NS
Urgent	15.75***	0.09***

Table 6 - Regression model on procedure type and situation of gender-related bills (2011-2014)

Notes: Reference category is Filed
 *p = 0.05 **p = 0.01 ***p = 0.001
 N = 475

In the case of the 33 bills introduced by special committees, two of them passed, one was filed³⁶ and 30 are still being deliberated. They were all committees created to deal with the subject of violence against women and girls in Brazil. It is expected that bills presented by special committees will have a high level of approval because first, party leaders choose members of special committees. Second, bills proposed by special committees only get to be introduced once there is already some level of agreement in terms of the content of the bill by members of several different parties. And third, the majority of bills proposed by special committees are declared urgent and discharged from any other committee, going straight to voting. That was the case with both bills that have already been enacted. Bill 6013 from 2013 presented by a Joint Parliamentary Committee of Inquiry created to investigate the situation of violence against women in Brazil, and bill 4529 from 2004 proposed by the Special commission created to monitor and investigate proposals for Public Policy for Youth. They were both proposed by special committees, declared urgent and went straight to the floor for voting.

As we can see, party leader's support had an important role in this government with most enacted bills being deliberated under urgent procedures and special committees continuing to play an important role. The PT continued to be the party that proposed the highest number of gender bills (the PMDB came in second place but as their caucus was smaller than the PT's, proportionally they should also be considered an important actor). The PT also had the highest number of gender bills proposed by women. As we can see in Figure 23 below, in terms of bill enactment, the PT and the Executive proposed the majority of enacted bills. Of the 27 bills, the party introduced 22.2% of them and the executive another 22.2%. Bills proposed by special committees came in fourth place –

³⁶ Bill 4896 from 2012

7.4%. We will now look a little closer at the role of the executive in the enactment of gender bills.

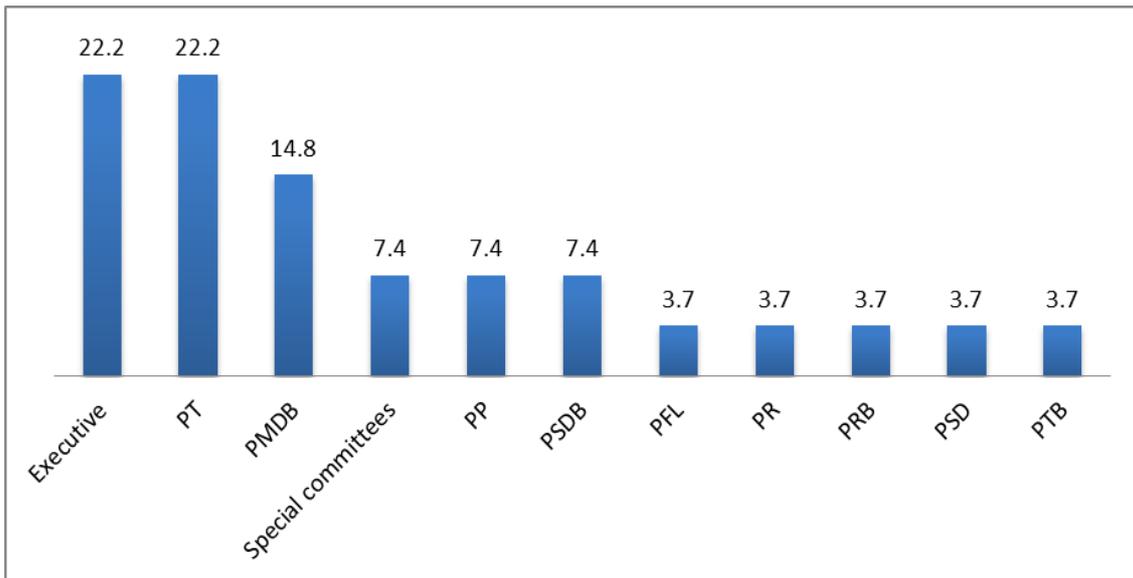


Figure 23- Percentage of enacted bills by party (2011-2014)

Second Variable: the Executive

During Dilma’s administration, the executive introduced eight bills³⁷ on the subject of gender with six of those being enacted. All bills proposed were considered under urgent procedures and bills proposed by the executive account for 22.2% of all enacted bills. Bills presented by the executive were often supported by party leaders. As we can see from Figure 24 below, the executive had the highest percentage of bills declared under urgent procedures compared to other bills proposed. To confirm the level of success of bills presented by the executive, I also ran a regression model to establish the relationship between bill introduction and success. Table 8 shows an estimate of the impact of whether a bill was introduced by the executive on the variance in “situation”. As we can see, for bills presented by the executive the odds of a bill passing increase by 10 times.

³⁷ Bill 6022/2013 was still being deliberated in January 2015 and MPV 557/2011 was filed. MPVs 514/2010, 529/2011, 536/2011, 561/2012, 593/2012 and bill 5022/2009 were enacted.

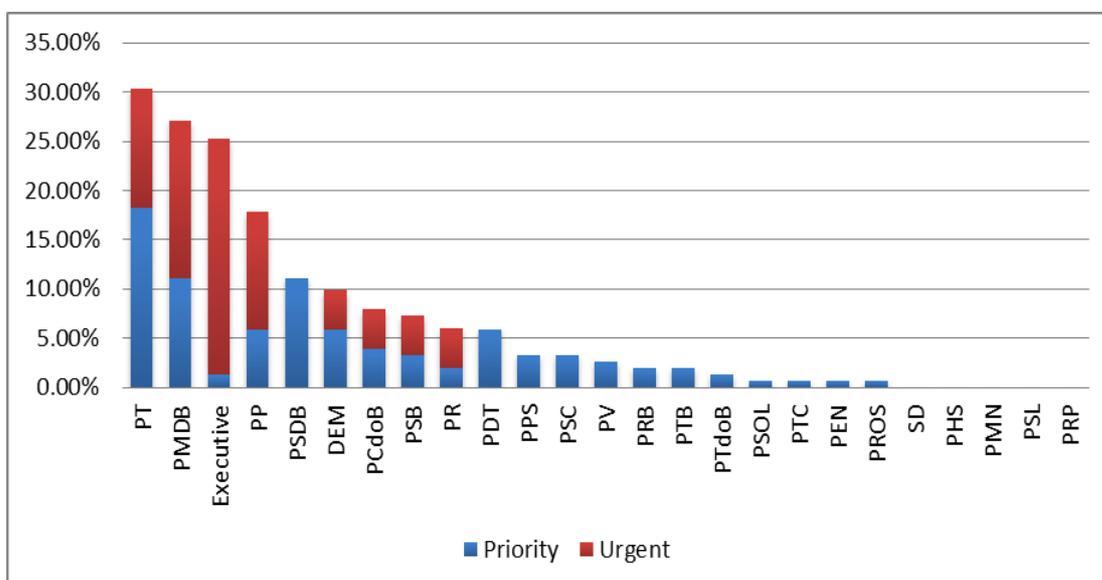


Figure 24 - Percentage of gender bills declared under urgent and priority procedures by party (2011-2014)

	Passed	Still being deliberated
Presented By the Executive	11.4*	NS
Not Presented By the Executive	NS	NS

Table 7 - Regression model on gender bills presented by the executive and situation (2011-2014)

Notes: Reference category is Filed

*p = 0.05 **p = 0.01 ***p = 0.001

N = 475

The executive exercises its influence on the agenda through negotiations with party leaders. As shown in chapter 2, another mechanism available to them to improve their chances of getting their bills enacted is the use of provisional decrees (medidas provisórias)³⁸. Five of the six bills enacted by the executive were provisional decrees. One example is provisional decree 561 from 2012 that regulates the government programme “My house, my life”. It became law 12.693/2012. One of the items discussed in the bill is

³⁸ The provisional decree has ‘immediate force of law’ and must subsequently be passed in congress within thirty days (Santos and Vilarouca 2003:70).

that women should be entitled to the property granted by the Programme in the event of divorce or dissolution of stable union. The bill was considered urgent by the college of leaders, which is the case for all provisional decrees. President Dilma Rousseff gave a speech that was transmitted on radio and TV declaring that she was proposing this provisional decree on the international women's day as an example of her government's commitment to gender equality. She argued that this was a law especially important to women and their economic empowerment.

As we can see, although the executive proposed a small percentage of gender bills, when it comes to enactment, they shared the first place with bills proposed by the PT. Bills proposed by the executive were often declared under urgent procedures as they made use of the provisional decree mechanism available to them. They were an important actor in the enactment of policy during the period.

Third Variable: Support from the Women's Caucus and Women's Movements

I look at the support from the women's caucus and women's movements in two ways: first, for the analysis of the complete 475 bills introduced from 2011 to 2014 I will look at bill introduction by members of the women's caucus and their success rate, party membership, and procedure type. Second, for the 27 bills that were enacted during the period, I have done an analysis of bill content (Notes on the content of enacted bills analysed) to identify which bills were openly supported by the caucus in speeches, media and documents produced by them.

Of the 475 gender bills presented during the period, the women's caucus introduced 27.2% of them. Although the majority of gender bills were not introduced by members of the women's caucus, during this government the caucus occupied only 8.7% of all seats in the chamber of deputies. When it comes to enacted bills, that percentage only slightly

increases. As we can see from the graph below 30% of all enacted gender bills during the period were introduced by a member of the caucus, 29% were presented by what I classified as “non applicable”, as they were either presented by the executive or by a group of representatives in the form of a special committee (that might have had members of the women’s caucus in it but was not exclusively formed by them) and 41% were presented by non-members of the women’s caucus.

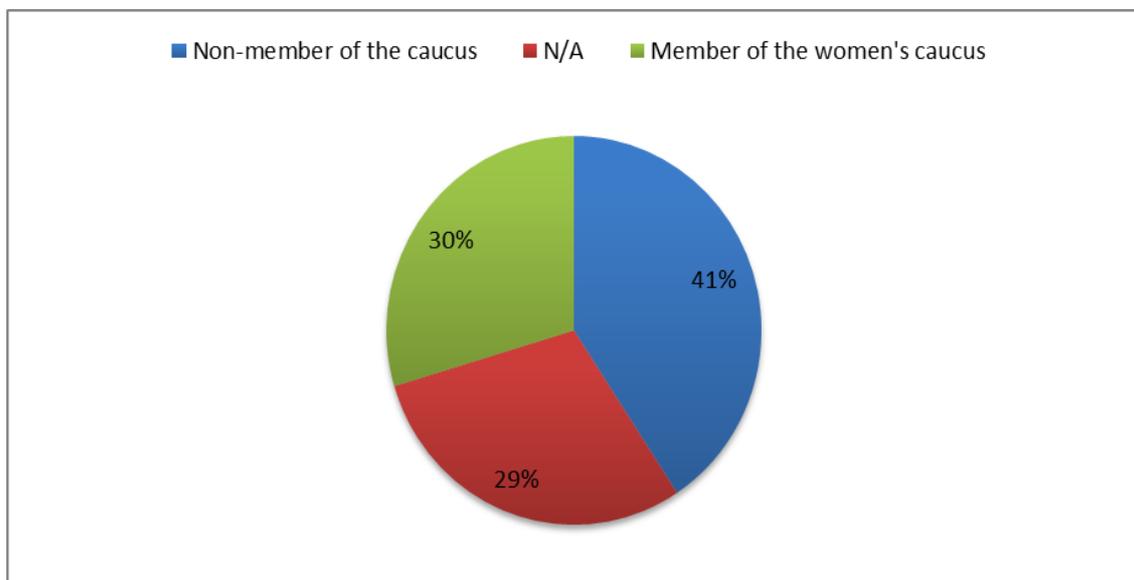


Figure 25 - Percentage of enacted gender bills presented by members of the women’s caucus (2011-2014)

The caucus supported the majority of enacted bills. In the notes of the content of bills analysed at the end of this document, we can see that for most of the enacted bills caucus’ members spoke in parliament and to the media and worked together with advocacy groups such as the Cfemea in order to pressure for their enactment. Most enacted bills that received support from the women’s caucus were not proposed by its own members. That means that the women’s caucus was very involved in the process of deliberation of gender bills and lobbying as a group together for them to pass, even when they did not introduce the bills. Of all enacted bills supported by the caucus, 37% were presented by members,

21% by the executive and special committees and 42% by non-members of the women's caucus.

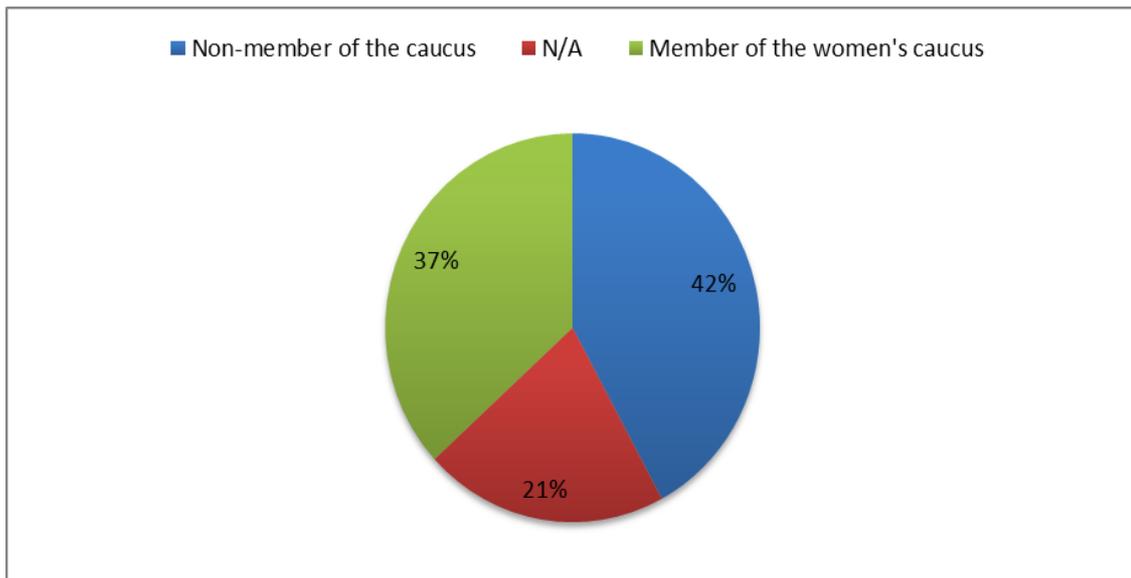


Figure 26 - Support from the women's caucus for bills sponsored by different actors (2011-2014)

Fourth Variable: International Pressure

18.5% of bills enacted were part of an international agenda during this government. As was the case with previous governments, this type of support is highly dependent on other types of support. Throughout the three periods analysed, we have only seen support from international organisations in conjunction with support from the women's caucus. Again during this government, all enacted bills that received some sort of international pressure were also openly supported by the women's caucus.

One example of that is bill 478 from 2010. This bill is an amendment to the constitution (PEC) that became known as the Domestic Workers' PEC. It was proposed on the 14th April 2010 by Carlos Bezerra from the PMDB, establishing equal labour rights for domestic workers and other urban and rural workers. A Special Committee was created to produce a report on the bill. After that it was sent to the floor for voting. 347 people voted yes, 2 no and 2 abstained. According to the new changes, domestic workers should work a

maximum of eight hours per day and 44 per week, have the right to overtime, unemployment insurance and occupational accident insurance, National Insurance number, minimum wage set by law, not to work during bank holidays, paid weekly rest, thirty days holidays, stability in employment in case of pregnancy, maternity leave, sickness benefits, notice period of at least 30 days, retirement, etc. The bill was considered under special procedures, which is always the case with amendments to the constitution.

The bill was supported by the women's caucus with several politicians speaking during its deliberation and women's movements such as Cfemea and the National Federation of Female Domestic Workers – FENATRAD, which were involved in the elaboration of the National Plan on Policies for Women. The bill also received support from the government and was already part of its agenda. In November 2005, the Ministry of Labour and Employment (MTE), in partnership with the SPM and the Special Secretariat of Policies for the Promotion of Racial Equality (Seppir), launched the Citizen Domestic Labour Plan. The subject was cited in the II National Plan on Policies for Women (2008). Its goals were to ensure domestic workers the exercise of all labour rights foreseen in the Federal Constitution, to train 12,000 women within the Citizen Domestic Work Plan and coordinate for incorporation into Education for Youth and Adults. Moreover, the Plan also set a 2011 deadline to ensure compliance of the legislation and promote the valuing of paid and unpaid domestic labour, to review legislation to widen labour rights of female domestic workers, to broaden the Citizen Domestic Work Program for social and professional qualification of female domestic workers; to develop a campaign to stimulate the qualification and valuing of domestic work; and to develop awareness-building actions to formalise women's work and ensure the compliance of the minimum wage legislation. On the third National Plan on Policies for Women (2013-2015) the subject continued to be treated as a goal, with the expansion of rights and the recovery

of domestic workers through changes in social legislation and increased formalisation, the expansion and regulation of rights of domestic workers.

The subject was also cited in the concluding comments of the Committee on the Elimination of Discrimination against Women when considering the sixth periodic report of Brazil. The Committee declared that it was concerned about the situation of women domestic workers, principally women of African descent. The Committee called on the State party to ensure that women domestic workers are fully protected against discrimination, exploitation and abuse. In the concluding comments of its consideration of the seventh periodic report of Brazil, the Committee noted with concern that article 7 of the Constitution still discriminated against domestic workers as it granted to this category of workers only 9 out of 34 rights granted to other categories of workers. The committee was concerned about the negative impact of this provision on the advancement towards the elimination of discrimination against women, as women represent the vast majority of domestic workers in the country. The Committee recommended that the State party: expedite the works of the Special Commission tasked with preparing an opinion on Constitutional amendment proposal No. 478/2010; adopt a regulatory legislative framework to protect the rights of domestic workers; take appropriate measures to guarantee substantive equality for women domestic workers and to eliminate the multiple forms of discrimination against Afro-descendent women domestic workers; and continue to take measures to improve the protection of domestic workers, including the ratification of International Labour Organisation Convention concerning Decent Work for Domestic Workers.

Fifth Variable: Religiously-based opposition in Congress

The final variable to be analysed is the role of backlash from religious groups in congress. The first step is to look at the performance of bills that might cause backlash based on their theme. Figure 27 shows that for this government, most bills are still being deliberated - 86.7% of gay rights and 83.3% of reproductive rights bills are still being deliberated. 95% of anti-feminist bills are still being deliberated.

Figure 28 shows that the PT presented most bills on the subject of gay rights. The majority of bills (73.3%) on the subject were presented by non-members of the women's caucus. One bill on gay rights was approved and one was filed (bill 1899/2011). The enacted was bill 4529 from 2004. It was presented by a Special commission created to monitor and investigate proposals for Public Policy for Youth. As we have seen, being presented by a special committee helps to increase the chance of a bill being considered urgent by party leaders and enacted. This bill created a Youth Statute and deals with several different gender aspects stating for example that young people should not be discriminated because of their gender and sexuality. Coverage by the media shows that the passage of a Youth Statute was encouraged by the government because of the protests that happened throughout the country in 2013. The bill had been presented 10 years before but was not enacted. President Dilma used the creation of the youth statute as a response to youth movements that presented several demands to the government. As expected the bill was subject to backlash. Several deputies spoke on the issue. Federal deputy Anthony Garotinho (PSB) asked for an amendment where the statute said that there should be "respect for diversity of values, beliefs, and behaviours related to sexuality, and that everyone's sexuality should be recognised and respected". The deputy declared that the caucus accepted the use of the word "respecting" but not "recognising". Other deputies such as João Campos, Eros Biondini, Padre José Linhares and Vitor Paulo spoke and

presented amendments to the bill. There was a lot of negotiation between religious groups and the rapporteur Manuela D'Avila from the Communist Party of Brazil. When referring to the teachers and their training to address issues about gender discrimination and sexual orientation, the final text ended up being more comprehensive and treating the subject in a broad manner, talking about all kinds of prejudices instead of focusing on sexuality. The removal of the word “recognising” was not accepted by the rapporteur.

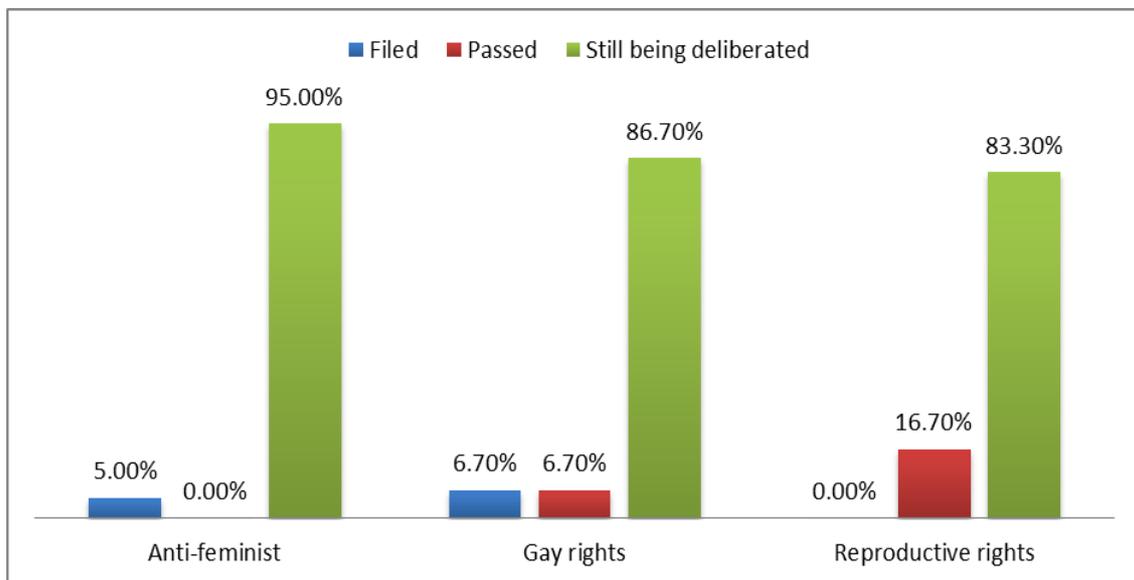


Figure 27 - Anti-feminist bills, gay rights bills and reproductive rights bills according to situation (2011-2014)

Another bill that caused a backlash was bill Complementary Law 59 from 1999, which was presented on the 4th of August by Federal Deputy Nair Xavier Lobo from the PMDB. The bill is not on gay rights but it extends the rights in the case death of the mother (maternity leave, maternity salary, stability at work) to whoever holds the custody of the child. The women’s caucus worked together on this bill and members of the *Bancada Evangélica* from several different parties spoke during its deliberation. Federal Deputy Pastor Pedro Ribeiro, who is a member of the *Bancada*, spoke during the announcement of parties’ orientation saying that his party, the Brazilian Democratic Movement Party (PMDB), did not agree with the bill and was against it. He declared that the bill did not

specify who was able to retain the rights of the mother, as it did not specify that it had to be the biological father. He declared that this would possibly include gay couples and because of that his party would vote no.

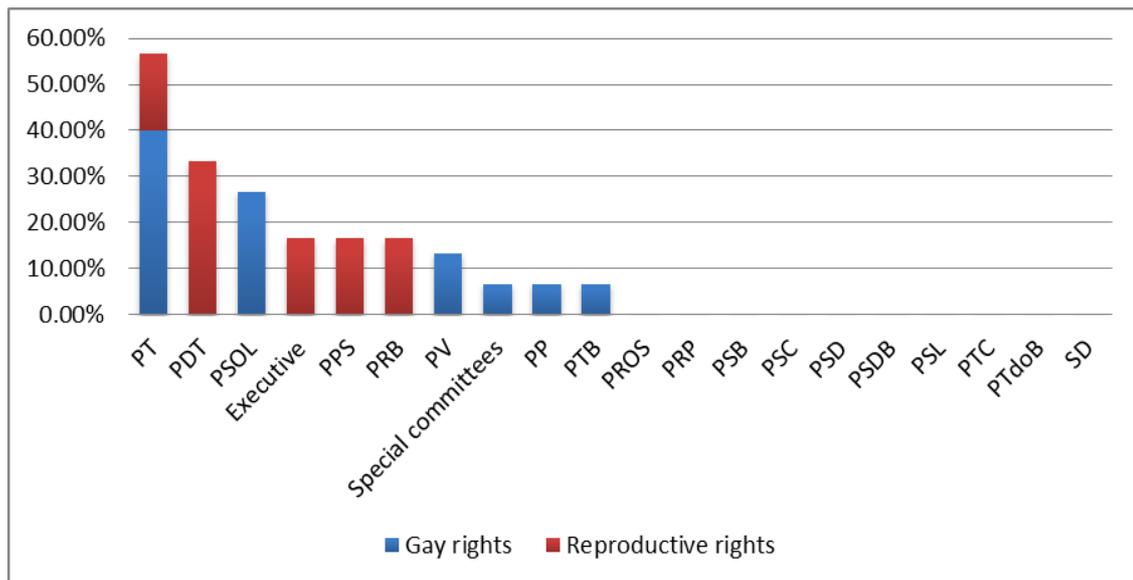


Figure 28 - Percentage of reproductive and gay rights bills presented by party (2011-2014)

On the subject of reproductive rights, the Democratic Labour Party (PDT) presented two bills, and the PT, the Executive, and two other parties presented one bill each. The bill presented by the PT was the one bill that was enacted. Bill 60 was proposed in 1999 by Federal Deputy Iara Bernardi. The bill deals with the subject of sexual violence and establishes that hospitals should provide victims with multidisciplinary care for control and treatment of the different impacts of the act. They should provide immediate diagnosis and repair of any physical damage, medication to prevent pregnancy, medication to prevent sexually transmitted diseases, medication for preventing the spread of HIV, and information about the right to abortion. The bill was then filed at the end of the legislature. It was retrieved by Iara Bernardi at the beginning of the new legislature in 2003. It was filed again. At the beginning of the new legislature in 2007 Federal Deputy Enio Bacci retrieved the bill. The bill was filed but retrieved again during president's Dilma government in 2013 by José Guimarães from the PT. The bill passed during the

celebrations of the international women's day on the 8th of March. Federal Deputy Iara Bernardi declared that the passage of this law was the product of a negotiation that counted on the support of the caucus, ministers, the president and other members of the executive, and the feminist movement. In her speech, Federal Deputy Erika Kokay declared that the passage of the bill was a victory of the feminist movement and the women's caucus, but that religious groups wanted to change important aspects of the bill when it comes to the availability of emergency contraception and abortion to rape victims. She declared that the women's caucus, together with the members of the executive wanted to ask the president to sanction the project without those amendments. Federal Deputy Pastor Eurico, Stefano Aguiar and Roberto de Lucena spoke in the name of the *Bancada Evangélica* asking president Dilma Rousseff not to sanction the law. Several religious organisations protested the passage of the bill. President Dilma however sanctioned the bill without amendments.

It is interesting to notice that strong and organised religious groups might also have an influence in stopping representatives from proposing certain types of bills as they anticipate retaliation. That however cannot be measured. But one example can be seen here. For the first time in the period analysed here (1995-2014), reproductive rights bills were the least deliberated type of gender bill. Only six bills on the subject were deliberated during the four years of this government³⁹. With the *Bancada Evangélica* becoming more organised, being able gather support from Catholics and to have a bigger influence in the congress over the years, self-censorship by politicians could be a side effect.

Finally, during this 4-year period, 20 anti-feminist bills were proposed. One was filed and 19 are still being deliberated in the Chamber of Deputies. Anti-feminist bills are most of the time highly supported by the *Bancada Evangélica* and its Catholic allies, even

³⁹ Bills 60/1999, 1085/2011, 3637/2012, 6022/2013, 6980/2013, 7364/2014

if they are not always proposed by its members. None of the bills was considered under urgent procedures and none of them was proposed by members of the women's caucus. One was considered under special procedures as it was an amendment to the constitution, three were priorities and 16 were ordinary. That means that even though on the one hand, there is a lot of backlash on the subject of reproductive and gay rights, there is also a high level of rejection of anti-feminist bills. In the case of party membership, it is interesting to see that none of the bills were presented by PT members. We have seen that in the previous government the party presented six anti-feminist bills, but its members were punished based on their position when it came to reproductive rights. The warnings and punishment given to members of the party that proposed anti-feminist bills might have affected which bills they introduced.

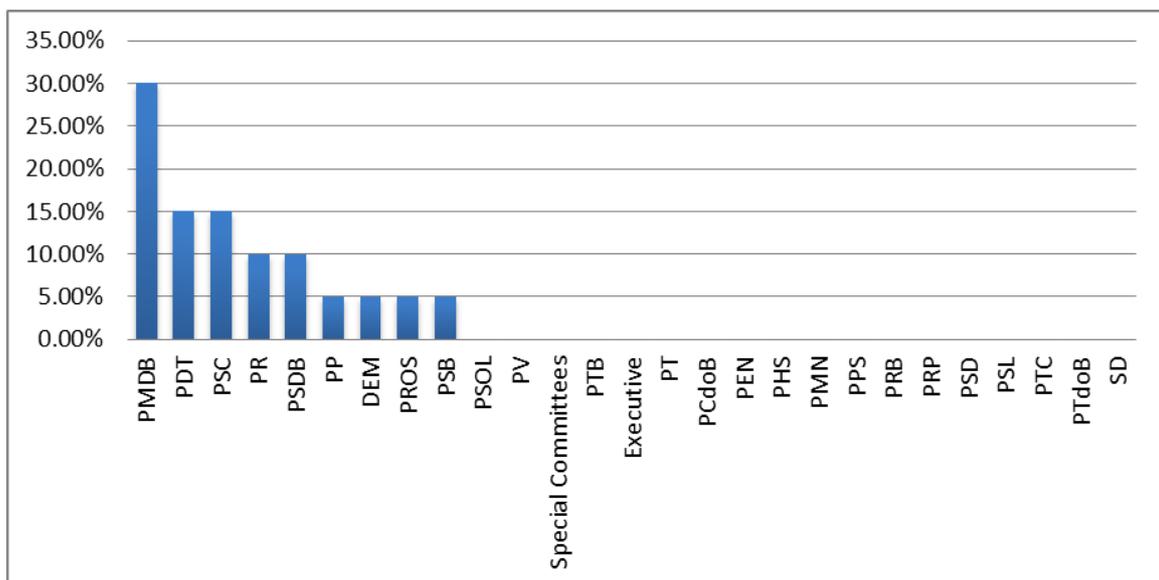


Figure 29 - Percentage of anti-feminist bills presented by party (2011-2014)

Conclusion

This chapter presented the empirical examination of the forces influencing gender policy processes and outcomes in the Brazilian Chamber of Deputies during the third government in analysis (2011-2014). The analysis of the 475 gender bills deliberated

during the Dilma government shows that more gender bills were introduced in a 4-year period than any other 4-year period analysed. Gender became a bigger part of the agenda with all parties introducing bills on the subject. The PT continued to be a very important actor in the deliberation and passage of gender related policy in the Chamber of Deputies. The party continued to present the highest number of gender bills, had the highest number of bills declared urgent, the highest number of bills enacted and the highest number of bills presented by members of the women's caucus. The party was however constantly the biggest party bloc in congress.

The executive continued to be the one actor that had an advantage in terms of having their gender bills enacted. However, the highest number of bills enacted was introduced by non-members of the women's caucus. That resulted in the support from the caucus shifting from mostly bills introduced by its own members to support for bills introduced by non-members. In terms of international pressure, we continued to see that this type of support coincides with support from the women's caucus. Finally, religiously-based opposition continued to be significant. What was different was that no members of the women's caucus or PT members presented anti-feminist bills. Backlash received from women's movements and punishment given by the PT to its members might have restrained certain politicians' will to propose such bills.

So far we have seen variations between the three governments analysed. Using the same methodology made it possible to consistently assess the forces that influence gender policy outcomes during three different governments. Although this is just one four-year term, differences were seen even when compared to the Lula's two terms in government. The comparison over time in the next chapter will clarify what the differences were and explain how changes in the institutional context explain changes in gender policy outcomes.

Chapter 6

How and Why Change Happened: a Comparison Between Three Governments

This chapter presents the complete analysis of the effects of different institutional contexts on gender policy deliberation throughout the last 20 years in Brazil. The research questions stated in the introduction were: what influences the passage of gender-related policy in the Brazilian congress? And how does the institutional context encourage or obstruct positive outcomes? The purpose of this chapter is then to explore how political relationships and the norms that structure the political environment influenced policy processes and outcomes, and to understand the variation on agents' ability to affect policy on gender-related issues in Brazil depending on the institutional context. To do so, the analysis comprises all 1,561 gender bills introduced in the Brazilian Chamber of Deputies from the first day of president Fernando Henrique Cardoso in government (1st January 1995) to the last day of president Dilma Rousseff's first term in government (31st December 2014).

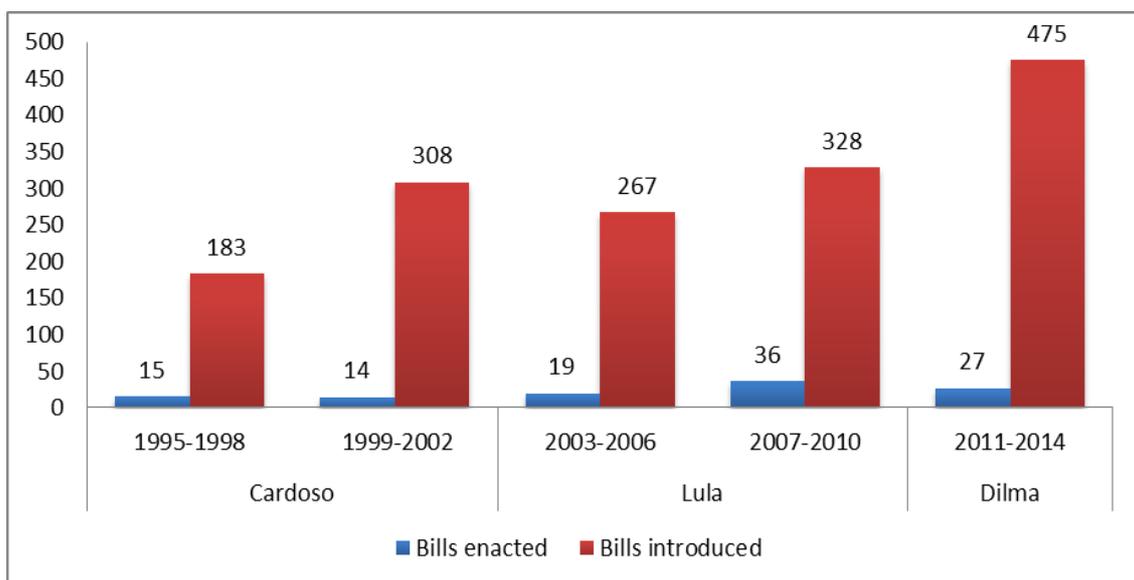


Figure 30 - Number of bills proposed and enacted during each government (1995-2014)

Looking at Figure 30, we can see that the theme of gender became more commonly present in the legislative agenda throughout the years. Although Lula’s presidency was the period with the highest total number of gender bills introduced (595) it ran over two legislatures (2003-2006 and 2007-2010). A comparison between the three governments shows that Dilma’s government (2011-2014) was the single legislature with the highest number of gender bills introduced. Bill introduction is an important part of the legislative process, as according to Schwindt-Bayer (2010:82), the first way that representatives “act for” their constituents is sponsoring bills on issues that are important to them and their constituents. Bill sponsorship has been a common indicator of legislators’ policy priorities in research on gender and representation, and an indicator of whether women’s policy preferences are translating into their legislative behaviour.

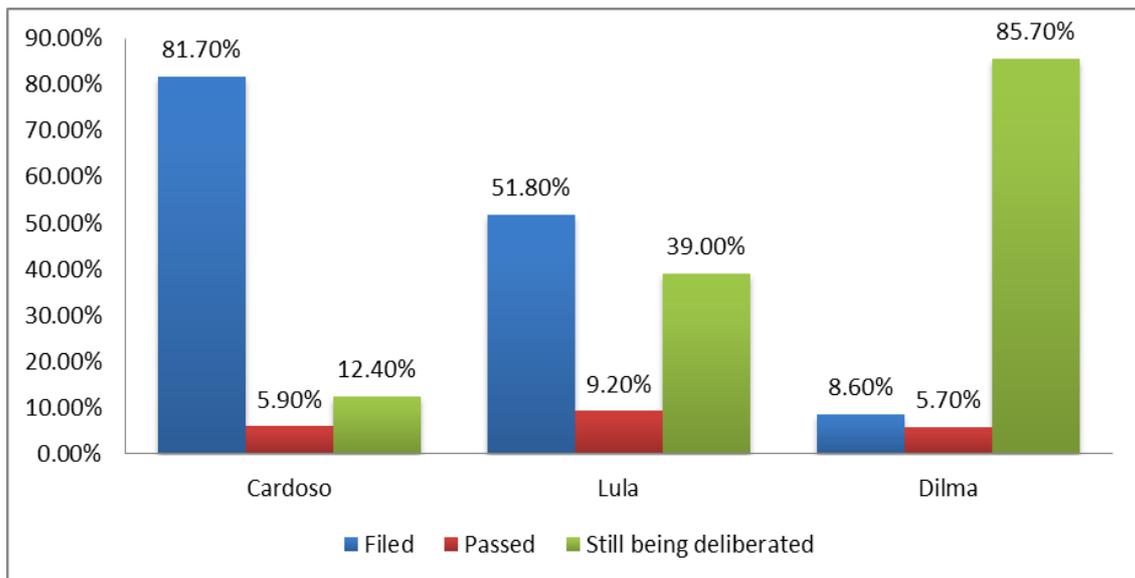


Figure 31 - Percentage of bills filed, still being deliberated and enacted (1995-2014)

In terms of bill enactment, 29 bills were enacted during Cardoso’s eight-year government, 55 during Lula’s, and 27 during Dilma’s four-year administration. This shows that as well as bill introduction, bill enactment also rose over time. The reasons for the increased number of bills proposed and enacted will be discussed throughout the chapter. It

is important to notice that because Dilma's government is so recent, the majority of gender bills introduced during her administration were still being deliberated in January 2015 when the analysis was done (Figure 31) – making the 27 already passed in her one term more impressive.

Both bill introduction and bill enactment confirm that the PT governments were more successful than their predecessor PSDB in terms of policy outcomes. This trend started with the Lula government, and became even stronger in the Dilma administration. However, to make sense of policy outcomes, we also must take into consideration the entire process in order to establish why changes in government resulted in the increase in gender policy proposals and enactments. To do that, I look at how each government dealt with internal and external forces for and against change. We have to look at whether the gender agenda proposed and enacted was the agenda proposed by the women's caucus, if it was an agenda proposed by the executive, members of left parties or a collaboration between all of them. The previous data chapters have already shown some of the findings - this chapter clarifies how the different governments managed to create a more or less gender-friendly environment.

Legislative agenda control and the ideological composition of Congress

The empirical chapters confirmed some of the trends expected from the historical background presented in chapter one and show that the legislative is the most important variable in the analysis of enactment of gender policy in Brazil. The ideological composition of Congress matters as in terms of numbers, throughout the three governments PT deputies consistently proposed more bills than any other party members. This was the case both when they were the opposition and when they were the biggest party bloc in congress. During the Cardoso government, Macaulay (2004:113) shows that the deputies

and senators of the PT played a key role in translating legislative initiatives into gender policies approved by their members in the party's conferences, congresses and manifestos. While still in opposition and in a legislative environment dominated by the executive, the PT used most parties' indifference towards gender issues to convert in laws more bills than any other party and exert recognised leadership in both chambers. She shows that of all the parties in Brazil, the PT was the one that most consistently supported equality and gender equity, promoting mechanisms to increase the voice and presence of women within the party and in the political arena (2004:119). This continued when the party became the biggest party in congress and is the first reason why the number of gender bills increased over time.

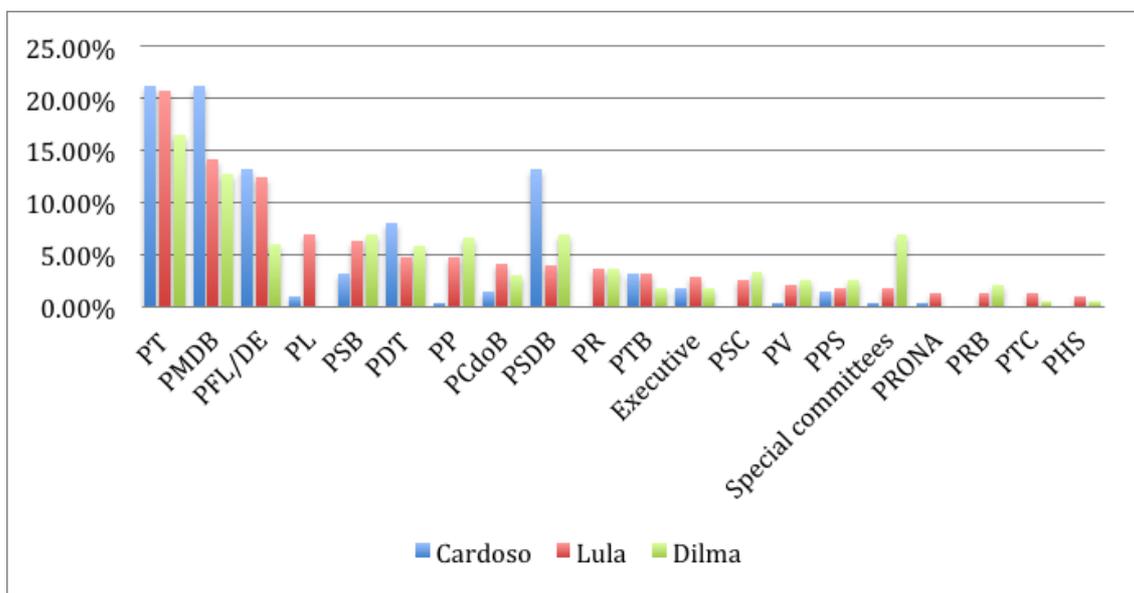


Figure 32 - Percentage of gender bills introduced by party (1995-2014)*

*These are the 20 parties that presented the most bills.

The PMDB came in second place in terms of bill introduction. As we have seen in chapter one, the PMDB is also a party that has a historical connection with the women's movement. However, the centrist character of the party has meant that the party's promotion of gender equality was at times inconsistent. At the same time that some PMDB representatives presented policies to promote gender, there were also a considerable

amount of anti-feminist proposals presented by its members. Finally, the support of the PSDB varied depending on the government. They proposed a higher percentage when they were in government and had a bigger party bloc, but that support was much less significant when they were the opposition.

The statistic that the PT proposed more bills than any other party partly explains the fact that the party was responsible for the highest number of bills enacted (Figure 33). However, putting an issue on the agenda is an important instrument but cannot guarantee outcomes. It is important then to look at the legislative process between introduction and enactment to understand how PT members managed to do it and bring clarity to how actors' interest in promoting equality leads to bill enactment.

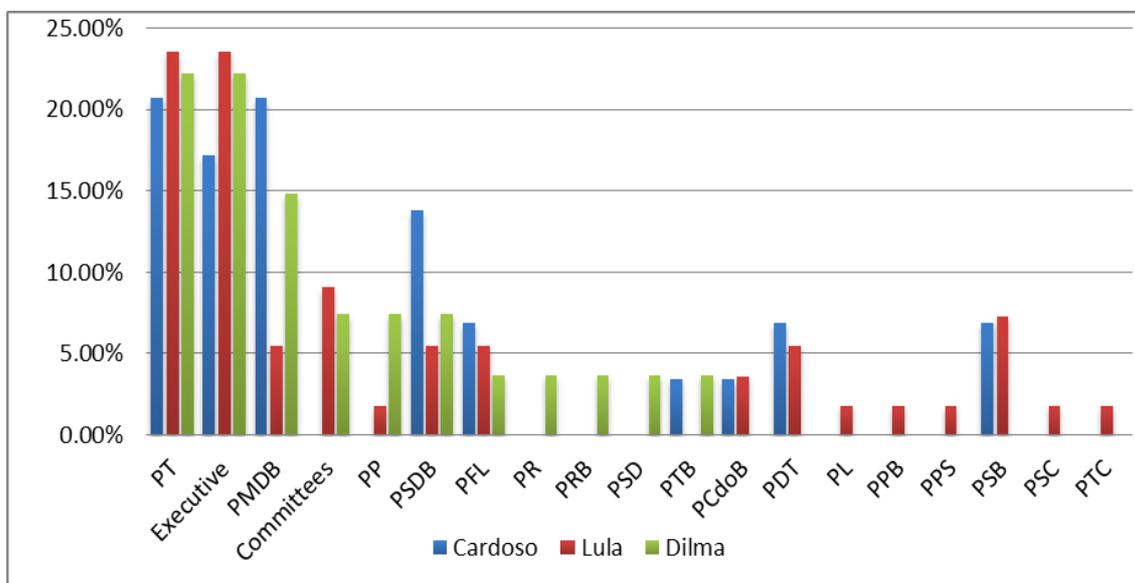


Figure 33 - Percentage of bills enacted by party (1995-2014)

We have seen that party leaders have control of the legislative agenda and because of that have an important influence on the outcome of each bill. Leaders exercise this power through two different approaches: through the committee system and through the use of urgency. Bills proposed by special committees are very relevant as they have a high level of enactment. The use of committees to influence the passage of policy became more and more common throughout time and the number of bills proposed by special

committees grew from government to government. During Cardoso's presidency, only one bill was proposed by such committees. During Lula's 10 bills were proposed, and during Dilma's 33 bills were proposed. So this is the first way parties controlled the agenda and managed to get more gender bills enacted. This is important because as Franceschet (2011:63,64) shows, institutions are not static, but are themselves subject to change brought about by new processes and actors' collective responses to them. The very creation of parliamentary committees dealing with gender issues signals that these issues have been accorded a legitimacy that had been denied in earlier historical periods, a good example of how political spaces can be re-gendered.

The second way was through the use of urgency. As we can see from Figure 34, when looking at which bills were enacted, the use of urgency by party leaders increased consistently with the change in government. The same can be said for priority bills and in reverse in the case of ordinary bills. The college of leaders uses both its influence in the committee system and its ability to declare bills urgent to impact outcomes. The presidential party matters in this respect because bigger parties, and parties that have the support of the president, will have a stronger influence in the college which they exert by forming coalitions. All three governments analysed here used coalition as a tool to get their agendas enacted. As we have seen, starting with Cardoso, Power (2014) shows that he changed the executive-legislative relations by adopting explicit power-sharing arrangements with allied parties via a system that has come to be known as 'coalition presidentialism'. Although Cardoso had control of the coalition, this was not used in order to influence the passage of social policy. In terms of policy voting, the centre-right coalition of 1995-2002 voted consistently on the president's economic agenda (Pereira and Mueller 2004). Monetary stability obtained highest priority, as well as reforms to ensure inflation control and allow the insertion of the country in the international economy. The

government functioned within a large coalition and strategically expanded the parliamentary support base, incorporating new parties within the ideological centre-right spectrum (Figueiredo, Limongi and Valente 1999:50). Figueiredo, Limongi and Valente (1999:50) however show that the issue of social inequality was not part of the legislative agenda of this government. More than being opposed to change, there was certain indifference to the issue. When it came to gender policy, the centre-right majority coalition generally opposed gender legislation only when it required financial commitments by the state (Macaulay 2006:39).

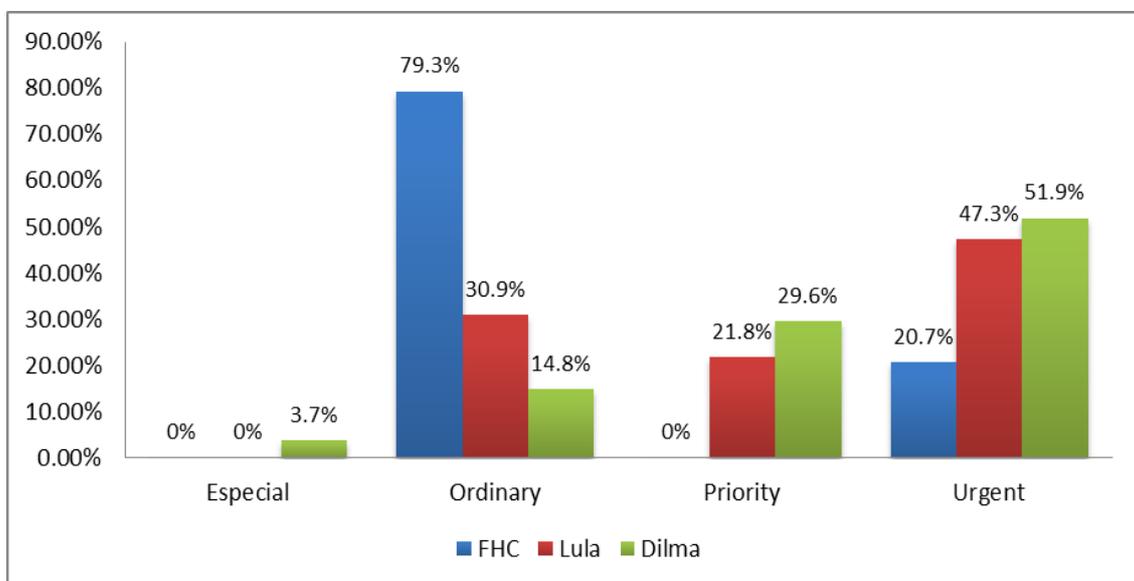


Figure 34 - Percentage of enacted bills declared urgent

Building large coalitions to control the agenda was also used in the PT governments. According to Power (2014), “in transferring ministerial portfolios and generous allocations of public spending to his coalition partners, Cardoso wrote a sort of ‘user’s manual’ for power sharing, and Lula read it carefully” (2014:14). However, gender equality was more commonly part of the coalition agenda in the PT governments. Figure 35 below shows that in the last two governments, the difference between gender bills proposed and enacted by members of the government coalition was clearer.

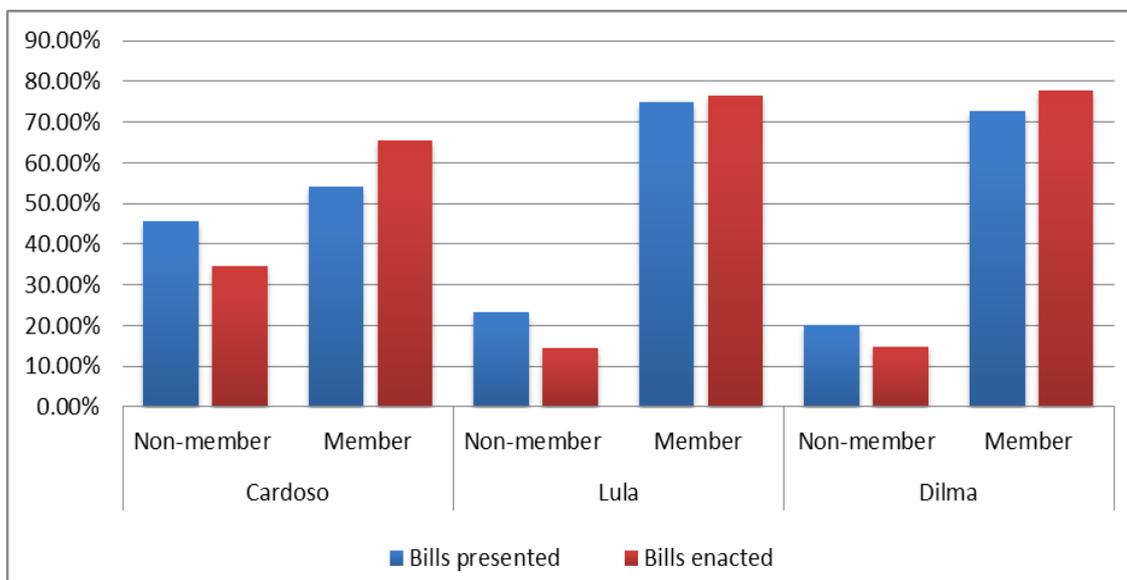


Figure 35 - Percentage of bills proposed and enacted by members or non-members of the government coalition 1995-2014

The data above show the ways that the PT governments managed to bring outcomes in terms of gender policy. The fact that the party became the presidential and at times the biggest party influenced the governing coalition to pay more attention to the issue of gender equality and there was an increase in the college of leaders' interest in the subject. Because of that, more policy was proposed and enacted. We can see how it happened. Let's now look at why the PT as the presidential party showed a different level of support for gender equality.

Why party support varied over time

As we can see, party support for gender equality varies. As Macaulay (2006) shows, 'a party's attitude to women's political agency and to gender relations derives from a number of originating factors such as the promotion of women among the party's founders and the strength of the party's base (voters, activists) in civil society organisations in which women play a numerically important role' (2006:09). Parties' propensity to respond to gender-related demands is influenced by many aspects. Left and

centre-left parties have been considered more open to women's demands and more hospitable to women politicians (Duverger 1955), as they often have a more comprehensive infrastructure (Toole 2003). Right wing parties might also endorse initiatives to promote gender equality and implement measures in support of women's rights, but the norm is that those on the left or centre will have started the trend of change (Sacchet 2007:02). The mechanisms that substantiate leftist parties' supposed superiority in accommodating women's demands operate through three aspects that set them apart from other parties: their ideology, their greater propensity to be institutionalised, and their greater propensity to have a strong female presence in their top decision-making bodies (Caul 1999, Kittilson 2006).

In terms of ideology, many researchers find that centre and left-wing parties are more committed to the promotion of gender-related issues (Caul 1999, Norris 1993, Rule and Zimmerman 1994). Left parties espouse egalitarian ideologies (Beckwith 1986, 1992, Duverger 1955), ideals of inclusive citizenship, and put a higher emphasis on social equality (Waylen 2003). Matland and Studlar (1996:27) suggest that parties on the left may 'feel a need to be sensitive to groups traditionally excluded from the circles of power' – and this may include women. Political scientists have also hypothesised that women enjoy greater opportunities in highly institutionalised, rule-oriented, bureaucratic parties than in unstructured or clientelistic parties (Caul 1999, Htun 2005, Norris 1995). According to Norris (1993), party institutionalisation refers to a situation in which the internal rules of the party 'are detailed, explicit, standardised, implemented by party officials, and authorised in party documents'. Sacchet (2005) shows that 'highly institutionalised political parties are said to be more committed to the gender policy agenda as they have more transparent structures and are governed by clearly defined sets of rules, making it easier for their members to demand accountability' (2005:09,10). Moreover,

institutionalised parties are more conducive to “less ‘advantaged’ groups and individuals, like women, who possess fewer external resources” (Guadagnini 1993:181).

The mechanisms that substantiate leftist parties’ supposed superiority in accommodating women’s demands also operate through a third aspect that set them apart from other parties: their greater propensity to have a strong female presence in their top decision-making bodies⁴⁰ (Caul 1999, Kittilson 2006, Sacchet 2005, 2007). Caul (1999) argues that the presence of activists who can directly push for the response of gender-related demands is even more important than the internal organisation of parties. As the literature suggests, political parties of the left have been more responsive to women’s demands, but this has been largely due to the fact that women’s political influence within these parties tends to be stronger. The adoption of gender claims has been favoured in parties where women have a strong leadership, are well organised, and knowledgeable about available political opportunities. That is, as left parties advocate egalitarian ideologies (Beckwith 1992), this leaves them more open to criticism for inconsistency. As Sacchet (2005:11) shows, the achievements in terms of gender policy outcomes within political parties and institutions have to a great extent been driven by structural and institutional factors, but above all, they have been brought about by women’s increasing ability to recognise existing political opportunities to push for their demands, and to coordinate their actions strategically in order to pressurise these structures into accepting their agendas (2005:11).

⁴⁰ According to Sacchet (2005:06), since the early 1990s in particular, women’s departments (secretariats) have become a widespread form of organisation of women in political parties. In Latin America many women’s department perform a critical double role: on the outside, they work in support of the party but on the inside, they work to transform unequal gender relations. Their main roles are to advise political parties on gender-related policies, to educate party members on gender issues, and to organise and train women politically.

In the case of Brazil, most parties are weakly institutionalised, have a low party identification among voters, have short organisational histories (Htun 2003), lack stability (Huntington 1968) and “internal systemness” (Panebianco 1988). The country’s party system has been criticised for being undeveloped and populated for the main part by un-ideological, ill-disciplined parties with few organic roots in society (Mainwaring 1999, Ames 2001). Moreover, such parties are fleeting, and due to weak party discipline and shifting loyalties within constituencies, coalitions, and ideologies, party switching is widespread. The majority of parties are ‘non-programmatic’ in that they fail to maintain consistent, principled positions on national issues. They have no transparent rules for candidate selection and ascending party ranks and no expectation of quota compliance. Based on that, outsiders will often lack the personal appeal necessary to thrive in such a system (Guadagnini 1993). Parties from the left or centre-left are however an exception to this system as they are more institutionalised and have been first to adopt effective measures to promote women’s political representation in the country. In terms of institutionalisation, Guarnieri (2011) characterises Brazil’s major parties as following – weakly organised/monocratic (PP, PTB), of mixed organisation/oligarchic (PSDB, PDT, PFL/DEM), and organised/polyarchic (PT, PMDB). He finds that party leaders in oligarchic and especially monocratic parties are less accountable to the formal rules of the game than those in polyarchic parties. In contrast, polyarchic parties in general abide by clear and universal criteria for leadership and candidate selection (Guarnieri 2011).

By Brazilian standards, the PT ranks as a well-institutionalised mass party (Samuels and Zucco 2014), and since re-democratisation is the only one that has successfully cultivated a sizable base of mass partisan support. Htun (2002) and Macaulay (2006) show that the PT is a singular party of the left and an exception to the usual characteristics of Brazilian parties that are organisationally and ideologically weak. From

the beginning, differences within the PT were channelled through officially recognised internal factions, which were allowed to compete internally over party management posts and policy direction, but not to present sub-lists in public elections (Macaulay 2006:59). Policy is still to this day decided collectively by local delegates at the annual conferences or by the party delegation in the legislature. The PT is highly disciplined internally, so individual legislators ‘toe the party line’, which is determined at national conventions (Macaulay 2005:356). Samuels and Zucco (2014) show that the PT requires that all candidates sign a “commitment to the PT’s principles”, it requires federal deputy candidates to obtain approval from a state or national “sectorial” meeting, and requires that they must obtain at least 20% of the votes in the state party convention. These rules may encourage PT candidates to have some minimal connection to the grassroots and to the state-level party organisation. In conclusion, the party has consistently presented a strong position as party oriented, rooted in the exceptionally high rates of cohesion, discipline, and loyalty displayed by its legislative delegation (Samuels 2003:07).

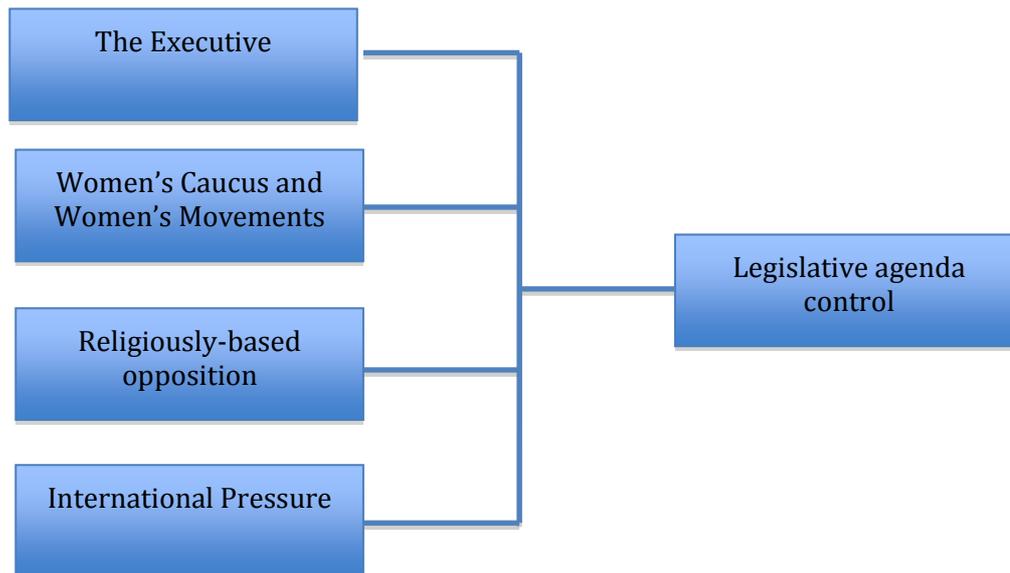
In terms of female presence in their top decision-making bodies, Sacchet (2005) argues that political parties in the centre and towards the left of the political spectrum in Brazil are indeed more open to gender-related demands and have consistently elected more women for national legislature positions. Left parties are the only ones in which women occupy more than 10 per cent of the places on national political boards, with the PT being the one with the highest percentage (30%). Because of a higher internal presence of women, left parties in Brazil seem to be more open to challenge their own ideological standpoint from within. During the campaign for quotas within the PT, by contrasting the party’s notion of participatory democracy and substantive equality with the small percentage of women represented in its decision making structures, the women’s

secretariat accused the party of political inconsistency and pressured it into changing its internal practices by adopting quotas.

The ideology and history of the party explains why PT politicians (both men and women) had an interest in promoting the rights of minorities. They are more connected to social movements and have more women in leadership positions, in this way having more internal pressure to present and act on a gender equality agenda. Moreover, they are institutionalised enough that the types of policy presented by party members are consistent with the party's positions on different issues, with party discipline helping to explain how the party's policies were successful in gathering support in the chamber and passing. However, there are other aspects that influence politicians' will to propose policy and the likelihood of their enactment. Although data shows that support from party leaders is the most important one of them, what makes leaders more supportive of change in terms of gender goes through many other contextual factors.

The degree to which parties respond to gender demands is also influenced by external factors. Parties of the left have indeed demonstrated a greater tendency to support gender-related demands, but the degree to which they have responded to them has been influenced by the existing political opportunities, structures and context. In congress, exogenous forces that affect what is doable, acceptable, desirable, and conceivable include constituency pressures, public opinion, cultural norms, social movement pressures, interest group activities, the ideological composition of congress and actions of the other coequal branches of government (Dodson 2006:41-44). Analyses of gender equality should consider the interaction between agents and contexts, and how the priorities, strategies, and effectiveness of advocates and opponents of change are shaped by state capacity, policy legacies, international vulnerability, and the elected government. Features of the national polity shape the power of actors to promote change, and the context affects the priorities

and strategies of advocates, as well as the ways that issues may be framed (Htun and Weldon 2010:211). Based on this, we will now look at the other aspects that influenced party leaders' willingness and ability to promote change.



The Role of the Elected Executive

In the previous three empirical chapters we have looked at the influence of the executive through a comparison in terms of bill introduction and bill enactment. For all governments the legislative prioritised the executive agenda and bills proposed by the executive were more readily enacted. Yet, the level of interest in gender equality shown by different elected executives varied. The elected executive is the second reason why PT governments performed better in terms of gender policy enactment.

Previous research leads us to expect that the executive proposes a small percentage of social bills in comparison with the legislative. Indeed, throughout the three different governments this varied from 2 to 3 per cent of all proposed gender bills. However, when it comes to bill enactment, that percentage is much higher. The Lula administration was the one that had the highest percentage of enacted bills that were proposed by the executive

followed by the Dilma administration. As we can see from the graph below, the proportion of gender bills enacted that were proposed by the executive varied from 17.2% during the Cardoso administration to 23.6% during the Lula administration and to 22.2% during the Dilma administration.

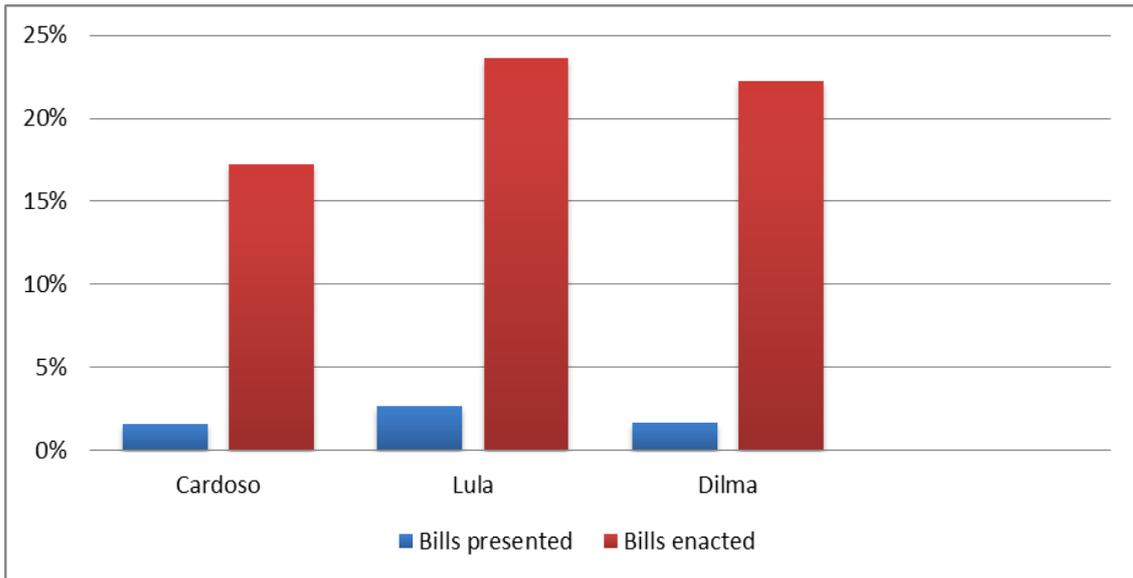


Figure 36 - Percentage of bills presented and enacted by the executive (1995-2014)

The higher number of enacted bills presented by the executive in the PT governments helps to explain some of the increase in the total number of gender bills enacted. This is a helpful tool for the comparison between governments. The theoretical explanation above about the PT’s ideology and history also explains why PT executives performed better than the previous governments in terms of bill introduction and enactment. However, subsumed within the “role of the executive” variable is another important reason why PT governments had a better performance than the PSDB one: the restructuring of the executive branch. This was seen with the consolidation of Women’s Policy Agencies and the creation of the Secretariat of Policies for Women (SPM) in the first day of president Lula’s government. This created an environment that was more receptive to the demands of the women’s caucus and women’s movements, and was another way of influencing in the legislative agenda. The National Council on Policies for

Women (CNDM) on the other hand will not be used in a comparison with the Cardoso government. As we have seen, the council lost its staff and budget under that administration (chapter 1). The analysis of the restructuring of the executive and the role of Women's Policy Agencies will then only take into account the impact of the Secretariat of Policies for Women created in 2003.

Why the role of the executive varied over time

According to Mazur (2005:03), Women's Policy Agencies have the potential to change the relationship between women and the state, and to be major channels for women's substantive representation and participation. Women's Policy Agencies may represent women substantively through bringing gender equality issues into public policy discussion, formulation and implementation, often through gender mainstreaming. They can also represent women descriptively and procedurally through helping the actors that speak for women and gender equality to enter government policy-making arenas. Since the mid-1990s scholars have increasingly studied the relationship between feminist women's movements and women's policy agencies through the concept of state feminism. State feminism is a visible result of the integration of women in political and administrative institutions (Siim 1991:189). It is "a focus on interactions between individual feminists inside and outside of the state and their connection to women-friendly/feminist policy and, to a lesser degree, a focus on agencies and their ability to promote the ideas of gender equality/feminism" (Mazur and McBride 2008:248). Htun and Weldon (2013:240) claim that statistical findings generally confirm that government departments and women's bureaux, which focus on gender equality and the empowerment of women, help states to adopt a more comprehensive approach to gender equality.

As Friedman (2009:430) shows, representative democracies such as Brazil have used executive branch resources, such as their relatively powerful national women's machinery, to promote rights when legislative avenues are closed. The creation of the Secretariat of Policies for Women (SPM) is another example of how the executive can influence the legislative agenda on gender. The SPM was created and gained ministry status under the PT government. As was shown, the Secretariat is a body of the presidency that assists the president on the creation of policies, campaigns, and programmes for women in Brazil. It reports directly to the President and has advisory, coordinating, and monitoring functions with respect to women's policies. According to Bohn (2010: 88-89), there are at least two differences between the SPM and its predecessors. First, the organisation of the SPM put the secretariat in the power epicentre in a presidential regime - the presidential office. As part of the President's Office, it became easier to try to introduce a gender component to public policies when they are still being formulated by different ministries and analysed by the Presidency. Second, it was given to the head of the SPM official status of state minister, which resulted not only in closer access to the Presidency, but also in a greater ability to articulate institutionally with ministries and government agencies for the introduction of a gender perspective in the decision-making process.

After the passage of a law in the Chamber of Deputies in 2003 that declared 2004 "the year of the woman" in Brazil, the SPM organised the First National Conference on Policies for Women. National Conferences on Policies for Women were part of a list of other conferences held by the government on several different social issues. The first National Public Policy Conference in the country happened in 1941. It happened again in the 1990s, and expanded in size in the 2000s. However, only since Lula's election have the national policy conferences become recurrent, wide-ranging, inclusive, and broad, becoming closely associated with the PT government. Among the 115 national conferences

that have taken place in Brazil since the first one in 1941, 74 took place during Lula's administration⁴¹.

The National Conferences on Policy for Women consist of participatory spaces designed to deliberate on guidelines for the formulation of gender policy at the federal level. The conferences are organised according to policy areas and issues, and involve the equal participation of representatives from the government and civil society. They consist of meetings at the municipal, state, or regional levels, and the aggregate results of the deliberations occurring during those stages are the object of deliberation in the national conference itself, attended by the delegates from the previous rounds. This culminates in the production of a final document containing the guidelines for the design of public policy - the result of a long process of deliberation and consensus formation between government and civil society.

The First National Conference on Policies for Women brought together almost 2,000 delegates and more than 700 national and international observers. The national conference was preceded by municipal and state conferences throughout the country and directly involved more than 120,000 women in the process of elaborating guidelines for national policy. The Secretariat and civil society were strongly involved in the organisation of the conferences, which were organised around five themes: economic autonomy and equality, inclusive (non-sexist) education, women's health and reproductive rights, struggle against domestic violence, and women's political participation. President Lula convened the conference and the First National Plan on Policies for Women was formulated. The Plan was constructed based on an agreement between the Special

⁴¹ Not all Brazilian political parties are enthusiasts or display support for the national conferences. The PSDB for example is not a supporter of such participatory experiments in principle or in practice, and during the 2010 presidential elections, its candidate took a public position against the national conferences.

Secretariat, other ministries from the 17 areas, the women's caucus and representatives of civil society. It was structured in the form of a declaration of principles and general guidelines of national policy comprising 199 actions expected for the period of 2004-2007 (Simões and Matos 2009:103). It presented goals, deadlines, and is a clear example of the government's agenda on gender. Alcantara and Sardenberg (2012) show that feminists actively participated in the formulation of the National Plan believing that it could revitalise the movement as 'an actor in the national political scene' in the country. According to Macaulay (2010), the Plan is the most comprehensive gender-equity and gender-equality blueprint yet produced in Brazil.

In the first year of the second term of President Lula in government (2007), the Second National Conference on Policies for Women occurred. It was held in August 2007 and had as one of its main subjects, women's participation in the spaces of power, thus meeting the recommendations of the CEDAW Committee. The Conference pointed out priority guidelines for government actions, both at the legislative and political parties' level, and in the Executive and Judiciary. As a consequence, the Second National Plan for Women's Policies (II PNPM) was produced. The Third National Conference on Policies for Women was held in 2011 under the Dilma administration. The conference reached all 27 states and 2,160 municipalities in the country held a local conference on policies for women. "This gives an idea of how scaling-up in a matter both of volume and space, and of how the participatory process interpenetrates the national territory while bringing together a massive number of people to deliberate on a specific public policy area" (Friedman 2009:430).

Pogrebinschi (2013b) shows that of all the different actions of the PT government that had an impact on the fight for gender equality, the National Conferences on Policies for Women is one of the most significant (2013b:220-222). Participation through the

national conferences provided a new method of bringing to centre stage actors and policies which could have remained marginal if the standard method of representation inherited by Lula and the PT from traditional politics had prevailed (Avritzer 2012:07). According to Weldon (2011), the representativeness of the perspective articulated by women's policy agencies can be improved if those represented have the opportunity to comment on and critique the agency's proposals. Therefore, women's bureau consultations with women's movement organisations and activists can improve agency proposals.

Because of the Conferences and the elaborations of the Plans, the executive branch and the legislature can cooperatively define Brazil's policy agenda on gender in convergence with the deliberations brought up by women's movements. The National Conferences adopt a gender mainstream approach and are organised and delivered by the executive through its ministries and secretariats. They do not present themselves as an alternative side of representative institutions, as they have been created within them. Moreover, they do not compete against representative institutions since they act in cooperation with them: the legislative branch has been quite responsive to the demands brought up by civil society in the national conferences, and the executive has been consistently turning the guidelines deliberated in those participatory practices into policies to be applied in national scale (Pogrebinschi 2011:129 and 2012:54,55). According to Avritzer (2012:07), "the legitimising force of a bill strongly supported by a national conference can function as a form of retrospective representation. Members of Congress are in this way presented with incentives that might compel them to transcend party agendas and to come to the defence of demands presented in national conferences". The guidelines for public policies contained in the final resolutions produced at national conferences initiate legislative activity in the legislature, offering members of Congress a broad menu of demands directly formatted according to the preferences of civil society

(2012:07). Since they became institutionalised as part of the process of formulation and oversight of Executive public policy and, therefore, as part of its structure, the national conferences generate consequences that impact on the agenda of the Legislative, which can choose to use them as informational support, as mechanisms of legitimisation through participation, or as deliberative input for its representative activity.

Pogrebinschi and Santos (2011:191) affirm that national public policy conferences can drive legislative activity in the Congress, thereby strengthening representative democracies through participative and deliberative experiments. “The conferences have not only influenced the proposal of bills to the National Congress, but have also done so in a relatively efficient manner as several bills, and statutes and constitutional amendments enacted have a content which is convergent with the guidelines extracted from the conferences”. According to Pogrebinschi (2012:63), conference final reports on policy guidelines prompted legal action by the Congress, and their effects on law making can be measured by the number of bills proposed and statutes enacted, as well as by the content they address. She shows that minority groups took advantage of the conferences to turn participation into representation “while being successful in (a) having their demands translated into public policies implemented by the executive, and (b) having these demands enacted as law absent previous engagement with political parties” (2012:13). The activities promoted by the Secretariat brought feminist movement actors and ideas into the institution and resulted in policies that reflected aspects of feminist ideas.

Based on that, to assess the effects of the National Plan on policy, I looked at bill content and checked whether there were any speeches given in congress that declared that the bill was influenced by one of the National Plans. I also looked at the Plan itself to determine its goals, guidelines, and deadlines and checked whether bills passed as a

response to that. The National Plans on Policies for Women (PNPM) were supported by an inter-ministerial working group and both the upper and lower houses established special parliamentary committees to systematise the various gender-related bills and adapt the Secretariat of Policies for Women’s proposals to reflect the overall priorities of the PT government. Avritzer (2012) claims that they have been an example of success in bringing legislative change and providing a space for discussion. Indeed, my analysis shows that 49.1% of all enacted gender bills during Lula’s administration were motivated by the First or Second National Plans. 40.7% of enacted bills during Dilma’s administration were motivated by the Third National Plan on Policies for Women. In terms of party membership, Figure 37 shows that bills motivated by one of the Plans were more consistently presented by PT members and the executive.

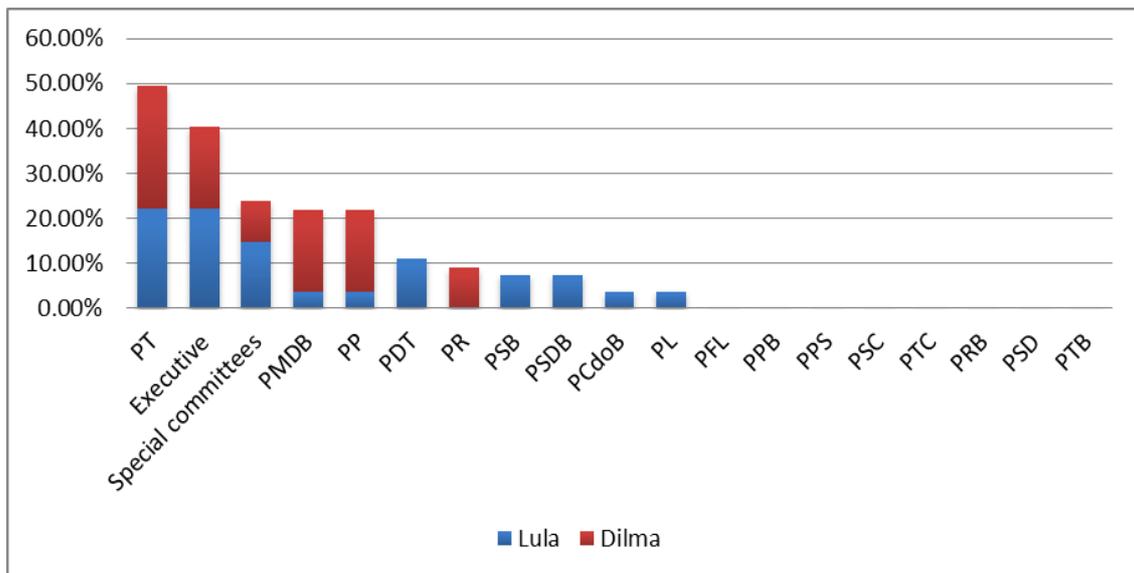


Figure 37 - Enacted bills as a consequence of the Plans and party (2003-2010 and 2011-2014)

Additionally, as we can see from the graph below, bills that were enacted as a response to the guidelines and deadlines of the Plan were highly supported by the women’s caucus in their speeches (even when they were not proposed by them). Of all enacted bills

that were a result of the Plan, around 90% of them were supported by the caucus during the Lula and the Dilma government.

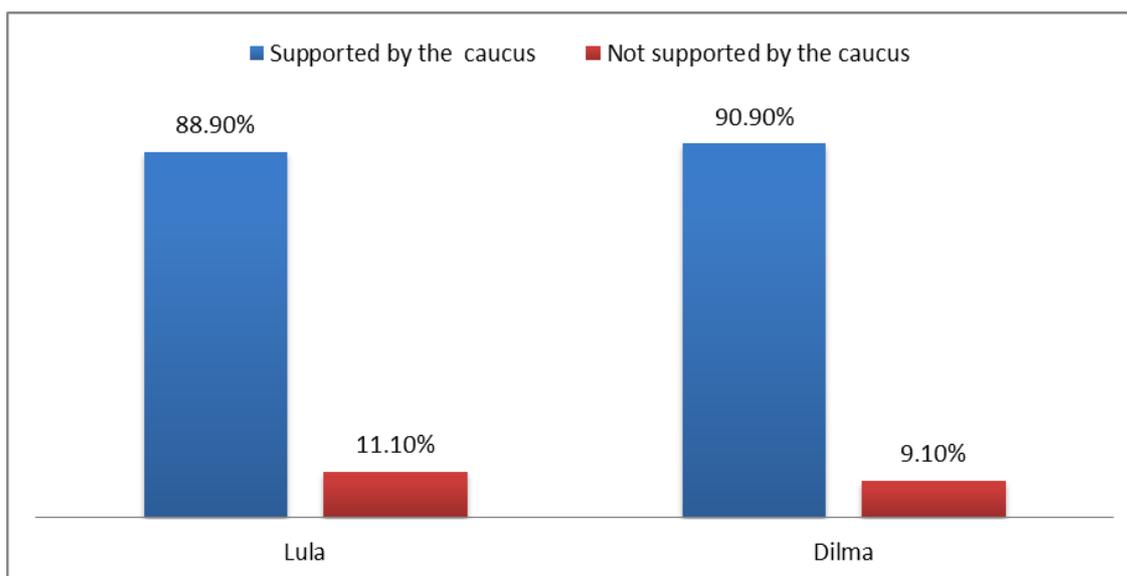


Figure 38 - Enacted bills as a consequence of the Plans and support of the Women's caucus (2003-2010 and 2011-2014)

One clear example is bill 3133/2004 presented by Federal Deputy Luiza Erundina. It became law 11.634 in 2007. This bill guarantees women using the public health care system the right to be connected to a hospital for prenatal care and to give birth at the same hospital previously defined. This bill was seen by the women's movement as an important achievement to women in Brazil. It was part of a package presented by the government on the subject of women's health and maternity with the purpose to respond to international and internal pressure to a better access to health care services for pregnant women. The bill was supported by the women's caucus in the speeches in congress and the reports presented in the committees. Moreover, in the consideration of reports submitted by States parties in 2005, the CEDAW committee declared that Brazil's high rate of maternal mortality was seen as a violation of women's human rights, and as expected, the country was taking numerous actions to address the issue. The actions presented in the Second National Plan on Policies for Women in 2007 meet the recommendations made by the CEDAW

Committee, with the main objective of deepening the processes to change the paradigms in obstetric care.

As we can see, the creation of the Secretariat on Policies for Women, the organisation of the National Conferences and the elaboration of the National Plans can strongly influence the legislative agenda on gender. Executive control of the legislative agenda through: a) proposing bills that will be considered a priority by party leaders and more easily enacted and b) strengthening of Women's Policy Agencies that will drive legislative activity in the Congress is the second most important reason why the PT government as a whole performed better than the previous one in terms of policy outcomes.

The National Conferences created an institutional space for the women's caucus and women's movements to bring their demands to the state, and increased the pressure for certain bills to be approved. The visibility granted to a subject discussed by thousands of women around the country and a deadline proposed for its implementation is likely to influence members of the legislative and party leaders to pay higher attention to the issue than they normally would. The National Conference on Policies for Women was the first conference in the country to specifically address a minority group's interests. Although women have in one way or another been considered in different policies over the years, they have never had a public programme that intended to provide a national framework for issues of concern to women to be implemented in each and every state of the country. Most importantly, women had never taken part in the drafting of such a programme. Weldon (2002) argues that both women's movements and women's policy agencies are potential representatives of women and their interests just as much as elected members of governmental bodies. She proposes that group perspective is a collective product of social groups, developed through intra-group interaction. This suggests that institutional

structures and social movements, not just individuals, can be more or less representative of marginalised groups (2002:1153).

However, even these well-designed and resourced policy agencies are neither necessary nor sufficient for reform on their own. Any impact on policy depends on the presence of a strong, autonomous women's movement (Weldon 2002). "The roles that can be played by Women's Policy Agencies therefore depend on feminists within and outside the agency, its relationship with the government/ruling party, and its commitment to the 'gender agenda' to ensure that any new rules are ensured" (Waylen 2011:159). The role of the women's caucus and women's movements is the third reason why PT governments performed better than the previous ones and will be analysed next.

The Role of the Women's Caucus and Women's Movements

The percentage of women in the Brazilian Chamber of Deputies is considered small even when compared to other countries in Latin America. In 1995 the caucus represented 6.2% of all seats in the Chamber. 20 years later, the caucus has still not managed to achieve more than 10% of seats. There are currently 51 women in the Chamber (9.9%) in the 2015-2018 legislature. As non-members of the caucus occupy more than 90% of seats, it is not a surprise that they were responsible for proposing the majority of gender bills throughout the three governments. Figure 39 below shows that the proportion of bills presented by men was higher during the Cardoso presidency and then a little lower during the PT governments. That can be explained by the fact that in the last two governments, the executive and special committees also proposed bills on the subject (shown as n/a in the graph). In terms of bills proposed by the caucus, as there was a slight variation in the size of the caucus throughout time, there was also a slight variation in the percentage of

bills proposed by them. The caucus however maintained around the same percentage of bills proposed throughout the three governments.

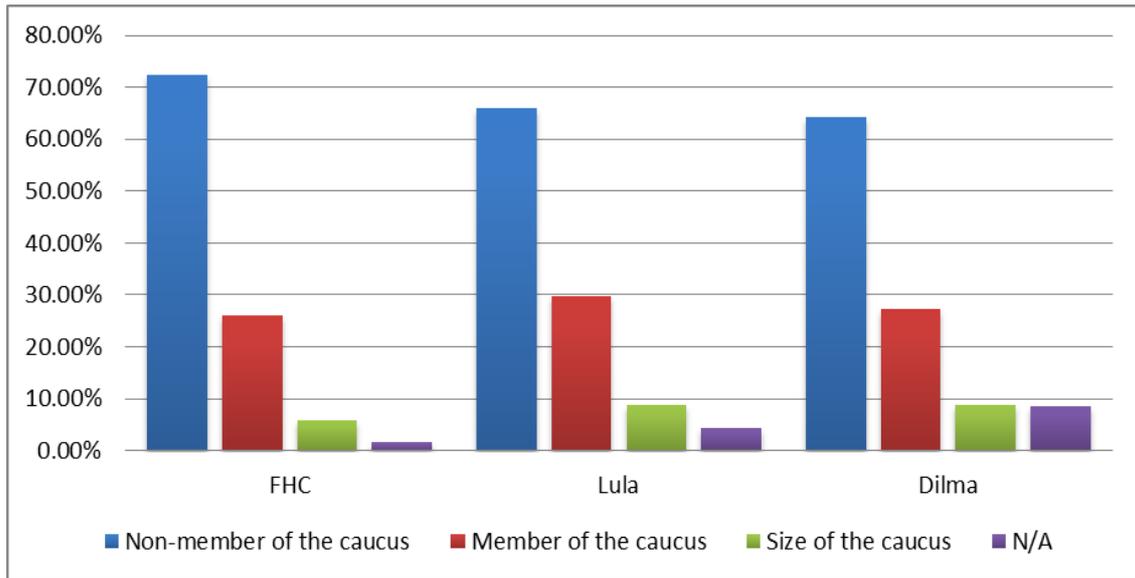


Figure 39 - Percentage of bills proposed by members of the women's caucus plus size of the caucus

What is interesting is how the trends changed in terms of bills enacted. In the Cardoso government, although women proposed 26% of all gender bills, when we look at their enactment that percentage was much higher, with women being responsible for almost half of all bills that passed. During the Lula government, as other actors became involved, the percentage of enacted bill presented by non-members of the caucus stayed the same. The change came from the increase in enacted bills presented by the executive or special committees. As a consequence, the percentage of enacted bills presented by members of the caucus decreased. As we can see, roughly a third of enacted bills were proposed by the executive and special committees, a third by members of the caucus and a third by non-members of the caucus. Finally, in the Dilma government we see an increase in gender bills enacted that were proposed by non-members of the caucus. 40.7% of all gender bills enacted were presented by non-members of the caucus.

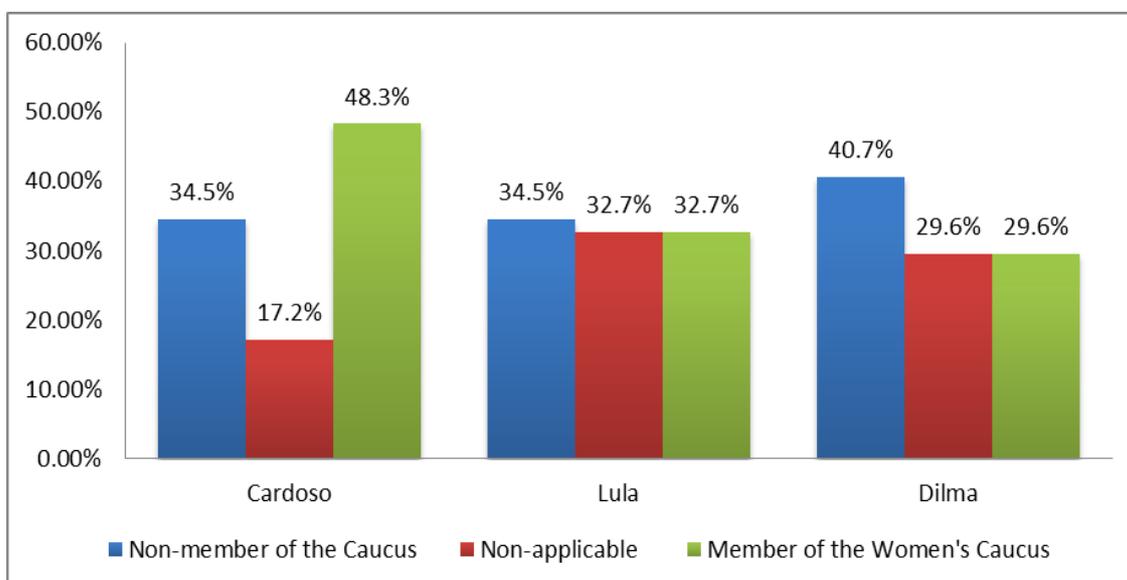


Figure 40 - Percentage of enacted bills that were proposed by members of the women's caucus

It is important to notice that in terms of numbers the women's caucus had 14 of its gender bills enacted during the first government, 18 during the second, and eight during the third (which only counts for four years). The caucus did not encounter a decrease in the absolute number of enacted gender bills proposed by them. Women presented around the same number of bills throughout the three governments but the percentage of enacted bills proposed by them in relation to the total became smaller. That shows that it was the interest of other actors in the subject that became higher. In the first government, the caucus managed to compensate for its small size through coalition building and forming strong alliances through different party ideologies. The lower level of interest from the executive and party leaders meant that members of the caucus were more important agents of change. In the Lula government what changed was the interest of the executive. As there were more bills enacted that were proposed by the executive, that lowered the percentage of enacted bills proposed by members of the caucus in relation to the total. Finally, in the Dilma government the higher percentage of gender bills enacted that were proposed by men brings us to the discussion of who can act for women and the effects of the partnership between men and women.

Why the role of the women's caucus and women's movement varied over time

This discussion raises a few questions: do we look at policy outcomes and disregard who proposes bills or is it necessary that women are the ones who proposed gender-related bills for them to have legitimacy? An interesting point is made by Childs and Krook (2009:126-127). They move away from essentialist portrayals of 'men' and 'women' as political actors, avoiding a priori expectations regarding what they 'should' do. Central to this new framework are what they call 'critical actors'. Critical actors are those who act individually or collectively to bring about women-friendly policy change and initiate policy proposals on their own and/or embolden others to take steps to promote policies for women. They show however that they do not need to be women: in some situations, men may play a crucial role in advancing women's policy concerns. Although critical actors may operate alone, they may also stimulate others to act, setting in motion momentum for policy change, or alternatively, provoking a backlash among those opposed to fundamental reform (Childs and Krook 2009:138-139).

The issue of gender equality was put on the policy agenda by women, as they are disadvantaged by the main patterns of gender inequality. However, men are also part of it. Gender inequalities are embedded in a multidimensional structure of relationships between women and men, which, as the modern sociology of gender shows, operates at every level of human experience, from economic arrangements, culture, and the state to interpersonal relationships and individual emotions (Connell 2002, 2005, Walby 1997). Men are then an essential part of the discussion. In the case of Brazil, male politicians were inspired by international norms and pressured by interest groups. As we have seen, men in the PT have been important agents of change in the Brazilian congress. This however only happened because women pressured the party from inside. Moreover, the "Platform for Action" from

the 1995 World Conference on Women in Beijing, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, along with other agreements, helped to create norms of appropriate state behaviour— norms that men feel compelled to conform to. “Feminist interest groups and women politicians mobilised to make international norms salient in local politics and to pressure the state to change its policy” (Htun 2002:745).

As women were a proportionate minority of members and underrepresented among power holders, the profile of the men serving within the institution as the majority members and as leaders is of extreme importance. As Dodson (2006) shows, “the only reason political women win votes within largely male institutions is that at least some men are willing to join with them” (2006:09). That has proved to be a successful facet of women’s impact in congress. As women used international agreements and pressured parties, the issue of gender became part of the agenda in the 1990s and that resulted in men becoming more interested in the subject. That interest however came mainly from men in left-wing opposition parties such as the PT. When the PT was elected as the presidential party, such issues became more present in the agenda as PT members presented more bills, more party leaders were aware and sympathetic to gender issues, and the executive also got involved. When party leaders and the executive become more involved, men from other parties also become more involved. This is important because according to Karam and Lovenduski (2005), an indication of the impact of women is an increase both in men raising women’s issues and in men’s deferring to women’s voices on all legislative debates which would exhibit a concern for women’s perspectives. “It should always be remembered that partnership between women and men is a key ingredient in the process of change and impact” (2005:207).

Finally, to confirm these trends I also conducted interviews with members of the women's caucus in the Chamber of Deputies. I asked their opinions on the explanatory power of the five variables (party leaders, the executive, the caucus, international organisations and religious groups) in policy outcomes. During the last legislature (2011-2014), there were 45 members of the caucus (all women in congress are part of the caucus). I interviewed 19 (42.2%) of them. I sent a questionnaire with 10 questions that was collected later on. I also managed to talk personally with five politicians. I use these conversations to complement my quantitative and qualitative data. It is important to notice that since the interviews only focused on members of the women's caucus, the interviews cannot provide an insight into the different levels of interest of women and men. Moreover, as members of the caucus received the questionnaire and decided whether to respond to it, there was an auto-selection of who was interested. However, these interviews can still supplement the statistical findings by providing invaluable insight not available through structured quantitative indicators.

The first thing I asked was for them to position themselves in terms of ideology. I asked if they considered themselves to be left, centre-left, centre, centre-right, or right wing. Given Brazil's particularities and party system, I decided to let them position themselves instead of myself categorising them based on their party membership. The results show that most respondents considered themselves as centre-left. On top of that, nearly three quarters of them declared that they were connected to social movements or NGOs. That result might be connected to the fact that survey researchers on the Brazilian National Congress (e.g., Power 2000, Cfemea 2009) have found that response rate from legislators from leftist or progressive parties have been consistently higher than those from conservative parties. The explanation for this result could be that most members of the women's caucus see themselves as centre-left, but there is a chance that there is a higher

percentage of response from legislators from such parties. I also asked whether gender-equality was one of their top political priorities, one of their priorities, or not a priority. 95% of them declared that gender was one of their top priorities when it came to bill introduction and deliberation. We can see from the graph below that the percentage of members of centre-left parties that considered gender equality a top priority was the highest and members of right parties were the lowest.

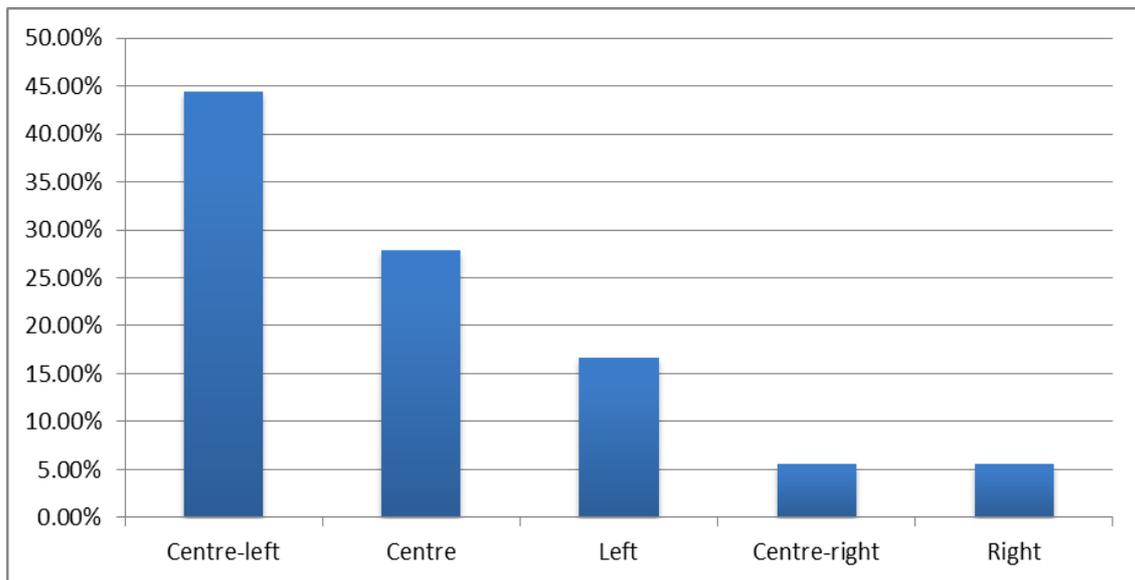


Figure 41 - Gender equality as a priority and ideology of interviewed members of the women's caucus (2011-2014)

The most important part of the interview was however regarding opinions on the variables presented in this study and whether they influenced the passage of gender related bills. The results show that support from party leaders was unanimously cited as the most influential variable in the passage of bills. All respondents declared that their support was “very important” in getting a bill in the agenda, and support from party leaders had a definitive impact in their enactment. One of the representatives that I interviewed personally declared that ‘although other types of support can help a bill to gain support and notoriety, without support from party leaders it was almost impossible for any legislation to be enacted’. Support from the executive and support from the women’s caucus was marked in second place of importance by 90% of the respondents.

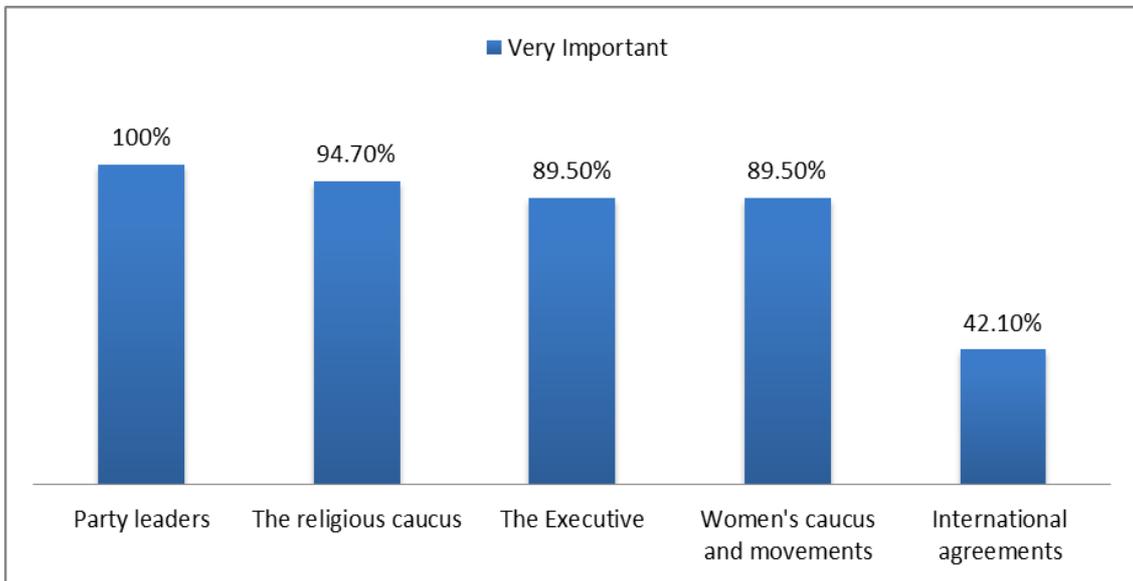


Figure 42 - Legislators' opinions on the importance of the different variables influencing the passage of gender legislation in the Chamber of Deputies

International pressure came in last place as to whether this variable would influence the passage of gender policy or not. 58% of them said an international agenda had little influence in the passage of bills in the Brazilian National Congress. The interview with the caucus confirms that although there is some importance in being supported by international treaties, that is not the most significant variable influencing the passage of gender bills as it is dependent on other variables (e.g. support from the caucus or party leaders). Finally, when asked whether religiously-based opposition had the power to influence on the passage of gender related bills, 95% of the participants marked this as “very influential”. One of the interviewees declared that ‘strong backlash from religious groups will make the executive and party leaders change their minds even if they supported the bill in the first place’.

The Influence of Religiously-Based Opposition in Congress

Based on the analysis, the fourth most important variable is the influence of religiously-based opposition in Congress. The power of organised religion also varied

throughout the three governments. We can see from the Figure 43 that in terms of anti-feminist bills, the period of Lula's administration was the one that had the highest percentage of anti-feminist bills proposed. In absolute numbers, there were 18 anti-feminist bills during the Cardoso government, 50 during Lula and 20 during Dilma. The Dilma government also had a high number of bills on the subject. As the last legislature had a higher general number of gender bills proposed, the proportion of anti-feminist bills in comparison with the rest is smaller. However, there were more bills proposed during Dilma's first four years in office than in the eight years of Cardoso in the presidency.

For gay and reproductive rights, in terms of bill introduction, the best period was the Lula presidency. However, if the number of anti-feminist bills is any indication of how religious groups reacted to Lula's election and organise themselves, it is no surprise that no gay rights bills were enacted – see Figure 44. Only in the Dilma government did the subject finally see some positive action in the Chamber of Deputies. An analysis of gay rights in absolute numbers shows that the Dilma government was the legislature that had the highest number of bills presented and the only one that managed to have any bills enacted. Even under strong attack from religious groups, bill 4529 from 2004 was enacted. As we have seen, the bill created a Youth Statute and deals with several different gender aspects stating for example that: young people should have the right to gender equality, should have the right to dignity, and that they should not be discriminated because of their gender and sexuality.

However, one effect of religiously-based opposition during the Dilma government may have been auto-censorship from politicians in terms of reproductive rights. Although the Dilma government managed to have some success in the enactment of this type of bill, in terms of introduction it performed much worse than expected. Only six bills on the subject were proposed in the four-year period (see footnote 34). It seems that, as shown by

Friedman (2009), “in the area of reproductive rights, particularly on the lightning-rod issue of abortion, left-wing governments seem unable to resist the strong opposition from the right and the Church” (2009:427).

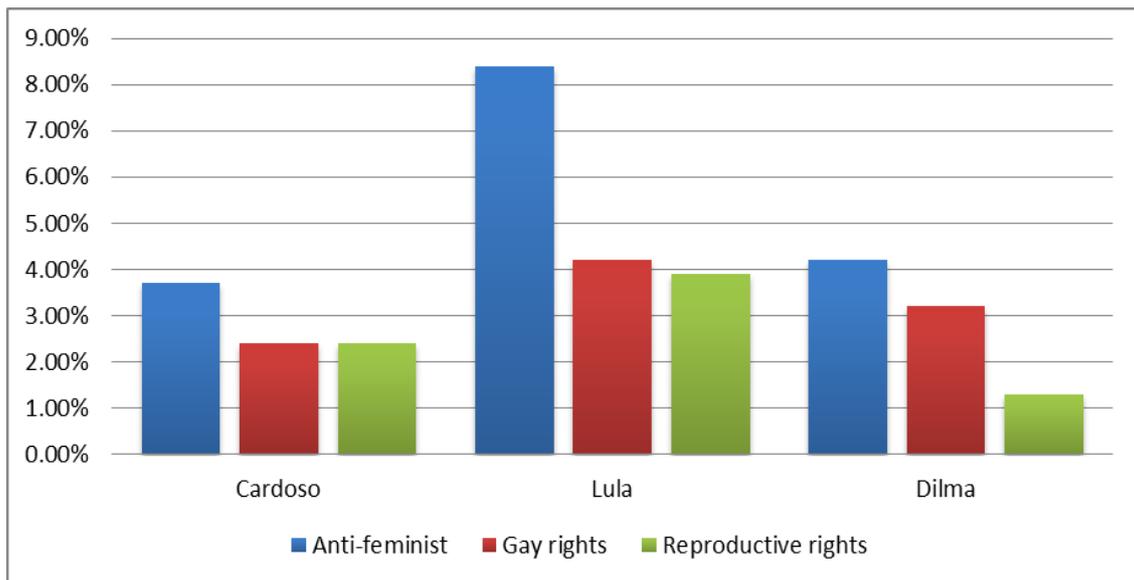


Figure 43 - Percentage of anti-feminist, gay rights and reproductive rights proposed (1995-2014)

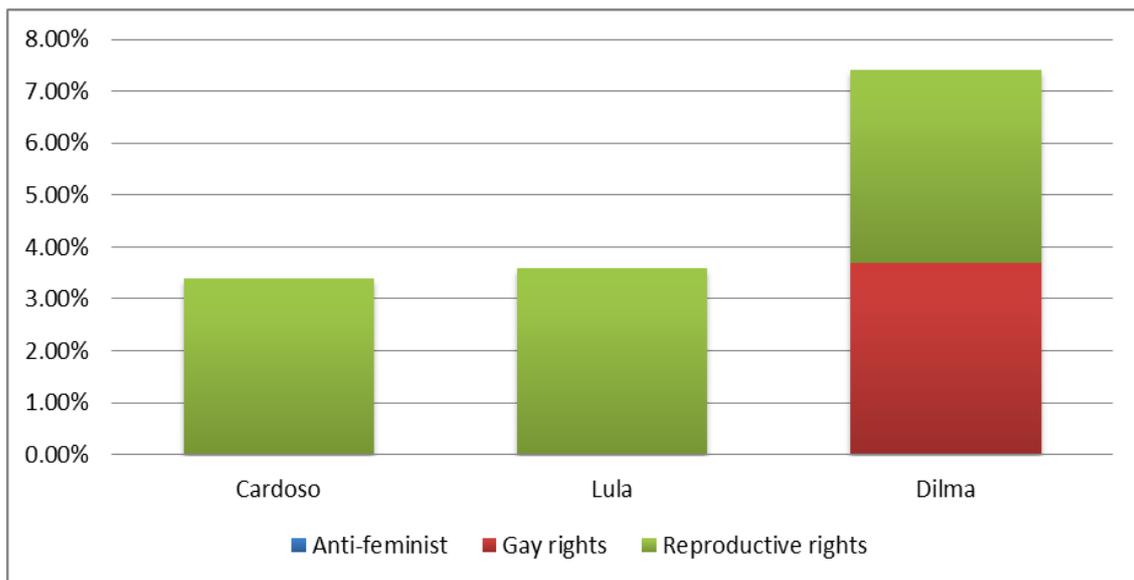


Figure 44 - Percentage of gay and reproductive rights bills enacted (1995-2014)

Analysing the importance of backlash from religious groups shows that although change is happening, it is not happening as fast as it could, especially in the areas that confront the Church. However, one last thing has to be taken into consideration. Since the

election of the PT and the consolidation of the *Bancada Evangélica*, the theme of gender gained higher coverage by the media and receives more public attention than previously. The strong backlash suffered by certain bills, the content of anti-feminist bills, and the tension created between religious groups and actors intending to promote change has meant that voters are more often debating the issue and representatives are more often under scrutiny for their attitudes and opinions by both supporters and opponents. Although this cannot be measured, it is possible that in a setting where the Workers' Party is the presidential party, legislators felt the necessity to position themselves on the issue of gender equality.

The Importance of International Support

As we have seen, one interesting aspect found in the interviews with members of the women's caucus was the importance of an international agenda in the enactment of gender bills. This was seen by members as the least influential variable when analysed on its own. That is because international pressure is not expected to bring outcomes without the support of other variables. Indeed, this variable is the least important variable in my analysis. I will now show how this type of support was used more or less during each government and how well it was received.

The analysis of bill content of all 111 enacted bills from 1995 to 2014 shows a decreasing number of bills that were the result of international pressure in the Chamber of Deputies over time. As we can see from the Figure 45, 55.2% of all enacted bills during the Cardoso government were a response to international suggestions, 34.5% in the Lula government and 18.5% during the Dilma government. This can be explained by a few factors discussed below.

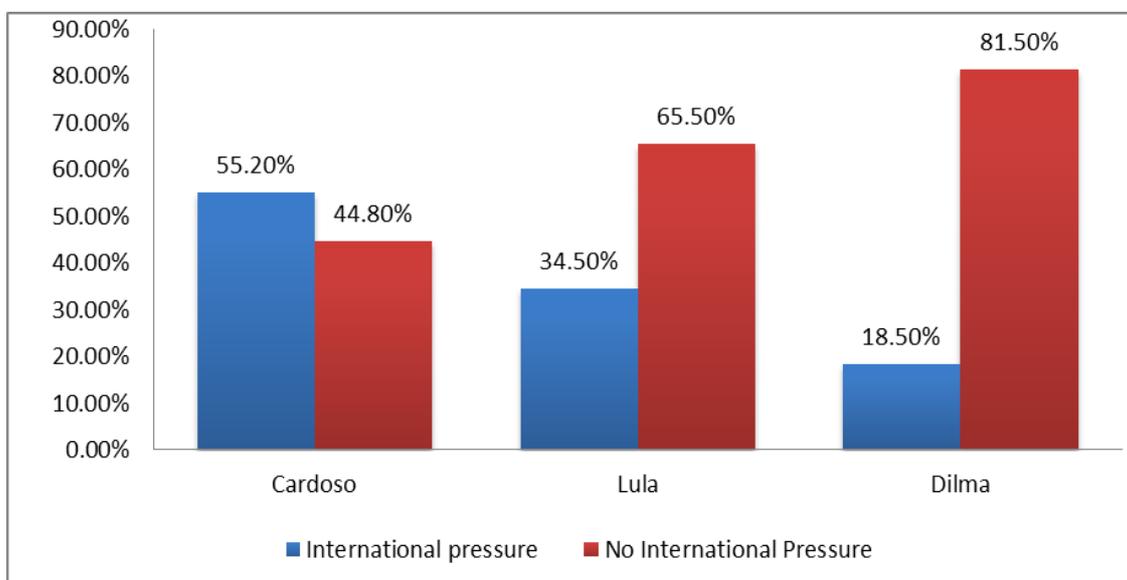


Figure 45 - Percentage of bills that received international pressure throughout the three governments (1995-2014)

Why the importance of international support varied over time

The 1990s were unprecedented in terms of legitimising issues of gender equality. Struggles for women's rights in different parts of the globe became connected through alliances and networks. International organisations, summits and conferences provided space for the sharing of ideas, and for the coordination and definition of policy proposals, while also highlighting and conferring cultural legitimacy upon demands for women's rights and gender equality. The UN Women's Conference in Beijing was a landmark in this respect. Women activists in Latin America were empowered in their calls for socio-political equality and gender mainstreaming. This international trend in favour of gender equality influenced political parties and institutions in Latin America, making them more open to gender-related demands (Htun and Weldon 2013). However, according to Miranda (2012:90) the importance of international agreements changed after the Lula government and the creation of the Secretariat of Policies for Women.

The Secretariat was created following in response to the demands of women's movements and as a way to comply with international agreements, such as CEDAW. In

response to Brazil's combined initial, second, third, fourth and fifth periodic report, the CEDAW committee declared that the creation of the Special Secretariat (SPM) meant that “the placement of the new national machinery at the ministerial level reflected strong political will and the government's commitment to working towards achieving equality between women and men in compliance with the Convention” (CEDAW, 2003). The Lula administration (2003-2010) was responsible for strengthening the dialogue between civil society and the state, and such dialogue has been maintained in the government of President Dilma Rousseff. The opening of this dialogue was possible thanks to a new political environment a centre-left party historically recognised by its connection with popular classes and social movements (Miranda 2012:90). What we can see is that when this dialogue was opened, the focus of actors interested in promoting transformation in the country changed from international to national agreements. In the PT governments, the women’s caucus and women’s movements used international agreements less frequently and the agreements stated in the National Plans more often in order to convince domestic opponents.

Conclusion

This chapter presented the examination of the forces and relationships influencing gender policy processes and outcomes in the Brazilian Chamber of Deputies during the whole period in analysis (1995-2014). Through a comparison between three governments it presented a theoretical and empirical explanation of how political relationships and the norms that structure the political environment were created, functioned and influenced the deliberation of gender-related policy in Brazil. The analysis of the 1,561 gender bills deliberated during the past 20 years shows that changes in the institutional environment, such as the election of the Workers’ Party, resulted in an increase in gender bills presented

and enacted over time. This is important because according to Mackay (2011:186), ‘shifts in institutional power dynamics such as political alliances, and the cumulative effects of seemingly inconsequential decisions may add up to significant developments over time (...)’. New institutions created to challenge existing gender norms and gendered power asymmetries include the introduction of quotas (Krook 2009), gender mainstreaming (Squires 2007), the establishment of women’s policy agencies (Squires 2007), and the integration of gender concerns in the design of new institutions (Waylen 2011, Mackay 2009).

The analysis was once more based on the five variables representing the agents of change in the Brazilian Chamber of Deputies and showed their level of importance: first, legislative agenda control; second, the elected executive; third, the women’s caucus and women’s movements; fourth, religiously-based opposition in congress; and fifth, international norms and organisations. This helped to address the research questions ‘What influences the passage of gender-related policy in the Brazilian congress?’ and ‘How does the institutional context encourage or obstruct positive outcomes in terms of gender policy in Brazil’. The analysis revealed the complex combinations of actors and events that influence the enactment of gender policy and how each of the five variables influences each other.

The chapter showed that with the election of the PT for the presidency and biggest party in the governing coalition, party leaders became more involved in the elaboration of policy and more opened to the agenda of the women’s caucus and women’s movements. This was the most important reason why PT governments performed better than previous governments in terms of the enactment of gender policy. PT deputies have done so by presenting more bills than any other party, declaring bills urgent and creating committees to elaborate on gender bills. The government coalition confirmed this openness and in the

last two governments members of the coalition presented most bills enacted. The women's caucus and women's movements were better able to have a connection with the presidential party based on PT's ideology, history and the presence of women in leadership positions. As men from mainly left and centre-left parties such as the PT became more interested in the subject, the women's caucus also saw some changes in terms of bill enactment and bill introduction.

We have seen also how the role and influence of the executive has differed in various contexts. This was the second reason why there was an increase over time of bills enacted. The executive in the last two governments proposed more bills than during the Cardoso year and, critically, used its relationship with party leaders and control of the agenda to have those bills enacted. Another significant way of influence came through the establishment of a Women's Policy Agency that was given ministry status. This has a profound effect on the spaces allocated to the demands and interests of the women's movement and the women's caucus⁴² (the third most important variable in the analysis). Following this they could formulate a Plan that listed their demands and gave the state a deadline to accomplish them. Several laws passed because of this new institutional area. As Mackay (2011:190) shows, 'women demonstrate agency as institutional and extra-institutional actors working in, through, and against state and political institutions to effect social and political change, but they exercise their agency within institutional, cultural, and discursive constraints'.

⁴² Another example of renegotiation of some elements of institutions leaving others in place would be the introduction of quotas to increase women's representation. However, in Brazil, poorly designed quotas were a dismal failure (Waylen 2011:159)

In fourth place we saw that a higher number of anti-feminist bills proposed by members of the *Bancada Evangélica* with support from some Catholics over time. Additionally, in the last government another effect of religiously-based opposition may have been auto-censorship from politicians in terms of proposing bills on reproductive rights. Although the Dilma government managed to have some success in the enactment of this type of bill, in terms of introduction, it performed much worse than expected. Only six bills on the subject were proposed in the four-year period (see footnote 34). The effects of backlash from religious groups were much clearer in the PT governments than they were in the PSDB one, as a centre-left government was seen by them as a bigger threat. This is important because in the interviews with members of the women's caucus, when asked whether religiously-based opposition had the power to influence the passage of gender related bills, 95% of the participants marked this as "very influential". Strong backlash from religious groups will make the executive and party leaders change their minds even if they supported the bill in the first place.

Finally, the establishment of the Secretariat for Policy for Women (SPM) by the PT government in 2003 meant that international norms were not as influential as national agreements, and the importance of international pressure in the passage of gender policy declined throughout time. International pressure was the least significant variable in the analysis. This is because international pressure was more frequently used by the women's caucus to pressure domestic opponents when there was a lack of interest from party leaders and the executive. The Beijing platform had a galvanising effect across the continent in the 1990s and some very important missing pieces of legislation were put in place (e.g. laws on violence against women). Thus, it is not surprising that international bodies are more satisfied given that key gender equality legislation is now in place. However, putting such policies in practice has become the challenge in the 2000s. A challenge that has been dealt

with more frequently through the use of new institutional spaces, such as the National Conferences on Policy for Women organised by the SPM. That meant that the focus of actors interested in promoting transformation in the country changed from international to national agreements. In the PT governments, the women's caucus and women's movements used international agreements less frequently than in the PSDB government, and the agreements stated in the National Plans were more often used in order to convince domestic opponents and put gender in the legislative agenda. The greater openness of the executive to the subject after 2003 meant that the women's caucus and women's movement had to make use less frequently of international norms.

What we can conclude from this chapter is that legislative agenda control and the elected executive provided a political and institutional context that was more amenable to gender bills with the PT's ascension to government in 2003. Without their support it is likely that change would happen at a much slower pace. This was confirmed in the interviews with members of the women's caucus. However, it is also important to note that the women's caucus and women's movements has been a constant and major driver of change throughout time. This chapter has highlighted the interconnectivity between actors affecting gender policy outcomes in Brazil. Moreover, we have seen that the outcomes and influences of these interwoven relationships are affected by, and indeed define, the context within which they operate. The last chapter will now look at how effective change was depending on the specific theme of gender policy being deliberated. This will present a better idea of which areas need further improvement and suggestions for the future.

Chapter 7

The Difference in Gender-Related Themes and Suggestions for Future Improvement

The final chapter provides an analysis of all gender policy deliberated in the Chamber of Deputies from 1995 to 2014 by issue type. It complements the analysis of the effects of different institutional contexts on gender-related policy deliberation by highlighting which areas performed better than others and presenting suggestions for the future. According to Htun and Weldon (2010), in order to better understand the interaction between agents and contexts, policies should be analysed taking into consideration the type of gender issue. This will help us to understand whether governments and agents' support or backlash might vary depending on the type of policy. For this discussion I categorised all 1,561 gender-related bills into 10 categories: Violence against women and girls; Economic equality and employment benefits; Health; Marriage, children and family; Reproductive rights; Representation and Political rights; Women in conflict with the law; Gay rights; Honours bills; and Anti-feminist bills. The way I narrowed down to these 10 categories was by looking at the subject of bills and separating any bills that were related to women's, feminist or anti-feminist issues according to the discussion about sex, gender, and intersectionality presented in the introduction. I grouped bills on the same subject together and came up with the most common categories after analysing their content.

Katzenstein (1989) suggests that on issues such as gender status policies, women's movements have a greater impact. For other issues, such as class-based policies, agents such as labour unions or left parties are more likely to make them a priority. Scholars (Keck and Sikkink 1998, Htun 1998, 2001, Baldez 2004, Krook 2005) have shown that in the case of violence against women and gender quotas policies, international organisations

joined forces with local activist groups to pressure for change. They were quick to make the link between violence against women and the broader context of human rights violations (Weldon 2006). Building networks, sharing resources, and lobbying governments, they were able to take advantage of these economically developing, new democracies' desire for legitimacy abroad and effort to promote a favourable image on human rights. The same positive combination did not extend to changes on class-based social rights or rights that caused a reaction from the church. Htun and Weldon (2010) show that most Latin American governments assuming power in the 1990s were influenced by neo-liberal economics and committed to implementing stabilising reforms, not to expanding state spending on generous leaves and day care centres. Non-doctrinal, gender status policies such as quotas and violence against women have had two advantages in such a context: unlike abortion, they do not confront the Church. Unlike parental leave and day care, they fail to excite the opposition of business lobbies and fiscal conservatives. In addition, quota policies are relatively easy to adopt and monitor, making them especially attractive to women's movements in states where the state has little capacity to monitor and enforce policy implementation.

The analysis by issue type helps to understand how the political and institutional context and the forces affecting the elaboration and deliberation of policy are more or less effective depending on the theme they are dealing with. Analysing which themes were most commonly enacted helps to assess the quality of representation and whether the agenda was more or less attentive to demands of the feminist movement. Furthermore, identifying variations in the government's response to certain issues provides suggestions to what needs to be improved in the future and what areas need extra attention.

The Analysis

Figure 46 below shows which themes were most commonly proposed in each government. As we can see, ‘economic equality and employment benefits’ was the most common type of bill proposed during all three governments. These include bills on maternity leave, employment discrimination, the rights of domestic workers, etc. However, the trends found on bill enactment are surprising. This was the most popular type of bill enacted during the Cardoso government. According to the document “Dossier: Public policies and gender relations in the labour market” published by the Cfemea in 2002, bills on labour and social security reform were considered priorities in the Brazilian National Congress during the period, many times postponing the discussion of other important themes. They show that maternity leave and women’s social security was the most discussed theme, as a market oriented programme and government cuts in the area were seen during the period (Cfemea 2002: 51-52). In the case of the Lula government, although this was also the most common type of bill presented during the period, it was not the most enacted theme. A closer look shows that the theme was also the most common theme of bills presented by the PT and the Executive. However, the fact that the theme was not as popular when it came to enactment means that it encountered some resistance in the Chamber of Deputies. As Htun and Weldon (2010) show, other types of gender policy (such as the ones on the theme of violence against women) have managed to be more successful in Latin America, as parental leave and day care excite the opposition of business lobbies and fiscal conservatives. The analysis of bill content presented at the end of the thesis shows that the Lula government favoured responding to international pressure in the area of violence against women instead.

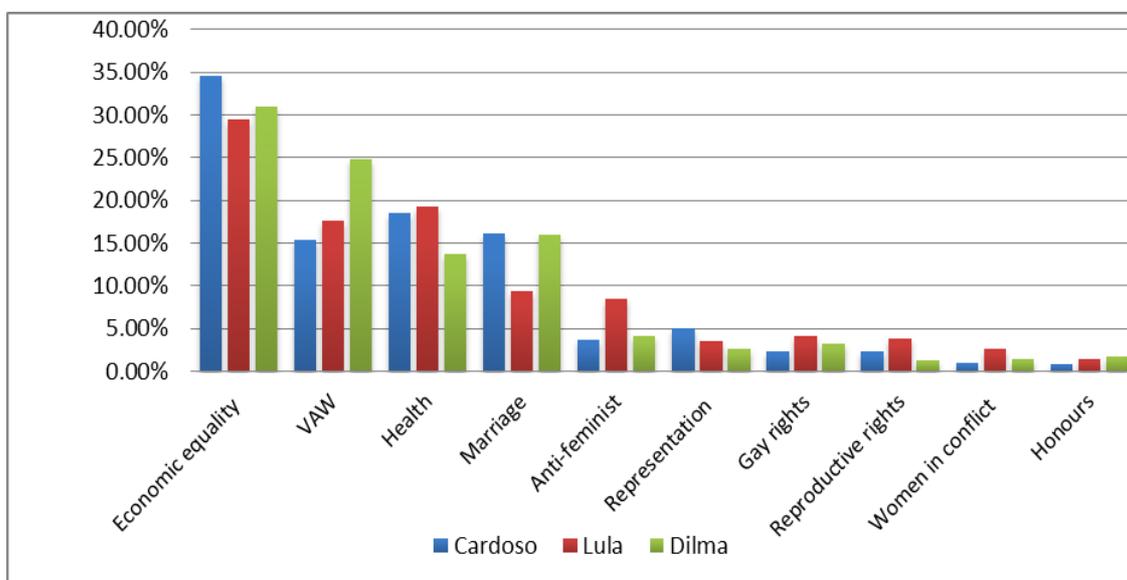


Figure 46 - Themes of gender bills proposed in each government (1995-2014)

“Economic equality and employment benefits” was also the most common type of bill presented and enacted during the Dilma government. This was the most common theme of bills based on guidelines of the 3rd National Plan on Policies for Women and the most common type of bill proposed by the executive. Miranda (2012) shows that poverty reduction and economic empowerment of women guided the actions of the executive during the Dilma government. Previously developed programmes such as Minha Casa, Minha Vida, Bolsa Família and Pronatec gained a gendered dimension during this administration. Support from international organisations was also the highest for bills on economic equality and employment benefits during the period. An issue constantly discussed in Brazil during the period was the rights of domestic workers. One bill that is an example of that is bill 478 from 2010. This is an amendment to the constitution (PEC) that became known as the Domestic Workers PEC. It was proposed on the 14th April 2010 by Carlos Bezerra (PMDB), establishing equal labour rights for domestic workers and other urban and rural workers. A Special Committee was created to produce a report on the bill. After that it was sent to the floor for voting. 347 people voted yes, two no and two abstained. The bill received support from the executive and was already part of its agenda.

In November 2005, the Ministry of Labour and Employment (MTE), in partnership with the SPM and the Special Secretariat of Policies for the Promotion of Racial Equality (Seppir), launched the Citizen Domestic Labour Plan. The subject was also cited in the Second National Plan on Policies for Women (2008) and set a 2011 deadline to ensure compliance of the legislation and promote the valuing of paid and unpaid domestic labour. On the third National Plan on Policies for Women (2013-2015) the subject continued to be treated as a goal, with the expansion and regulation of rights of domestic workers and to implement Convention 189 of the International Labour Organisation (ILO) on decent work. The subject was also cited in the Concluding comments of the Committee on the Elimination of Discrimination against Women when considering the sixth and seventh periodic reports of Brazil. The bill was also supported by the women’s caucus with several politicians speaking during its deliberation and women’s movements such as Cfemea and the National Federation of Female Domestic Workers – FENATRAD, which were involved in the elaboration of the National Plan on Policies for Women.

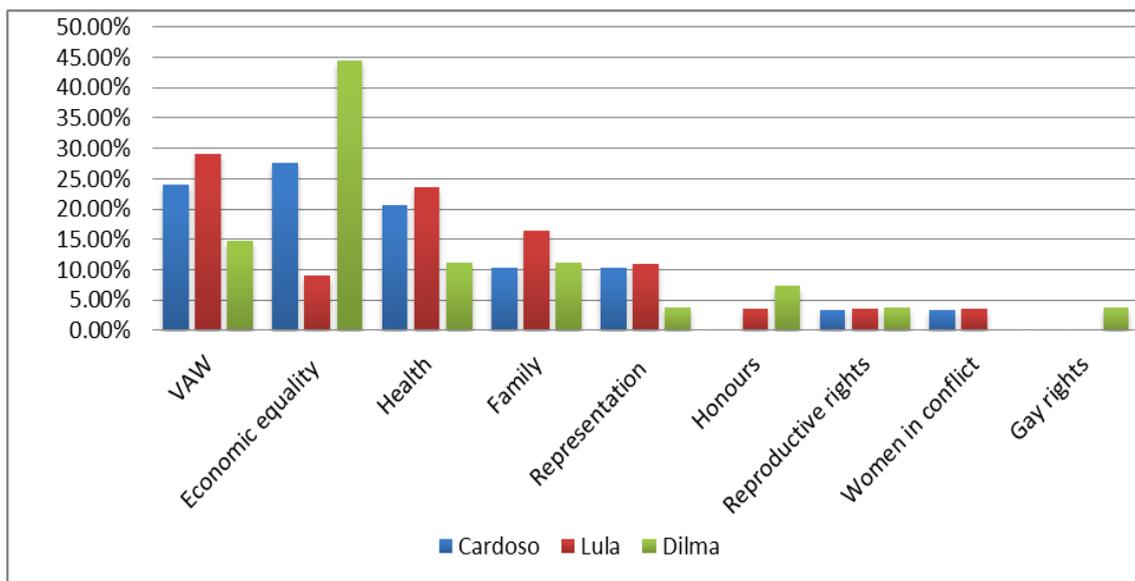


Figure 47 - Themes of gender bills enacted in each government (1995-2014)

The theme of health was the second most commonly proposed theme during the Cardoso and Lula governments and third during the Dilma government. Bills on women’s

health (that do not include reproductive rights) usually do not encounter a high level of rejection and do not tend to depend on party ideology. Most politicians would have no problem in agreeing that these issues are important. They might not lobby for it, but they will not openly oppose bills that treat the subject of women’s health. Moreover, health bills that do not deal with reproductive rights would not suffer any backlash from religious groups. In all three governments, bills on women’s health were more commonly proposed by men than by women. As Swers (2002:19) shows, the importance of gender considerations varies by policy area, since gender plays a more central role in the decision to pursue feminist legislation than it does in the pursuit of social welfare legislation. This might then explain why, in all three periods, violence against women and girls received higher attention from the women’s caucus instead.

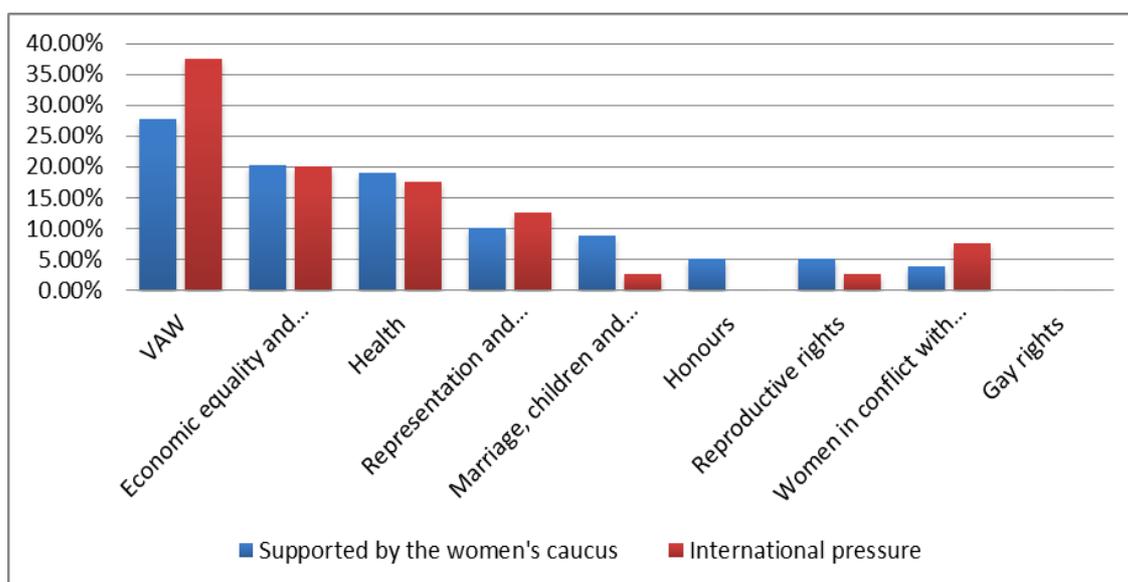


Figure 48 - Themes of gender bills enacted that received support from the women’s caucus and women’s movements and international pressure (1995-2014)

‘Violence against women and girls’ was the third most common theme proposed during the Cardoso and Lula governments and the second during the Dilma government. Of all enacted bills that received some type of international pressure, the most common enacted type was also on the subject of violence against women and girls. Moreover,

twenty-eight 'women in conflict with the law' bills were proposed from 1995 to 2014. Three bills on the subject passed. They addressed the rights of incarcerated women and followed a very similar path to bills on violence against women and girls. They received support from the women's caucus and women's movements and were enacted because of international pressure on the subject.

For the Cardoso government, the theme of "violence against women and girls" shows an interesting distinction between the women's caucus and members of the PT and PSDB. Violence against women and girls was the fourth most popular theme presented by the PSDB, the third by the PT, and the second by the caucus. The high presence of members of the caucus in the PT helps to explain why this issue was more common there than in the case of the PSDB. As the women's caucus was responsible for presenting most bills enacted in that government, the theme was successful in terms of enactment. In the analysis of bill content presented at the end of the thesis, we can see that the caucus used support from international organisations to lobby for the passage of bills that were long lasting demands from the women's movements in the country. The same can be said in the case of the Lula and Dilma governments. What is different in this government is that the theme also gained support from the National Plans on Policies for Women.

The Maria da Penha law is a clear example of the relationship between the work of the women's caucus using international pressure to lobby and be successful in the passage of bills on violence against women. The National Conferences and National Plan on policies for women created a positive environment that helped the process. The Maria da Penha Law was bill 4559 from 2004. It was presented in December 2004 by the executive and is possibly the most famous piece of legislation on women's rights in Brazil. It establishes mechanisms to restrain domestic and family violence against women under

terms of the Constitution, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará, 1994). It passed after the clear joint work of the women's caucus, women's movements, the government, and international organisations. The drafting of a bill on violence against women was discussed during the First National Conference on Policies for Women organised by the SPM in 2004. A group of NGOs handed the first proposal of the law to the Special Secretariat of Policies for Women (SPM), which proceeded with discussions, coordinated a working group and the government, the women's caucus, and members of society carried out technical and political consultations, reaching a result in the form of a bill which was presented from the SPM to the national congress in November 2004.

Law 11.340/2006 was named the Maria da Penha Law as in April 2001, for the first time, the Inter-American Commission on Human Rights (IACHR) found that Brazil's failure to prosecute the attempted murder of Maria da Penha Maia Fernandes by her husband, more than fifteen years after criminal charges were filed. They declared that the action represented a pattern of State-condoned violence against women. Maria da Penha's husband shot her while she was asleep in 1983. As a result of the crime, she suffered irreversible paraplegia, but never received financial assistance to cover her medical expenses, or the alimony stipulated in their separation order. Maria da Penha, together with the Centre for Justice and International Law (CEJIL) and the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM), brought the case to the Inter-American Commission on Human Rights (IACHR). They claimed violations of the American Convention on Human Rights, arguing the State's obligation to respect the rights proposed in the Convention, the right to a fair trial, the right to equal protection and

the right to judicial protection. The Commission held that the government of Brazil violated the American Convention on Human Rights and found violations of the Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará). Before 2006, Brazil did not have a law on violence against women. Common punishments for domestic violence crimes included donation of food baskets to charity or payments of fines. According to Roure (2009:68,69), Brazilian domestic violence law was ineffective in protecting women from violence. Given a long history of wife-murder cases the feminist movement, coupled with efforts from grassroots organisations and support from the United Nations, put forth a multifaceted strategy and massive campaign to promote the adoption of international law by the Brazilian government. These collective organised efforts led to the creation of federal criminal domestic violence legislation in Brazil.

Spieler (2011:142,143) shows that the passage of the Maria da Penha law makes it clear that international pressure can have an important role in passing legislation in issues such as violence against women. The importance of the Maria da Penha case is twofold: it contributed to the protection of women in the Americas, in general, and in Brazil specifically. It demonstrated that a state can be held accountable for violating international Conventions and revealed the systematic pattern of VAW in the country and the inefficiency of the judicial system in dealing with this type of issue. Brazil's Constitution and several international human rights treaties ratified by Brazil, include the principle of equality between men and women. However, in practice the judicial system gave different treatment to acts that occurred in the private and public spheres. The cultural acceptance of domestic violence aggravated this problem. In addition, the Maria da Penha case showed the importance of international mechanisms to pressure national governments to ensure the prevention and reparation of human rights violations in the national sphere. Nevertheless,

the strong contribution of other actors, mainly the feminist movement and NGOs, to the process of changing Brazilian laws, the Inter-American Commission's decision constituted the initial step for the adoption of measures to combat VAW in the country. The decision of the Inter-American Commission on the Maria da Penha case demonstrates that the use of international human rights mechanisms can be an effective way to pressure governments to ensure the protection and reparation of the rights violated as well as to take preventive measures to stop new violations.

The theme of 'Marriage, children and family' was the fourth most commonly proposed and most commonly enacted. One of the explanations for that is that in the Cardoso government, members of the PSDB presented a high number of bills on the subject, which included divorce, child support, custody of children, etc. Both in the Lula government and the Dilma government, the theme was more commonly proposed by men than by women. In the case of 'Representation and political rights' bills, they were frequently proposed by the executive and a very significant part of the National Plans on Policy for Women. This makes it clear that the women's groups that participated in the conferences gave importance to the participation of women in politics and their rights. The final product (the Plans) included several deadlines for actions for the government to increase women's participation in politics. The executive introduced a high number of bills, with many of them being enacted following the guidelines of one of the National Plans on Policies for Women.

For the Dilma government only one bill on the subject passed. That was bill 6397 from 2013 presented by Senator Romero Jucá from the Brazilian Democratic Movement Party (PMDB). This bill was named the "mini electoral reform" and included one item that stated that the Superior Electoral Court (TSE) in the period between March and June 30 of every election year should promote institutional, radio and television advertising to

encourage gender equality and the participation women in politics. The bill was considered urgent by party leaders and was supported by the women's caucus. Although originally did not include the item concerning the participation of women in politics, the amendment was presented by a member of the caucus and supported by the other members. The bill was part of an international agenda as the CEDAW committee in its 2012 observations on the Brazilian report declared that it took note of the efforts of the State party aimed at increasing the participation in political and public life of women. The bill was however not supported by the president or her party, as the Workers' Party declared that a much bigger electoral reform was needed and this bill was very restrictive.

Honours bills were exclusively proposed by members of the women's caucus. They are bills intended to create monuments, name streets, and give different types of honours to influential women. Four bills on the subject were enacted during the 20 years in the analysis: one established the National Teresa Benguela and Black Women Day to be celebrated on the 25th July (5746/2009); another declared Anita Garibaldi a character of the Book of the Fatherland Heroes (4253/2008); bill 4293/2004 declared Rose Marie Muraro the patroness of the feminist movement in Brazil; and bill 3909/2008 declared Ana Néri a character of the Book of the Fatherland Heroes.

In the case of doctrinal policies - or policies that confront the church - we can see that the Brazilian congress became more and more religious after Lula's election, and that doctrinal gender policies were never as successful in passing as other types of policy. Anti-feminist bills and reproductive and gay rights were analysed throughout the chapters when talking about religiously-based opposition in congress. In the Cardoso government, there is an interesting distinction, with no anti-feminist bills being presented by the PT or the women's caucus. Conversely, no gay rights bills were presented by members of the formateur PSDB. In the Lula government, 50 anti-feminist bills were proposed, 25 gay

rights bills and 23 bills on reproductive rights. In the Dilma government, 20 anti-feminist bills were proposed, 15 gay rights bills and six reproductive rights bills. As we can see from the graph bellow, throughout time the PT was consistently the party that presented the highest percentage of bills on the subjects.

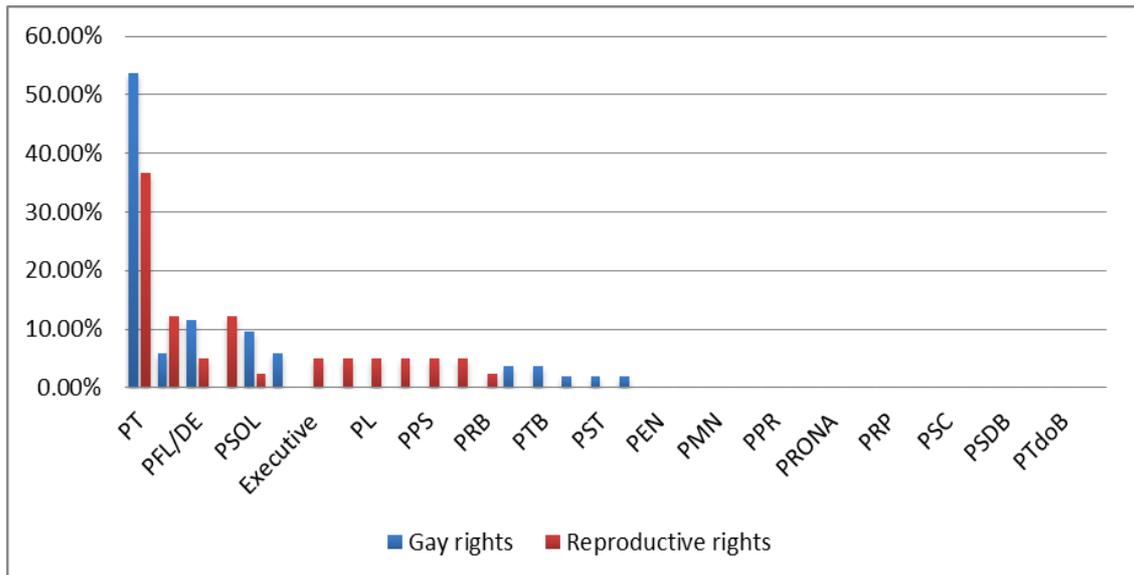


Figure 48 – Percentage of gay and reproductive rights bills by party (1995-2014)

As Marsiaj (2006:170) shows, in Brazil “a greater level of support for LGBT rights is found among leftist parties, while right-wing parties tend to be opposed to them, with centrist parties falling somewhere in-between, adopting a more ambiguous position. Institutional factors (the existence of institutional spaces for LGBTs in leftist parties) and progressive attitudes of individual party members are key in explaining leftist support. This position, however, is not unanimously accepted within the left because of religion and the historical presence of the Catholic left in these circles”. He shows that a number of factors contribute to an explanation of the support for LGBT rights among federal deputies. “Some politicians had been involved in the counter-cultural movements in the 1960s and 1970s under the dictatorship or in exile, which contributed to their open attitude toward sexual diversity. Given the history of the creation of leftist parties since the early 1980s and their linkages to progressive social movements, most of these cases were found among

leftist deputies, which helps account for the greater degree of support among those parties” (Marsiaj 2006:170).

Conclusion

This chapter complemented the analysis of the effects of different institutional contexts and their influence in processes and outcomes of gender policy in Brazil. It showed that the impact of the institutional environment varied depending on the theme in discussion. We saw that the frequency of introduction, support and enactment for different gender related themes varied. The theme of ‘Economic equality and employment benefits’ was very popular throughout the three governments. It received support from all actors and was many times successful in becoming law. Surprisingly, the period that had the least amount of bills on the subject enacted was the Lula presidency. That is a surprise because the Workers’ Party was expected to be more sympathetic towards the cause than the previous government. This trend however changed during the Dilma government and the theme became the most enacted type of bill again.

The Lula government focused on the theme of ‘Violence against women and girls’. The fact that this was so highly supported by the women’s caucus and women’s movements across governments, that international organisations pressured the government for change, and that it was a great part the National Plans on Policies for Women explains why this type of bill was commonly enacted in this context. We have also seen that the theme of Health was mostly supported by men throughout all the three governments. As was previously explained, this is a theme that does not depend on party ideology and does not cause backlash from any groups. Furthermore, other themes such as ‘Marriage, family and children’, ‘Women in conflict with the law’ and ‘honours’ bills received a moderate amount of support and saw a moderate amount of success. The themes of ‘Representation

and political rights', 'Reproductive rights' and 'Gay rights' are the ones that deserve special attention in the future.

Given the extremely low numbers of women in congress (lower than the regional average), the theme of 'Representation and Political rights' needs to be more frequently promoted in the Chamber of Deputies. The PT governments did make an effort to change this scenario, as this theme was a very significant part of the National Plans on Policy for Women, but that was still not enough to bring substantial change. Moreover, even when change happened, as was the case with quotas bills, there was so much negotiation and so many amendments to the bills that in the end the laws proved to be not so efficient in promoting women to leadership positions. In 20 years the caucus grew 3% and has not yet managed to achieve 10% of seats. The Brazilian variant of PR known as "open-list PR" has an influence in women's low representation. In the Brazilian version, parties do not rank their candidates, and the electorate vote for individuals rather than parties. Seats are distributed first to parties according to the total number of votes their candidates get, and then within parties according to the number of individual votes. The problem is that in the Chamber of Deputies elections, parties are allowed to present a list with one and a half times the number of available seats. This causes the inefficiency of quotas for women. According to Brazilian law, parties have to designate at least 30% and a maximum of 70% candidacy of each sex. However, as parties are allowed to present one and a half times the number of candidates, it is possible that the quota law is respected and not a single woman ends up being elected. On top of that, open-list PR also causes a problem of intra-party competition. As candidates are usually in charge of their own campaigns, having to gather financial resources themselves from both public and private sources, it is likely that they will invest exclusively in their own personal reputations. Women legislators have been pushing for exclusive public financing for election campaigns, in order to promote the

democratization of representative politics. There are currently a number of amendments to the constitution and revisions to the electoral law being voted on in the National Congress. However, many of them have failed and many have not seen much action for years⁴³. Without such changes, it will be very hard for the women's caucus to see a considerable growth.

In the case of gay and reproductive rights, rejection from conservatives and religious groups has meant that there is a long way to go to bring legislative change. Only one bill on the subject of gay rights was enacted in 20 years and that was not even the main subject of the bill. On the subject of reproductive rights, we have seen a drastic decrease in the number of bills proposed. The most significant changes have been brought by the judiciary with the justification that the legislative and executive were failing in its duties. As Waylen (2011:159) shows, 'a variation in gender policy outcome is explained by the level of contestation surrounding the issue area, and the degree of involvement and influence of potential veto players such as the Church'. Although there was a significant increase in gender related bills proposed and enacted with the election of the Workers' Party, future governments concerned with the promotion of gender equality should look at these areas in order to improve the quality of representation.

⁴³ Some examples are bills 1712/2003, 2679/2003, 5281/2009, 5277/2009, and 5735/2013.

Conclusion

This research addressed the following questions: what influences the passage of gender-related policy in the Brazilian congress? And how does the institutional context encourage or obstruct positive outcomes in terms of gender policy in Brazil? Using some analytical tools provided by a historical neo institutionalist framework, I investigated a ‘real-world puzzle’, and explained how and why gender-policy outcomes were different in different contexts. According to Waylen (2011:149), ‘historical institutionalism is interested in addressing real-world puzzles, especially in explaining variations in important or surprising patterns of events’. More than ‘telling a story’, historic institutionalism works through structured comparison and process tracing. It aims to identify the causal mechanisms that lie behind particular empirical processes. This is important because ‘gender policy outcomes will depend on how the issue was framed, the openness of the policy environment, the presence of international norms, the cohesiveness of women’s movements and the priority given to the issue by a range of different actors’ (Waylen 2011:160).

To explain both process and outcomes through process tracing and structured comparison, the thesis was divided in three parts. Chapters 1 and 2 presented the specification of context, the historical background, description of the case study, and the variables used in the analysis. To answer my research question, I mapped the formal architecture and informal networks, connections, conventions, rules and norms of institutions. Chapters 3, 4 and 5 identified the causal mechanisms that lie behind particular empirical processes through the collection and analysis of evidence. I analysed the two terms in government of President Fernando Henrique Cardoso (1995-2002) from the Party of Brazilian Social Democracy (PSDB), the two terms in government of President Luiz

Inácio 'Lula' da Silva (2003-2010) from the Workers' Party (PT), and the first term of President Dilma Rousseff (2011-2014), also from the PT. The final part was the theorisation of political relationships and an analysis of how the norms that structure the political environment influenced gender policy processes and outcomes in the last 20 years. This was done through a comparison seen in chapters 6 and 7. Chapter 6 presented a comparison between the three governments and showed the effects of different institutional contexts on gender-related policy deliberation. Chapter 7 complemented this analysis and presented the trends seen in terms of the different themes deliberated and suggestions for future improvements. The findings of the empirical analysis were as follows.

The findings

The examination of the forces influencing gender policy processes and outcomes during the first government in analysis (1995-2002) showed that, even though the PT was the opposition party and only the 5th biggest party bloc in congress, they presented most gender bills and had the highest percentage of bills enacted. The presidential party PSDB was less active. The PT did not however have an advantage within the college of leaders, as support from party leaders was not a definitive force influencing the passage of gender bills during this period. The only actor that had this advantage in terms of enactment was the executive. Gender however was not one of the executive's highest priorities, which historically has tended to favour economic and administrative issues. Although the executive had an advantage, PT bills and bills presented by the women's caucus managed to have higher numbers in terms of enactment. The success of bills presented by the caucus is explained by the fact that they used most parties' indifference (Macaulay 2006) to organise themselves and vote together on gender issues using international norms to pressure for change.

Chapter 4 presented the empirical examination of the forces influencing gender policy processes and outcomes during the second government in analysis (2003-2010). The analysis of the 595 gender bills deliberated during the Lula government shows that the PT continued to introduce more gender bills than any other party, and had the highest number of bills enacted. Party leaders were more involved in the process of deliberation of bills, and the executive became an important agent of change. The relationship between the PT and the women's caucus continued to be the same. Most bills presented by caucus' members were presented by women in the PT. But as the presidential party became more interested in the issue and the executive got more involved, the women's caucus was no longer the sole campaigner for gender equality. International organisations continued to work closely with the women's movements on the subject of gender equality, but less frequently than in the first government analysed. Finally, although religious groups have been present in the Brazilian congress for a long time, its growing influence could be seen more clearly in this government.

Chapter 5 presented the empirical examination of the forces influencing gender policy processes and outcomes during the third government in analysis (2011-2014). The analysis of the 475 gender bills deliberated during the Dilma government shows that more gender bills were introduced in a 4-year period than any other 4-year period analysed. Gender became an even bigger part of the agenda with all parties introducing bills on the subject. The PT continued to be a very important actor in the deliberation and passage of gender related policy and continued to present the highest number of gender bills. It also had the highest number of bills declared urgent, the highest number of bills enacted and the highest number of bills presented by members of the women's caucus. The executive continued to have an advantage in terms of having their gender bills enacted. A higher attention to the subject by other actors meant that the highest number of bills enacted

shifted from being introduced mainly by members of the women's caucus to being introduced by non-members. Finally, backlash from religious groups continued to be increasingly significant.

In Chapter 6 we saw, through a comparison between the three governments, a theoretical and empirical explanation of how political relationships and the norms that structure the political environment were created, functioned and influenced the deliberation of gender-related policy in Brazil. The analysis of the 1,561 gender bills deliberated during the past 20 years shows that changes in the institutional environment, such as the election of the Workers' Party, resulted in an increase in gender bills presented and enacted over time. The analysis was once more based on the five variables representing the agents of change in the Brazilian Chamber of Deputies: legislative agenda control, the elected executive, the women's caucus and women's movements, international norms and organisations, and religiously-based opposition in congress. It revealed the complex combinations of actors and events that influence the enactment of gender policy and how each of the five variables influenced each other. The chapter showed that with the election of the PT for the presidency and as the biggest party in the governing coalition, party leaders became increasingly more involved in the elaboration of policy and more open to the agenda of the women's caucus and women's movements. The government coalition confirmed this openness and in the last two governments members of the coalition presented most of the enacted bills. However, one of the reasons why PT governments performed better in terms of gender policy outcomes was in great part based on the fact that members of the women's caucus and women's movements were better able to have a connection with the presidential party. That is based on PT's ideology, history and the presence of women in leadership positions.

As well as this, the role of the executive also changed. The executive in the last two governments proposed more bills than during the Cardoso years and used its relationship with party leaders and control of the agenda to have those bills enacted. Another way that the executive influenced the legislative agenda was through the establishment of a Women's Policy Agency with ministry status that changed the spaces given to the demands of women's movements and the women's caucus. As they could now create a Plan that would list their demands and give the state a deadline to accomplish them, several laws passed because of this new institutional area. The establishment of the Secretariat for Policy for Women (SPM) by the PT government in 2003 meant that international norms were not as influential as national agreements, and the importance of international pressure in the passage of gender policy declined throughout time. That is because international pressure was more frequently used by the women's caucus to pressure domestic opponents when there was a lack of interest from party leaders and the executive. Finally, we saw a higher number of anti-feminist bills proposed by members of religious groups in congress over time. The effects of religiously-based opposition in Congress were much clearer in the PT governments than they were in the PSDB one, as a centre-left government was seen by them as a bigger threat.

Chapter 7 complemented the analysis of the effects of different institutional contexts and their influence in processes and outcomes of gender policy in Brazil. It showed that the impact of the institutional environment also varied depending on the theme in discussion. We saw that the frequency of introduction, support and enactment for different gender related themes varied. The theme of 'Economic equality and employment benefits' was very popular throughout the three governments. The Lula government however focused more on the theme of 'Violence against women and girls'. The fact that this was so highly supported by the women's caucus and women's movements across

governments, that international organisations pressured the government for change, and that it was a great part the National Plans on Policies for Women explains why this type of bill was commonly enacted. The themes of ‘Representation and political rights’, ‘Reproductive rights’ and ‘Gay rights’ are the ones that deserve special attention in the future.

What matters more? A ranking of the five variables used in the analysis

The findings presented above show that political parties are the most relevant part of the complex combinations of actors and events that influence the enactment of gender policy. The degree to which they promote gender-related policies and incorporate a gender perspective however varies depending on their ideology, on the degree to which they are institutionalised, on the level of coordination and mobilising dynamics of their gender actors, and on the existing internal and external political conjunctures. The thesis shows that in the case of Brazil, historically there had been a general lack of interest on the subject and gender policy has therefore not been considered a priority. However, in 2003 the country changed from the rule of a centre-right government to the rule of a centre-left government. The thesis supports the theory that left-wing parties are more open to the issue of gender equality (Caul 1999, Duverger 1955, Norris 1993, Waylen 2003, Toole 2003). Political scientists have also hypothesised that women enjoy greater opportunities in highly institutionalised, rule-oriented, bureaucratic parties than in unstructured or clientelistic parties (Caul 1999, Htun 2005, Norris 1995). Finally, left-wing parties have a greater propensity to have a strong female presence in their top decision-making bodies (Caul 1999, Kittilson 2006, Sacchet 2005, 2007).

In the case of Brazil, we have seen that most parties are weakly institutionalised, have a low party identification among voters, have short organisational histories (Htun

2003) and lack stability (Huntington 1968). Parties from the left or centre-left are however an exception to this system as they are more institutionalised and have been first to adopt effective measures to promote women's political representation in the country. The PT is a singular party of the left and an exception to the usual characteristics of Brazilian parties that are organisationally and ideologically weak (Htun 2002, Macaulay 2006). The ideology and history of the party explains why PT politicians have had an interest in promoting the rights of minorities. They are more connected to social movements and have more women in leadership positions, in this way having more internal pressure to present and act on a gender equality agenda. Moreover, they are institutionalised enough that the types of policy presented by party members are consistent with the party's positions on different issues, with party discipline helping to explain how the party's policies were successful in gathering support in the chamber and passing.

The ideology of the presidential party is important as it has the potential to create a more or less gender friendly environment. The thesis supports theories that show that formateur parties and coalitions have great influence on the outcomes of policy in the Brazilian context through the power of party leaders in defining the legislative agenda. As we have seen on chapter 6, legislative agenda control was the most significant variable in the analysis. The research confirmed that party leaders have two important routes to define the agenda and influence legislative outcomes: through the committee system and through the use of urgent procedures.

The elected executive and their relationship with the legislative also play an important part in defining the legislative agenda, and is the second most important variable in the analysis. Although bills presented by the executive are expected to have a high level of success, it is expected that the legislative will propose most bills on social issues. That was confirmed within the data analysis. However, another way the executive can influence

the legislative agenda and was an efficient instrument for the implementation of gender policy used by the PT executives was the creation and strengthening of Women's Policy Agencies.

The power of influence of Women's Policy Agencies has been constantly debated in the study of substantive representation of women, as it helps researchers to answer the question of whether institutions matter in terms of representation, democracy, and achieving feminists' goals. My research extends the literature about the power of Women's Policy Agencies to influence the outcomes of gender policy in the case of Brazil. This helped to evaluate the democratic capacity of the state to include underrepresented groups in the affairs of government (Mazur and McBride 2008:245-254). The creation and functioning of the Secretariat of Policies for Women (SPM) is an example of the integration of women in political and administrative institutions. The organisation of the National Conferences on Policy for Women by the SPM and the elaboration of the National Plans is a major reason why the PT government as a whole performed better than the previous one in terms of policy outcomes. The First National Conference on Policies for Women in 2004 was the first conference in the country to specifically address a minority group's interests. Conference final reports on policy guidelines prompted legal action by the Congress, and their effects on law making can be measured by the number of bills proposed and statutes enacted, as well as by the content they address. The activities promoted by the Secretariat brought feminist movement actors and ideas into the institution and resulted in policies that reflected aspects of feminist ideas. The Lula administration (2003-2010) was responsible for strengthening the dialogue between civil society and the state, and such dialogue has been maintained in the government of President Dilma Rousseff.

The research also shows the importance of women's articulation and coalition building in order to influence policy outcomes in Brazil, and this is the third most important variable in the analysis. Scholars researching gender and politics in Brazil (Alvarez 1990, Verucci 1991, Tabak 1994, Pinto 1994, Grossi and Miguel 2000, Rodrigues 2004, Sacchet 2005, Miguel 2008, 2012, Matos 2010) suggest that since the return of democracy, congresswomen have used most parties' indifference over gender issues (Macaulay 2006), especially those from the centre-right and right (Sacchet 2005, 2007), as a means to build coalitions between themselves and across political sectors and produce positive outcomes. My research however extends theories about the importance of men serving within the institution in a Brazilian context. The issue of gender equality was placed on the policy agenda by women, as they are disadvantaged by the main patterns of gender inequality. However, men are also part of it. As Scott (1986) shows, information about women is necessarily information about men and one implies the study of the other. To study women in isolation perpetuates the fiction that one sphere, the experience of one sex, has little or nothing to do with the other (1986:1056). As gender inequalities are embedded in a multidimensional structure of relationships between women and men, which operates at every level of human experience (Connell 2002, 2005, Walby 1997), men are an essential part of the discussion.

Interviews with members of the women's caucus in the Chamber of Deputies confirmed that support from party leaders was an essential aspect in achieving positive policy outcomes. All of the women interviewed cited this as the most influential variable in the passage of bills. As women are a proportionate minority of members and underrepresented among power holders, the profile of the men serving within the institution is of extreme importance. As we have seen, in the last government most gender bills enacted were proposed by men. This is important because according to Karam and

Lovenduski (2005), an indication of the impact of women is an increase both in men raising women's issues and in men's deferring to women's voices on all legislative debates which would exhibit a concern for women's perspectives. "It should always be remembered that partnership between women and men is a key ingredient in the process of change and impact" (2005:207). While women's articulation and coalition building during all stages of the legislative process was a necessary condition for positive outcomes in terms of gender policy, on its own it does not seem sufficient to achieve change. Variations in the political context meant that there were also variations in women's power to advocate for change and in the tools available and used by them to do so. The ability of the women's caucus and women's movements to achieve their goals depended on the openness of the institution, with powerful participants such as parties and the executive playing a key role. According to Waylen (2011:158) "a government in power that is sympathetic to gender issues with feminists in key positions in the party hierarchy, executive, and legislature, as well as institutions such as an effective women's policy agency is critical".

In fourth place we have seen that religiously-based opposition does have an influence on the enactment of certain gender policies but its influence is only seen on very specific cases. Very rarely the religious groups share their opinions on any gender-related issue that does not concern sexual or reproductive rights. However, when it comes to those issues, backlash from religious groups can change the attitudes of party leaders and the elected executive given the increased power of those groups over the years.

Finally, we have that the importance of international agreements is strongly connected to other variables such as the women's caucus and women's movements and own its own is very rarely strong enough to change domestic policy on gender. International influence depends on the will of national actors to use it as a tool to convince

opponents of change. Moreover, as we have seen, according to Miranda (2012:90) the importance of international agreements changed after the Lula government and the creation of the Secretariat of Policies for Women. The Lula administration (2003-2010) was responsible for strengthening the dialogue between civil society and the state, and such dialogue has been maintained in the government of President Dilma Rousseff. When this dialogue was opened, the focus of actors interested in promoting transformation in the country changed from international to national agreements. Because of that, this is the least influential variable in the analysis.

Although this is a single-country case study, the assessment of different governments provides points of comparison to elucidate issues such as the relationship between the executive and legislative, the power of party leaders and international organisations to influence the legislative agenda on gender, and the role of lobby groups such as women's movements, the women's caucus, and religious groups in advocating for or against change under presidential systems. The table below shows the ranking of the five variables, the contextual factors that shape their explanatory power and the generic lessons that go beyond the Brazilian case.

Ranking of Variables according to importance	Contextual factors that shape their explanatory power	Generic lessons beyond the Brazilian case
1 st – Legislative agenda setting	<ul style="list-style-type: none"> - There had been a general lack of interest from most parties on the subject. However, in 2003 the country elected a centre-left government. - Party leaders have great influence in defining the legislative agenda through two routes: the committee system and the use of urgent procedures. - Most parties in the country 	<ul style="list-style-type: none"> - Shows that even in a highly fractionalised system, parties matter when it comes to gender policy outcomes. - Confirm the theories that left-wing parties are more open to the issue of gender equality, as they espouse egalitarian ideologies, ideals of inclusive citizenship, and put a higher emphasis on social equality. - Confirms that left-wing parties have a greater

	are weakly institutionalised, have a low party identification among voters, have short organisational histories and lack stability. The PT is an exception this.	propensity to have a strong female presence in their top decision-making bodies and a stronger relationship with women's movements.
2 nd - The executive	<ul style="list-style-type: none"> - Executive influence on the legislative agenda is seen through two routes: their relationship with party leaders and the implementation and strengthening of Women's Policy Agencies. - The elaboration of the National Plans and strengthening of the dialogue between civil society and the state is an important reason why the PT government performed better than the previous ones in terms of policy outcomes. 	<ul style="list-style-type: none"> - The elected executive and their relationship with the legislative play an important part in defining the legislative agenda on gender issues. - The research extends the literature about the power of Women's Policy Agencies to influence the outcomes of gender policy. This helped to evaluate the democratic capacity of the state to include underrepresented groups in the affairs of government.
3 rd - Women's caucus and women's movements	<ul style="list-style-type: none"> - Since the return of democracy, congresswomen have used most parties' indifference over gender issues, especially those from the centre-right and right, as a means to build coalitions between themselves and across political sectors and produce positive outcomes. 	<ul style="list-style-type: none"> - The research extends theories about the importance of men serving within the institution. - While women's articulation and coalition building during all stages of the legislative process is a necessary condition for positive outcomes, on its own it does not seem sufficient to achieve change.
4 th - Religiously-based opposition	<ul style="list-style-type: none"> - In the Brazilian Congress there is an organised protestant and neo-Pentecostal group called "Bancada Evangélica". This caucus does not have Catholic members, but at times, the <i>Bancada</i> draws support from moralistic Catholic representatives. They do not form a cohesive group when dealing with economic, administrative, 	<ul style="list-style-type: none"> - The salience of organised religion varies depending on the type of issue being deliberated. The influence of religiously-based opposition in congress is seen only on certain gender policies concerning sexual or reproductive rights.

	and institutional issues. However, when dealing with issues such as abortion or gay marriage they often come together as a group.	
5 th - International Agreements	- As a strategic tool to convince an indifferent government and neutralise their domestic opponents, the women's caucus and women's movements drew on international gender norms as Brazilian feminists became more involved in the international arena in the 1990s.	- International influence depends on the will of national actors to use it as a tool to convince opponents of change.

Methodological limitations and suggestions for research beyond the Brazilian case

We can see the importance of taking into consideration the institutional context, the different stages of the legislative process, and the relationships between different actors when studying support/opposition for gender equality and policy deliberation in congress. Franceschet (2011:60) argues that 'selecting a single indicator implies a relatively straightforward relationship among attitudes, legislator behaviour, and policy outcomes, whereas in reality, any such relationship is highly contingent'. Without a detailed analysis of context, it is not possible to accurately assess the reason why preferences sometimes do not translate into outcomes, and correctly evaluate the complex combinations of actors and events that influence the enactment of gender policy. In order not to focus exclusively on one stage of the process and better explain outcomes, I used a multi method approach that used quantitative and qualitative methodologies to map the institutional and political context. However, the thesis misses a few aspects because of particularities of the Brazilian case. The first one is an analysis of roll call voting, and the second one is a more comprehensive analysis of the context surrounding the rejection of gender bills.

According to Swers (2002:08), analyses focusing exclusively on voting are problematic because they only scratch the surface of aspects influencing legislative participation. Although proposing a methodology that is focused exclusively on voting is not ideal, taking voting into consideration can help to clarify who are the forces opposing/supporting changes and how coalition building happens. The announced position of party leaders and the executive on an issue can be an interesting source of information to assess the complex combinations of actors and events that influence the enactment of gender policy. Moreover, to check the women's caucus' voting records on all gender bills could help to clarify whether women voted together on gender issues and the role of coalition building. However, in the case of Brazil, most gender bills were not voted through roll call (as seen in chapter 2). According to the Chamber of Deputies' standing orders, a roll call vote only takes place in two situations. First, it is mandatory for the most important decisions, such as constitutional amendments and legislation that is supplementary to constitutional norms (*leis complementares*). Second, party leaders may request it. Leaders will force a roll call based on political calculations. They may hope to reverse decisions or to increase their adversaries' political costs by recording their votes. Leaders of parties holding at least 5 per cent of the seats may announce their parties' position on an issue before a roll call vote takes place. Party leaders leave members free to vote their conscience only in a few cases (Figueiredo and Limongi 2000:158).

Figueiredo and Limongi's (1999, 2000, 20002) research on the power of party leaders to control the agenda was of extreme importance to the field of political science in Brazil in the late 90s and early 2000s. They showed that party leaders' announced position on an issue greatly influences the decisions of party members. However, in the case of a study that is specific to gender issues, this methodology could not be applied. Most gender bills in Brazil are voted through symbolic voting. As we have seen, in Brazil bills can be

directly approved by the technical committees or can be submitted to floor voting. Voting can be “nominal” or “symbolic”, meaning in the case of symbolic voting that there is no register of each individual deputy and senator’s votes. As the so-called “terminative power” of the committees allows them to approve legislation without the floor’s explicit manifestation (and most gender bills were voted inside committees through symbolic voting), most studies on the role of the women’s caucus in Brazil have so far focused on an analysis of politicians’ declared preferences, interviews with members of the caucus, or analysis bill introduction. Although in a different setting it would be valuable to add voting records to the analysis in conjunction with other methods, in the case of Brazil my methodology actually expands the knowledge in this area by including other quantitative and qualitative methods that made it possible to incorporate a comprehensive understanding of different context and their influence in particular outcomes.

Finally, another methodological issue brought by the particularities of the Brazilian case is the amount of information available on bills that were rejected. In the Brazilian congress, the non-deliberation of a bill in the same legislature results in the bill being automatically filed. The majority of gender bills rejected were done so because of lack of deliberation in the committees, rather than being deliberated, voted on and rejected. Because of that, there is not enough procedural information available for a more detailed qualitative examination of the context surrounding the rejection of these bills (in the same way that there was for bills enacted). For bills that were filed, my analysis was based on quantitative aspects such as the bill’s situation (if it passed, was rejected or is still being deliberated); who presented it; the party of the person who presented the bill; if that party was part of the government coalition; if the person was a member of the women’s caucus; if the bill was declared ordinary, special, priority or urgent by party leaders; and the theme of the bills. Although looking at these different aspects made it possible for many trends to

be acknowledged and gave an interesting insight into the process, if more procedural information was available it would also be interesting to also produce a qualitative evaluation of the context surrounding their rejection (to include for example speeches, media, and documents produced by national and international organisations). This would make it possible to better understand whether certain bills were rejected despite support of the women's caucus, women's policy agencies, or international organisations.

Notes on the Content of Enacted Bills Analysed (1995-2014)

Legislature	Number of Bills Enacted
50 th Legislature - 1995-1998	15
51 st Legislature - 1999-2002	14
52 nd Legislature - 2003-2006	19
53 rd Legislature - 2007-2010	36
54 th Legislature - 2011-2014	27
Total Period - 1995-2014	111

1. Fernando Henrique Cardoso's government (1995-1998 and 1999-2002) - 29 bills:

Bill 1258/1988

Date presented: 28/11/1988

Transformed into law: 9.394/1996

Presented by: Octavio Elisio/PSDB

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: supported by the women's caucus and women's movements; responded to an international agenda

Bill 1258 was presented by Federal Deputy Octavio Elisio from the Brazilian Social Democratic Party (PSDB) on the 28th of November 1988. The bill established the new National Education Bases and Guidelines Law (Lei de Diretrizes e Bases da Educação). The first National Education Bases and Guidelines Law was presented in 1961, but with the end of the dictatorship period in 1985, and the new constitution of 1988, representatives felt that it was necessary to propose a new and more current law. The deliberation of the bill and the agreement of a new law only came to an end in December 1996, when this bill became law 9.394. Among other things, the bill stated that it is the duty of the State to provide free care in nurseries and pre-schools for children from zero to six years old.

The bill was considered under ordinary procedures. Because the bill was presented in 1988 and voted in 1996, it is not possible to access the speeches given in congress during its deliberation. That is because not all speeches given before 2000 are available on the Chamber of Deputies' website. However, it is possible to see that the bill received support from women's movements, the women's caucus, and was part of an international agenda. A document called "Women's Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil", published in 2001 by the feminist advocacy group Cfemea, declared that the passage of this law fulfilled agreements made towards the implementation of the Beijing Platform for Action (1995) and was influenced by an international agenda. The document also declared that it was supported and the result of the efforts of the women's caucus and women's movements. The document shows that the women's movement had been demanding free day care for children since the 1970s. They continued to support the provision of nursery and pre-school for children throughout the 80s and 90s.

Bill 2797/1989

Date presented: 26/06/1989

Transformed into law: 9.318/1996

Presented by: Geovani Borges/PFL

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: VAW

Variables: supported by the women's caucus and women's movements

Bill number 2797 from 1989 was presented by Federal Deputy Geovani Borges from the Liberal Front Party (PFL). It amended the 1940 Penal Code to establish that when a crime is committed against a pregnant woman, these circumstances should increase punishment. The bill was presented on the 26th of June 1989 and was sent to the Constitution, Justice and Citizenship committee, where it received a positive review. The

report was approved in November 1989 without amendments. The bill was sent to the Senate in March 1993 and became law 9.318 in December 1996.

The passage of the bill was supported by members of the women's movements and women's caucus. On a publication by the advocacy group Cfemea from 2006 called "Violence against women: a story told through decades of fight", they show that during the elaboration of the new constitution, members of the women's movements and the women's caucus together with the National Council on Policies for Women (CNDM) presented a letter to the National Congress with the themes that they thought should be included on the new constitution. They show that amendments to the Penal Code were part of the demands made by the women's movements through the women's caucus to representatives elaborating the constitution. They declared that law 9.318 was one of them, and for that reason, it was monitored and lobbied by the Cfemea up to its passage.

Bill 209/1991

Date presented: 06/03/1991

Transformed into law: 9.263/1996

Presented by: Eduardo Jorge/PT

Member of Government's Coalition: No

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: Yes

Theme: Reproductive rights

Variables: supported by the women's caucus and women's movements; responded to an international agenda; received backlash from the religious caucus.

Bill 209 was presented on the 6th of March 1991 by Federal Deputy Eduardo Jorge from the Workers' Party (PT). The bill established standards and conditions for the exercise of reproductive rights and family planning. It curbed the process of indiscriminate sterilisation of the population and fixed the standards and requirements for conducting voluntary vasectomy and tubal ligation. In 1991 the process of sterilisation of the population was so extensive in Brazil that it was necessary to install a special committee in the Chamber of Deputies to investigate it. The bill was sent to the Family and Social

Security committee, the Constitution, Justice and Citizenship committee, and to the floor for deliberation. It was declared urgent, approved by the floor, and sent to the Senate for revision. It became law 9.263 in January 1996.

The bill received support from women's movements, the women's caucus, and was part of an international agenda. A document called "Women's Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil", published in 2001 by the advocacy group Cfemea, declared that the passage of this law fulfilled agreements made towards the implementation of the Beijing Platform for Action (1995) and was supported and the result of the efforts of the women's caucus and women's movements. The document also shows that the passage of law 9.263 (named the Family Planning Law) received backlash from religious groups. Because of pressure from them, the law was partially vetoed by the president on the item that regulated the voluntary sterilisation of men and women. However, women's movements questioned the veto and in 1997 the legislative rejected the partial veto proposed by the president. Although the passage of the law was of extreme importance, the Cfemea document declared that it was still not being respected in the country. They showed that there was no financial incentive by the government to its implementation.

Bill 229/1991

Date presented: 25/03/1991

Transformed into law: 9029/1995

Presented by: Benedita da Silva/PT

Member of Government's Coalition: No

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: No

Theme: Economic equality and employment benefits

Variables: supported by the women's caucus and women's movements; responded to an international agenda

Bill 229 from 1991 presented by Federal Deputy Benedita da Silva from the Workers' Party (PT) on the 25th of March 1991. It prohibits employers from requiring pregnancy or sterilisation certificates from women for admission of employment. The bill was sent to the Work, Administration and Public Service committee, to the Constitution, Justice and Citizenship, and to the floor for deliberation. The bill became law 9.029 in March 1995.

This bill was considered under ordinary procedures. It was supported by the women's caucus, women's movements, and was part of an international agenda. Although it was not possible to access the speeches given in congress during the deliberation of the bill, this can be seen in a series of documents presented by the advocacy group Cfemea, the National Council on Policies for Women, and the Brazilian government. A document called "Women's Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil" published in 2001 by the Cfemea shows that the passage of this law fulfilled agreements made towards the implementation of the Beijing Platform for Action and was supported and the result of the efforts of the women's caucus. Moreover, the importance of this bill was discussed on the National Report on the Implementation in Brazil of the Platform for Action of the Fourth World Conference on Women (Beijing 1995), compiled by the National Council on Policies for Women (CNDM) for the Special Session of the United Nations General Assembly "Women 2000: gender equality development and peace for the twenty first century (Beijing +5). On top of that, in another booklet developed by the Cfemea, called "Cfemea's political incidence: dynamics and reflexions" published in 2010, they declared that the bill was supported by women's movements and a long-standing demand made by them. Finally, the bill was the subject of the National Programme of Human Rights presented by the government together with the

National Council on Policies for Women (CNDM) in 1996, where they promised to assure the compliance of the law given its importance to women's rights in the country.

Bill 382/1991

Date presented: 19/03/1991

Transformed into law: 9.799/1999

Presented by: Rita Camata/PMDB

Member of Government's Coalition: No

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: No

Theme: Economic equality and employment benefits

Variables: supported by the women's caucus and women's movements; responded to an international agenda

Bill 382 from 1991 inserts in the Consolidation of Labour Laws (CLT) ruled on the access of women to the labour market, guaranteeing equal opportunities, prohibiting discrimination in terms of sex, colour, age, family circumstances and pregnancy. It also stipulates that spaces in training courses given by governmental institutions, by the employers themselves, or by any professional education institution should be equally offered to employees of both sexes. The bill was presented by Federal Deputy Rita Camata on the 19th of March 1991 and filed at the end of the legislature in 1994. It was retrieved at the beginning of the new government in 1995 and became law 9799 in May 1999.

This bill was supported by the women's caucus, women's movements, and was part of an international agenda. A document called "Women's Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil" published in 2001 by the Cfemea declared that the passage of this law fulfilled agreements made towards the implementation of the Beijing Platform for Action and was supported and the result of the efforts of the women's caucus. Additionally, the Special Committee Created for the Study of Legislative Measures to Implement in Brazil the Decisions of the Fourth World Conference on Women (Beijing) presented a document in 1997 called "Women,

Politics and Action". The document presented a survey conducted by the Committee of nearly two hundred propositions relevant to the women's causes in Congress. The survey was conducted in order to identify and prioritise bills that were important to the women's caucus when it came to implementing the Platform. The passage of this law was presented in the document as a priority to the caucus, and a response to decisions of the Beijing conference.

It is important to notice that in the National Report on the Implementation in Brazil of the Platform for Action of the Fourth World Conference on Women (Beijing 1995) compiled by the National Council on Policies for Women (CNDM) they state that when it came to fighting discrimination in the labour market, one of the biggest obstacles faced by women was the fact that there was a lack of executive instances focused that. They declared that one of the great obstacles to fight discrimination was the lack of permanent personal that worked on bodies such as the National Council on Policies for Women (CNDM) and were available to execute decisions and to advise the respective ministries that would be in charge of carrying out decisions and legislation that was voted.

Bill 557/1991

Date presented: 07/05/1991

Transformed into law: 8.978/1995

Presented by: Marilu Guimarães/PTB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: No

Theme: Economic equality and employment benefits

Variables: supported by the women's caucus and women's movements

Bill 557 was presented by Federal Deputy Marilu Guimarães on the 7th of May 1991. It established that day care centres and pre-schools had to be built in housing complexes financed by the national housing programme SHF. The bill was approved

without amendments and sent to the Senate on the 17th of March 1994. It became law 8.978 on the 9th of January 1995.

The bill was supported by the women's caucus and women's movements. Much like bill 1258 from 1988, the document called "Women's Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil" published in 2001 stated that the women's movements had been asking the state for the right to free day care centres and pre-schools since the 1970s. Moreover, during the elaboration of the new constitution of 1988, members of the women's movements and the women's caucus together with the National Council on Policies for Women (CNDM) presented a letter to the congress with the themes that they thought should be included in the new constitution. This theme was presented as part of the specific claims of the caucus and women's movements. Finally, the importance of the passage of the bill was mentioned in the document called: Women's Rights in the Post-Constitutional Brazilian Legislation - Federal, State and Municipal Legislation on Women's Rights since the Constitution of 1988, presented in 2006 also by the Cfemea.

Bill 1374/1991

Date presented: 25/06/1991

Transformed into law: 9.281/1996

Presented by: Rose de Freitas/PSDB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: No

Theme: VAW

Variables: None

Bill 1374 was presented by Federal Deputy Rose de Freitas from the Brazilian Social Democracy Party (PSDB) on the 25th of June 1991. It amended the penal code on the article about the penalty of imprisonment for crimes of rape when victims are less than

14 years old. The code had been previously amended to increase the penalty for rape, but had not increased the punishment for crimes that involved under 14 years old victims. The bill was sent to the Constitution, Justice and Citizenship committee where it received a positive review. The report was approved without amendments and sent to the Senate in February 1994. It became law 9.281 on the 4th of June 1996. This bill was not considered urgent by party leaders, it was not part of an international agenda, there were no speeches made by members of the women's caucus, and no mention by women's movements in any of the presented documents. Moreover, it did not cause backlash from religious caucus.

Bill 2347/1991

Date presented: 04/03/1991

Transformed into law: 9046/1995

Presented by: Benedita da Silva/PT

Member of Government's Coalition: No

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: Yes

Theme: Women in conflict with the law

Variables: supported by the women's caucus and women's movements; responded to an international agenda

Federal Deputy Benedita da Silva from the Workers' Party (PT) presented bill 2347 on the 4th of March 1991. The bill altered Law 7210 from 1984 to add that correctional establishments for women should make available a nursery so that inmates could breastfeed their children. The bill was approved by the floor in March 1993 and sent to the Senate for revision. It became law 9.046 on the 18th of May 1995.

In 2006 the advocacy group Cfemea presented a document called: Women's Rights in the Post-Constitutional Brazilian Legislation - Federal, State and Municipal Legislation on Women's Rights since the Constitution of 1988. They showed that the right of prisoners to breastfeed their children in proper conditions had been a claim of women's movements in Brazil for a long time. The bill also responded to an international agenda. On the

Combined initial, second, third, fourth and fifth periodic reports of States parties, the Brazilian government stated that the success of the women's movement concerning constitutional gains could be clearly seen in the constitutional provisions, which ensured, among other rights, the right of female prisoners to have their children with them in the nursing period (article 5, L). Moreover, the report stated that the passage of this bill responded to the Standard Minimum Rules for the Treatment of Prisoners Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955 and approved in 1977. Finally, the committee created in the Chamber of Deputies after the Beijing conference of 1995 called: Special Committee Created for the Study of Legislative Measures to Implement in Brazil the Decisions of the Fourth World Conference on Women (Beijing), presented a document in 1997 where they conducted the survey of propositions relevant to the women's causes in Congress. They showed that this law was of extreme importance, and one of the suggestions made by the committee to the congress in the document as a next step to the implementation of this law was to offer conditions for women in prison to actually exercise this essential constitutional right.

Bill 1888/1991

Date presented: 19/09/1991

Transformed into law: 9.278/1996

Presented by: Beth Azize/PDT

Member of Government's Coalition: No

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: No

Theme: Marriage, children and family

Variables: supported by the women's caucus and women's movements; responded to an international agenda

Bill 1888 was presented on the 19th of September 1991. It was presented by Federal Deputy Beth Azize from the Democratic Labour Party (PDT). This bill established the legalisation of civil unions for unmarried partners in Brazil. It was sent to the Family and

Social Security committee, the Constitution, Justice and Citizenship committee and to the floor for deliberation. It was considered under ordinary procedures and was approved in the Chamber of Deputies on the 09th of April 1996. It was sent to the Senate for revision and became law 9278 in August 1996.

The bill received support from women's movements, the women's caucus, and was part of an international agenda. This is based on a document called "Women's Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil" published in 2001 by the advocacy group Cfemea. In the document, they show a number of laws that passed in order to fulfil the agreements made by the Brazilian government towards the implementation of the Beijing Platform for Action (1995) in the country, and this bill was one of them. They showed that changing the legal status of civil unions and giving women that were in that situation rights such as inheritance and pension had been demanded by the feminist movement in the country and was the result of the efforts of the women's caucus to attend such demands.

Bill 3403/1992

Date presented: 02/12/1992

Transformed into law: 10048/2000

Presented by: Senator Francisco Rollermberg/PFL

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Health

Variables: supported by the women's caucus and women's movements

Bill 3403 from 1992 was proposed by Senator Francisco Rollemberg and gives the right to priority service to pregnant women, women breastfeeding, and women carrying infants in public transport, and in other private and public services and companies. It was presented on the 2nd of December 1992. The bill was sent to the Social Security and Family

committee, the Consumer Protection, Environment and Minorities committee, the Roads and Transport committee and the Constitution, Justice and Citizenship committee, and became law 10.048 in November 2000. The bill was supported by the women's caucus and women's movements. Although many of the speeches given in congress before 2000, the Cfemea's newsletter Femea from January 2001 presented all the bills that were monitored by the group and were successful in 2000. This bill was one of them. They showed how the Cfemea served as an advisor committee to the women's caucus and which bills were of interest of the women's movements in the country.

Bill 180/1995

Date presented: 15/03/1995

Transformed into law: 9100/1995

Presented by: Paulo Bernardo/PT

Member of Government's Coalition: No

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: Yes

Theme: Representation and Political rights

Variables: supported by the women's caucus and women's movements; responded to an international agenda;

Bill 180 from the 15th of March 1995 was presented by Federal Deputy Paulo Bernardo from the Workers' Party (PT). This is the first quotas bill presented in the country and established new electoral rules, including a minimum of 20% of candidatures to be reserved for women. The bill was presented in March 1995 and considered under ordinary procedures. It was sent to the Constitution, Justice and Citizenship committee and to the floor for deliberation. It was sent to the Senate in September 1995 and became law 9.100 on the 2nd of October 1995.

Although the bill was not considered urgent by party leaders, its passage was much quicker than most bills considered under ordinary procedures. It received support from women's movements, the women's caucus, and was part of an international agenda.

A document called “Women’s Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil” published in 2001 by the advocacy group Cfemea stated that the passage of this law fulfilled agreements made towards the implementation of the Beijing Platform for Action (1995) in the country and was supported and the result of the efforts of the women’s caucus and women’s movements.

On top of that, the National Report on the Implementation in Brazil of the Platform for Action of the Fourth World Conference on Women (Beijing 1995) compiled for the special session of the United Nations General Assembly “Women 2000: gender equality development and peace for the twenty first century (Beijing +5) stated that the legislation was the result of a campaign developed by the women’s caucus and women’s movements and supported by the National Council on Policies for Women (CNDM) called “Women Unafraid of Power”. The campaign " Women without fear of power", triggered by the female caucus in Congress, with collaboration of national institutions such as the Institute of Applied Economic Research (IPEA) and the Brazilian Institute of Municipal Administration (IBAM) , feminist NGOs , universities and the United Nations Development Fund for Women (UNIFEM). Rallies and debates were held during this campaign to encourage women to take part in the race. Finally, the Special committee created for the study of legislative measures to implement in Brazil the decisions of the Fourth World Conference on Women (Beijing) presented a document in 1997 called “Women, Politics and Action”. The passage of this law was presented by them as supported by the caucus and a response to decisions of the Beijing conference. They however demanded the implementation of the law, as not all parties presented the minimum percentage of candidates.

Bill 241/1995

Date presented: 28/03/1995

Transformed into law: 9.520/1997

Presented by: Raquel Capiberibe/PSB
Member of Government's Coalition: No
Member of the women's caucus: Yes
Considered under urgent procedures: No
Floor voting: No
Theme: VAW
Variables: supported by the women's caucus and women's movements; responded to an international agenda

Bill 241 was presented by Federal Deputy Raquel Capiberibe from the Brazilian Socialist Party (PSB) on the 28th of March 1995. The bill revoked provisions of Executive Law n° 3689 of the 3rd of October 1941 (the Penal Code) regarding the woman's right to file complaints or claims to the police. It repealed discriminatory provisions, which prohibited a married woman to report a crime without the husband's consent, unless she was separated from him or if the complaint was against him. The bill was considered under ordinary procedures and sent to the Constitution, Justice and Citizenship committee. It was approved, sent to the Senate in March 1997 and became law 9.520 in November 1997.

The bill was supported by the women's caucus and women's movements. On a publication by the advocacy group Cfemea from 2006 called "Violence against women: a story told through decades of fight" they show that during the elaboration of the new constitution of 1988, members of the women's movements and the women's caucus, together with the National Council on Policies for Women, presented a letter to congress with the themes that they thought should be included in the new constitution. As part of the specific claims, the topic of Violence Against women brought 12 suggestions to end violence. One of them was that women should have full autonomy to register complaints, regardless of the husband's authorisation. Although the new constitution did not change the discriminatory provisions of the Penal Code, the claims from the feminist movement continued until this bill was proposed in 1995.

On top of that, the passage of this law was part of a dialog between an international agenda and the women's caucus. The bill was cited on the CEDAW

committee's consideration of the combined initial, second, third, fourth and fifth periodic report of Brazil in 2003 as one of the bills on violence against women that passed a result of the Beijing conference of 1995 and the establishment of the Special Committee Created for the Study of Legislative Measures to Implement in Brazil the Decisions of the Fourth World Conference on Women (Beijing).

Bill 340/1995

Date presented: 19/04/1995

Transformed into law: 1.0516/2002

Presented by: Aloysio Nunes Ferreira/PMDB

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Health

Variables: supported by the women's caucus and women's movements; responded to an international agenda

The bill was presented in April 1995 by Aloysio Nunes Ferreira. It established the National Day for Prevention of Breast and Gynaecologic Cancer. It was sent to the Family and Social Security committee, the Finance and Taxation committee and the Constitution, Justice and Citizenship committee. It was approved in the three committees and sent to the Senate in August 2001. It became law 10.516 in July 2002 and was sent to sanction by the president. It was partially vetoed.

The bill had the support of the women's caucus and women's movements and was part of an international agenda. On the Constitution, Justice and Citizenship committee, the appointed rapporteur Marta Suplicy (PT) suggested that the National Feminist Network of Health and Reproductive Rights should be involved in the discussion of how this policy would be implemented. She also cited a document called "Strategies of equality". In 1997, a document developed by the National Council on Policies for Women (CNDM) and the women's caucus was delivered to the President, bringing to the scope of national policies and programmes, commitments made by Brazil to the international

community. Among the actions that were implemented because of this document was the Cooperation Protocol signed between the CNDM and the Ministry of Justice and the Ministry of Health for the implementation of actions regarding diagnosis and prompt treatment of uterus and breast cancer. Some of the programmes that were implemented because of this were: the National Programme to Combat Cervical and Uterine Cancer, launched in 1998 by the Ministry of Health in conjunction with the National Cancer Institute (INCA), that involved the state and municipal health secretariats to provide care for 3.1 million women; and another programme was the National Programme to Combat Breast Cancer Mortality, which was also developed by the INCA. Moreover, a committee established in the Chamber of Deputies called “Special Committee Created for the Study of Legislative Measures to Implement in Brazil the decisions of the Fourth World Conference on Women (Beijing)” presented a document in 1997 called “Women, Politics and Action”. The passage of this law was presented by the committee in the document as a priority to the caucus and a response to decisions of the Beijing conference in 1995.

Bill 1579/1996

Date presented: 14/03/1996

Transformed into law: 9.434/1997

Presented by: Senator José Eduardo Dutra/PT

Member of Government's Coalition: No

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: Yes

Theme: Health

Variables: None

Bill 1579 from the 14th of March 1996 was presented by Senator José Eduardo Dutra from the Workers' Party (PT). This bill regulated the removal of organs, tissue and other parts of the human body for transplant and other treatments. It established that the donation of such parts should be presumed unless it previously stated by the person, except in the case of blood, sperm and the egg. It was considered under ordinary procedures and

sent to the Family and Social Security committee, the Constitution, Justice and Citizenship committee and to the floor for deliberation. It received a positive report from Federal Deputy Carlos Mosconi in the Family and Social Security committee, and a positive report from Federal Deputy Nilson Gibson the Constitution, Justice and Citizenship committee. It was sent to the floor for deliberation and was approved on the 23rd of October 1996 without amendments. It was sent to the Senate and became law 9.434 on 04/02/1997. This bill was not considered urgent by party leaders, it was not part of an international agenda, there were no speeches made by members of the women's caucus, and no mention by women's movements. Moreover, it did not cause backlash from religious caucus.

Bill 1724/1996

Date presented: 29/03/1996

Transformed into law: 9601/1998

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: No

Floor voting: No

Theme: Economic equality and employment benefits

Variables: Supported by the executive

Bill 1724 was presented on the 29th of March 1996 by the executive. It regulated temporary employment and established stability for pregnant women in this type of employment. The bill was sent to the Work, Administration and Public Service committee and to the floor for deliberation. It was approved by appointed rapporteur Federal Deputy Mendonça Filho. The report was approved by the floor and the bill was sent to the Senate in December 1996. It became law 9.601 but was partially vetoed by the president in January 1998.

The bill was not supported by the women's movements and women's caucus. In 2001 a document called "Women's Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil" published by the advocacy group Cfemea, they

stated that the regulation of temporary work contract for a specified period, as proposed by the executive, compromised the enjoyment of maternity leave and the temporary stability of pregnant woman. They showed that although the idea of stability for pregnant women that undertake temporary work was supported by the feminist movement in the country, the way that the bill was proposed did not bring the changes they expected. That is explained on another document presented by the Cfemea in 2002 called "Dossier: Public Policies and Gender Relations in the Labour Market". They showed that among the most discussed topics in the Congress on labour relations was this bill presented by the executive regarding the temporary contract. They stated that the approval of this project in early 1998, during a special session of Congress, restricts the rights of employees that work with temporary contracts. As the time of a temporary contract is of at least three months, this minimum period might prevent some of the guarantees specified by the bill, the provisional stability for pregnant women being one of them. They showed that at the end of the period of the contract, the employee would no longer have her job guaranteed. And finally, the same thing was showed in the 2006 Cfemea document called: Women's Rights in the Post-Constitutional Brazilian Legislation - Federal, State and Municipal Legislation on Women's rights since the Constitution of 1988. They stated that one of the criticisms made by the women's movement was that the provision for a minimum term in most cases would prevent two of the "guarantees" provided by the law: the enjoyment of maternity leave and the temporary stability of pregnant women.

Bill 1733/1996

Date presented: 09/04/1996

Transformed into law: 10.421/2002

Presented by: Fátima Pelaes/PSDB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: supported by the women's caucus and women's movements; responded to an international agenda

Bill 1733 was presented in April 1996 by Federal Deputy Fátima Pelaes from the PSDB. The bill was considered under urgent procedures and amended law 5.452 from 1943, extending the right to maternity leave to adoptive mothers. The bill was sent to the Family and Social Security committee, the Work, Administration, and Public Service committee and the Constitution, Justice and Citizenship committee where it was approved and sent to the floor for deliberation. It was sent to the Senate in October 2001 and became law 10421 in April 2002. It was partially vetoed by the president.

The bill was supported by the women's caucus and women's movements. On the newsletter published by the advocacy group Cfemea, Femea (Number 108 – 01/2002), they discussed the bill and stated the importance of its passage. They stated that they, together with the women's caucus, were going to make an effort for the bill to pass during the celebration of the 8th of March in 2002. The bill became a law in April that year. Moreover, in 2006 the Cfemea presented a document called: Women's Rights in the Post-Constitutional Brazilian Legislation - Federal, State and Municipal Legislation on Women's Rights since the Constitution of 1988. They showed that the equivalence between biological and adoptive mothers' rights was something that was demanded by the feminist movement for a long time. And finally, in the document "Propositions About Women's Issues in the Brazilian Parliament (1826-2004)" published by the Senate, they state that the passage of the bill was the result of negotiations between the women's caucus and women's movements and their lobbying.

The bill was also part of an international agenda, as on the 22nd March 2001, the Inter-American Commission on Human Rights (IACHR) received a petition alleging the international responsibility of the Federative Republic of Brazil for the alleged

discrimination against an adopting mother called Fátima Regina Nascimento de Oliveira and her adopted daughter because of the denial of the right to maternity leave. It was alleged that the State was responsible for violations of the rights to judicial protection, protection of the family, the rights of the child, and equality before the law. The petition was presented by Brazilian groups such as: THEMIS - Assessoria Jurídica e Estudos de Gênero; Justiça Global; Comissão de Cidadania e Direitos Humanos da Assembleia Legislativa do Rio Grande do Sul; Subcomissão da Criança e do Adolescente da Assembleia Legislativa do Rio Grande do Sul; and the Instituto Amigos de Luca. The petitioners alleged that the mother adopted her daughter on the day of her birth and immediately requested her maternity leave through official channels from the Military Hospital of Santa Maria. However, her request was rejected. The petition maintained that the State of Brazil had violated Articles 8 (judicial guarantees), 17 (protection of the family), 19 (rights of the child) and 24 (equality before the law) of the American Convention on Human Rights, and had failed to fulfill its general obligation enshrined in Article 1.1 of the same instrument. The country failed to respond to the petition despite being notified in accordance with the provisions of the Rules of Procedure and the American Convention. The Inter-American Commission decided to publish the report and included it in its Annual Report to the General Assembly of the Organization of American States. On 24th of April 2001, the IACHR sent the petition to the State with a time period of three months to present observations. During the working meeting held in October 2002, the petitioners recognized that there had been progress in the Brazilian legislation regarding maternity leave, through the adoption of Law 10.421 which extended the right to maternity leave to adopting mothers. They however pointed out that the legislative reform did not have retroactive application for the alleged victims, nor granted comprehensive reparation in their favor.

Bill 1803/1996

Date presented: 22/04/1996

Transformed into law: 9.713/1998

Presented by: The Executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: No

Floor voting: No

Theme: Economic equality and employment benefits

Variables: Supported by the executive

The bill was presented by the executive on the 22nd of April 1996. It regulated rights of female police staff. The bill was sent to the National Defence committee and to the Constitution, Justice and Citizenship committee. It was approved in both committees and sent to the Senate on the 17th of October 1996. It became law 9.713 on the 25th of November 1998. This bill was not considered urgent by party leaders, it was not part of an international agenda, there were no speeches made by members of the women's caucus, and no mention by women's movements. Moreover, it did not cause backlash from religious caucus.

Bill 2683/1996

Date presented: 26/12/1996

Transformed into law: 9519/1997

Presented by: The Executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: No

Floor voting: No

Theme: Economic equality and employment benefits

Variables: Supported by the executive

Bill 2683 was presented by the executive on the 26th of December 1996. It is very similar to the previous bill, but in this case, it regulated the rights of female staff in the navy. The bill was sent to the Work, Administration and Public Service committee, and the External Relations and National Defence committee. It was sent to the Senate in September 1997 and became law 9519 in November. This bill was not considered urgent

by party leaders, it was not part of an international agenda, there were no speeches made by members of the women's caucus, and no mention by women's movements. Moreover, it did not cause backlash from religious caucus.

Bill 2695/1997

Date presented: 08/01/1997

Transformed into law: 9.504/1997

Presented by: Edinho Araujo/PMDB

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: Yes

Theme: Representation and Political rights

Variables: supported by the women's caucus and women's movements; responded to an international agenda;

Bill 2695 was presented on the 8th of January 1997 by Federal Deputy Edinho Araújo. It established norms for the 1998 elections and stated that each party should have a minimum of 30% and maximum of 70% of candidates of each sex. The bill was sent to a special committee and to the floor for deliberation. It was approved in the Chamber of Deputies on the 28th of August 1997. It was sent to the Senate for revision and became law 9.504 in October 1997. The bill received support from women's movements, the women's caucus, and was part of an international agenda.

A document called "Women's Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil" stated that the passage of this law fulfilled agreements made towards the implementation of the Beijing Platform for Action (1995), and was supported and the result of the efforts of the women's caucus and women's movements. On top of that, the "National Report on the Implementation in Brazil of the Platform for Action of the Fourth World Conference on Women (Beijing 1995) showed that the most significant experiment developed in Brazil on the issue of women's access to power and decision-making process was the initiative to establish quotas for

women candidates in 1995. They stated that the expansion of the legislation by this bill in 1997, with the increase from 20% to 30%, was the result of a campaign developed by the women's caucus and women's movements and supported by the National Council on Policies for Women (CNDM) called "Women Unafraid of Power". Much like the previous quotas law, rallies and debates were held during this campaign to encourage women to take part in the race. And finally, the "Special Committee Created for the Study of Legislative Measures to Implement in Brazil the Decisions of the Fourth World Conference on Women (Beijing)" presented a document in 1997 called "Women, Politics and Action". The passage of this law was presented in the document as a priority to the caucus and a response to decisions of the Beijing conference.

It is important however to notice that, as shown in the previous quotas bill, Brazil adopting legislation to designate a percentage of places for women candidates initially had a positive effect. However, the political parties do not always comply with the quotas. On the country's response to the "Questionnaire on the Application of the Beijing Platform of Action and the Results of the Twenty-third Period of the Extraordinary Sessions of the General Assembly (2000)," the government stated that its goals were to expand the affirmative action policies to reach beyond electoral quotas and to act jointly with the political parties and the Public Ministry to strengthen the implementation of the policy on quotas. Up to this date, the quotas system in Brazil still manages to help to increase the number of women in the Brazilian congress, but numbers never achieved over 10% of women.

Bill 3769/1997

Date presented: 23/10/1997

Transformed into law: 9.797/1999

Presented by: Maria Elvira/PMDB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: Yes

Theme: Health

Variables: supported by the women's caucus and women's movements; responded to an international agenda;

Bill 3169 was presented on the 23rd of October 1997 by Federal Deputy Maria Elvira. It establishes the availability of reconstructive plastic surgery by public insurance plans and health care in cases of mutilation resulting from breast cancer treatment. The bill was sent to the Social Security and Family committee and to the floor for discussion. Federal Deputy Jandira Feghali was appointed the rapporteur and suggested the approval of the bill. The bill was declared urgent by party leaders and went to floor voting in March 1999. It became law 9.797 in May that same year.

This bill was supported by the women's caucus, women's movements, and international platforms. A document called "Women's Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil", published in 2001 by the advocacy group Cfemea, stated that the passage of this law fulfilled agreements made towards the implementation of the Beijing Platform for Action (1995), and was supported and the result of the efforts of the women's caucus. On top of that, the "National Report on the Implementation in Brazil of the Platform for Action of the Fourth World Conference on Women (Beijing 1995), compiled for the special session of the United Nations General Assembly - Women 2000: gender equality development and peace for the twenty first century (Beijing +5)" showed that the National Council on Policies for Women (CNDM) followed the entire process of preparation and holding of the Fourth World Conference on Women, and also the implementation and monitoring of actions resulting from the Conference on Human Rights in 1993, and Population and Development in 1994. As a result, in 1997, a document developed by the National Council on Policies for Women (CNDM) and the women's caucus was delivered to the President, bringing into the scope

of national policies and programmes, commitments made by Brazil to the international community. The document was called the "Strategies of Equality". It translated to the context of national policies and programs the commitments made by Brazil to the international community. Among the actions, it showed the cooperation between the CNDM and the Ministry of Health to implement initiatives for family planning and prevention, diagnosis and prompt treatment of breast cancer.

Bill 61/1999

Date presented: 24/02/1999

Transformed into law: 10224/2001

Presented by: Iara Bernardi/PT

Member of Government's Coalition: No

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: supported by the women's caucus and women's movements; responded to an international agenda;

Bill 61 was presented by Federal Deputy Iara Bernardi on the 24th of February 1999 and established the crime of sexual harassment. The bill was sent to the Constitution, Justice and Citizenship committee and to the floor for discussion. The bill was sent to the Senate for revision and became law 10.224 on the 15th of May 2001.

The bill was considered urgent by party leaders. It received extensive support from the feminist movement. It was also supported by the women's caucus and responded to an international agenda. On the newsletter Femea (06/2001) published by the advocacy group Cfemea, the group stated that the law was a long-standing claim of the feminist movement in the country, and that the passage of the bill was much celebrated by them. They also showed how, together with the women's caucus, they presented a list of all bills that they thought should be considered under urgent procedures by party leaders. Bill 61 was one of them. On top of that, Federal Deputy Iara Bernardi stated in her speech during the deliberation of the bill in March 2001, that the bill was a response to long time

demands made by the feminist movement and women's rights groups. She stated that the bill had been previously proposed by Federal Deputy Marta Suplicy from the Workers' Party (PT) during the previous legislature, but that it had been filed. Federal Deputy Zulaiê Cobra also spoke stating that she had presented a positive report of the bill and suggested its approval with the support of the women's caucus, since they that had been trying to pass this law for a long time. And finally, a document presented by the Senate in 2004 in celebration of "The Year of the Woman" in Brazil, stated that the passage of a law on sexual harassment was the result of the work of the women's caucus and women's movements.

The law was also a response to commitments made by the country during the Beijing Conference in 1995. The "National Report on the Implementation in Brazil of the Platform for Action of the Fourth World Conference on Women (Beijing 1995), compiled for the special session of the United Nations General Assembly - Women 2000: gender equality development and peace for the twenty first century (Beijing +5)" showed that the National Council on Policies for Women (CNDM) participated in the High Level Commission established by the Ministry of Justice, where efforts were made to establish sexual harassment as a crime. Furthermore, a document called "Women's Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil" published in 2001, stated that the enactment of a law about sexual harassment happened in order to fulfil agreements made towards the implementation of the Beijing Platform for Action of 1995.

Bill 102/1999

Date presented: 25/02/1999

Transformed into law: 10.449/2002

Presented by: Maria Elvira/PMDB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: No

Theme: Health

Variables: supported by the women's caucus and women's movements

Bill 102 from the 25th of February 1999 was presented by Federal Deputy Maria Elvira from the Brazilian Democratic Movement Party (PMDB). It regulated the commercialisation of condoms. It established that male condoms could be marketed in any commercial establishment, since its quality was maintained. The bill was sent to the Committee for Economic Development, Industry and Trade, and to the Constitution, Justice and Citizenship committee. It was sent to the Senate for revision in December 2001 and became law 10.449 on the 9th of May 2002.

The passage of the bill was supported by the women's movements and the women's caucus. On the document "Women's rights in the post-constitutional Brazilian Legislation - Federal, state and municipal legislation on women's rights from the Constitution of 1988" presented in 2006 by the advocacy group Cfemea, the passage of the bill was seen as very important, as it is a tool to help on the control and prevention of the spread of HIV. Moreover, the group stated on their newsletter Femea in 2002 that, as the number of women infected with the virus grew in the last few years in the country, the bigger availability of male condoms was seen as a positive policy for women's health. And finally, Federal Deputy Zulaiê Cobra was the appointed rapporteur at the Constitution, Justice and Citizenship committee, and spoke about the importance of the approval of the bill for the control of the disease. She shows that even though the bill was about the commercialisation of male condoms, it was of extreme importance for women.

Bill 467/1999

Date presented: 30/03/1999

Transformed into law: 10.317/2001

Presented by: Coroliano Sales/PDT

Member of Government's Coalition: No

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Marriage, children and family

Variables: supported by the women's caucus and women's movements

Bill 467 was presented by Federal Deputy Coroliano Sales on the 30th of March 1999. It established the availability of free DNA testing for cases of paternity investigation. The bill was sent to the Finance and Taxation committee, the Family and Social Security committee and to the Constitution, Justice and Citizenship committee. The bill was approved in all three committees and sent to the Senate for revision on the 18th of April 2001. It became law 10.317 on the 6th of December 2001.

The bill was supported by the women's movements and the women's caucus. On the 7th of March 2001, Federal Deputy Vanessa Grazziotin gave a speech in celebration of Women's Day. She stated that the bill was one of the bills that the women's caucus would like to see enacted soon, as it was of great importance for women in the country that could not afford DNA testing for cases of contested paternity. On top of that, in a document called "Women's Rights in the Post-constitutional Brazilian Legislation - Federal, State and Municipal Legislation on Women's Rights since the Constitution of 1988" presented in 2006 by the advocacy group Cfemea, the passage of the bill was seen as very important, and was called it of "great relevance" to women's rights. They showed that in 1995, the Chamber of Deputies had passed a bill ensuring free DNA testing for people that could not afford it and insured their funding by the Unified Health System (SUS). However, the bill was vetoed by the president with the argument that although it was fair, the SUS could not afford such expenses. Finally, six years later, legislation was passed ensuring free Examination of DNA when ordered by the judicial authority for purposes of paternity testing, for low-income people. The only criticism that they had was that the government allocated insufficient public resources for these exams and because of that, women would

not have access to this essential service to establish the truth about the paternity of their children.

Bill 590/1999

Date presented: 08/04/1999

Transformed into law: 9.975/2000

Presented by: Luiza Erundina/PSB

Member of Government's Coalition: No

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: Yes

Theme: VAW

Variables: supported by the women's caucus and women's movements; responded to an international agenda

Bill 590 was presented by Federal Deputy Luiza Erundina from the Brazilian Socialist Party on the 8th of April 1999 and added an item to the Statute of Children and Adolescents, establishing that it is a crime to maintain houses with the intention of sexual exploitation of children and teenagers. The bill was sent to the Family and Social Security, to the Constitution, Justice and Citizenship committee and to the floor for deliberation. It was approved and sent to the Senate for revision on the 22nd of June 1999. It became law 9.975 on the 23rd of June 2000.

The bill was supported by the women's caucus, attended demands from the women's movements and was based on a dialog with international organisations. First, a number of members of the women's caucus spoke on the subject during the deliberation of the bill. Second, in the document called "Women's Rights in the Post-constitutional Brazilian Legislation - Federal, State and Municipal Legislation on Women's Rights Since the Constitution of 1988" presented in 2006 by the advocacy group Cfemea, the passage of the bill was seen as very important. Third, in the group's newsletter Femea (July 2000), they showed that from the 15th to the 17th of June, a national meeting with the participation of around 120 organisations of civil society and government happened in Brazil. They discussed the issue of child sexual exploitation and the goals set by the National Plan to

Combat Sexual Violence Against Children and Teenagers to be signed by the Brazilian Government and civil society. On the same occasion, the Third “Encontro ECPAT BRASIL (End Child Prostitution, Child Pornography and Trafficking for Sexual Purpose)” happened. The meeting was sponsored by the UNICEF, the Ministry of Justice - State Department of Human Rights, the Forum for the Rights of the Children and Adolescents (DCA), and House Reborn CEDECA. They discussed and planned a set of coordinated actions that allowed the technical, political and financial assistance for coping sexual violence against children and adolescents intended to have the same actors as the government and organised civil society. Its foundations were laid down in the International Convention on Children’s Rights, the Federal Constitution and the Statute of Children and Adolescents.

Finally, on Brazil’s response to the “Questionnaire on the Application of the Beijing Platform of Action (1995) and the Result of the Twenty-Third Period of the Extraordinary Sessions of the General Assembly (2000)” they showed that the Girl-Child

Pursuant to Article 53, paragraph 3 of the Federal Constitution, stated that the Federal Senate and the House of Deputies, jointly or individually, could create Parliamentary Inquiry Commissions (PICs) to investigate sexual exploitation of children. The PICs assisted in raising public awareness on the issue, uncovering the existence of trafficking routes for girls and the procurement dynamics, which can even involve the family of the victims. Moreover, the National Congress Parliamentary Front for Children and Adolescents (Frente Parlamentar pela Criança e Adolescente do Congresso Nacional) was created in 1993, and included 73 Parliamentarians in 2002. The Front collaborated on the establishment of a PIC to determine the responsibilities for child-youth exploitation and prostitution. It had also been involved in the National Campaign to End Violence, Exploitation and Sexual Tourism of Children and Adolescents, and in the presentation of a

Project for a Law to establish a National Day for the Fight Against Abuse and Sexual Exploitation of Children and Adolescents.

Bill 1455/1999

Date presented: 11/08/1999

Transformed into law: 10.244/2001

Presented by: Ademir Lucas/PSDB

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Economic equality and employment benefits

Variables: supported by the women's caucus and women's movements

Bill 1455 was presented by Federal Deputy Ademir Lucas from the Brazilian Social Democracy Party on the 11th of August 1999. It revokes article 376 of the Labour Code (CLT) so as to regulate women's rights to work overtime. The bill was sent to the Work, Administration and Public Service committee, and to the Constitution, Justice and Citizenship committee. It was approved in both committees and sent to the Senate for revision on the 25th of October 2000. It became law 10.244 on the 27th of June 2001.

The bill was supported by the women's movement and the women's caucus. In the document "Propositions About Women's Issues in the Brazilian Parliament (1826-2004)" published by the Senate, it is stated that the passage of the bill was the result of negotiations between the women's caucus and women's movements and their lobbying in congress. In another document presented by the Cfemea in 2002 called "Dossier: Public Policies and Gender Relations in the Labour Market", they show that the bill allowed the use of overtime for women repealing an article of the CLT that forbade them of doing so, despite it already happening in practice, and in this way reaffirming the principle of equal opportunities between men and women. The bill was one of the rights that was demanded by the women's movements and the group.

Moreover, on the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women - Combined initial, second, third, fourth and fifth periodic reports of States parties, they showed that the Labour Code (CLT) dated from the 1940s, guaranteed several rights to workers who had formal work contracts or bore official working papers. They showed that with regard to female workers, the Labour Code had adopted, since its inception, a protectionist approach. Based on principles such as female frailty, the defence of morality, protection of the progeny, women's natural vocation to family affairs, and the complementary character of women's salary, the Labour Code was based on the concept of a patriarchal family headed by the man, and aimed at protecting working women in their role as mothers. As a result, it imposed a series of restrictions on female labour. The critical reassessment of the rights of working women had been one of the topics on the agenda of feminists since the 1970s, having culminated in the 1980s with the demands of several groups of women. Some of these demands were met in the Constitution of 1988. On the one hand, some of the protectionism that imposed limitations on women's labour, such as the prohibition of night, dangerous or unhealthy work, was eliminated. These restrictions now apply only to persons under 18 years of age. On the other hand, a lot was achieved, such as maternity and leave, day-care centres and pre-schools, etc. However, in the 1990s, many important regulations were implemented and the regulation of women's right to work overtime was one of them.

Bill 3107/2000

Date presented: 24/05/2000

Transformed into law: 10.223/2001

Presented by: Jandira Feghali/PCdoB

Member of Government's Coalition: No

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Health

Variables: supported by the women's caucus and women's movements; responded to an international agenda;

Bill 3107 was presented on the 27th of May 2000 by Federal Deputy Jandira Feghali from the Communist Party of Brazil. It establishes the availability of reconstructive plastic surgery by private insurance plans and health care in cases of mutilation resulting from cancer treatment. The bill was sent to the Social Security and Family committee and to the floor for discussion. It became law 10223 in May that same year.

This bill was supported by the women's caucus, women's movements, and international forums. First of all, Federal Deputy Jandira Feghali stated the importance of the passage of the bill for Brazilian women and the support she had received from women's movements in a speech given during the deliberation of the bill in the Chamber of Deputies. Second, on the newsletter *Femea* (02/2002) published by the advocacy group *Cfemea*, they stated that the bill was on a list presented by the women's caucus and themselves to party leaders, asking for the bill to be considered under urgent procedures. Third, a document called "Women's Citizenship and the Legislative: New and old questions in the end of the 20th century in Brazil" published in 2001 by the advocacy group *Cfemea* stated that the passage of this law fulfilled agreements made towards the implementation of the Beijing Platform for Action, and was supported by the women's caucus. On top of that, the "National Report on the Implementation in Brazil of the Platform for Action of the Fourth World Conference on Women (Beijing 1995) showed that a document called the "Strategies of Equality" was delivered to the President in March 1997, which translates to the context of national policies and programmes the commitments made by Brazil to the international community. Among the actions, it can be seen that the cooperation between the CNDM and the Ministry of Health to implement

initiatives for family planning and prevention, diagnosis and prompt treatment of breast cancer.

Bill 3273/2000

Date presented: 21/06/2000

Transformed into law: 10054/2000

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: VAW

Variables: Supported by the executive

Bill 3273 from 2000 established that persons accused of crimes of murder, against property with the use of violence or serious threat, against sexual freedom, crime of falsification of public document, and others, will be criminally identified. The bill was presented by the executive in June 2000. The bill was treated under urgent procedures and sent to the Constitution, Justice and Citizenship committee and to the floor for deliberation. The bill was sent to the Senate in October 2000 and was became law 10054 on 07/12/2000. This bill was not considered urgent by party leaders, it was not part of an international agenda, there were no speeches made by members of the women's caucus, and no mention by women's movements. Moreover, it did not cause backlash from religious caucus.

Bill 3901/2000

Date presented: 06/12/2000

Transformed into law: 10455/2002

Presented by: Nair Xavier Lobo/PMDB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: supported by the women's caucus and women's movements; responded to an international agenda

Bill 3901 from 2000 required bail and imposed prison time in cases of flagrant domestic violence. It also established that the judge might determine the aggressor's

removal from the home. The bill was presented by Federal Deputy Nair Xavier Lobo on the 6th of December 2000. The bill was sent to the Constitution, Justice and Citizenship committee and to the floor for deliberation. It was sent to the Senate on the 31st of August 2001 and was became law 10455 on the 14th of May 2002. It was partially vetoed by the president.

The bill was declared urgent by party leaders and received support from the women's movements and women's caucus. First, on a publication by the advocacy group Cfemea called "Violence against women: a story told through decades of fight" they show that the bill was important because it created the figure of domestic violence (although it did not conceptualise it), since at that point there was no specific law about domestic violence. Second, it was also cited on the document called "Women's rights in the Post-constitutional Brazilian Legislation - Federal, State and Municipal Legislation on Women's Rights Since the Constitution of 1988" presented in 2006 by the advocacy group Cfemea. Third, on the Feminist Political Platform (2002), a document that resulted from the National Conference on Brazilian Women (2001) organised between members of the women's movements and women's caucus, they showed the importance of the passage of a bill on domestic violence, and how that was on international platforms signed by the country. Fourth, speeches given in the Chamber of Deputies by members of the women's caucus showed that the passage of the bill was a response to an international agenda and platforms signed by the country that asked for change in the legislation on violence against women and made it more strict. Fifth, on the National Report on the Implementation in Brazil of the Platform for Action of the Fourth World Conference on Women (Beijing 1995) they show that the lack of a law specifically on domestic violence was one of the main obstacles to fighting it in the country. And finally, in 2003 the CEDAW committee stated that while acknowledging the efforts made to address violence against women, the

Committee was concerned about the persistence of violence against women and girls, including domestic violence and sexual violence, the existing lenient punishments for offenders and the absence of a specific law on domestic violence.

Bill MPV 37/2002

Date presented: 22/05/2002

Transformed into law: 10539/2002

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Representation and political rights

Variables: Supported by the executive; supported by the women's caucus and women's movements

Provisional Decree 37 from 2002 was presented by the executive and created the National Secretariat for Women's Rights. This secretariat was transformed in the Special Secretariat for Policies for Women (SPM) by the incoming administration at the beginning of the new legislature. It became a law 10.539 in September 2002. The bill was declared urgent, as is always the case for provisional decrees. It was also supported by the women's caucus. The feminist movement had for a long time demanded the upgrade of the National Council on Policies for Women (CNDM) to a state secretariat. The Council was not upgraded but the National Secretariat for Women's Rights was created instead in September 2002. When the National Secretariat for Women's Rights became the Special Secretariat for Policies for Women and gained a ministry status at the beginning of the new legislature in January 2003, the new appointed minister Emília Fernandes on her opening speech stated that the creation of the secretariat had been a long demand made by feminists and women's movements groups together with the women's caucus. Moreover, appointed rapporteur Marisa Serrano stated, in her report and in a speech given in the

Chamber of Deputies, the importance of the creation of the secretariat and how it had been a demand of women's groups in the country for a long time.

2. Lula's government (2003-2006 and 2007-2010) - 55 bills:

Bill 335/1995

Date presented: 18/04/1995

Transformed into law: 11.942/2009

Presented by: Fatima Pelaes/PSDB

Member of Government's Coalition: No

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Women in conflict with the law

Variables: responded to an international agenda; supported by the Secretariat for Policies for Women; supported by the women's caucus and women's movements

Bill 335 from 1995 amends law 7.210 from 1984 that deals with the prison system in Brazil. It assigns a special section for pregnant women and women with kids in prisons. It was presented by Federal Deputy Fatima Pelaes in 1995. The bill was not sent to the floor until the beginning of the new government in 2003 when the bill was declared urgent. It was sent to the Senate in December 2003 and became law 11942/2009.

The bill received support from the women's caucus. During the voting of the bill several members of the women's caucus from different parties spoke and stated the importance of the bill for imprisoned women and their children. The bill also responded to an international agenda. In the country's seventh periodic report, presented to the CEDAW Committee, they expressed in their concluding observations their concern about the significant increase in the number of women and girls in prison, the precarious conditions and overcrowding of some detention facilities, the difficulties faced by women prisoners' to access to justice, including the lack of adequate health facilities and services for female inmates, in particular pregnant women. The Committee urged the State party to ensure the provision of adequate health facilities and services, in particular for pregnant women.

On top of that, in 2007 President Lula launched the National Pact to Combat Violence against Women. The pact provided for the execution of different measures during four years (2008–2011) by different sectors and actors committed to its proposal. Among the actions planned under this Pact axis were the publication of the report of the Inter-ministerial Working Group of the Women’s Prison System (a partnership with the National Penitentiary Department (DEPEN) and the Special Secretariat for Human Rights), national work camps for Revision of Processes in women penal institutions; and a Booklet of Rights for women imprisoned. In May 2007 an intra-sector working group was created with the participation of the Secretariat for Policies for Women, DEPEN, Health Ministry, various public entities and representatives of civil society organisations, aiming to draft proposals for the reorganisation and reformulation of the Brazilian Women’s Prison System. During the period in which the First National Plan on Policies for Women was in effect, health care actions were already included for those female population segments still invisible, especially those aimed at the health of black women, women in prison, indigenous women, and female rural workers. The Second National Plan on Policies for Women aimed to make the policies launched in the previous administration effective (for example, the National Pact to Fight Violence against Women), to initiate and/or consolidate the organisation of health care actions introduced in the four previous years, seeking integrity (mental and gender health, women in prison, black women, indigenous women, lesbians and bisexual women), and to guarantee the protection of maternity and adequate care for the children of women imprisoned in and out of female prisons making nursery and day-care available for children under 2 years old in female prisons.

Bill 3842/1997

Date presented: 12/11/1997

Transformed into law: 12303/2010

Presented by: Inácio Arruda/PCdoB

Member of Government's Coalition: No
Member of the women's caucus: Yes
Considered under urgent procedures: No
Floor voting: No
Theme: Health
Variables: None

Bill 3842 from 1997 was presented by Federal Deputy Inácio Arruda from the Communist Party of Brazil (PC do B) on the 12th of November 1997. The bill established that mandatory “teste da orelinha” (otoacoustic emissions test) in new-born babies to identify any hearing problems. The bill was sent to the Family and Social Security committee, and the Constitution, Justice and Citizenship Committee. It was approved in the Family and Social Security committee in December 2001 and in the Constitution, Justice and Citizenship Committee in August 2004. It was sent to the Senate and became a law in August 2010. This bill was not considered urgent by party leaders, it was not a recommendation made in the CEDAW reports, there were no speeches made by members of the women’s caucus, no mention by women’s movements, no mention in the National Plan of Policies for women and no backlash from religious caucus.

Bill 4089/1998

Date presented: 20/01/1998
Transformed into law: 11.664/2008
Presented by: Enio Bacci/PDT
Member of Government's Coalition: Yes
Member of the women's caucus: No
Considered under urgent procedures: Yes (Priority)
Floor voting: No
Theme: Health
Variables: supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

Law 11.664 of April 2008 is about the execution of health activities to ensure the prevention, detection, treatment and monitoring of breast and cervical cancer under the Unified Health System (SUS). The bill was presented in 1998 but was filed at the end of the previous legislature. All bills that were not approved in the Chamber of Deputies by technical committees at the end of each legislature are immediately filed. The bills can

however be retrieved by their author at the beginning of the new legislature (up to 180 days after it starts) returning to the same stage as they were before. The bill passed at the Constitution, Justice and Citizenship Committee, the Finance and Taxation committee, and the Family and Social Security committee. Law 11.664 was enacted in April 2008.

The bill was considered a priority as it was initiated in the Senate. Although it was not presented by a member of the women's caucus, they supported it. Feminist advocacy group Cfemea declared that this bill was a response to demands made for a long time from feminists groups and the women's caucus on the subject of women's health. The bill was also approved at the same time as several different programmes proposed by the government on the same subject. The first one was the 2006 Pact for Health/Pact for Life discussed before. The second one was the Action Plan for the Control of Breast and Cervical Cancer (2005-2007). The Plan was presented as a fundamental component of the National Oncology Care Plan, instituting actions for Promotion, Prevention, Diagnosis, Treatment, Rehabilitation, and Palliative Care. This policy was implemented in all federal units, given the competences of the three administrative divisions, in coordination with the Health Ministry and the Health Secretariats of the states and municipalities. It presents six Strategic Guidelines — Increased Coverage of the Target Population, Quality Assurance, Strengthening the Information System, Training, and Research Development, Social Mobilisation composed by actions that have been developed at the different levels of healthcare.

Bill PLP 52/1999

Date presented: 23/06/1999

Transformed into law: Complementary law 119/2005

Presented by: Federal Deputy Luiza Erundina/PSB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: responded to an international agenda; supported by the women's caucus and women's movements

The bill amends law 79 from 1994 that created the National Penitentiary Fund (FUNPEN). Bill 52 was presented in June 1999 (and became Complementary Law 119/2005). It allocates part of this fund for the maintenance of shelters for victims of domestic violence. The bill was filed at the end of the previous legislature in December 2002. It was retrieved by Federal Deputy Luiza Erundina at the beginning of 2003 and was approved at the Constitution, Justice, and Citizenship committee. It was sent to floor vote in December 2002, sent to the Senate for revision and became a law in 2005. What is interesting about this bill is that it was the one example of nominal voting on gender-related bills during the period. Because of this we can see in the voting numbers that even Deputies from opposition parties also voted yes on the passage of the bill. The results show that for this bill, of the 403 representatives present, 402 voted yes. The idea that a lot of negotiation was done before the bill even got to be actually voted on seems to be true.

In 1999 the bill was presented and stayed in the committees for three years without being considered urgent. With the change in government the bill was retrieved and immediately considered urgent. In her speech in congress, Federal Deputy Luiza Erundina thanked the party leaders for the support for this bill that was so important to the caucus and women's movements in Brazil. Moreover, in the speeches given in congress, the bill was mentioned as the work of the women's caucus. Another variable is the pressure for the country to be accountable to an international agenda. In the report presented by the CEDAW committee in consideration of reports submitted by States parties in 2005, the committee applauded the country for placing the theme of gender, in social reintegration, as one of the criteria for the discussion of projects supported by resources from the National Penitentiary Fund (FUNPEN) the first time since its creation. The country

showed in its report presented to the committee that the main objective was to create an effective methodology for projects that benefit women prisoners and also companions and daughters of men in conflict with the law.

Bill 1641/1999

Date presented: 02/09/1999

Transformed into law: 10.651/2003

Presented by: Senator Lucio Alcantara/PSDB

Member of Government's Coalition: No

Member of the woman's caucus: No

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Health

Variables: None

The bill regulates the use of thalidomide in Brazil and prohibits thalidomide use by pregnant women or those at risk of pregnancy. Brazil was one of the last countries to take thalidomide out of the market, only doing so in 1965 (four years later than most countries). The drug was however reintroduced in 1967 for the treatment of leprosy. Since the end of the 1990s a few more cases of birth defects occurred in Brazil. The country's government assumed responsibility for the lack of information about the effects of the drug on pregnant women and their babies and for the lack of control in its distribution, enacting law 7.070 in 1982. Bill 1641 from 1999 amends this law and demands that clear warning labels and informative insert packages are included. It also nominates the executive as responsible for promoting educational campaigns and to encourage research in the area. It was introduced in 08/10/1999, sent to the Family and Social Security committee in October, and the Constitution, Justice and Citizenship committee in June 2000. This bill was considered a priority as it was initiated in the Senate. This bill passed in 2003 and in that same year the executive presented another bill that amended law 7.070 in 1982 and increased the monthly pension granted to thalidomide victims in Brazil. In 2007 another bill amending the same law was presented ensuring compensation for moral damage to all victims of

Thalidomide in Brazil. The bill was sent to the Senate for revision in September 2001. It became a law in 16/04/2003.

Bill 2155/1999

Date presented: 01/12/1999

Transformed into law: 12.227/2010

Presented by: Federal Deputy Luiza Erundina/PSB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Representation and political rights

Variables: supported by the women's caucus and women's movements

The bill was presented in December 1999 by Federal Deputy Luiza Erundina from the Brazilian Socialist Party. It created Brazil's Annual Report on Women. The bill was sent to the Constitution, Justice and Citizenship Committee and the Social Security and Family committee. It was considered urgent in March 2001, but as it was not approved in both committees it was filed at the end of the legislature in December 2002. The bill was however retrieved at the beginning of the new legislature in 2003 and went to floor voting in May 2004. During floor voting several deputies gave speeches stating that it was a project important and supported by the women's caucus (a few other gender-related bills were voted that day). The bill was sent to the Senate and was returned with amendments. It went back to the committees for discussion and became law 12227 in May 2010.

Bill 2279/1999

Date presented: 16/12/1999

Transformed into law: 10.714/2003

Presented by: Senator Emilia Fernandes/PT

Member of the coalition government: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: VAW

Variables: responded to an international agenda; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

This bill authorises the Executive to make available a nationwide telephone service to receive reports of violence, as well as to guide women about their rights. The Call Centre works through a number that can be accessed for free from any mobile phone, landline, or public phone 24 hours a day every day of the week. The Centre works in conjunction with other services throughout the country addressing cases and providing immediate assistance. It collects registration data from women seeking the service (age range, level of education, marital status, race/colour, among others) and standardised details about all services provided. Since its creation, the Centre has presented a significant increase in the volume of calls received and aid given. Between 2006 and 2009, there was an increase from 46,423 calls to 401,729. The bill was sent to the Constitution, Justice, and Citizenship committee and the Social Security and Family committee. The bill did not go to floor vote. Bill 2279/1999 became law 10.714 in 2003.

The bill was considered a priority as it was initiated in the Senate and was appointed as the work of the women's caucus in the speeches given in the congress. This bill can also be seen as supported by the government and part of the government's agenda. The bill was filed at the end of the previous legislature in December 2002 as it was not approved by both committees, but was retrieved at the beginning of the new government in 2003. One important factor here is that Senator Emilia Fernandes, who proposed the bill in 1999, was then part of the government's opposition party. However, in 2003 the Workers' Party (PT) won the presidential election and with that, the Senator that had been an active member of the women's caucus for a long time, was appointed the first minister of the Special Secretariat of Policy for Women by President Lula on his first day in government. Feminist advocacy group CFEMEA stated that the creation of the Call Centre was a long standing demand from feminist groups and the women's caucus that was made possible in 2003 because of the joint work of the caucus and the new Secretariat (Femea 2004, number

132). Finally, the government's report to the CEDAW committee in 2005 shows that this service was an important tool for analysing the phenomenon of violence against women, producing information about the care provided, and becoming an instrument that subsidised the refinement or formulation of public policies. The collection of data on violence against women had been one of the previous recommendations of the committee. In the speeches given in congress about the bill, members of the women's caucus stated that this bill was important in order to map how violence occurs in the country and to be accountable to the CEDAW recommendations.

Bill 4493/2001

Date presented: 17/04/2001

Transformed into law: 10.778/2003

Presented by: Socorro Gomes/PC do B

Member of the coalition government: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: responded to an international agenda; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

The bill was presented by Federal Deputy Socorro Gomes from the Communist Party of Brazil and establishes the mandatory reporting of cases of domestic and sexual violence treated through public and private health care services. The bill was presented in 17/04/2001 and sent to the Family and Social Security committee and the Constitution, Justice, and Citizenship committee. The law was voted on in congress through symbolic voting and sent to the Senate for revision. It became a law during the celebrations of the U.N.'s International Day for the Elimination of Violence Against Women in November 2003.

The bill was considered under urgent procedures by the college of leaders. It was also the work of the women's caucus responding to claims of the women's movement.

Federal Deputy Socorro Gomes stated in a speech that the bill attended to the claims of the women's movements in Brazil about the necessity of the health care system to be involved on the fight against violence. Moreover, the bill can also be seen as supported by the government and part of the government's agenda. This is because not only was the bill presented by a member of the coalition government, but also the Ministry of Health and the Special Secretariat of Policies for Women (SPM) were both involved in the formulation of the law, the discussions about mandatory reporting, and the creation of a standard form for the documentation of cases of violence against women. The SPM stated in its periodical report (2003-2006) that the definition of what constitutes violence against women, and should therefore be reported by healthcare services, should be the definition adopted by international treaties (CEDAW and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women – Belém do Pará Convention).

Finally, in its response and recommendation to periodical reports submitted by state parties in 2003, the CEDAW committee urged the Brazilian government to take all necessary measures to combat violence against women in conformity with the Committee's general recommendation to prevent violence, punish offenders and provide services for victims. One of the requests was for the State party to provide comprehensive information and data on violence against women in its next periodic report. After the sanction of this law the government instituted in June 2004, through a provisional decree, the accident and surveillance project, with the purpose to better understand the profile of the types of accidents and violence reported by the hospitals and the specialised assistance services provided to the victims of violence throughout the country. The idea was to help the state to plan public policy to combat violence against women through the collection of data, as it would help to show where violence happens more frequently, in which social

class, who commits the violence, and who the women that suffer violence are (race, class, age, social class, etc.).

Bill 4719/2001

Date presented: 21/05/2001

Transformed into law: 12.004/2009

Presented by: Alberto Fraga/PMDB

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Marriage, children and family

Variables: supported by the women's caucus and women's movements

This bill amends Law 8.560 from 1992, which establishes the paternity testing of children born outside of marriage. This bill adds to the law that if the alleged father refuses to take the DNA test, such fact will give rise to the allegation of paternity. The bill was presented by Federal Deputy Alberto Fraga from the Brazilian Democratic Movement Party (PMDB) in May 2001. It was sent to the Social Security and Family committee and the Constitution, Justice and Citizenship Committee. The bill was not approved in both committees by the end of the legislature in 2002 it was filed. The bill was retrieved at the beginning of the new legislature in 2003 and approved by the Social Security and Family committee's rapporteur. However, once again it was filed at the end of the legislature in 2005. The bill was retrieved at the beginning of the new legislature in 2006 and approved at the Constitution, Justice, and Citizenship Committee. The final version of the bill was sent to the Senate for revision in July 2009. It became law 12.004 in 29/07/2009.

The passage of the bill was supported by the women's movements. On the document called "Women's rights in the post-constitutional Brazilian Legislation - Federal, state and municipal legislation on women's rights from the Constitution of 1988" presented in 2006 by the advocacy group Cfemea, the subject of DNA testing for children born outside the marriage was seen as very important and called it of "great relevance" to

women's rights. Moreover, on the 7th of March 2001, Federal Deputy (and member of the women's caucus) Vanessa Grazziotin gave a speech in celebration of Women's Day. She stated that the bill was one of the bills that the women's caucus would like to see enacted soon, as it was of great importance for women in the country that could not afford DNA testing for cases of contested paternity.

Bill 5460/2001

Date presented: 02/10/2001

Transformed into law: 10764/2003

Presented by: Senator Marina Silva/PT

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: supported by the women's caucus and women's movements

Bill 6048 from 2002 amends law 7210 from 1984. It amended the Statute of Children and Adolescents to include as a crime the production of photographic or any other visual material, using a teenager or child scenes of explicit or simulated sex. The bill was presented by Senator Marina Silva from the Workers' Party (PT) in October 2001 and sent to the Family and Social Security committee, to the Constitution, Justice, and Citizenship and to the floor for deliberation. It was approved and sent to the Senate in August 2003. It became a law in November 2003.

The bill was supported by the women's movements and women's caucus as shown on a publication of the advocacy group Cfemea called "Violence against women: a story told through decades of fight". Moreover, several members of the caucus spoke on the issue during the deliberation of the bill in congress. And finally, on the document called "Women's rights in the post-constitutional Brazilian Legislation - Federal, state and municipal legislation on women's rights from the Constitution of 1988" presented in 2006 by the Cfemea, they show that the Action Agenda agreed upon in the Stockholm Congress

(1996) defines as commercial sexual exploitation of children and adolescents, any type of activities in which networks, users, and individuals use the body (sex) of a girl or adolescent to their sexual advantage, based on a relation of commercial exploitation and power, and establishes that the commercial sexual exploitation of children and adolescents is a crime against humanity. Although illegal and punishable by Brazilian legislation, these practices are disseminated throughout the country and organised into networks, thereby leading to impunity, in addition to encouraging the production and consumption of pornographic material (exchange and sale of pornographic material, such as magazines, photographs, films, videos, and sites on the Internet), as well as the expansion of national and transnational crimes. And for that, the passage of this bill was an instrument was important in the fight against child abuse.

Bill 6048/2002

Date presented: 19/02/2002

Transformed into law: 12.121/2009

Presented by: Alberto Fraga/PMDB

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Women in conflict with the law

Variables: responded to an international agenda; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

Bill 6048 from 2002 amends law 7210 from 1984. It establishes that women's jails and prisons should have only female officers as employees. The bill was presented by Federal Deputy Alberto Fraga in 2002 and sent to the Constitution, Justice, and Citizenship. It was approved there in June 2007. It was sent to the Senate for revision and became a law in December 2009.

The bill was supported by the women's caucus in speeches given during the deliberation of the bill and it was a response to an international agenda. On the report submitted by the country to the CEDAW committee they stated that the passage of the bill

responded to the Standard Minimum Rules for the Treatment of Prisoners Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955. On the Concluding observations of the CEDAW Committee of the country's seventh periodic report, the Committee expressed its concern about the situation of women and girls in prison in Brazil. The Committee was concerned at the difficulties faced by women prisoners' to access to justice, including the increasing reports of sexual violence in the prisons and urged the State party to: address the situation of women and girls in detention through the development of comprehensive gender-sensitive policies, strategies and programmes, and to improve the conditions of women's detention facilities according to international standards.

The bill also received support from the government. In 2007 president Lula launched the National Pact to Combat Violence against Women. The pact provided for the execution of different measures during four years (2008–2011) by different sectors and actors committed to its proposal. It was built up aiming to strengthen and enhance the National Policy on Combating Violence against Women. In line with the guidelines of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, the Pact's general goal is to prevent and combat all forms of violence against women based on an integral vision of the problem. One of the axes of the Pact dealt with the issue of the living conditions of women deprived of liberty. It says that given their high degree of vulnerability in prison, the discrimination against women acquired new dimensions, worsening violations of their human rights. The Pact aimed to promote actions to ensure the right of access to justice, health, and to protection of the sexual and reproductive rights of women imprisoned. The activities aimed at both the professionals who worked directly with these women through training and adequacy of physical spaces as well as at the women imprisoned, guaranteeing their access to health, justice, culture,

leisure, maternity, education and income generation. Moreover, one of the actions of the Second National Plan on Policies for Women that was a result of the Second National Conference of Women's Policies (II CNPM) held in August 2007, was the necessity to enforce the legislation that forbids male penitentiary agents in female prisons, and gave a deadline to 2011.

Bill 6350/2002

Date presented: 20/03/2002

Transformed into law: 11698/2008

Presented by: Tilden Santiago/PT

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Marriage, children and family

Variables: supported by the women's caucus and women's movements

Bill 6350 was presented on the 20th of March 2002 and became law 11.698 on the 13th of June 2008. It was presented by Federal Deputy Tilden Santiago from the Workers' Party (PT). It dealt with the subject of shared custody of children. The bill was not deliberated until the end of the previous legislature and was filed. It was retrieved at the beginning of the new one in 2003 and sent to the Constitution, Justice and Citizenship Committee and the Social Security and Family committee. The bill was approved in the Constitution, Justice and Citizenship Committee and sent to the Senate in May 2006. The bill returned from the Senate with amendments and was sent to the floor for deliberation. It became law 11.698 in June 2008. The bill was declared urgent by party leaders and was supported by the government, as during the voting of the bill the government declared its vote favourable and so did the Workers' Party. Moreover, during the deliberation of the bill several members of the women's caucus spoke about the importance of the bill and members of many different organisations attended and supported the voting of the bill.

Bill 6915/2002

Date presented: 06/06/2002

Transformed into law: 11.265/2006

Presented by: Senator Geraldo Campos/PT

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Marriage, children and family

Variables: supported by the women's caucus and women's movements

This bill regulates the commercialisation of food for pregnant women and babies. The bill was presented in June 2002 by Senator Geraldo Campos from the Workers' Party (PT) and was sent to the Committee for Economic Development, Industry and Trade, the Committee for Consumer Protection, the Constitution, Justice and Citizenship Committee and the Social Security and Family committee. The bill was declared a priority as it was initiated in the Senate. It received a positive review in the Committee for Economic Development, Industry and Trade, the Committee for Consumer Protection and the Social Security and Family committee where all the rapporteurs were members of the women's caucus. The bill was approved the Constitution, Justice and Citizenship Committee and sent to the Senate for revision. It became law 11.265 in January 2006. The bill received support from the women's caucus even though was not presented by a member of the caucus. Although there are no speeches given in the subject, as the bill did not go to the floor for deliberation and was voted inside committees, the bill was part of a list presented to party leaders in the Chamber of Deputies by the women's caucus with bills that were of interest of the caucus and needed to be voted.

Bill 3/2003

Date presented: 18/02/2003

Transformed into law: 10.886/2004

Presented by: Iara Bernardi/PT

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: responded to an international agenda; supported by the women's caucus and women's movements

Federal Deputy Iara Bernardi presented the bill. It amended the decree-law 2.848 from 1940 of the Penal Code, which dealt with the subject of bodily harm. It creates a special category called “Domestic violence” with the purpose of dealing with ‘violence committed against ascendant, descendant, sibling or spouse, or against partner with which the agent lives or has lived with’. The justification for such an amendment is that domestic violence should be treated differently from general assault occasioning bodily harm committed by a stranger. Domestic violence is seen as the result of an abuse of family relationships, kinship or marriage, and for that reason, more likely to reoccur. The bill was sent to the Constitution, Justice, and Citizenship Committee in 11/03/2003 and was approved by the rapporteur in April. It went to the floor for symbolic voting and was sent to the Senate for revision. The bill was converted into law 10.886 in 17/06/2004.

The bill was considered under urgent procedures by the college of leaders and was clearly supported by the women's caucus and women's movements. In speeches given during its deliberation, members of the caucus stated that a specific domestic violence law has been demanded from feminist organisations for over 10 years. Moreover, the bill also shows a cross-party coalition and the work of the women’s caucus. It was presented by a woman from the Workers’ Party, co-sponsored by a woman from the Liberal Front Party – PFL (Laura Carneiro,), and widely supported by the caucus. During the announcement of the party line given by party leaders, 4 women from different parties gave speeches in favour of the approval of the law, and all of them cite the bills as a joint work of the caucus. The bill was also a response to Brazil's commitment to international treaties. In speeches given in the national congress, members of the women's caucus stated that this

bill was important so as to honour the commitments the country had made to international organisations that deal with human rights and women's issues. The agreements made in Vienna in 1993 and Beijing 1995 were cited. In her speech, Federal deputy Iara Bernardi points out that this law was extremely important for the Brazilian government, as it allows it to be accountable, on the subject of domestic violence, to the Brazilian society and to the UN and its international treaties. Moreover, the CEDAW Committee considered the combined initial, second, third, fourth and fifth periodic report of Brazil in 2003, before this law passed, and deplored the absence of a law to combat domestic violence and protect victims of such violence. It pointed out that one of the goals of the new Administration was the implementation of a comprehensive programme for the prevention and combating of violence against women, including the drafting of legislation on domestic violence. The Committee called upon the State party to give priority to amending the discriminatory provisions of the Penal Code without delay so as to bring the Code into line with the Convention and the Committee's general recommendations. The Committee was concerned about the absence of a specific law on domestic violence and urged the State party to adopt without delay legislation on domestic violence and undertake practical measures to follow up and monitor the application of such a law and evaluate its effectiveness.

Bill MPV 103/2003

Date presented: 06/03/2003

Transformed into law: 10683/2003

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Representation and political rights

Variables: Executive support; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

Provisional Decree 103 from the 3rd of March 2003 defined the organisation of ministries in the new government started on the 1st of January. The executive presented the decree that among other things stated the promotion of the Special Secretariat of Policies for Women (SPM) to ministry status. The secretariat is a body of the presidency that assists the president on the creation of policies, campaigns, and programmes for women in Brazil. It reports directly to the President and has advisory, coordinating, and monitoring functions with respect to women's policies. The bill was sent to the floor for deliberation without being voted inside committees. It was declared urgent, as it is the case for all provisional decrees, and became law 10683 on the 28th of May 2003.

The bill had the support of the government, as it stated the promotion of the then recently created Secretariat of State for Women's Rights to a ministry. It was pointed as an example of the government's will to signal its commitment to women's rights. The creation of the secretariat was a demand from the feminist movement and women's caucus for a long time. When the National Secretariat for Women's Rights became the Special Secretariat for Policies for Women and gained a ministry status at the beginning of the new legislature in January 2003, the new appointed minister Emília Fernandes on her opening speech stated that the creation of the secretariat had been a long demand made by feminists and women's movements groups together with the women's caucus.

Bill 117/2003

Date presented: 19/02/2003

Transformed into law: 11.106/2005

Presented by: Federal Deputy Iara Bernardi/PT

Member of Government's Coalition: Yes

Member of the woman's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: responded to an international agenda; supported by the women's caucus and women's movements

The bill was presented by Federal Deputy Iara Bernardi (Workers' Party – PT). It repealed discriminatory provisions contained in articles 216 and 231 of the decree-law 2.848 from 1940 of the Brazilian Penal Code. Article 216 which deals with “Crimes against sexual freedom” previously stated that sexual assault and rape meant 'to constrain an honest woman to carnal conjunction upon violence or serious menace', requiring the victim to be an “honest woman” in order to prosecute the perpetrator. The bill was presented in 19/02/2003 and was sent and approved in the Constitution, Justice, and Citizenship Committee. It went to the floor for symbolic voting in 27/11/2003. The final draft was sent to the Senate House. It was converted to law on 28/03/2005.

This bill was considered under urgent procedures by the college of leaders and it was shown as the work of the women's caucus in speeches given by different members of the caucus in the congress during the voting of the bill. On a publication by the advocacy group Cfemea called “Violence against women: a story told through decades of fight” they show that during the elaboration of the new constitution, members of the women's movements and the women's caucus together with the National Council on Policies for Women presented a letter to the congress with the themes that they thought should be included in the new constitution. One of the things they asked for in the letter was to remove the term Honest Woman from the Penal Code. The bill also shows the impact of Brazil's response to international treaties in terms of gender related policy. Federal Deputy Iara Bernardi, in a speech given in the Chamber of Deputies in 27/11/2003, stated that such changes in the penal code were crucial in order to make the countries' laws more in accordance to international treaties signed by the Brazilian government and its commitment to gender equality. Many documents show how international treaties urged Brazil to make such changes. A draft report on Brazil by the CEDAW in July 2003 showed that the Committee was concerned that the Penal Code still contained several provisions

that discriminate against women. It was especially concerned about the articles that required the victim to be an "honest woman" in order to prosecute the perpetrator. The Committee called upon the State party to give priority to amending the discriminatory provisions of the Penal Code without delay so as to bring the Code into line with the Convention and the Committee's general recommendations. The World Organisation Against Torture (OMCT) submitted an alternative country information report on violence against women to the UN Committee on Economic, Social and Cultural Rights in May 2003. In the report, OMCT states that 'This kind of moral judgment is an open door to defence lawyers to criticise the victim's behaviour in order to excuse or diminish the seriousness of the aggressor's crime' (2005:81). OMCT urged the government of Brazil to repeal these discriminatory provisions as soon as possible. The U.N.'s Committee on Economic, Social and Cultural Rights stated with concern that sexual and domestic violence was widespread and not sufficiently denounced in Brazil and called upon the State party to repeal all discriminatory provisions contained in the Penal Code. Finally, in the sixth periodic report presented in 2005 by Brazil to the CEDAW Committee showed that the country responded to CEDAW's recommendation and as a result, the Plenary of the House of Representatives approved seven Articles of the Senate's substitution to Bill 117/03.

Bill MPV 132/2003

Date presented: 21/10/2003

Transformed into law: 10836/2004

Presented by: The Executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: Executive's support

Provisional Decree 132 from 2003 created the Bolsa Família (Family Allowance)

programme, which is a social welfare program that provides financial aid to poor Brazilian families. Some of the goals of the programme are: to benefit family units that are in extreme poverty and who have in their composition pregnant women, nursing mothers, children between zero and twelve years or adolescents up to fifteen years; and nursing mothers who are breastfeeding their child and for which breast milk is the main food. Benefits under the Programme will be preferentially paid to women. The granting of benefits is conditional upon a pre-natal exam, nutritional monitoring, health monitoring, and school attendance by the children of 85% in a regular school establishment. The bill was presented on the 31st of October 2003 and became law 10.836 on the 9th of January 2004. This bill was supported by the government, as presented it was presented by the executive itself and it became the most recognisable programme presented by the Workers' Party and President Lula's administration.

Bill 192/2003

Date presented: 25/02/2003

Transformed into law: 10.745/2003

Presented by: Mauricio Rabelo/PL

Member of the coalition government: Yes

Member of the women's caucus: No

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Representation and political rights

Variables: responded to an international agenda; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

Federal Deputy Mauricio Rabelo presented bill 192 in 25/02/2003 from the Liberal Party, right at the beginning of the new government. It originally declared 2006 the 'Year of the Woman in Brazil' but was amended to declare 2004 the Year of the Woman instead. The bill was sent to the Constitution, Justice and Citizenship Committee, the Social Security and Family committee and the Education, Culture, and Sports committee. The three committees approved it by March. The bill went to the floor for symbolic voting in

04/06/2003. The draft was sent to the Senate for revision in 11/06/2003. It became federal law 10.745 in 09/10/2003.

The bill was considered under urgent procedures by the college of leaders. Moreover, in the speeches given in congress in the process of deliberation of this bill, many members of the caucus (Federal Deputies Sandra Rosado (PMDB), Francisca Trindade (PT), Marinha Raupp (PMDB), Alice Portugal (PcdoB) and Jandira Feghali (PC do B)) talked about the importance this bill had to the caucus. The bill was also important for the country to be accountable to international treaties. One of the reasons why the bill was amended to declare 2004 instead of 2006 the Year of the Woman in Brazil was that it was important for the government to be prepared to present results in the Beijing + 10 conference. Federal deputy Laura Carneiro, who was appointed as the rapporteur for the Social Security and Family committee, and Marinha Raupp, who was appointed as rapporteur for the Education, Culture and Sports committee, both presented these amendments in their reports. The justification for that is that in 2005 Brazil would have to attend the UN conference Beijing + 10.

As members of the women's caucus praised the work of president Lula for his commitment to gender issues in Brazil and to international treaties, this bill can also be seen as supported by the government and part of the government's agenda. This is because this legislation stimulated female Federal representatives and Senators to establish committees for the Year of the Woman and the activities developed by these committees provided an impulse for discussions on gender issues on the National Congress. As a result, several conferences and reports were produced that year. One of them was the Special Secretariat of Public Policies for Women's First National Conference on Policies for Women in 2004. In the first year of the second term of president Lula in government

(2007), the second National Conference on Policies for Women occurred and the Second National Plan for Women's Policies (II PNPM) was produced.

Bill 354/2003

Date presented: 17/03/2003

Transformed into law: 10.710/2003

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: Executive support; supported by the women's caucus and women's movements

Bill 345 was presented by the executive in 17/03/2003, sent to the Senate in May and became the law number 10710/2003 in 05/08/2003. It amended law 8.213 from 1991 and dealt with employment and maternity issues, re-establishing the payment by companies of maternity salary due to insured employees and temporary workers. In 1999 this payment was transferred to the National Institute for Social Security (INSS) and, according to the government, caused many problems for workers, making the process slower and less efficient. With the passing of the new law female workers who contribute to the General Social Insurance Scheme (RGPS) are entitled to maternity benefit covering the days they are away from their work due to childbirth, miscarriage or adoption. The payment of maternity leave for pregnant women formally employed is made directly by employers with a subsequent reimbursement from the National Institute for Social Security (INSS). Looking at the procedural information for bill 354/2003 we can see that in March 2003 the draft was sent to the Constitution, Justice and Citizenship committee and the Social Security and Family committee. In 21/05/2003 the draft was sent by the legislative board of directors of the Chamber of Deputies to the Senate and further converted into law. The bill was considered urgent by the college of leaders, which is usually the case for bill

presented by the executive and during the discussion and voting of the bill, representatives spoke about the fact that that was an important subject to the women's caucus.

Bill 818/2003

Date presented: 23/04/2003

Transformed into law: 11112/2005

Presented by: Sandes Junior/PPB

Member of Government's Coalition: No

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Marriage, children and family

Variables: None

Bill 818 from 2003 was presented by Federal Deputy Sandes Júnior from the Progressive Party on the 23rd of April 2003. It changes law 5.869 from 1973 (Code of Civil Procedure) to include as essential to the process of consensual separation the agreement between the spouses concerning the visitation of minor children. The bill was sent to the Constitution, Justice and Citizenship Committee where it was voted on without going to the floor for deliberation. The bill became law 11.112 in May 2005. This bill did not have any of the variables influencing in its passage. Firstly, the bill was not considered urgent by the college of leaders. Second, there were no indications of this bill being supported by the women's caucus and was not presented by a member of the caucus. Third, there is no indication that was part of the government's agenda and was not presented by a member of the government coalition. Moreover, the bill was not cited on the CEDAW reports submitted by the country and was not on the recommendations presented by the Committee. Finally, the bill did not cause a backlash from the religious caucus.

Bill 1696/2003

Date presented: 14/08/2003

Transformed into law: 11.935/2009

Presented by: Geraldo Resende/PPS

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Reproductive rights

Variables: supported by the women's caucus and women's movements

This bill amends Law 9.656 from 1998 that regulates private health care and health insurance in Brazil. It establishes that health insurance companies should bear the costs of fertility treatments and family planning. It was presented by Federal Deputy Geraldo Resende in August 2003 with the justification that many private doctors were sending women looking for this sort of treatment to the public healthcare system instead of attending them. It was sent to the Social Security and Family committee and the Constitution, Justice and Citizenship Committee. The bill was approved by the rapporteur in the Social Security and Family committee in May 2005. It was sent to the Senate for revision in December 2005. It became law 11.935/2009 in May 2009.

The bill was not considered urgent by the college of leaders. It was however supported by the women's caucus. Advocacy group Cfemea stated the importance of the passage of this law and members of the women's caucus spoke about it in congress. However, the bill was not cited in the CEDAW reports submitted by the country and was not on the recommendations presented by the Committee. The bill did not cause a backlash from the religious caucus because it regulates private health care and health insurance in Brazil for services already covered by law 9263 from 1996. At the time of the passage of law 9263, religious groups asked for several amendments to it.

Bill 2401/2003

Date presented: 31/10/2003

Transformed into law: 11.105/2005

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Reproductive rights

Variables: supported by the women's caucus and women's movements; Executive support; received backlash from the religious caucus

This bill was presented by the executive and it was called the New Biosafety law. It established safety standards and mechanisms for monitoring activities involving genetically modified organisms and their derivatives. It regulated the use of stem cells and assisted human reproduction and created the National Biosafety Council; it established the National Biosafety Policy and provided other measures. The bill was sent to a special committee created to produce a report on the bill and to the floor for deliberation. It was sent to the Senate for revision in February 2004. It became law 11.105 in March 2005.

This bill revoked law 8.974 from 1995 and allows the use for research and therapy of embryonic stem cells obtained from human embryos produced by IVF procedures and that cannot be used for human fertilisation. The bill was considered under urgent procedures, supported by the government, the women's movements, the women's caucus and received backlash from the religious caucus. The bill was supported by the government, as it was presented by the executive. On top of that, the president's party (Workers' Party – PT) openly supported the passage of the bill. Members of several different religions were united and protested the passage of the bill asking for the amendment of the article that regulates the use of stem cell. Public hearings were held but the executive decided not to amend the bill. The bill caused great divide as the use of stem cells from embryos was seen by religious groups as a way to advance an agenda that would result in the legalisation of abortion in the country. Many feminist groups, such as the advocacy group Cfemea, were present during the deliberation of the bill and supported its passage, as well as many members of the women's caucus gave speeches during celebrations of the 8th of March.

Bill 7514/2003

Date presented: 14/01/2003

Transformed into law: 10.877/2004

Presented by: The executive

Member of Government's Coalition: Yes
Member of the women's caucus: N/A
Considered under urgent procedures: Yes
Floor voting: No
Theme: Health
Variables: Executive support

Bill number 7514/2003 was proposed in 14/01/2003 by the executive. It became law 10.877/2004 in June 2004. This law increases the monthly pension granted to thalidomide victims in Brazil and amended law 7.070 from 1982, increasing in 35% the lifetime disability living allowance received by the victims. In 15/10/2003 using the terminative power of the committees, the draft was approved in the Constitution, Justice and Citizenship Committee without going to the floor for voting. It was sent to the Senate and became a law in 04/06/2004. The bill was considered urgent by the college of leaders, as is the case for most bills presented by the executive. As other laws on the subject were approved and proposed by this government this seems to be an agenda that was accepted by that particular government. There are however no indicators that the bill supported by the women's caucus, and it was not cited on the CEDAW reports submitted by the country and were not on the recommendations presented by the Committee. The other factor that can be observed is that the theme did not cause a backlash from the religious' caucus.

Bill 2915/2004

Date presented: 30/01/2004
Transformed into law: 11.108/2005
Presented by: Ideli Salvatti/PT
Member of Government's Coalition: Yes
Member of the woman's caucus: Yes
Considered under urgent procedures: Yes
Floor voting: Yes
Theme: Health
Variables: responded to an international agenda; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

Bill 2915 from 2004 presented in January 2004 by Senator Ideli Salvatti from the Workers' Party. It adds two articles to law 8.080 from 1990 (the law that regulates the

public health care system in Brazil) assuring women the right to have a companion during labour, delivery and after giving birth when using the public health care system (SUS). The bill also adds punishment for those that do not respect this right. It was sent to the Constitution, Justice and Citizenship committee and the Social Security and Family committee. It was voted on in March 2005 through symbolic voting and became a law in April that same year.

The bill was considered under urgent procedures by the college of leaders and was supported by the women's caucus. Appointed rapporteur of the Constitution, Justice and Citizenship committee, and member of the women's caucus, Federal Deputy Vanessa Grazziontin (Communist Party of Brazil – PC do B) stated that the bill was very important for women in Brazil and for the caucus. She pointed out that the bill should be considered urgent and voted on during that week, which was the week that celebrates international women's day. The bill was also supported by the government and that it was part of the government's agenda. Both the Human Rights and Minorities and the Family and Social Security committees carried out public meetings in the Chamber of Deputies to debate the theme and how to implement the law. Representatives of the Special Secretariat of Policies for Women, the Special Secretariat for Human Rights, the Health Ministry and members of feminist groups were present. There was an international conference in 2000 in Brazil and another one in 2005 on the humanisation of childbirth. On March 8, 2004, President Luiz Inácio Lula da Silva launched the National Pact to Reduce Maternal and Neonatal Mortality. The Single Health System (SUS) three administrative spheres together with other governmental bodies and civil society organisations were responsible for the implementation of the Pact.

The bill also responded to an international agenda. In the consideration of reports submitted by States parties in 2005, the CEDAW committee showed that, states parties were expected to take all appropriate measures to eliminate discrimination against women in the field of health care (in order to ensure access to health care services, including those related to family planning). They acknowledged however the efforts of the government in promoting the humanisation of childbirth. The National Pact to Reduce Maternal and Neonatal Mortality was one of them. The National Pact works through the integration of the three spheres of government – federal, state, and municipal – and organisations representing civil society. Among the activities to implement this strategy, the priority is the introduction of the humanisation of obstetric and neonatal care on the agenda of states and municipalities. In the Concluding comments of the Committee on the Elimination of Discrimination against Women in august 2007 the Committee further requested the State party to monitor closely the implementation of the National Pact for the Reduction of Maternal Mortality at state and municipal levels, including by establishing maternal mortality committees where they still do not exist.

Bill 3133/2004

Date presented: 11/03/2004

Transformed into law: 11.634/2007

Presented by: Federal Deputy Luiza Erundina/PSB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: No

Theme: Health

Variables: responded to an international agenda; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

The bill was presented by Federal Deputy Luiza Erundina in March 2004. This bill guarantees women using the public health care system the right to be connected to a hospital for prenatal care and to give birth at the same hospital previously defined. This bill was seen by the women's movement as an important achievement to women in Brazil. It

was part of a package presented by the government on the subject of women's health and maternity with the purpose to respond to international and internal pressure to give better access to health care services to pregnant women. The bill was sent to the Family and Social Security committee, the Finance and Taxation committee, and the Constitution, Justice and Citizenship Committee. It was approved and sent to the Senate in May 2005. It became a law in December 2007.

The bill was supported by the women's caucus. This was seen in the discussions about the bill, the speeches in congress and the reports presented in the committees. Moreover, in the consideration of reports submitted by States parties in 2005, the CEDAW committee showed that, state parties were expected to take all appropriate measures to eliminate discrimination against women in the field of health care. The Committee recommended that Brazil give continuity to its efforts in increasing women's access to health care, especially sexual and reproductive health services. The Committee recommended that Brazil closely monitor the implementation of the National Pact to Reduce Maternal Mortality in the state and municipal levels. Finally, the bill was part of the government's agenda. In 2003 the Fifth National Forum on Maternal Death was held in Brazil, with the participation of all of the state and municipal capitals' committees, scientific societies, professional associations, the women's movement and the Pan-American Health Organisation. In February 2004, a National Seminar on Obstetric and Neonatal care was held to establish strategic actions and in a meeting between the representatives of the departments of the Single Health System, the goal to reduce the mortality rate of women and new-borns by 15% by the year 2007 was agreed upon. On top of that, the actions presented on the Second National Conference on Policies for Women in 2007 and consequently in the National Plan meet the recommendations made by the CEDAW Committee, with the main objective of deepening the processes that change the

paradigms in obstetric care making the policies launched in the previous administration effective (National Policy to Reduce Maternal Mortality, National Family Planning Policy, and the Plan to Fight the Feminization of AIDS). The actions proposed were: to have a 15% reduction in the Maternal Mortality Rate between 2008 and 2011, to promote qualified and humanised obstetric care, especially amongst black and indigenous women, so as to reduce maternal morbidity and mortality, and to make the National Pact for the Reduction of Maternal and Neonatal Mortality effective, guaranteeing the coordination between governmental and non-governmental sectors in the definition and execution of strategies for this reduction.

Bill 4293/2004

Date presented: 20/10/2004

Transformed into law: 11.261/2005

Presented by: Federal Deputy Laura Carneiro/PFL

Member of Government's Coalition: No

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: No

Theme: Honours

Variables: supported by the women's caucus and women's movements

The bill declares Rose Marie Muraro the patroness of the feminist movement in Brazil. This bill is the draft for the type of law that deals with “honours” matters, which are those laws that name monuments and streets, establish holidays, national days, etc. The bill was not considered under urgent procedures, and was sent to the Constitution, Justice and Citizenship Committee, and the Education and Culture committee in 29/10/2004. It received a positive report from appointed rapporteurs Iara Bernardi and Zulaie Cobra – both members of the women's caucus. The bill was voted on inside the committees and sent to the Senate in November 2005. It became a law in December.

The bill was not declared urgent by the college of leaders, so it was considered under ordinary procedures. It was not presented by a member of the government coalition

and there were no other indicators that it was part of the government's agenda. Moreover, the bill was not cited on the CEDAW reports submitted by the country and was not on the recommendations presented by the Committee. And finally, as it was an honours bill, it did not receive resistance to its passage neither from members of other parties, nor the religious caucus. It was however supported by the women's caucus. This was showed on the reports produced on the Constitution, Justice and Citizenship Committee, and the Education and Culture committee.

Bill 4125/2004

Date presented: 14/09/2004

Transformed into law: 11577/2007

Presented by: Joint Parliamentary Committee for investigating violence and sexual exploitation of children and adolescents in Brazil.

Member of Government's Coalition: N/A

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements; responded to an international agenda

Bill 4125 from 2004 mandates that the media propagates a message on sexual exploitation and trafficking of children and adolescents that communicates ways to make complaints. The bill was presented by a Joint Parliamentary Committee for investigating violence and sexual exploitation of children and adolescents in Brazil (CPMI) on the 14th of September 2004. The bill was declared under urgent procedures by party leaders and was sent straight to the floor for voting. It became law 11.577 on the 22nd of November 2007.

This bill was presented by the same joint committee on the same subject as bills 4850 and 4852 from 2005 that will be described later. This bill received support from the women's caucus because it deals with the subject of sexual exploitation and trafficking of children and teenagers. The caucus had previously presented a list to the Chamber of

Deputies with all the bills that they thought were important to be voted on and this bill, as well as the other two, were part of them. The three bills had the same appointed rapporteur, Federal Deputy Maria do Rosário from the Workers' Party. Federal Deputy Domingos Dutra from the Workers' Party stated that it was important to deliberate this bill and others of the interest of the women's caucus. Moreover, in the concluding comments presented by the CEDAW committee in consideration to the sixth country period report, the committee stated that while acknowledging measures taken by the State party to combat human trafficking, both internal and international, the Committee was concerned at the scope of the phenomenon. The Committee called upon the State party to effectively apply its anti-trafficking measures, fully implement its National Policy for Fighting Trafficking in Persons and complete, without delay, the elaboration of the national plan on trafficking in persons, which should include a gender, race and age dimension. The Committee also requested the State party to adopt measures aimed at reducing the vulnerability of women and girls to traffickers. However, in the considerations of the seventh report produced by the country, they stated that while taking note of the State party initiatives to address trafficking in persons such as the establishment of a parliamentary inquiry commission (CPI) to investigate the causes and consequences of internal and international trafficking in Brazil and the preparation of a Second National Plan to Combat Human Trafficking, the Committee was concerned at the lack of information about the extent of the phenomenon of trafficking in women and girls. It was also concerned about the lack of a comprehensive and concerted approach to combat trafficking in persons.

The bill was part of the government's agenda as in the first place, Federal Deputy Domingos Dutra from the Workers' Party during the deliberation of the bill asked members of the opposition to support this project that was being supported by the government's coalition. Second, on the Second National Plan on Policies for Women, one

of the goals was to improve the measures aimed at the implementation of the National Plan to Fight the Trafficking of People with respect to actions related to the trafficking of women, youth, and girls. One of the priorities was to guarantee the fight against violence against women, youth, and girls victims of trafficking and sexual exploitation and that are in prostitution. On top of that, the government created the Inter-Sectorial Commission to Combat Sexual Violence against Children and Adolescents. In 2004, the Commission played an important role in the activities of mobilisation for the National Day to Combat Sexual Abuse and Exploitation (May 18). Next, the Commission committed itself to structuring and elaborating an Inter-Sectorial Framework on Sexual and Commercial Exploitation of Children and Adolescents – (ESCCA), with the support of UNICEF and technical assistance from the Violes Group, of the University of Brasília. The Federal Government officially presented the Framework to Brazilians on January 28, 2005.

Bill 4539/2004

Date presented: 30/11/2004

Transformed into law: 11.489/2007

Presented by: Iriny Lopes/PT

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: No

Theme: VAW

Variables: supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

The bill was presented by Federal Deputy Iriny Lopes from the Workers' Party in November 2004. It establishes the 6th of December as the National Day of Men Working to End Violence Against Women in Brazil. According to her, the choice of date is based on the 'White Ribbon campaign', which originated in Canada with an incident that became known as the "Montreal Massacre". The bill was sent to the Constitution, Justice and Citizenship committee, and the Education and Culture committee and was approved in both. It was sent to the Senate in March 2006 and became a law 11.489 in June 2007.

The bill was supported by the women's caucus. Federal Deputy Iriny Lopes (who was later the appointed minister of the Special Secretariat of Policy for Women) proposed the bill and stated that it was very important for the caucus and women's movements in the country. She also stated in the deliberation meeting of the Constitution, Justice and Citizenship committee the importance of being accountable to International treaties, citing the CEDAW and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women – Belém do Pará Convention. Moreover, the subject was already part of the government's agenda before the law passed. The bill was cited in the sixth periodic report submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women in 2005. It was shown that during the period covered by the report, the Brazilian Government had supported and organised campaigns to combat violence against women. In 2004 for example, it supported the “White Ribbon” campaign in Brazil, to involve and mobilise men in the fight to put an end to violence against women. The Secretariat of Policies for Women (SPM) started to officially support the White Ribbon campaign in 2003 when it was created. In addition, the SPM undertook its own campaign, “Your Life Starts again when the Violence Ends”, using TV and radio spots, and printed material. In September 2008, the government launched a signature drive to have 1 million Brazilian men pledge to end violence against women. This campaign builds on the United Nations Secretary General's UNiTE to end violence against women campaign, as well as White Ribbon Campaign activities throughout Brazil. Having obtained the adhesion of diverse sectors of Brazilian society under their leaders’ commitment to combat violence against women, the campaign aims to significantly broaden the engagement of Brazilian men, the number of partners and supporters and, consequently, signatures.

In 2005, Member States of the United Nations carried out a ten-year review of progress in implementation of the Beijing Declaration and Platform for Action. A report of the Secretary General and the outcome document of the special session of the General Assembly covered the 12 Critical Areas of Concern and emerging issues identified at the twenty-third special session of the General Assembly. The report praised President Lula for sanctioning the law that proclaimed 6 December as the National Day of Men Working to End Violence against Women in Brazil in 2007. They stated that “in launching the signature drive, President Lula expressed his desire for Brazil to serve as a model for other countries of high-level government commitment, and specifically that of male political leaders, for engaging men in ending violence against women”.

Bill 4559/2004

Date presented: 03/12/2004

Transformed into law: 11.340/2006

Presented by: The executive

Member of Government's Coalition: Yes

Member of the woman's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: responded to an international agenda; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

The executive presented the bill in December 2004. It is possibly the most famous piece of legislation on women's rights in Brazil and was one of a set of changes to the Brazilian Penal Code that were introduced from 2003 to 2006. It establishes mechanisms to restrain domestic and family violence against women under terms of the Constitution, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará, 1994). It also makes provisions for the creation of Special Courts for Domestic and Family Violence against Women, changes the Code of Criminal Procedure, the Penal Code and the Penal

Execution Law. The bill was sent to the Social Security and Family committee, the Finance and Taxation committee and the Constitution, Justice and Citizenship Committee. It was approved and sent to floor vote in 22/06/2006, was sent to the Senate, and became law 11.340 in 07/08/2006.

This bill shows an interesting combination of the factors that influence the success of a bill. It was considered under urgent procedures by the college of leaders and passed after the clear joint work of the women's caucus, women's movements, the government, and international organisations. The drafting of a bill on violence against women was discussed during the First National Conference on Policies for Women organised by the SPM in 2004. A group of NGOs handed the first proposal to the Secretariat of Policies for Women (SPM), which proceeded with discussions and coordinated a working group. The government, the women's caucus, and members of society carried out technical and political consultations, reaching a result in the form of a bill which was presented by the SPM to the national congress in November 2004. The bill was initially sent to the Social Security and Family committee. Jandira Feghali, rapporteur of the project, then held public hearings in the five regions of Brazil.

Law 11.340/2006 was named the Maria da Penha Law as in April 2001 the Inter-American Commission on Human Rights (IACHR) found that Brazil failed to prosecute the attempted murder of Maria da Penha Maia Fernandes by her husband, more than fifteen years after criminal charges were filed. They stated that the action represented a pattern of State-condoned violence against women. Maria da Penha's husband shot her while she was asleep in 1983. As a result of the crime, she suffered irreversible paraplegia, but never received financial assistance to cover her medical expenses, or the alimony stipulated in their separation order. Maria da Penha, together with the Centre for Justice and International Law (CEJIL) and the Latin American and Caribbean Committee for the

Defence of Women's Rights (CLADEM), brought the case to the Inter-American Commission on Human Rights. They claimed violations of the American Convention on Human Rights, stating the State's obligation to respect the rights proposed in the Convention, the right to a fair trial, the right to equal protection and the right to judicial protection. The Commission held that the government of Brazil violated the American Convention on Human Rights and found violations of the Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará). The Commission cited to the jurisprudence of the European Court of Human Rights and the United Nations Human Rights Committee in support of the "on-going violation" principle. The IACHR cited from its own special report on Brazil, stating that it was found that 'clear discrimination against women who were attacked, resulting from the inefficiency of the Brazilian judicial system and inadequate application of national and international rules.' The Commission noted that the State's failure to prosecute and convict the perpetrator constituted an indication of State-condoned violence, and that the evidence suggested that it constituted a pattern.

Bill 4850/2005

Date presented: 03/03/2005

Transformed into law: 12015/2009

Presented by: Joint Parliamentary Committee for investigating violence and sexual exploitation of children and adolescents in Brazil

Member of Government's Coalition: N/A

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements; responded to an international agenda

Bill 4850 from 2005 typifies crimes against sexual freedom, crimes against sexual development of vulnerable people, pimping and trafficking, amending the Law No. 8072 from 1990. The bill was presented by a Joint Parliamentary Committee for investigating

violence and sexual exploitation of children and adolescents in Brazil (CPMI) on the 3rd of March 2005. The bill was declared under urgent procedures by party leaders and was sent straight to the floor for voting. It became law 12.015.

The bill received support from the women's caucus as it deals with the subject of sexual exploitation and trafficking of children and teenagers. The caucus had previously presented a list to the Chamber of Deputies with all the bills that they thought were important to be voted on and this was one of them. The bill's appointed rapporteur, Federal Deputy Maria do Rosário from the Workers' Party stated that she together with the women's caucus made a great effort for this law to pass. Moreover, on the concluding comments presented by the CEDAW committee in consideration to the sixth country period report, the committee stated that while acknowledging measures taken by the State party to combat human trafficking, both internal and international, the Committee was concerned at the scope of the phenomenon. The Committee called upon the State party to effectively apply its anti-trafficking measures, fully implement its National Policy for Fighting Trafficking in Persons and complete, without delay, the elaboration of the national plan on trafficking in persons, which should include a gender, race and age dimension. The Committee requested the State party to consider adopting anti-trafficking legislation that would ensure adequate punishment of perpetrators and offer human rights-based protection and support to victims, including long-term reintegration programmes. The Committee also requested that the State party adopt measures aimed at reducing the vulnerability of women and girls to traffickers. However, in the considerations of the seventh report produced by the country, they noted that while taking note of the State party initiatives to address trafficking in persons such as the establishment of a parliamentary inquiry commission (CPI) to investigate the causes and consequences of internal and international trafficking in Brazil and the preparation of a Second National Plan to Combat

Human Trafficking, the Committee was concerned by the lack of information about the extent of the phenomenon of trafficking in women and girls. Finally, in the Second National Plan on Policies for Women, one of the goals was to improve the measures aimed at the implementation of the National Plan to Fight the Trafficking of People with respect to actions related to the trafficking of women, youth, and girls. One of the priorities was to guarantee the fight against violence against women, youth, and girls victims of trafficking and sexual exploitation and that are in prostitution.

Bill 4852/2005

Date presented: 03/03/2005

Transformed into law: 12038/2009

Presented by: Joint Parliamentary Committee for investigating violence and sexual exploitation of children and adolescents in Brazil.

Member of Government's Coalition: N/A

Member of the women's caucus: N/A

Considered under urgent procedures: No

Floor voting: Yes

Theme: VAW

Variables: supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements; responded to an international agenda

Bill 4852 was presented by the Senate in a Joint Parliamentary Committee for investigating violence and sexual exploitation of children and adolescents in Brazil in March 2005. It determined the permanent closure of an establishment if it accepted to host a child or adolescent without written permission from parents or guardians. The bill was sent to the Family and Social Security committee and the Constitution, Justice and Citizenship Committee. It was however declared urgent and discharged from the committees and sent straight to the floor for discussion. It became law 12038 on the first of October 2009.

Much like the bill described above, this bill received support from the women's caucus because it deals with the subject of sexual exploitation and trafficking of children and teenagers. It was part of a list presented to the Chamber of Deputies with all the bills

that they thought were important to be voted on. Moreover, in the concluding comments presented by the CEDAW committee in consideration to the sixth country period report, the committee stated that it was concerned at the scope of the phenomenon in the country and called upon the State party to effectively apply its anti-trafficking measures, fully implement its National Policy for Fighting Trafficking in Persons and complete, without delay, the elaboration of the national plan on trafficking in persons, which should include a gender, race and age dimension. Finally, in the Second National Plan on Policies for Women, one of the goals was to improve the measures aimed at the implementation of the National Plan to Fight the Trafficking of People with respect to actions related to the trafficking of women, youth, and girls.

Bill 6264/2005

Date presented: 25/11/2005

Transformed into law: 12288/2010

Presented by: Senator Paulo Paim/PT

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: Yes

Floor voting: No

Theme: Health, Economic equality and employment benefits, VAW.

Variables: supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements; responded to an international agenda

This bill creates the Statute of Racial Equality. Among other things it stated the rights of Afro-Brazilian women and that the state should collect more data on the afro-Brazilian female population for better implement policies and programmes. Moreover, the state should pay special attention to their necessity when it comes to legislation and programmes that deal with violence, health, education and work. The bill was declared a priority as it was proposed by a senator, and passed on the 20th of July 2010.

The bill was discussed on the floor with speeches by deputies such as Janete Rocha Pietá, who stated that the approval of the bill was of extreme importance for women's

movements and afro-Brazilian women in particular. Jurema Werneck, a representative of the National Joint Black Women Association, questioned why the chamber was taking over ten years to approve such an important law. Moreover, the subject had been part of an international agenda for some time, and on the concluding comments of the Committee on the Elimination of Discrimination against Women taking into consideration the sixth periodic report of Brazil on 25 July 2007, the Committee was concerned about the persistent gap between the de jure and de facto equality of women and men, particularly among the most vulnerable sectors of society, such as women of African descent. The Committee encouraged the State party to enhance its efforts to close the gap between de jure and de facto equality of women and men by ensuring full implementation of laws, plans and policies and through regular, effective monitoring and impact assessment, especially in regard to the most disadvantaged groups of women. Moreover, while acknowledging positive developments in the implementation of article 11 of the Convention, the Committee was concerned at the discrimination faced by women in employment. The Committee was concerned about the situation of women domestic workers, principally women of African descent, who have been generally excluded from the protection of labour law and are vulnerable to exploitation by their employers, including sexual abuse. On top of that, the Committee was concerned at the lack of sufficient data about women of African descent, who often suffer from multiple forms of discrimination. The Committee noted that this lack of sufficient information and statistics had prevented it from forming a comprehensive picture of the de facto situation of these women in all areas covered by the Convention and the impact of governmental policies and programmes aimed at eliminating discrimination against them.

On the Second National Plan on Policies for Women, it was stated that black women are those who suffer the greatest burden of discrimination, experiencing a situation

of double differentiation: gender and race/ethnicity. They are the ones who experience the lowest scale in the social pyramid, with the worst work conditions, lowest salaries, suffering the most with unemployment, the ones who most establish informal relations, and the ones who occupy the least prestigious positions in the professional hierarchy. They stated that it was one of the goals of the Plan to create cooperation networks within the Ministry of Mines and Energy to stimulate the insertion of black women into the labour market. Moreover, they stated that other goals were: to reduce female illiteracy, especially amongst black women between 2006 and 2011; to draft, adopt, and disseminate social, economic, and cultural indicators on afro-descendent populations, as support for the formulation and coordinated implementation of health, social security, labour, education, and culture public policies, considering the urban and rural realities and specificities; to ensure the inclusion of gender, race, and ethnic issues into school curricula, acknowledging and seeking ways to change educational practices, the production of knowledge, formal education, culture, and discriminatory communication; and finally, with respect to quilombola (members of former slave communities) women, the MDA, along with UNIFEM and DFID were developing, the project Gender, Race, and Productive Activities for Ethno development.

Bill 6275/2005

Date presented: 29/11/2005

Transformed into law: 12.116/2009

Presented by: Ricardo Barros/PP

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Health

Variables: supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

Bill 6275 from 2005 establishes the 27th of November as the National Day of Breast Cancer Awareness. This bill was presented in November 2005 and sent to the Constitution, Justice and Citizenship Committee and the Education and Culture committee. It was filed at the end of the legislature in 2006, but was retrieved at the beginning of 2007. It was approved in June 2009 and sent to the Senate. It became law 12.116 in December 2009.

This bill was not declared urgent by party leaders, but still shows the variables presented as influencing the passage of bills. Although it was not presented by a member of the women's caucus, it was supported by them. Feminist advocacy group Cfemea declared that the bill was a response to demands made for a long time from feminists groups and the women's caucus on the subject of women's health. The bill also received support from the government and was part of the government's agenda. This is because not only was the bil presented by a member of the coalition government, but also in the first year of the second term of President Lula in government (2007), the second National Conference on Policies for Women occurred. The Second National Conference of Women's Policies (II CNPM) was held in August 2007 and discussed the recommendations of the CEDAW Committee. As a consequence, the Second National Plan for Women's Policies (II PNPM) was produced. The 2006 Pact for Health / Pact for Life was included as one of its priority efforts to control breast and cervical cancer, with priorities expressed in municipal, regional, state and national goals. The Action Plan for the Control of Breast and Cervical Cancer was also presented meeting the recommendations made by the CEDAW Committee, with the main objective of deepening the processes to change the paradigms in cervical and breast cancer control, initiate and/or consolidate the organisation of health care actions introduced in the four previous years. The expected result of the Action Plan is to reduce morbidity and mortality due cervical

cancer and mortality due to breast cancer in the female population; to define and execute strategic actions for the Health Ministry promotion and prevention of cervical and breast cancer, including the qualification of diagnostic and therapeutic procedures for their control. The deadline presented on the Second National Plan for Women's Policies in 2007 was 2011.

Bill 6348/2005

Date presented: 07/12/2005

Transformed into law: 11.605/2007

Presented by: Senator Flávio Arns/PT

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Health

Variables: responded to an international agenda; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

This bill established the 6th of July as the National Day of the New born screening test called “teste do pezinho”. It was aimed at informing the population about the National Neonatal Screening programme. The bill was declared a priority as it was proposed in the Senate, and was subjected to the conclusive assessment by the committees without going to floor vote. The bill was sent to the Education and Culture committee and the Constitution, Justice and Citizenship committee. It became law 11.605 on 05/12/2007.

This bill was declared urgent by party leaders and was supported by the women's caucus. This was seen in the discussions about the bill, the speeches in congress and the reports presented in the committees. On top of that, in the consideration of reports submitted by States parties in 2005, the CEDAW committee recommended that Brazil closely monitor the implementation of the National Pact to Reduce Maternal Mortality in the state and municipal levels. Finally, the bill was also part of the government's agenda. In February 2004, a National Seminar on Obstetric and Neonatal care was held to establish

strategic actions. The actions presented in the Second National Conference on Policies for Women in 2007 have the main objective of deepening the processes to change the paradigms in obstetric care making the policies launched in the previous administration effective (National Policy to Reduce Maternal Mortality, National Family Planning Policy, and the Plan to Fight the Feminization of AIDS), initiating and/or consolidating the organisation of health care actions introduced in the four previous years, and incorporating new population groups into the policies as a way of ensuring the principles of integrity, equity, and universality stated in the Single Health System. The actions proposed were: to reduce by 15% the ratio of maternal mortality in Brazil; to provide technical and financial support to the formulation of the plans of state governments aimed at the reduction of maternal and neo-natal mortality, thus enforcing the National Pact for the Reduction of Maternal and Neo-natal Mortality; and to ensure articulation among governmental and non-governmental sectors in the definition and implementation of strategies for the reduction of these cases.

Bill MPV 284/2006

Date presented: 07/03/2006

Transformed into law: 11.324/2006

Presented by: The Executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: responded to an international agenda; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

The bill was presented by the executive in March 2005. It was considered under urgent procedures, as are all provisional decrees, and went to floor vote in May. It was sent to the Senate for revision and became law 11.324 in July 2006. The bill regulates that the contribution paid to domestic workers' social security should be deducted from domestic employers' income tax of. The bill also expanded the labour rights of paid domestic

workers, who now have the right to an annual vacation of 30 days, paid weekly leave on Sundays and holidays and employment stability since the confirmation of pregnancy of five months after childbirth. The employer also can no longer deduct the costs of food, shelter, and hygiene from the workers' salary.

This bill shows a combination of all of the factors that influence the success of a bill. The first one is that the bill was considered under urgent procedures by the college of leaders, as is the case for all provisional decrees presented by the president. It was supported by the government and it was part of the government's agenda. The government developed through the SPM a set of initiatives aimed, firstly, to extend the rights of the domestic workers and, secondly, to ensure their enjoyment of the rights. The Citizen Paid Domestic Work Plan (PTDC) from November 2005 was result of a partnership between the Special Secretariat of Policies for Women, the ILO, and the Ministry of Labour. The Plan aimed at professional qualification and enhancing the education of paid domestic workers, as well as strengthening the union organisation of that professional category. For the period of implementation of the Second National Policies Plan for Women, 2008–2011, the objectives included the implementation of the program on a national scale in the axes of increasing educational level, professional qualification, and social intervention in public policies through its articulation with the Young and Adults Education (EJA) actions. Moreover, the National Plan for Decent Work (PNTD) was established in 2009 by presidential decree being the apex of a process initiated in 2003 with the signature of the Memorandum of Understanding with the ILO.

Support from the women's caucus (responding to claims of the women's movement) also influenced the passage of the bill. The theme of the rights of domestic workers has been present in the work of the caucus and the women's movement for a long

time in Brazil. Finally, the bill was a response to an international agenda. On the consideration of the combined initial, second, third, fourth and fifth periodic report to the CEDAW, the Committee was concerned about discrimination against women in the labour market, particularly the situation of domestic workers. The Committee recommended that measures be taken to guarantee implementation of article 11 of the Convention and the application of relevant International Labour Organisation conventions. The Committee called on the State party to bring all domestic workers within the bounds of its labour legislation. Moreover, the theme was present in the concluding comments of the CEDAW Committee in consideration to the country's sixth periodic report in 2007. While acknowledging positive developments in the implementation of article 11 of the Convention, the Committee was still concerned at the discrimination faced by women in employment and the situation of women domestic workers. The Committee recommended that the State party adopt policies and concrete measures to accelerate the eradication of pay discrimination against women and to work towards ensuring de facto equal opportunities for women and men in the labour market.

Bill 6793/2006

Date presented: 23/03/2006

Transformed into law: 11464/2007

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: supported by the executive

Bill 6793 from the 23rd of March 2006 was presented by the executive and established that those convicted of heinous crimes (including rape) should serve their sentence in a closed system. The bill was presented by the executive in March 2006 and sent to the Public Security and Organised Crime committee, to the Constitution, Justice,

and Citizenship and to the floor for deliberation. It was approved and sent to the Senate in February 2007. It became a law in March 2007. It was part of a government agenda as it was presented by the executive and considered urgent by party leaders. The passage of the bill was very fast, as are most bills presented by the executive. However, there is no other indication that the bill was supported by women's movements and the women's caucus. It was not part of an international agenda and did not cause any backlash from the religious caucus.

Bill 7370/2006

Date presented: 26/07/2006

Transformed into law: 11.695/2008

Presented by: Senator Lucia Vania/PSDB

Member of Government's Coalition: No

Member of the women's caucus: Yes

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Health

Variables: supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

This bill establishes the National Mammography Day. It was approved in the Constitution, Justice and Citizenship Committee and the Education and Culture committee. The bill was presented in July 2006, considered a priority and became a law in June 2008. Feminist advocacy group Cfemea declared that this bill was a response to demands made for a long time from feminist groups and the women's caucus on the subject of women's health. Moreover, the bill received support by the government and was part of the president's agenda, as it was approved at the same time as several different programmes proposed by the government on the same subject. The first one was the 2006 Pact for Health/Pact for Life discussed before. The second one was the Action Plan for the Control of Breast and Cervical Cancer (2005-2007). The Plan was presented as a fundamental component of the National Oncology Care Plan, instituting actions for Promotion,

Prevention, Diagnosis, Treatment, Rehabilitation, and Palliative Care. It presents six Strategic Guidelines — Increased Coverage of the Target Population, Quality Assurance, Strengthening the Information System, Training, and Research Development, Social Mobilisation composed of actions that have been developed at the different levels of healthcare.

Bill 7376/2006

Date presented: 28/07/2006

Transformed into law: 11.804/2008

Presented by: Senator Rodolpho Tourinho/PFL

Member of Government's Coalition: No

Member of the woman's caucus: No

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Marriage, children and family

Variables: None

This bill regulates the payment of food support for pregnant women by the father of the child. It establishes that the father should share with the mother the costs of food and extra expenses not covered by public health care, such as medication, psychological treatments, additional tests, etc. It allows for a pregnant woman, in certain cases, to ask for alimony payments from someone she demonstrates to be the biological father of the child, even though fatherhood cannot be decisively proven until after the child is born. The law was presented in July 2007, sent to the Constitution, Justice and Citizenship Committee and the Social Security and Family committee. It was approved by both rapporteurs and became a law in November 2008. The bill was processed as a priority as it was initiated in the Senate. However, there were no indications of this bill being supported by the women's caucus, and there is no indication that was part of the government's agenda. Moreover, the bill was not cited on the CEDAW reports submitted by the country and was not on the recommendations presented by the Committee. Finally, it did not cause a backlash from the religious' caucus.

Bill 30/2007

Date presented: 05/02/2007

Transformed into law: 11.633/2007

Presented by: Federal Deputy Rita Camata/PMDB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: No

Theme: Health

Variables: None

Bill number 30 from 2007 was presented by Federal Deputy Rita Camata from the Brazilian Democratic Movement Party. It amends law 9.434 from 1997, which is a law on transplants and organ donation. It stimulates the access to information by pregnant women on the voluntary donation of blood from the umbilical cord and placenta. Another deputy originally presented the bill from a different party – Federal Deputy Jandira Feghali from the Communist Party of Brazil (PC do B) in February 2006. However, it was filed at the end of the previous legislature. The bill was retrieved at the beginning of the new legislature and presented in February 2007. It was sent to the Family and Social Security committee, and the Constitution, Justice and Citizenship Committee. It was approved in both committees, was considered under ordinary procedures, and did not go to floor for deliberation. It was approved in the committees and sent to the Senate in July 2007. It became law 11.633 on 27/12/2007. The bill was not considered urgent by the college of leaders, and there were no indications of this bill being supported by the women's caucus, even though a member of the caucus presented it. As well as this, even though a member of the government's coalition presented the bill, there is no indication that was part of the government's agenda. Moreover, the bill was not cited on the CEDAW reports submitted by the country and was not on the recommendations presented by the Committee. Finally, it did not cause a backlash from the religious' caucus.

Bill 108/2007

Date presented: 12/02/2007

Transformed into law: 12344/2010

Presented by: Solange Amaral/PFL

Member of Government's Coalition: No

Member of the women's caucus: Yes

Considered under urgent procedures: No

Floor voting: No

Theme: Marriage, children and family

Variables: None

Bill 108 from 2007 was presented by Federal Deputy Solange Amaral from the Liberal Front Party (PFL). The bill amends law 10406 from 2002 and changes from 60 to 70 the legal age for a mandatory partial property regime agreement in the case of marriage. She states that the previous bill was discriminatory towards older people and their ability to make decisions towards their own money and lives. She stated that this encountered some prejudice from members of the Chamber of Deputies that opposed the law who claimed that “this would give women that are looking to get married for money 10 more years to find a husband”. She said that this law would protect men and women and that such statements were highly sexist. The bill was not declared urgent by party leaders and was subjected to the conclusive assessment by the committees without going to floor vote. It became law 12.344 on 09/12/2010. It was not a recommendation made in the CEDAW reports, and although it was presented by a member of the women’s caucus there were no speeches made by members of the women’s caucus, no mention by women’s movements, no mention in the National Plan of Policies for women and no backlash from religious caucus.

Bill 206/2007

Date presented: 15/02/2007

Transformed into law: 11924/2009

Presented by: Clodovil Hernandez/PTC

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Marriage, children and family

Variables: None

Bill 206/07 by Federal Deputy Clodovil Hernandes from the Party of the Republic (PR) allowed stepchildren to adopt the name of the stepfather. The bill was not declared urgent by party leaders and was subjected to the conclusive assessment by the committees without going to floor vote. The bill was set to the Constitution, Justice and Citizenship committee where the appointed rapporteur Federal Deputy Sandra Rosado included the possibility of also adopting the name of the stepmother and not only the stepfather. The bill was sent to the Senate in 29/11/2007 and was approved on the 24th of March 2008, two weeks after Deputy Clodovil Hernandes passed away. The bill was sanctioned by the president and became the Law 11.924/2009, which amends the Public Records Act (6015/73). This bill was not a recommendation made in the CEDAW reports, there were no speeches made by members of the women's caucus, no mention by women's movements, no mention in the National Plan of Policies for women and no backlash from religious caucus.

Bill MPV 384/2007

Date presented: 21/08/2007

Transformed into law: 11530/2007

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: Supported by the executive

Provisional Decree 384 from 2007 established the National Public Security and Citizenship Programme – PRONASCI. The programme focused on the prevention and control of crime through the promotion of human rights, taking into consideration issues of gender, ethnicity, race, generation, sexuality, and cultural diversity. It also established the project 'Women for Peace' aimed at training socially active women in the geographical

areas covered by PRONASCI. The 'Women Peace' project has a focus of social mobilisation to claim citizenship taking into consideration the emancipation of women and the prevention of and coping with violence against women. The bill was presented by the executive on the 21st of August 2007. It was sent to a mixed committee for review and approved on the 9th of October 2007. It became law 11530 on the 24th of October 2007.

The bill was declared urgent by party leaders, as is the case for all provisional decrees. It received support from the executive as it was presented by them. Several Deputies spoke during the deliberation of the bill congratulating the government for presenting this bill and creating the programme women for peace. Federal Deputy José Genoíno from the Workers' Party stated that the project was the work of several ministries together. However, there is no indication that it was supported by the women's caucus and was not cited in the National Plan on Policies for Women or the CEDAW committee reports.

Bill 1165/2007

Date presented: 25/05/2007

Transformed into law: 12.190/2010

Presented by: Senator Tiao Viana/PT

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Health

Variables: None

Bill 1165 from 2007 presented by Federal Deputy Tiao Viana from the Workers' Party (PT). It ensures compensation for moral damage to all victims of Thalidomide in Brazil and amends law 7.070 from 1982. It was sent to the Constitution, Justice and Citizenship committee, the Social Security and Family committee, and the Finance and Taxation committee. The bill was approved by the rapporteur in the Social Security and Family committee in October 2007, by the Finance and Taxation committee's rapporteur in

September 2009 and the Constitution, Justice, and Citizenship committee in December 2009. It was sent to the Senate for revision and became law 12.190/2010 in January 2010. The bill was considered a priority as it was initiated in the Senate, was presented by a member of the government's party, and it seems to be part of an agenda that was accepted by that particular government, as the executive presented other bills on the subject. There is however no indication that the bill was supported by the women's caucus, and it was not cited in the CEDAW reports submitted by the country. Finally, it did not cause a backlash from the religious' caucus.

Bill 1399/2007

Date presented: 25/06/2007

Transformed into law: 12195/2010

Presented by: Juvenil Alves/PT

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Marriage, children and family

Variables: None

Bill 1399 from 2007 was presented by Federal Deputy Juvenil Alves from the Workers' Party (PT). The bill was presented on the 25th of June and became law 12.195 on the 14th of January 2010. It amended Law 5,869 to give the same rights to unmarried partners as married partners when it comes to inheritance. The bill was sent to the Constitution, Justice and Citizenship committee and rapporteur Sérgio Barradas Carneiro produced a positive report suggesting the approval of the bill. The bill became law 12195 in January 2010. It was not considered urgent by party leaders, it was not a recommendation made in the CEDAW reports, there were no speeches made by members of the women's caucus, no mention by women's movements, no mention in the National Plan of Policies for women and no backlash from religious caucus.

Bill 1531/2007

Date presented: 06/07/2007

Transformed into law: 11970/2009

Presented by: Janete Capiberibe/PSB

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Health

Variables: supported by the women's caucus and women's movements; supported by the Secretariat on Policies for Women;

Bill 1531 from 2007 establishes the mandatory use of protection for engines of boats throughout the national territory in order to prevent scalping. Scalping is the sudden and accidental tearing of the scalp that occurs when the victims, mostly women because of their long hair, approach the motor of boats and have their hair pulled by the axis. The accidents happen mostly in the Amazon region. The bill was sent to the Roads and Transport Committee and the Constitution, Justice and Citizenship Committee. The bill was sent to the Senate and became law 11.970 in July 2009.

This bill is connected to the approval of bill 1883 described next. Deputy Janete Capiberibe stated that the passage of the bill was a result of campaigns and the presence of many groups of women that demanded these rights during the National Conference on Policies for Women. She stated that the government was making an effort to attend the demands of these women and implement all the actions discussed during the deliberation of the Plan. The government held public hearings on the subject and several members of different women's organisations attended the meetings and the vote on the bill to support its passage. Speeches given in congress during the deliberation of the bill show that several Federal Deputies congratulate women's groups present in parliament.

Bill 1883/2007

Date presented: 28/08/2007

Transformed into law: 12199/2010

Presented by: Sebastião Bala Rocha/PDT

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Health

Variables: supported by the women's caucus and women's movements; supported by the Secretariat on Policies for Women;

Bill 1883 from 2007 creates the National Day for Combat and Prevention of Scalping. Most accidents occur in the Amazon region and with women that cannot afford plastic surgery and hair implant being thus stigmatised. The bill was sent to the Education and Culture Committee and the Constitution, Justice and Citizenship Committee. The bill was sent to the Senate and became law 12.199 in January 2010.

Federal Deputy and member of the women's caucus Jô Moraes spoke on the issue in December 2009. Janete Capiberibe stated that as a result of campaigns and the deliberation of bill 1531 from 2007 presented by her and described above, the victims started claiming their rights in the National Conference on Policies for Women. As a result of that, now reconstructive surgeries are included in the Health System program. Federal Deputy Sebastião Bala Rocha stated that public hearings were held on the subject with the Secretariat of Policies for Women coordinating it. He thanked president Lula and his government for all the work that has been done on the subject and his help and interest to pass this bill. He thanked the work of ministries such as the Secretariat of Public Policies for Women, the Public Defender's Office, the Ministry of Labour, and the Ministry of Health. Several members of different women's organisations debated the subject during the elaboration of the National Plan on Policies for Women and came to the voting of the bill to support its passage.

Bill 2513/2007

Date presented: 30/11/2007

Transformed into law: 11.770/2008

Presented by: Senator Patrícia Saboya/PDT

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes (Priority)

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: responded to an international agenda; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

Bill 2513 from 2007 was presented by Senator Patrícia Saboya from the Democratic Labour Party in November 2007. The bill was sent to and later approved by the Constitution, Justice and Citizenship Committee, the Finance and Taxation committee, and the Family and Social Security committee. It went to the floor for symbolic voting in August 2008, becoming a law 11.770 in September. The bill established the Corporate Citizenship Program. It enables and specifies the conditions for the extension of maternity leave from 120 to 180 days by private companies and all public administration spheres. The extension of the benefit is optional. During the extension of maternity leave, the employee is entitled to their full compensation, payable as the paid maternity leave set by the general social security framework. This benefit is also extended to employees who adopt or obtain judicial custody for adopting a child.

The bill was considered a priority as it was initiated in the Senate. It was supported by the women's caucus. Federal Deputy Rita Camata and Janete Rocha Pieta stated in their speeches in congress that the bill was extremely important to Brazilian women and for the women's caucus. Feminist advocacy group Cfemea also stated the importance of the bill for the women's movements in the country (Jornal Femea, 2008). Moreover, the federal government supported the bill using international treaties as guidelines. In 2006, a few months before the bill was proposed, the Special Secretariat of Policies for Women (SPM) launched the Pro-Gender Equity Programme. The programme aimed at promoting

equality of opportunities between women and men, involving hundreds of public and private companies. The Programme was a partnership between the SPM, the ILO, and UNIFEM. It awarded organisations that develop new concepts and practices regarding human resources so as to promote gender equality. The strategy adopted by the programme included encouraging voluntary adhesion of companies and the establishment of a plan of action to promote equal opportunities between men and women in the workplace. In 2007, the second edition of the programme was launched, expanding its coverage to private companies. In 2006, 11 public sector institutions received the Pro-equity Seal after having developed important actions aimed at promoting equality. The Programme was broadened to include private companies as well. On the Second National Conference of Women's Policies the implementation of the Pro-Gender Equity programme was discussed, considering ethnic, racial, generational, and sexual orientation dimensions.

The implementation of an agreement between the SPM and the ILO – The Technical Cooperation Project “Promotion of Gender and Race Equal Opportunities in the Workplace” - began in 2007 and continued until March 2010. The agreement aimed to contribute to the construction of equality in the workplace by strengthening the implementation of the National Women's Policies Plan and the National Decent Work Agenda; to strengthen the institutional capacity of the SPM to develop, coordinate and implement policies, and promote the social dialogue on gender and race equality in the workplace. Moreover, in December 2008, the Federal Government started to implement the six months maternity leave for its female public servants, and various state and local public administrative bodies joined the maternity leave extension to 180 days. Some municipalities also increased paternity leave from five to seven days. Within the private sector, the Law proposes the adhesion of the private sector to the Corporate Citizen Programme by granting tax incentives.

Bill MPV 416/2008

Date presented: 24/01/2008

Transformed into law: 11707/2008

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: Supported by the executive

Provisional Decree 416 from 2008 made changes to Law 11.530 from October 2007 that established the National Public Security and Citizenship Programme - PRONASCI, and other measures. It added that the programme should aim to promote of human rights and to combat prejudices towards gender, ethnicity, race, generation, sexuality, and cultural diversity. It established the project 'Women for Peace' aimed at training socially active women in the geographical areas covered by PRONASCI. The executive presented the bill on the 24th of January 2008. It was sent to a mixed committee for review and approved on the 16th of April 2008. It became law 11707 on the 19th of June 2007.

The bill was declared urgent by party leaders, as is the case for all provisional decrees. It received support from the executive as they presented it. Several Deputies spoke during the deliberation of the bill congratulating the government for presenting this bill and creating the programme women for peace. Federal Deputy José Genoíno from the Workers' Party stated that the project was the work of several ministries together. However, there is no indication that it was supported by the women's caucus and was not cited on the National Plan on Policies for Women or the CEDAW committee reports.

Bill 3773/2008

Date presented: 18/07/2008

Transformed into law: 11829/2008

Presented by: Parliamentary Commission of Inquiry to investigate Paedophilia

Member of Government's Coalition: N/A

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: supported by the women's caucus and women's movements

Bill 3373 was presented by a Parliamentary Commission of Inquiry to amend the Statute of Children and Adolescents (Law 8069 from 1990), to enhance the combat of the production, sale and distribution of child pornography, as well as criminalising the acquisition and possession of such material and other behaviours related to paedophilia on the Internet. The bill was sent to Family and Social Security committee and to the floor for deliberation. It was sent to the Senate for revision and became law 11.829 in November 2008.

The bill was considered under urgent procedures by party leaders and was supported by women's movements and the women's caucus. In a publication by the advocacy group Cfemea from 2010 called "Violence against women: a story told through decades of fight" Cfemea show that the passage of the bill was supported by the feminist movement in the country as a way to stop sexual exploitation of girls in Brazil. On their newsletter Femea (2008) they also showed how the feminist movement in the country supported the passage of the bill. And finally, during the deliberation of the bill, members of the women's caucus spoke about its importance and declared their support. There is no indication however that the bill was supported by the government or was part of an international agenda. The bill did not cause a backlash from the religious caucus.

Bill 3909/2008

Date presented: 20/08/2008

Transformed into law: 12105/2009

Presented by: Senator Serys Slhessarenko/PT

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Honours

Variables: supported by the women's caucus and women's movements

Bill 3909 from the 20th of August 2008 was introduced by Senator Serys Slhessarenko from the Workers' Party (PT). It declared Ana Néri a character of the Book of the Fatherland Heroes. Ana Néri (December 13, 1814 – May 20, 1880) was a Brazilian nurse, considered the first in the country. She is best known for her volunteer work with the Triple Alliance during the Paraguayan War. The bill was sent to the Education and Culture Committee and the Constitution, Justice and Citizenship Committee. Deputy Alice Portugal produced a positive report at the Education and Culture Committee, which was approved on the 25th of March 2009 without amendment. She stated that it was important to pass this law, as there were no women among the eleven names already enrolled Book of the Fatherland Heroes, even though throughout history several women have distinguished themselves. The bill became law 12.105 in December 2009.

The bill was considered a priority as it originated in the Senate and the women's caucus and women's movements supported it. For the researcher Sara Reis from the Cfemea, approval of this bill signalled the recognition that women built the country's history alongside men. She stated that bill was important in placing women as figures who helped to build the country's history. She noted however that there are many other women in Brazilian daily life that are not always recognised. Although the women's caucus and women's movements supported the bill, there is no indication of support and

pressure from any of the other variables affecting the passage of the bill. It was not a recommendation made in the CEDAW reports, no mention in the National Plan of Policies for women and no backlash from religious caucus.

Bill 3959/2008

Date presented: 29/08/2008

Transformed into law: 12.272/2010

Presented by: The Executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: No

Theme: Representation and political rights

Variables: supported by the Secretariat on Policies for Women;

Bill 3959 from 2008 was presented by the Executive in 29/08/2008. This is an administrative bill that creates positions for the Special Secretariat for Policies for Women (SPM). The bill was considered under urgent procedures and sent to the Constitution, Justice and Citizenship Committee, the Finance and Taxation committee and the Work, Administration and Public Service committee. It was sent to the Senate in April 2010 and became law 12272/2010 in June. The bill was considered urgent by the college of leaders, as is the case for most bills presented by the executive. It was part of an agenda that was accepted by that particular government as it was presented by the executive and regulated one of its ministries. There is however no indication that the bill supported by the women's caucus, and it was not cited on the CEDAW reports submitted by the country. Moreover, it was not on the recommendations presented by the Committee and it did not cause a backlash from the religious caucus.

Bill 4053/2008**Date presented:** 07/10/2008**Transformed into law:** 12318/2010**Presented by:** Regis de Oliveira/PSC**Member of Government's Coalition:** Yes**Member of the women's caucus:** No**Considered under urgent procedures:** No**Floor voting:** No**Theme:** Marriage, children and family**Variables:** supported by the women's caucus and women's movements

Bill 4053 from 2008 was presented by Federal Deputy Regis de Oliveira. It was sent to the Family and Social Security committee and the Constitution, Justice and Citizenship Committee. On the Constitution, Justice and Citizenship Committee the appointed rapporteur Federal Deputy Maria do Rosário from the Workers' Party suggested a public hearing to discuss the bill. The hearing happened and a positive report was produced and approved on 19/11/2009. The bill became law 12.318 on 26/08/2010.

The bill deals with the subject of Parental Alienation, which is a social dynamic when a child expresses unjustified hatred or unreasonably strong dislike of one parent, making access by the rejected parent difficult or impossible. These feelings may be influenced by negative comments by the other parent or grandparents, generally occurring due to divorce or separation. The bill was processed under ordinary procedures, however it was processed quicker than most ordinary bills. According to the Cfemea newsletter from the 24th of November 2010, the speed of passage of the bill was influenced by the necessity to regulate the use of the concept on custody agreements because of the recent death of a five-year-old girl called Joanna Cardoso Marins, who was killed by her father and stepmother. The father and stepmother had recently gained custody of the girl because the mother had moved to another city with the child. The judge used the parental alienation concept to give custody to the father, which result in the death of the girl. Members of the women's caucus and women's movements discussed the bill. They presented amendments

and questioned certain parts of the bill. The final draft ended up being an agreement between the deputy that proposed the bill, the rapporteur, and members of several organisations, including feminist organisation Cfemea. There is no indication of support and pressure from any of the other variables helping on the passage of the bill. It was not a recommendation made in the CEDAW reports, no mention in the National Plan of Policies for women and no backlash from religious caucus.

Bill MPV 459/2009

Date presented: 26/03/2009

Transformed into law: 11977/2009

Presented by: The Executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: Supported by the executive

Provisional Decree 459 from 2009 was presented by the Executive. It was sent to a mixed committee for review and went to floor voting in May 2009 and became law 11977/2009 in July. It regulates the government programme “My house, my life”. One of the items discussed in the bill is that contracts in the women’s name will be given priority. The committee presented 307 amendments that were discussed by the floor. The bill was considered urgent by the college of leaders, which is the case for all provisional decrees. It was part of the government’s agenda, as the executive itself presented it. There is no indication however that the bill was a recommendation made in the CEDAW reports, there were no speeches made by members of the women’s caucus and no indication in the media that this was a demand from women’s movements. Moreover, it did not receive backlash from the religious caucus.

Bill 5498/2009

Date presented: 30/06/2009

Transformed into law: 12034/2009

Presented by: Henrique Eduardo Alves/PMDB, Cândido Vaccarezza/PT, José Aníbal/PSDB e outros

Member of Government's Coalition: N/A

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Representation and political rights

Variables: responded to an international agenda; supported by the Secretariat on Policies for Women; supported by the women's caucus and women's movements

Bill 5498 from 2009 was named the mini electoral reform bill. Federal Deputies from different parties presented it - Henrique Eduardo Alves from the Brazilian Democratic Movement Party (PMDB), Cândido Vaccarezza from the Workers' Party (PT), José Aníbal from the Brazilian Social Democratic Party (PSDB), and others. It was considered urgent by party leaders and became law 12034 in September 2009. It was sent to the Constitution, Justice and Citizenship Committee and was debated on the floor. One of the items on the bill was designed to increase women's participation in politics. It stated that at least 20% of the time of the adverts carried out during election years between 19:30 and 22:00 on radio and TV should be allocated to parties to promote and spread the participation of women. A minimum of 10% of the party fund should be destined to the creation and maintenance of programmes aimed at promoting women's participation in partisan politics. However, the bill does not provide punishments for parties that do not meet the limits.

In June 2007, the National Council on Policies for Women (CNDM) and the Women's caucus in National Congress, with the SPM's support, held a public act in front of the National Congress with the objective of calling attention to the persistent absence of women from the spaces of power so that the political reform be developed with a gender perspective. During the act, a letter signed by the CNDM, the Women's caucus in National

Congress, and the National Forum of Women's Representations in Political Parties was distributed to members of parliament with demands such as the pre-ordered list with alternating sexes – one man, one woman, 30% time in electoral advertisements in radio and TV for female candidates, and 30% of Partisan Funds for women's organisms in the political parties. On top of that, the Second National Plan on Policies for Women presented in its goals the inclusion of equal parliamentary representation into the political reform debate. On the Third National Plan on Policies for Women the goals were to increase women's participation in spaces of decision and power; to ensure full implementation of Law 12,034/2009 which establishes the distribution of resources and time of party propaganda for women; that the debate on the reform policy should ensure the creation of mechanisms to encourage equal participation of women in positions of power and decision.

The CEDAW Committee in the consideration of the sixth periodic report submitted by the country stated that it encouraged the State party to take sustained legal action and other measures to increase the representation of women in elected and appointed bodies and at the highest levels of the judiciary, and in diplomacy. The Committee recommended that the State party carried out awareness-raising campaigns among both men and women on the importance of women's full and equal participation in political and public life and in decision-making. In the considerations of the seventh report submitted by the country the Committee took note of the efforts of the State party aimed at increasing the participation in political and public life of women, such as the adoption of Law No. 12034/2009 which requires that political parties maintain a minimum of 30% and a maximum of 70% representation of women or men in their candidate lists and the launch of the permanent campaign "More Women in Power" in 2008. However, it regretted that the persistence of patriarchal attitudes and stereotypes as well as the lack of mechanisms to ensure the implementation of adopted temporary special measures continue to impede women's

participation in parliament and in decision-making positions at the state and municipal levels of the public administration.

Bill MPV 483/2010

Date presented: 12/31/2010

Transformed into law: 25/03/2010

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Representation and Political rights

Variables: supported by the Executive; supported by the Secretariat on Policies for Women;

Provisional Decree 483 from March 2010 was presented by the executive and changed the status of the Secretariat of Policy for Women from a secretariat to a ministry. It was sent to a mixed committee created to present a report on the bill. The bill was declared urgent in April 2010 and in July the floor approved the report. The bill was approved and sent to the Senate. It became a law in August that same year. The bill had the support of the government as the executive presented it. The bill however was not a recommendation made in the CEDAW reports, there were no speeches made by members of the women's caucus, no mention by women's movements, and no backlash from religious caucus.

3. Dilma Rousseff's government (2011-2014) - 27 bills:

Bill PLP 59/1999

Date presented: 04/08/1999

Transformed into law: 146/2014

Presented by: Nair Xavier Lobo/PMDB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: supported by the women's caucus and women's movements; received backlash from religious caucus

Bill Complementary Law 59 from 1999 was presented on the 4th of August by Federal Deputy Nair Xavier Lobo from the Brazilian Democratic Movement Party. The bill extends the rights in the case death of the mother (maternity leave, stability at work) to whoever holds the custody of the child. The bill was sent to the Work, Public Administration and Public Service committee, the Family and Social Security committee and the Constitution, Justice and Citizenship Committee. The bill was considered urgent by party leaders in August 2001 and went to floor voting. The bill was not discussed until May 2009 even though it was on the agenda for discussion all these years. The bill was voted on in the Chamber of Deputies in May 2009 and sent to the Senate. It became a law in June 2014.

The bill is an example of the work of the women's caucus. It was part of a list of bills that was presented to party leaders as important to the caucus and needed to be voted on urgently. There were a number of speeches given during its deliberation. The fact that the bill took 15 years to be voted on was noted by deputies that explained the delay because of the legislative's tendency to vote the executive's agenda instead of its own bills. However, the women's caucus worked together on this bill and members of the caucus

from several different parties spoke during the deliberation of the bill to state its importance and congratulate Federal Deputy Nair Xavier Lobo on presenting the bills and the rapporteurs on the work done to support it.

Federal Deputy Pastor Pedro Ribeiro, who is a member of the religious caucus, spoke during the announcement of parties' orientation saying that his party, the Brazilian Democratic Movement Party, did not agree with the bill and was against it. He stated that the bill did not specify who was able to retain the rights of the mother, as it did not specify that it was the biological father. He stated that this would include gay couples and because of that his party would vote no. Federal Deputy Darcísio Perondi stated however that the party did not agree with his position and supported their member Nair Xavier Lobo and the bill that she proposed. Pastor Pedro Ribeiro reconsidered his position and voted according to his party. The bill passed without amendments.

Bill 60/1999

Date presented: 24/02/1999

Transformed into law: 12845/2013

Presented by: Iara Bernardi/PT

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Reproductive rights

Variables: supported by the secretariat on policies for women; supported by the women's caucus and women's movements; received backlash from religious caucus

Bill 60 from 1999 was proposed by Federal Deputy Iara Bernardi. The bill deals with the subject of sexual violence and establishes that hospitals should provide victims with multidisciplinary care for control and treatment of the different impacts of the act. They should provide immediate diagnosis and repair of any physical damage, immediate psychological protection, facilitation of the register of the occurrence, medication to prevent pregnancy, medication to prevent sexually transmitted diseases, information about the right to abortion, and collection of material for DNA testing in order to identify the

aggressor. The bill was sent to the Family and Social Security committee where it was approved in March 2001. It was then sent to the Constitution, Justice and Citizenship Committee. The bill did not go to sanction and was then filed at the end of the legislature. It was retrieved by Iara Bernardi at the beginning of the new legislature in 2003. No actions were taken and the bill was filed again. At the beginning of the new legislature in 2007 Federal Deputy Enio Bacci retrieved the bill. The bill was retrieved again during president's Dilma government in 2013 by José Guimarães from the Workers' Party that also asked for the bill to be considered under urgent procedures. The bill was considered urgent, and approved in the Chamber of Deputies in March 2013. It became a law in August that year.

The bill passed during the celebrations of the international women's day on the 8th of March. It was widely supported by the women's caucus and the feminist movement with several deputies speaking in its favour during deliberations. Federal Deputy Iara Bernardi from the Workers' Party stated that the passage of this law presented by her was the product of a negotiation that counted on the support of the caucus, ministers, the president and other members of the executive, and the feminist movement. In her speech, Federal Deputy Erika Kokay stated that the passage of the bill was a victory of the feminist movement and the women's caucus, but that the religious caucus wanted to change important aspects of the bill when it comes to the availability of emergency contraception to rape victims. She stated that the women's caucus, together with the members of the executive wanted to ask the president to sanction the project without those amendments. Federal Deputy Pastor Eurico, Stefano Aguiar and Roberto de Lucena spoke in the name of the religious caucus, asking president Dilma Rousseff not to sanction the law as it goes against the values endorsed by them. The religious caucus wanted to change the part of the law that offers emergency contraception and access to information about

women's rights when it comes to abortion in public health care. Federal Deputy Marco Feliciano sent a letter to president Dilma asking to veto the part of the law that deals with both items. Several religious organisations protested the passage of the bill. President Dilma however sanctioned the bill without amendments.

Bill PLP 275/2001

Date presented: 14/12/2001

Transformed into law: 144/2014

Presented by: Romeu Tuma/PFL

Member of Government's Coalition: No

Member of the women's caucus: No

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: supported by the women's caucus and women's movements

Bill Complementary Law 275 from 2001 was presented on 14/12/2001 by Federal Deputy Romeu Tuma. It became law 144/2014 that deals with the retirement of female police officers. The bill was sent to the External relations and national defence committee, the administration and public service committee, the Constitution, Justice and Citizenship Committee, the Family and Social Security committee, and the Finances and Taxing Committee. The bill was sent to floor voting on 18/12/2002. It was declared urgent by party leaders but the voting never happened as there were not enough deputies present to vote it. The bill was filed at the end of the legislature but was retrieved in 2004. The bill was filed again and retrieved and only after several deputies required the bill to be deliberated, it became a law on 14/05/2014, almost 13 years after it was originally introduced. 343 voted yes, 13 no and 2 abstained. Hundreds of female police officers came to the voting of the bill, and several members of the women's caucus spoke about the issue. They stated that the passage of the bill was of interest of women and supported by the caucus.

Bill 4486/2001

Date presented: 09/04/2001

Transformed into law: 12398/2011

Presented by: Senator Luzia Toledo/PSDB

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes (Priority)

Floor voting: Yes

Theme: Marriage, children and family

Variables: supported by the women's caucus and women's movements

Bill 4486 was presented by Senator Luzia Toledo from the Brazilian Social Democratic Party (PSDB) on the 9th of April 2001. It adds one paragraph to Article 15 of Law 6.515 (the Divorce Act) and gives new wording to Law 5.869 (the Code of Civil Procedure) to extend to grandparents the right to visit their grandchildren in case of the parents divorce. The bill was sent to the Constitution, Justice and Citizenship Committee and to the floor for deliberation. It went to floor voting on the 2nd of March 2011. It became law 12.398 on the 28th of March 2011. The bill was declared a priority as it was proposed in the Senate. It clearly shows how women from different parties supported a bill presented by a member of the caucus in the Senate. Members of the women's caucus gave speeches supporting the passage of the bill and congratulating the work of the women's caucus. The bill was however not part of the National Plan on Policies for Women and was not a recommendation made by the CEDAW committee. Moreover, the bill did not cause a backlash from the religious caucus in the Chamber of Deputies.

Bill 6233/2002

Date presented: 06/03/2002

Transformed into law: 12415/2011

Presented by: Paulo Rocha/PT

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: VAW

Variables: supported by the women's caucus and women's movements; supported by the secretariat on policies for women

Bill 6233 was presented by Federal Deputy Paulo Rocha from the Workers' Party (PT). It adds a paragraph to Article 130 of the Statute of the Child and Adolescent, establishing that the person that is removed cautiously from the household because of maltreatment, oppression or sexual abuse against children and adolescents is obliged to pay food support. The bill was sent to the Family and Social Security committee where rapporteur Angela Guadagnin suggested the approval of the bill. The report was however not approved before the end of the legislature and the bill was filed. The bill was retried at the beginning of the new government and rapporteur Angela Guadagnin presented the report for a second time, which was approved in June 2003 without amendments. The bill was then sent to the Constitution, Justice and Citizenship Committee, was approved and sent to the Senate for revision. It became law 12415 on the 9th of June 2011.

The bill was supported by the women's caucus and women's movements. The subject of the bill became part of the National Plan for Policies for Women during the second and third edition. The second National Plan on Policies for Women stated that the Federal Government had undertaken various actions to combat sexual exploitation of children and adolescents in Brazil. They presented the National Plan to Combat Sexual Violence against Children and Adolescents, which include an analysis of the situation, mobilisation and articulation, defence and ascertaining responsibility, care, and prevention. In order to integrate these lines of action, the Programme for Integrated Actions to Confront Sexual Violence against Children and Adolescents in Brazil (PAIR) is based on a partnership between the Special Secretariat on Human Rights, Ministry for Social Development and the Fight against Hunger (MDS), Ministry of Health, Ministry of Justice, Ministry of Education, and the International Labour Organisation. Moreover, the goals of the Plan were: to support the implementation of the Statute of Children and Adolescents; to encourage the implementation of integral education activities that discuss the

connection between domestic violence against women and violence against children, youth, and adolescents; to support innovative projects to fight sexual violence against children and adolescents; and to implement social protection services for children and adolescents victims of violence, abuse, and sexual exploitation and their families (CREAS). Moreover, the third National Plan continued to have the subject of sexual violence against children and adolescents and its goals were to support the implementation of the Statute of Children and Adolescents.

Bill 4529/2004

Date presented: 25/11/2004

Transformed into law: 12852/2013

Presented by: Special commission created to monitor and investigate proposals for Public Policy for Youth

Member of Government's Coalition: N/A

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Gay rights

Variables: supported by the secretariat on policies for women; received backlash from religious caucus

Bill 4529 from 2004 was presented by a Special commission created to monitor and investigate proposals for Public Policy for Youth. It created at Youth Statute and deals with several different gender aspects stating that: young people should have the right to race and gender equality; should have the right to dignity and that they should not be discriminated against because of their gender and sexuality; that teachers should receive training in order to implement the National Curriculum Guidelines regarding issues of equality of gender and race; and that the inclusion in curricula of information on the issue of discrimination in Brazilian society and the right of all groups and individuals to equal treatment before the law should be ensured. A special committee created by members of the Human Rights and Minorities committee, the Work and Public Administration committee, the Education and Culture committee, the Constitution, Justice and Citizenship Committee, the Family and Social Security committee, the Finances and Taxing

Committee, the Roads and Transport committee, the Tourism and Sport committee and the Environment and Sustainable Development committee. The bill went to floor vote and became law 12852/2013 on 05/08/2013.

This bill was considered urgent by party leaders. The subject was treated on the National Plan of Policies for Women (2013-2015). The Plan's goals were: to perform the actions foreseen on the Plan "Alive Youth of Combat to Black Youth Mortality", taking into considerations issues of race and gender, and to establish a partnership between the Gender Observatory (SPM) and Participatory Observatory of Youth for the production, promotion and publication of studies, research, data and indicators on gender equality and youth. Coverage by the media shows that the passage of the law was encouraged by the government due to the protests that happened throughout the country in 2013. The bill had been presented 10 years before but was not enacted. President Dilma used the bill as a response to youth movements that presented several demands to the government. For the sanction of the bill there was a ceremony that was attended by the President, the Vice-President Michel Temer, the General Secretary of the Presidency Minister Gilberto Carvalho, the National Secretary of Youth (linked to the Presidency) Severine Macedo, and the president of the Chamber of Deputies Henrique Eduardo Alves.

Another variable observed here is that the bill was subject to backlash from religious caucus. Several deputies that were members of the caucus spoke on the issue. Federal deputy Anthony Garotinho (PSB) asked for an amendment where the statute said that there should be "respect for diversity of values, beliefs, and behaviours related to sexuality, recognising and respecting everyone's sexuality. The deputy stated that the caucus accepted the use of the word "respecting" but not "recognising". Other deputies such as Joao Campos, Eros Biondini, Padre José Linhares and Vitor Paulo spoke and presented amendments to the bill. They also questioned part of the text that addressed the

rights related to sexual orientation equality and inclusion of issues related to sexuality in school curricula. There was a lot of negotiation between the caucus and the rapporteur Manuela D'Avila from the Communist Party of Brazil (and also a member of the women's caucus). The final draft added in the text that the inclusion of such themes about sexuality should respect "the diversity of values and beliefs". When referring to the teachers and their training to address issues about gender discrimination and sexual orientation, the text ended up being more comprehensive and treating the subject in a broad manner, talking about all kinds of prejudices instead. The removal of the word "recognising" was not accepted by the rapporteur.

Bill 2784/2008

Date presented: 13/02/2008

Transformed into law: 12802/2013

Presented by: Rebecca Garcia/PP

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Health

Variables: supported by the women's caucus and women's movements; supported by the secretariat on policies for women;

Bill 2784 from 2008 was presented by Federal Deputy Rebecca Garcia from the Progressive Party (PP) and established the availability of reconstructive breast plastic surgery in cases of mutilation resulting from cancer treatment. The bill became a law on 24/04/2013. It went to the floor for deliberation in March 2013 and did not receive any amendments. It was considered urgent by party leaders.

The bill was supported by the women's caucus. Five members of the caucus spoke during the deliberation of the bill and said that the passage of the bill was very important and showed their support to the bill (Federal Deputy Rebecca Garcia PP, Cida Borghetti PP, Mara Grabilli PSDB, Sandra Rosado PSB and Carmem Zanotto PPS). The bill was also recognised as very important by women's groups such as the advocacy group

Cfemea. The group wrote an article on their website about the importance of the bill and others on the subject of breast cancer. On top of that, the bill was also part of the Second National Plan on Policies for women. Its goals on the subject of breast cancer included expanding access to surgical reconstruction of the breast in cases clinically indicated, respecting the decision of women. There is no indication that the bill was a recommendation made in the CEDAW and no backlash from religious caucus.

Bill 4253/2008

Date presented: 20/08/2008

Transformed into law: 12615/2012

Presented by: Senator Serys Slhessarenko/PT

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Honours

Variables: supported by the women's caucus and women's movements

Bill 4253 from the 6th of November 2008 was introduced by Senator Serys Slhessarenko from the Workers' Party (PT). It declared Anita Garibaldi a character of the Book of the Fatherland Heroes. Ana Maria de Jesus Ribeiro di Garibaldi (August 30, 1821 – August 4, 1849) was the Brazilian wife and comrade-in-arms of Italian revolutionary Giuseppe Garibaldi. The bill was sent to the Education and Culture Committee and the Constitution, Justice and Citizenship Committee. The bill became law 12.615 in April 2012. It was considered a priority as originated in the Senate. It was supported by the women's caucus and women's movements. Although the women's caucus and women's movements supported the bill, there is no indication of support and pressure from any of the other variables. It was not a recommendation made in the CEDAW reports, no mention in the National Plan of Policies for women and no backlash from religious caucus.

Bill 5022/2009

Date presented: 08/04/2009

Transformed into law: 12662/2012

Presented by: The Executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: No

Theme: Marriage, children and family

Variables: supported by the executive

Bill 5022 presented by the executive regulated the expedition of national certificates called 'Declaração de Nascido Vivo'. The certificate is issued by hospitals and midwives and declares that the baby was born alive in order to identify citizens before the expedition of a birth certificate. The bill was sent to the Constitution, Justice and Citizenship Committee, and the Family and Social Security committee. It was approved in both committees without amendments and became law 12662 on 05/06/2012. The bill was considered urgent by party leaders. There is no indication that the bill was a recommendation made in the CEDAW reports, there were no speeches made by members of the women's caucus, no mention by women's movements, and no backlash from religious caucus.

Bill 5672/2009

Date presented: 04/08/2009

Transformed into law: 12895/2013

Presented by: Carlos Bezerra/PMDB

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Health

Variables: responded to an international agenda; supported by the women's caucus and women's movements; supported by the secretariat on policies for women;

Bill 5672 from 04/08/2009 was presented by Federal Deputy Carlos Bezerra from the Brazilian Democratic Movement Party (PMDB). It was sent to the Constitution, Justice and Citizenship Committee, and the Family and Social Security committee. The bill was approved without amendments in the Family and Social Security committee and with one

small amendment in the Constitution, Justice and Citizenship Committee. It became law 12895/2013 on 18/12/2013. The bill added two articles to law 8.080 from 1990 (the law that regulates the public health care system in Brazil) assuring women the right to have a companion during labour, delivery and after giving birth when using the public health care system (SUS). The Human Rights and Minorities and the Family and Social Security committees carried out public meetings in the Chamber of Deputies to debate the theme and how to implement the law at the time. On March 8, 2004, President Luiz Inácio Lula da Silva launched the National Pact to Reduce Maternal and Neonatal Mortality, and in the consideration of reports submitted by States parties in 2005, the CEDAW committee acknowledged the efforts of the government in promoting the humanisation of childbirth. The National Pact to Reduce Maternal and Neonatal Mortality was one of them.

The subject continued to receive support from the government, international treaties and women's organisations. On the second National Plan on Policies for Women elaborated in 2008, they stated that one of the advances on childbirth humanisation was the fact that the Ministry of Health regulated the Companion Law (law 11.108/2005). Ministerial order 2,418/GM regulated law 11.108/2005 to include the presence of a companion for women in labour and immediate post-partum, including their same sex partner. The Second National Plan proposed as its goals to support the organisation of a collaborating centre per region to humanise birth care and obstetric emergencies; to regulate the definition of parameters for the environment in humanised care at birth; and to support maternities in humanising care at labour and birth (deadline 2008).

The actions presented in the Second National Plan met the recommendations made by the CEDAW Committee, with the objective of deepening the processes to change the paradigms in obstetric care, making the policies launched in the previous administration

effective (National Policy to Reduce Maternal Mortality, National Family Planning Policy), and to initiate and/or consolidate the organisation of health care actions introduced in the four previous years. The Committee recommended that Brazil give continuity to its efforts in increasing women's access to health care, especially sexual and reproductive health services. It also recommended that Brazil closely monitor the implementation of the National Pact to Reduce Maternal Mortality at the state and municipal levels. A report produced by the advocacy group Cfemea and published by UNAIDS in 2009 stated that although the companion law passed, the legislation was not being fulfilled and maternal mortality numbers did not lower. They show data that states that only 16.2% of women exercise that right (34.5% on private health care and 9.5% on public health). They state that it is necessary to make changes to the law to make it more efficient.

Bill 5746/2009

Date presented: 10/08/2009

Transformed into law: 12987/2014

Presented by: Senator Serys Slhessarenko/PT

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Honours

Variables: supported by the women's caucus and women's movements.

This bill was presented by Senator Serys Slhessarenko from the Workers' Party (PT) on the 15th of April 2010. It created the National Teresa Benguela and Black Women Day to be celebrated on the 25th of July. The bill was processed together with bill 5371/2009 from Federal Deputy Fatima Pelaes that included in the national calendar the 25th of July as Latin American and Caribbean Black Women 's Day. The bill was sent to the Education and Culture committee and to the Constitution, Justice and Citizenship Committee. It became a law 12987 in July 2014.

The bill was processed as a priority as it was initiated in the Senate. The 25th of July was already the International Day of Black Women in Latin America and the Caribbean. Both members of the women's caucus that presented bills 5371/2009 that was filed and bill 7156/2010 being discussed here (Fatima Pelaes and Serys Slhessarenko) stated that it was necessary to pass a law in Brazil, as this was the only country in Latin America that did not celebrate the date officially. The recognition of the date has been a demand of black women's movements in the country for a long time.

Bill 6383/2009

Date presented: 11/11/2009

Transformed into law: 12605/2012

Presented by: Senator Serys Slhessarenko/PT

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Economic equality and employment benefits

Variables: None

Bill 6383 from 2009 was presented by Senator Serys Slhessarenko from the Workers' Party (PT) and was considered a priority, as is the case for all bills originating in the Senate. The bill determines the mandatory use of gender adequate pronouns on degree certificates and diplomas. The bill became law 12.605 on 03/04/2012. It was sent to the Education and Culture committee and the Constitution, Justice and Citizenship Committee. The bill was sent to the Senate for revision and became a law in April 2012. This bill was not a recommendation made in the CEDAW reports, there were no speeches made by members of the women's caucus, no mention by women's movements, no mention in the National Plan of Policies for women and no backlash from religious caucus.

Bill PEC 478/2010**Date presented:** 14/04/2010**Transformed into law:** 72/2013**Presented by:** Carlos Bezerra/PMDB**Member of Government's Coalition:** Yes**Member of the women's caucus:** No**Considered under urgent procedures:** Yes (Especial)**Floor voting:** Yes**Theme:** Economic equality and employment benefits**Variables:** responded to an international agenda; supported by the women's caucus and women's movements; supported by the secretariat on policies for women;

Bill 478 from 2010 is an amendment to the constitution (PEC) that became known as the Domestic Workers PEC. It was proposed on the 14th of April 2010 by Carlos Bezerra (PMDB), establishing equal labour rights for domestic workers and other urban and rural workers. A Special Committee was created to produce a report on the bill. After that it was sent to the floor for voting. 347 people voted yes, two no and two abstained. According to the new changes, domestic workers should work a maximum of eight hours per day and 44 per week, have the right to overtime, unemployment insurance and occupational accident insurance, National Insurance number, minimum wage set by law, not to work during bank holidays, paid weekly rest, thirty days holidays, stability in employment in case of pregnancy, maternity leave, sickness benefits, notice period of at least 30 days, retirement, etc. The bill was considered under special procedures, which is always the case with amendments to the constitution.

The bill received support from the government and was already part of its agenda. In November 2005, the Ministry of Labour and Employment (MTE), in partnership with the SPM and the Special Secretariat of Policies for the Promotion of Racial Equality (Seppir), launched the Citizen Domestic Labour Plan. The subject was cited in the Second National Plan on Policies for Women (2008), being its goal to ensure domestic workers the exercise of all labour rights foreseen in Article 7 of the Federal Constitution; to train 12,000 women within the Citizen Domestic Work Plan and coordinate for the

incorporation into Education for Youth and Adults; to Implement International Labour Organisation (ILO) Convention 156. Moreover, the Plan also set a 2011 deadline to ensure compliance of the legislation and promote the valuing of paid and unpaid domestic labour, to review legislation to widen labour rights of female domestic workers, to broaden the Citizen Domestic Work Program for social and professional qualification of female domestic workers; to develop a campaign to stimulate the qualification and valuing of domestic work; and to develop awareness-building actions to formalise women's work and ensure the compliance of the minimum wage legislation. In the third National Plan on Policies for Women (2013-2015) the subject continued to be treated as a goal, with the expansion of rights and the recovery of domestic workers through changes in social legislation and increased formalisation, the expansion and regulation of rights of domestic workers, to increase the level of formalisation of paid domestic work; to implement Convention 189 of the International Labour Organisation (ILO) on decent work; and to promote fiscal and administrative changes to facilitate the fulfilment of the rights of domestic workers.

The subject was also cited in the Concluding comments of the Committee on the Elimination of Discrimination against Women when considering the sixth periodic report of Brazil. The Committee stated that it was concerned about the situation of women domestic workers, principally women of African descent. The Committee recommended that the State party adopted policies and concrete measures to accelerate the eradication of pay discrimination against women and called on the State party to ensure that women domestic workers are fully protected against discrimination, exploitation and abuse. In the Concluding comments of the seventh periodic report of Brazil, the Committee noted with concern that article 7 of the Constitution still discriminated against domestic workers as it granted to this category of workers only nine out of 34 rights granted to other categories of

workers. It was concerned about the negative impact of this provision on the advancement towards the elimination of discrimination against women, as women represent the vast majority of domestic workers in the country. The Committee recommended that the State party: expedite the works of the Special Commission in order to grant the full range of rights provided for in the Constitution for women domestic workers; adopt a regulatory legislative framework to protect the rights of domestic workers; take appropriate measures to guarantee substantive equality for women domestic workers and to eliminate the multiple forms of discrimination against Afro-descendent women domestic workers; and continue to take measures to improve the protection of domestic workers, including the ratification of International Labour Organisation Convention No. 189 concerning Decent Work for Domestic Workers. The bill was also supported by the women's caucus with several politicians speaking during its deliberation and women's movements such as Cfemea and the National Federation of Female Domestic Workers – FENATRAD, which were involved in the elaboration of the National Plan on Policies for Women.

Bill MPV 514/2010

Date presented: 02/12/2010

Transformed into law: 12424/2011

Presented by: The Executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: supported by the executive

Provisional decree 514 from 2010 was presented by the executive. It went to floor voting in April 2011 and became law 12424/2011. It regulates the government programme “My house, my life”. One of the items discussed in the bill is to give priority of service to families where women are responsible for the family unit. It was presented in December 2010 and sent to a mixed committee and then to the floor for discussion. The committee presented 52 amendments that were discussed by the floor in April 2011. The

bill became a law in June 2011. The bill was considered urgent by the college of leaders, which is the case for all provisional decrees. There is no indication that the bill was a recommendation made in the CEDAW reports, there were no speeches made by members of the women's caucus and no indication in the media that this was a demand from women's movements. Moreover, it did not received backlash from religious caucus.

Bill 7156/2010

Date presented: 15/04/2010

Transformed into law: 12964/2014

Presented by: Senator Serys Shessarenko/PT

Member of Government's Coalition: Yes

Member of the women's caucus: Yes

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Economic equality and employment benefits

Variables: responded to an international agenda; supported by the women's caucus and women's movements; supported by the secretariat on policies for women;

Bill 7156 presented on the 15th of April 2010 established changes to law 5,859 from 1972 to mandate fines for breaking laws on domestic work, such as not formalising the contract between employer and employee. The bill was sent to the Administration and Public service committee and the Constitution the Constitution, Justice and Citizenship committee. No amendments were proposed. It became law 12964/2014 on 08/04/2014.

The bill was considered a priority, as it is always the case when a senator presents bills. It was presented a day after PEC 478/2010 described earlier, which became known as the Domestic Workers PEC. The bill received support from the government and was discussed during the elaboration of the third National Plan on Policies for Women (2013-2015). The subject was treated as a goal, along with the expansion of rights and the recovery of domestic workers through changes in social legislation and increased formalisation, the expansion and regulation of rights of domestic workers, and the increase in the level of formalisation of paid domestic work.

The subject was also cited in the Concluding comments when considered by the seventh periodic report of Brazil in 2012. The Committee was concerned about the negative impact of this provision on the advancement towards the elimination of discrimination against women, as women represent the vast majority of domestic workers in the country. The Committee recommended that the State party adopt a regulatory legislative framework to protect the rights of domestic workers and continue to take measures to improve the protection of domestic workers, including the ratification of International Labour Organisation Convention No. 189. As was the case with PEC 478/2010, the bill was also supported by the women's caucus and women's movements such as Cfemea and the National Federation of Female Domestic Workers – FENATRAD, which were involved in the elaboration of the National Plan on Policies for Women.

Bill 7158/2010

Date presented: 15/04/2010

Transformed into law: 12812/2013

Presented by: Senator Marcelo Crivella/PRB

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Economic equality and employment benefits

Variables: None

This bill was presented on the 15th of April 2010. It became law 12.812/2013 on the 16th of May 2013. The bill added article 391-A to the Consolidation of Labour Laws (CLT) to provide for the temporary stability of pregnant women. The constitution already states that the employee cannot be fired based on the confirmation of the pregnancy up to five months after delivery. The law was however not clear about the employee's situation during the notice period. The bill was sent to the Family and Social Security committee, the Work, Administration and Public Service committee, and the Constitution the Constitution, Justice and Citizenship Committee. The bill was approved in the Constitution

the Constitution, Justice and Citizenship Committee on 24/04/2013. The bill was processed as a priority as it was initiated in the Senate. The bill however was not a recommendation made in the CEDAW reports, there were no speeches made by members of the women's caucus, no mention by women's movements, no mention in the National Plan of Policies for women and no backlash from religious caucus.

Bill MPV 529/2011

Date presented: 08/04/2011

Transformed into law: 12470/2011

Presented by: The Executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: supported by the executive; supported by the women's caucus and women's movements.

Bill MPV 529 was presented by the executive in 08/04/2011. It became law 12.470/2011. The bill changed Law 8212, from July 1991, regarding social security contribution of individual micro entrepreneurs and individual taxpayers who are self-employed. Rapporteur André Figueiredo from the Democratic Labour Party (PDT) approved an amendment to the bill including housewives with a low monthly income in several extra welfare benefits, such as retirement by age, sickness allowance, maternity pay and pension. According to the deputy, all suggested changes to the text were negotiated and approved by the government. The bill was sent to a mixed committee for analysis on 27/04/2011. It went to floor discussion on 06/07/2011. It was approved and sent to the Senate on 12/07/2011. It became a law in August that same year.

The bill was considered urgent by party leaders; it was supported by the women's caucus; and was supported by the government. Federal Deputy Luci Choinacki from the Workers' Party (PT) gave a speech stating that the amendment was an intention to help millions of workers but especially women. She stated that together with another member

of the women's caucus, Senator Gleisi Hoffmann, they proposed the reduction of the value of the minimum wage rate of contribution to 5%, thinking of all workers, but particularly thinking of women and their inclusion, right to work, and the right to recognition. She also stated that the passage of this law was an example of a government open to such issues. Since 2001, the Federal Deputy had been discussing the issue with women's movements such as the advocacy group Cfemea. There are several other bills still being deliberated on this subject that were proposed by members of the caucus. This is a result of a long discussion with women's groups and a national campaign organised with the intention to regulate housewives benefits. The bill was part of the government's agenda not only because it was proposed by the executive, but also was also part of the National Plan on Policies for Women formulated in 2011 and its 2013-2015 goals. One of the goals was to expand the pension coverage among all women and the inclusion of housewives as beneficiaries. It stated that the Ministry of Social Welfare, together with the Secretariat of Policies for Women should work to strengthen the implementation of the legislation that enables the right to retirement for poor housewives.

Bill MPV 536/2011

Date presented: 24/06/2011

Transformed into law: 12514/2011

Presented by: The Executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: supported by the executive

Bill MPV 536 from 2011 was presented by the Executive on 24/06/2011. It became law 12.514/2011. It regulates the salary of resident doctors and regulates maternity leave. In the case of maternity leave, the resident doctor can take 120 days and the leave can be extended based on Law 11.770, which established the Corporate Citizenship Program described earlier. The programme enables and specifies the condition for

extension of maternity leave for a period of 180 days voluntarily by private companies and all public administration spheres. The extension of the benefit is optional and serves the direct, indirect and foundational public administration and the private initiative. During the extension of maternity leave, the employee is entitled to their full compensation, payable as the paid maternity leave set by the general social security framework.

The bill was sent to a mixed committee and Federal Deputy Jandira Feghali from the Communist Party of Brazil was appointed the rapporteur. The rapporteur produced a report suggesting the approval of the bill, which happened in 14/09/2011. The bill became a law in 28/10/2011. The bill was considered under urgent procedures, as is the case for all provisional decrees. However, there is no indication that the bill was a recommendation made in the CEDAW reports, there were no speeches made by members of the women's caucus, no mention by women's movements, and no backlash from religious caucus.

Bill 1009/2011

Date presented: 12/04/2011

Transformed into law: 13058/2014

Presented by: Arnaldo Faria de Sá/PTB

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Marriage, children and family

Variables: None

Bill 1009 from 2011 was presented on the 12th of April by Federal Deputy Arnaldo Faria de Sá. The bill make amendments to the law that regulates shared custody of children in the case of divorce. The bill was sent to the Social Security and Family committee and the Constitution, Justice and Citizenship Committee. It was deliberated under ordinary procedures and received positive reports in both committees. It was voted on inside the committees and became law 13.058 on the 22nd of December 2014. The bill was not supported by the women's caucus in their speeches and the women's movements criticised its passage. The advocacy group CFEMEA stated that the current legislation already dealt

in a sufficient and more satisfactory way with the subject of shared custody. The bill was not cited on the National Plan on Policies for Women and there was no international pressure for its passage. Finally, there was also no backlash from religious groups.

Bill 2458/2011

Date presented: 04/10/2011

Transformed into law: 12654/2012

Presented by: Senator Ciro Nogueira/PP

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: supported by the secretariat on policies for women; supported by the women's caucus and women's movements.

This bill was presented by Senator Ciro Nogueira from the Progressive Party (PP) on 04/10/2011. It became law 12.654/2012. The bill amended Law 12.037 from 2009 and Law 7.210 from 1984, establishing the collection of genetic material for criminal identification in several types of violent crimes, including sexual crimes. It was sent to the Public Security and Combating Organised Crime Committee and the Constitution, Justice and Citizenship Committee. Federal Deputy Vicente Candito from the Workers' Party (PT) was nominated the rapporteur for the bill and produced a report suggesting the approval of the bill in the Constitution, Justice and Citizenship Committee. The report was approved in April 2012. The bill went to the Public Security and Combating Organised Crime Committee and was approved there. The bill became a law in 28/05/2012.

The bill was considered urgent by party leaders. It was also supported by the women's caucus. Federal Deputy Sueli Vidigal from the Democratic Labour Party (PDT) gave a speech stating the importance of the bill for sexual crimes and its importance for women's rights. She stated that the bill had her support, the support of her party, and the support of the women's caucus. The bill was also part of the government's agenda. The goals of the 3rd National Plan on Policies for Women (2013-2015) were "to partner with

the Unified Public Safety System and Federal Police to facilitate the expansion of existing instruments for combating sexual violence and violence against women, and particularly to strengthen the Integrated Network for Genetic Profiling (DNA).” There is no indication however that the bill was a recommendation made in the CEDAW reports. Moreover, it did not received backlash from religious caucus.

Bill MPV 561/2012

Date presented: 08/03/2012

Transformed into law: 12693/2012

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits

Variables: executive support

Bill MPV 561 from 2012 is a provisional decree proposed by the Executive that regulates the government programme “My house, my life”. It became law 12.693/2012. One of the items discussed in the bill is that women should be entitled to the property granted by the Program in the event of divorce or dissolution of stable union. It was presented in March 2012 and sent to a “mixed committee and then to the floor for discussion. The committee presented 28 amendments that were discussed by the floor in June. The bill became a law in July 2012.

The bill was considered urgent by the college of leaders, which is the case for all provisional decrees. The only variable that can be observed here is that it was part of the government’s agenda, as it was presented by the executive itself. Moreover, President Dilma Rousseff gave a speech that was transmitted on radio and TV stating that she was proposing this provisional decree on the international women’s day as an example of her government’s commitment to gender equality and that this was a law especially important to women and their economic empowerment. There is no indication however that the bill

was a recommendation made in the CEDAW reports, there were no speeches made by members of the women's caucus and no indication in the media that this was a demand from women's movements. Moreover, it did not received backlash from religious caucus.

Bill MPV 593/2012

Date presented: 06/12/2012

Transformed into law: 12.816/2013

Presented by: The executive

Member of Government's Coalition: Yes

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Economic equality and employment benefits;

Variables: supported by the secretariat on policies for women; supported by the women's caucus and women's movements

Provisional Decree 593 from 2012 was presented by the executive on the 6th of December 2012. It became law 12.816 in June 2013. The bill added changes to Law 12.513 from 2011, establishing the National Access Programme for Technical Education and Employment (Pronatec) to expand the list of recipients and providers of Training Student Scholarship and other measures. The bill determined that teenage girls and women that are heads of family and are beneficiaries of the Bolsa Família, or other federal income transfer programmes, should have priority in accessing the programme. The bill was sent to the floor for deliberation and sent to the Senate for revision in May 2013. It became a law on the 5th of June 2013.

The bill was declared urgent, as is always the case for provisional decrees. It was part of the government's agenda as the executive presented it. Moreover, on the third National Plan on Policies for Women, the goals of the Plan to increase women's economic autonomy and equality were: to ensure that at least half of the beneficiaries of the Productive funding and Training for beneficiaries of the Bolsa Familia under the Pronatec programme are women, and to strengthen the participation of women in programs and professional training initiatives aimed especially at technical and vocational qualification

such as Pronatec. And finally, the government launched a campaign to go with the programme called: Women that Innovate - Qualification campaign by the National Program for Technical Access and Employment. Federal Deputy Janete Rocha Pietá, and coordinator of the women's caucus, spoke in support of the bill and the programme. Moreover, the bill received support of feminist advocacy group Cfemea. There is no indication however that the bill was part of an international agenda.

Bill 4284/2012

Date presented: 08/08/2012

Transformed into law: 13014/2014

Presented by: Senator Paulo Bauer/PSDB

Member of Government's Coalition: No

Member of the women's caucus: No

Considered under urgent procedures: Yes (Priority)

Floor voting: No

Theme: Economic equality and employment benefits

Variables: responded to an international agenda; supported by the women's caucus and women's movements

Bill 4284 from 2012 was presented by Senator Paulo Bauer from the Brazilian Social Democratic Party (PSDB) on 08/08/2012. It became law 13014/2014 and it amended laws 8.742/1993, and 12.512/2011 that deal with two programmes -Support for Environmental Conservation and Rural Development Activities. The programmes are designed to provide resources to families in extreme poverty who work in preservation of the environment activities or family farming. Bill 4284 provided an amendment determining that the monetary benefits regulated by those laws should be preferably paid to families that have women as the head of households. The bill was sent to the Family and Social Security committee, and the Constitution, Justice and Citizenship Committee. It was approved in the Family and Social Security committee in June 2013, and the Constitution, Justice and Citizenship Committee in March 2014. It became a law in July 2014.

The bill was considered a priority as it was initiated in the Senate. It had the support of the women's caucus and women's movements. Feminist advocacy group

Cfemea published on their website in March 2014 a list of bills that were of interest to the group and the Women's caucus that passed in the Chamber of Deputies during March, which was "Women's Month" in the Brazilian Congress. The bill was also part of an international agenda as the CEDAW committee in its 2012 observations on the Brazilian report stated that it took note of various measures in place aimed at ensuring that rural women participate in and benefit from rural development. However, it stated that the state should further ensure that rural women, and in particular women heads of households, participate in decision-making processes and have improved access to fertile land and income-generating projects. The bill was not part of the government's agenda, as it was not mentioned in the National Plan of Policies for women. Moreover, it did not suffer backlash from religious caucus.

Bill 4832/2012

Date presented: 10/12/2012

Transformed into law:

Presented by: Onofre Santo Agostini/PSD

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: No

Floor voting: No

Theme: Health

Variables: None

Bill 4832 from 2012 was presented by Federal Deputy Onofre Santo Agostini from the Social Democratic Party (PSD). It establishes that the realisation of the "teste da linguinha" (testing of the frenulum of tongue) in new-born babies and corrective surgery should be performed nationwide. The bill was sent to the Finance and Taxation committee, the Family and Social Security committee, and the Constitution, Justice and Citizenship Committee. It was approved in the Family and Social Security committee in May 2013 and in the Finance and Taxation committee in September. It was approved in the Constitution, Justice and Citizenship Committee in November and sent to the Senate. It became a law in June 2014. This bill was not considered urgent by party leaders, it was not a

recommendation made in the CEDAW reports, there were no speeches made by members of the women's caucus, no mention by women's movements, no mention in the National Plan of Policies for women and no backlash from religious caucus.

Bill 6013/2013

Date presented: 17/07/2013

Transformed into law: 13025/2014

Presented by: Joint Parliamentary Committee of Inquiry to investigate the situation of violence against women in Brazil and investigate complaints of omission by the government in relation to the application of instruments established by law to protect women in situations of violence

Member of Government's Coalition: N/A

Member of the women's caucus: N/A

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: supported by the women's caucus and women's movements

Bill 6013 from 2013 was presented by a Joint Parliamentary Committee of Inquiry created to investigate the situation of violence against women in Brazil and investigate complaints of omission by the government in relation to the application of instruments established by law to protect women in situations of violence in 17/07/2013. It became law 13.025/2014. This bill amends law 10.714 from 2003 described earlier that authorised the Executive to make available a nationwide telephone service to receive reports of violence, as well as to guide women about their rights. The problem was that the service was being provided by Women's Police Stations. As these stations are not available in every town in the country, this law intends to create a centre that will operate the service throughout the country. The bill passed in the Chamber of Deputies in June 2013 and became a law in September that same year.

The bill was supported by the women's caucus. In her speech during the deliberation of the bill, Federal Deputy Jo Moraes (leader of the caucus at the time) stated that the caucus was asking party leaders to declare this bill urgent as it was of extreme importance to them. Although the original law was supported by the president and was part

of an international agenda, there is no indication that this was the case this time. There is also no indication that it received any backlash from the religious caucus.

Bill 6397/2013

Date presented: 20/09/2013

Transformed into law: 12891/2013

Presented by: Senator Romero Jucá/PMDB

Member of Government's Coalition: Yes

Member of the women's caucus: No

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: Representation and Political rights

Variables: responded to an international agenda; supported by the women's caucus and women's movements

Bill 6397 from 2013 was presented by Senator Romero Jucá from the Brazilian Democratic Movement Party (PMDB) on 20/09/2013. It became law 12.891/2013. This bill was named the “mini electoral reform” and included one item that stated that the Superior Electoral Court (TSE) in the period between March and June 30 of every election year should promote institutional, radio and television advertising to encourage gender equality and the participation of women in politics. The bill was considered under urgent procedures and sent to the Finance, and Taxation committee, the Science, Technology, Communication and Computing committee, and the Constitution, Justice and Citizenship Committee. The bill was approved by the three committees in October 2013 and became a law in December.

The bill was considered urgent by party leaders and was supported by the women’s caucus. Although originally did not include the item concerning the participation of women in politics, the amendment was presented by a member of the caucus and supported by the other members. The bill was part of an international agenda as the CEDAW committee in its 2012 observations on the Brazilian report stated that it took note of the efforts of the State party aimed at increasing the participation in political and public life of women, such as the adoption of Law 12034/2009 (Bill 5498 from 2009 - the other electoral

reform described earlier which launched the permanent campaign “More Women in Power” in 2008). However, the committee regretted that the persistence of patriarchal attitudes and stereotypes as well as the lack of mechanisms to ensure the implementation of temporary special measures adopted, continued to impede women’s participation in parliament and in decision-making positions at the state and municipal levels of the public administration. The Committee called upon the State party to carry out awareness-raising campaigns highlighting the importance of women’s full and equal participation in political and public life and in decision-making positions in the public and private sectors and in all fields. Finally, the bill was not supported by the president or her party, as the Workers’ Party stated that a much bigger electoral reform was needed and this bill was very restrictive. It did not receive backlash from the religious caucus.

Bill 7220/2014

Date presented: 11/03/2014

Transformed into law: 12978/2014

Presented by: Senator Alfredo Nascimento/PR

Member of Government's Coalition: No

Member of the women's caucus: No

Considered under urgent procedures: Yes

Floor voting: Yes

Theme: VAW

Variables: responded to an international agenda; supported by the secretariat on policies for women; support by the women's caucus and women's movements

Bill 7220 from 2014 was presented by Senator Alfredo Nascimento from the Party of the Republic (PR) on 11/03/2014. It became law 12.978/2014. This bill changes the Decree-Law 2,848/1940 from the Criminal Code to classify as a heinous crime the act of facilitating prostitution or other form of sexual exploitation of children, adolescents and vulnerable people. The bill was considered under urgent procedures and sent to the Family and Social Security committee and the Constitution, Justice and Citizenship Committee. The bill was approved by the Family and Social Security committee in May 2014 and in

the Constitution, Justice and Citizenship Committee also in May. It became a law in 21/05/2014.

The bill was considered urgent by the college of leaders. It also responded to international pressure. The CEDAW committee in the Concluding observations of the Committee on the Elimination of Discrimination against Women in 2012 stated that it regretted that the State party had not yet adopted comprehensive anti-trafficking legislation as recommended by the Committee in its previous concluding observations, and that it was particularly concerned at information received stating that women and girls are exploited for the purposes of prostitution and employment in some regions where large development projects were being implemented. It was also concerned with the sexual exploitation of women and girls in tourist zones. With the World Cup happening in Brazil in 2014, a group formed by women's organisations and NGO's together with the Special Secretariat of Policies for women with the intention of monitoring the implementation of the CEDAW in Brazil urged the government to pass legislation on the subject. The bill also received support from the Women's caucus with many members speaking during its deliberation and taking part in the Parliamentary Inquiry Commission (CPI) of Sexual Exploitation. The government included the issue in the 2013 – 2015 National Plan of Policies for Women with one of its goals being to use the Growth Acceleration Program (PAC I and II) to prevent and combat sexual exploitation and trafficking of women, adolescents and children in tourist areas and areas of great economic development and infrastructure. The other goal was to establish partnerships with sports institutions to address violence against women and sexual exploitation of girls and women, particularly at the major sporting events. The bill did not receive backlash from the religious caucus.

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