

# Gender Public Policy Evaluation for Brazil: Diagnosis and prospects, towards constitutional desired equality<sup>1</sup>

Patrícia Rosset & Konstantin Gerber

**Abstract:** *Gender inequalities are related to human poverty, according to the 1997 Human Development Report and the end of poverty is not just a matter of economic growth. Poverty has been conceived as a humiliating situation, lack of capabilities and human rights' violation. In Brazil, families headed by women are the poorest, according to IBGE – Instituto Brasileiro de Geografia e Estatística - data.*

**Keywords:** *Gender inequality; national system of human rights' indicators; public policy evaluation, right to information.*

**Resumen:** *Las desigualdades de género están relacionadas con la pobreza humana, de acuerdo con el Informe sobre Desarrollo Humano 1997, y el fin de la pobreza no es sólo una cuestión de crecimiento económico. La pobreza ha sido concebida como una situación humillante, falta de capacidades y violación de los derechos humanos. En Brasil, las familias encabezadas por mujeres son las más pobres, según los datos del IBGE - Instituto Brasileiro de Geografia e Estatística.*

**Palabras clave:** *La desigualdad de género; sistema nacional de indicadores de derechos humanos; evaluación de la política pública; derecho a la información.*

*“Low income is only one of the social risks to which it is exposed the poor. We have still to analyze the population access to goods and public services such as education, health, property, work, food, transportation, sanitation, water and housing. Poverty is a multidimensional situation of socioeconomic fragility”*

Claudio Dedecca<sup>2</sup>

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1. Accepted paper for the IACL-AIDC World Congress, 16-20 June, 2014, UIO Faculty, Oslo, Norway.

2. In: HAAG, Carlos. A ilusão da igualdade. Pesquisa Fapesp, 2012, [www.revistapesquisa.fapesp](http://www.revistapesquisa.fapesp).

*“Many governments of our region do not know, don’t want us to know how many women die from gender violence or from the clandestine practice and, therefore, unsafe of abortion”*

Lucy Garrido<sup>3</sup>

*“Brazil, show your face, I want to see who pays, for us to stay this way”*

Cazuza<sup>4</sup>

## **I. Introduction**

Some recent papers connect public policy with human rights<sup>5</sup>, the so-called metrics and human rights debate<sup>6</sup>. Progress indicators in the area of economic, social and cultural rights are provided by article 19 of Organization of American States (“OAS”) San Salvador Protocol.

The states parties must submit periodic reports, according to the criteria established by OAS Permanent Council Resolution n. 1022<sup>7</sup>, with quantitative and qualitative information. There are three types of human rights’ indicators: structural indicators (related to existing laws and institutional apparatus); process indicators (information regarding quality, goals and scope/coverage of government

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[br/2012/04/10/a-ilusao-da-igualdade/](http://www.oas.org/consejo/pr/resoluciones/res1022.asp)

3. GARRIDO, Lucy. ISOQuito: una herramienta para el seguimiento del consenso. Articulación Feminista Marcosur. Montevideo, Uruguay: 2010, p. 8

4. Brazilian Musician

5. DEMO, Pedro & OLIVEIRA, Liliane Lúcia Nunes de Aranha. Cidadania e Direitos Humanos sob o olhar das políticas públicas. Available at: [http://www.ipea.gov.br/portal/index.php?option=com\\_content&view=article&id=3545](http://www.ipea.gov.br/portal/index.php?option=com_content&view=article&id=3545); LANDMAN, Todd. Measuring human rights: principle, practice, and policy. Human Rights Quarterly Vol. 26, n. 4, November 2004. Available: <http://www.uottawa.ca/academic/grad-etudesup/ukr/pdf/Landman%202006.pdf>; LUKIC, Melina Rocha & TOMAZINI, Carla. As idéias também importam. Abordagem cognitiva e políticas públicas no Brasil. Fgv Direito Rio e Juruá, Curitiba: 2013; AGENDA PÚBLICA. Guia de apoio para alcance das metas – Agenda de compromissos dos ODM – Governo Federal e Municípios 2013-2016. Available: <http://www.agendapublica.org.br/products/guia-de-apoio-para-o-alcance-das-metas-agenda-de-compromissos-dos-odm-governo-federal-e-municipios-2013-2016/>; MARTINS, Marianne Rios de Souza & KROHLING, Aloíso. O papel das políticas públicas na efetividade dos direitos humanos fundamentais de 2ª dimensão. Available at: <http://www.fdv.br/publicacoes/periodicos/revistadepoimentos/n10/5.pdf>; and SACAVINO, Susana. Direitos Humanos e Políticas Públicas. Available at: [http://www.dhnet.org.br/direitos/militantes/susanasacavino/sacavino\\_dh\\_politicas\\_publicas\\_br.pdf](http://www.dhnet.org.br/direitos/militantes/susanasacavino/sacavino_dh_politicas_publicas_br.pdf)

6. Nordic Journal of Human Rights, quantifying human rights, available at: <http://www.uio.no/english/research/interfaculty-research-areas/leve/publications/2012/njhr-special-issue-quantifying-human-rights.html>

7. [www.oas.org/consejo/pr/resoluciones/res1022.asp](http://www.oas.org/consejo/pr/resoluciones/res1022.asp)

programs for a period of time, as well number of complaints of violations of human rights cleared); and the outcome indicators (how public policies impact the aspects that define the level of effectiveness of a right, the so-called human rights approach of public policies, taking into account the available budget for social spending)<sup>8</sup>.

The United Nations Human Development Programme (UNDP) in its annual report “*Human Rights and Human Development*”, in 2000, highlighted the importance of indicators demonstrating the existing discrimination<sup>9</sup>.

In addition, the High Commissioner of the United Nations of Human Rights (OHCHR) presented methodology of human rights’ indicators at the 20<sup>th</sup> Meeting of the Presidents of the Committees of Human Rights Treaties of the United Nations at Geneva on 26 and 27 June 2008; and, in 2012, the publication: “*Human Rights Indicators: a guide to measurement and application*”. Brazil has incorporated this methodology into its national system of human rights’ indicators<sup>10</sup>.

The writings indicate four sources for human rights’ indicators: socioeconomic censuses or statistics; public opinion polls; data on complaints; and expert opinions<sup>11</sup>.

According to Simone Cecchini, human rights’ indicators favour looking into how the public policies are conducted and how to demand rights. Human rights’ indicators are not reducible to social indicators, to socioeconomic indicators and to human development indicators, to the extent that those involve: the right holder; public liability; and public accountability. Note that the information provided by social indicators composes the human rights’ indicators, more specifically, the process and outcome indicators<sup>12</sup>.

8. PAUTASSI, Laura. Evaluando el progreso, midiendo el cumplimiento de derechos. Indicadores de medición del Protocolo de San Salvador. In: Seminario Internacional. Indicadores de derechos económicos, sociales y culturales (DESC) y seguimiento de las políticas sociales para la superación de la pobreza y el logro de la igualdad. 12 y 13 de junio de 2013, INDH, CEPAL, Santiago de Chile: 2013, Pp. 50-51. Available at: [www.ippdh.mercosur.int/](http://www.ippdh.mercosur.int/)

9. CECCHINI, Simone. Indicadores Sociais y de Derechos Humanos. In: Seminario Internacional. Indicadores de derechos económicos, sociales y culturales (DESC) y seguimiento de las políticas sociales para la superación de la pobreza y el logro de la igualdad. 12 y 13 de junio de 2013, INDH, CEPAL, Santiago de Chile: 2013, p. 113. Available at: [www.ippdh.mercosur.int/](http://www.ippdh.mercosur.int/)

10. In: PASPALANOVA, Mila & VALENCIA, Javier Hernández. Metodología para la elaboración de indicadores de derechos humanos del Alto Comisionado de las Naciones Unidas para los Derechos Humanos y su aplicación en el caso de México. In: INDH. Seminario Internacional. Indicadores de derechos económicos, sociales y culturales (DESC). CEPAL, Instituto Nacional de Derechos Humanos, Santiago de Chile: 2013, pp. 57-58. Available at: [www.ippdh.mercosur.int/](http://www.ippdh.mercosur.int/)

11. Idem, p. 66.

12. Idem, pp. 103-104.

What can be said: the human right indicator focus the right holder in its measurement. In some extent, it's to give voice to the voiceless. As explained by Andrei Suarez Dillon Soares: "*In statistical terms, a rights perspective requires not only historical series formed by averages, but also to identify, through disaggregated data, specific vulnerabilities (...)*"<sup>13</sup>.

The International Committee on the Elimination of Discrimination Against Women recommended in the Concluding Observations 34 and 35 for Brazil, February 2012, to disaggregate the data by sex in the periodic reports and to improve the data collecting by sex and socioeconomic condition disaggregation, fostering the measurement for all realms of discrimination through a better cooperation between the Secretariat of Policies for Women of the Presidency and Brazilian Geography and Statistics Institute (IBGE).

We sought to identify what the national and international writings say about gender inequality index, the concepts of human development, gender budgeting<sup>14</sup>, gender mainstreaming, participatory monitoring and the costs of public policies which promote gender equality<sup>15</sup>. The purpose is to apply human rights' indicators in order to achieve parity between women and men.

Vivian Milosavljevic understands the statistical gender by the application of a gender approach in all stages of the statistical process "*in its planning, collection, processing, analysis and publication of results*"<sup>16</sup>. Note that statistical gender is a General Recommendation of the International Committee for all States parties (n. 9, 1989).

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13. SOARES, Andrei Suarez Dillon. O Sistema Nacional de Indicadores em Direitos Humanos no Brasil: o que é e para que serve. In: INDH. Seminario Internacional. Indicadores de derechos económicos, sociales y culturales (DESC). CEPAL, Instituto Nacional de Derechos Humanos, Santiago de Chile: 2013, p. 217 Available at: [www.ipdh.mercosur.int/](http://www.ipdh.mercosur.int/)

14. NEXUS, Briel Number 3, December 2012, Center for Women's Global Leadership: Gender Responsive Budgeting, UN Women, [HTTP://www.gender-bugets.org/](http://www.gender-bugets.org/); e Elson, Budgeting for Women's Rights, <http://internationalbudget.org/wp-content/uploads/Budgeting-for-Women%E2%80%99s-Rights-Monitoring-Government-Budgets-for-Compliance-with-CEDAW.pdf>; and FÄRBER, Christine. Gender Budgeting in the civil society. FES, Bonn: 2008, Available at: <http://library.fes.de/pdf-files/iez/05082.pdf>

15. CREMADES, Raquel Coello. Costeo de políticas que promueven la igualdad de género en América Latina y el Caribe. PNUD-ONU Mujeres. Panamá: 2013. Available at: [www.americalatinagenera.org/es/index.php?option=com\\_content&task=view&id=905&pub\\_id=2191&ml=1&mit=system&tmpl=component](http://www.americalatinagenera.org/es/index.php?option=com_content&task=view&id=905&pub_id=2191&ml=1&mit=system&tmpl=component)

16. MILOSAVLJEVIC, Vivian. Estadísticas e indicadores de género. In: INDH. Seminario Internacional. Indicadores de derechos económicos, sociales y culturales (DESC). CEPAL, Instituto Nacional de Derechos Humanos, Santiago de Chile: 2013, p. 161. Available at: [www.ipdh.mercosur.int/](http://www.ipdh.mercosur.int/)

Our aim was to reveal the relationship between human rights and public policy evaluation. We intend, therefore, greater social control over public policies. Thus, it was necessary to investigate the existing monitoring mechanisms. We pointed out what has been applied on gender issues, in Brazil and Latin America. We know that targeted policies, such as *Bolsa Família*, are not enough, but they are absolutely necessary, they do modify the quality of life, the empowerment of women and bring development with increase of women's autonomy.

In the 90s, the income transfer programs were created in several municipalities. At federal level, the government of Fernando Henrique Cardoso created the School Grant, the Food Aid Grant and the Gas Grant programs. Under Lula's government, there was the unification of the registration of all social programs and launched the *Bolsa Família*<sup>17</sup>.

The *Bolsa Família* program was created by Law n. 10.836/2004, with the goals of access to public services, such as health, education, social assistance, and also of food security and fighting poverty. Article 23 of Decree n. 5.029/2004 establishes priority to women for having the social benefit card<sup>18</sup>. The *Bolsa Família* is granted to households in which members have monthly *per capita* less than 70 R\$<sup>19</sup> (art. 2º, Decree n. 7.492/2011).

The Ministry of Social Development and Fight against Hunger will hold a survey, in 2014 and 2015, including a sample of 13.380 households, with information on the volatility of income, difficulties in access to services, such as programs and experiences of productive inclusion, in order to improve the Brazil without Poverty Program, which has already expanded the protection of pregnant women, the distribution of vitamin A to children aged from 6 months to 5 years, of asthma medication and ferrous sulfate for children under 24 months. The distribution of public resources to municipalities has expanded access to nurseries for children under *Bolsa Família*<sup>20</sup>. The data for 5.570 municipalities, the number of families enrolled in *Bolsa Família*, the number of microentrepreneurs and the monitoring of the percentage of health and education conditionalities can be checked in the internet<sup>21</sup>. According to data for the month of August<sup>21</sup> 2013, 916.647 families were

17. CARIELLO, Rafael. O liberal contra a miséria. Revista Piauí n. 74, novembro, São Paulo: 2012, p. 37.

18. NASCIMENTO, Marcos & SEGUNDO, Márcio. Homens, masculinidades e políticas públicas: aportes para equidade de gênero. Promundo, UNFPA, 2009, P. 17, Available at: [www.promundo.org.br/wp-content/uploads/2010/03/HomensMasculinidades.pdf](http://www.promundo.org.br/wp-content/uploads/2010/03/HomensMasculinidades.pdf)

19. PINZANI, Alessandro & REGO, Walquiria Leão Rego. Vozes do Bolsa Família. Autonomia, Dinheiro e Cidadania. Unesp, São Paulo: 2013, p. 148.

20. [www.mds.gov.br/brasilemmiseria/brasil-carinhoso](http://www.mds.gov.br/brasilemmiseria/brasil-carinhoso)

21. [www.brasil.gov.br/cidadania-e-justica/2013/08/portal-brasil-sem-miseria-ganha-painel-de-mon](http://www.brasil.gov.br/cidadania-e-justica/2013/08/portal-brasil-sem-miseria-ganha-painel-de-mon)

receiving the benefit<sup>22</sup>.

The Annual Assessment Report of the 2012-2015 Multiannual Plan for the year of 2012 used indicators for *Bolsa Família*<sup>23</sup>. In this report, many different types of gender index were used to check the implementing of women policy plans by states and municipalities, care services for women victims of violence, job training for women, and also to identify the average income of women compared to men, the rates of illiteracy, formalization of domestic work, childcare attendance of children 0-3 years of age and incidence of HIV in women. 21,88% was the percentage of the targets achieved for having a gender committee in each government agency of the executive branch (Federal Gender Coverage Index)<sup>24</sup>. The objectives of the 2012-2015 Multiannual Plan for women are varied and vast. The ratification of the International Labor Organization (“ILO”) Domestic Workers Convention is one of them. Brazil has enacted a Constitutional Amendment in 2013 regarding domestic workers’ rights, but the respective law to give enforcement (PLS 224/2013), not yet. Developing a gender equality data system, evaluating and promoting the transversal management of the National Plan for Women through the different government agencies are also objectives of the Multiannual Plan<sup>25</sup> in compliance with Beijing Platform for Action, 1995, on gender mainstreaming: “*conceptual approach and strategy for achieving gender equality*”<sup>26</sup>.

The concepts of capabilities of Amartya Sen and of empowerment (ability to perceive the oppression and promote social intervention to improve life) are explored throughout this paper.

There are eight Millennium Development Goals (“MDG”). The MDG 3 is to promote gender equality and empower women<sup>27</sup>. Brazil complied with

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22. [www.brasilemmiseria.gov.br/gestao-e-acompanhamento](http://www.brasilemmiseria.gov.br/gestao-e-acompanhamento)

23. BRASIL. Plano Mais Brasil PPA 2012-2015: Relatório Anual de avaliação: ano base 2012. Ministério do Planejamento, Orçamento e Gestão/SPI. Brasília: 2013, p.139. Available at: [www.planejamento.gov.br/secretarias/upload/Arquivos/spi/publicacoes/130612\\_Rel\\_Aval\\_2013\\_Vol\\_2-Tomo\\_1.pdf](http://www.planejamento.gov.br/secretarias/upload/Arquivos/spi/publicacoes/130612_Rel_Aval_2013_Vol_2-Tomo_1.pdf)

24. BRASIL. 2013, Op. Cit. p. 319

25. BRASIL. Agendas Transversais. Monitoramento Participativo. Plano Mais Brasil. PPA 2012-2015. MPOG e Secretaria-Geral da Presidência da República, Brasília, p. 37. Available at: [www.ipea.gov.br/participacao/images/pdfs/agendas%20transversais%20final.pdf](http://www.ipea.gov.br/participacao/images/pdfs/agendas%20transversais%20final.pdf)

26. FARHA, Leilani. Committee on the Elimination of Discrimination Against Women. In: LANGFORD, Malcolm. Social rights jurisprudence. Emerging trends in international and comparative Law. Cambridge University Press, New York: 2010, p. 554.

27. ONU MULHERES. Princípios de empoderamento de mulheres. Available at: [http://www.unifem.org.br/005/00502001.asp?ttCD\\_CHAVE=29254](http://www.unifem.org.br/005/00502001.asp?ttCD_CHAVE=29254)

the target to eliminate gender disparities in primary and secondary education, as pointed out by the 4<sup>th</sup> National Monitoring Report on the Millennium Goals of 2010, but women are the minority in the labor market, receive less and occupy precarious positions, are absent from the Legislative, Executive and Judiciary and still suffer from domestic violence. Feminist criticism relies on the partial picture provided the criteria of MDG 3 and the lack of mainstreaming with the other MDGs<sup>28</sup>.

Article 1 of the Convention on the Elimination of all forms of discrimination against women (“CEDAW”), Decree n. 4.377/2002, says:

*“(...) ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”*

The international obligation of Brazil to eliminate discrimination against women has three aspects: to remove barriers to the enjoyment of rights in any field of the life; to eliminate obstacles to the exercise of rights of women on equal terms with men; and to monitor and evaluate public policies, administrative acts and legal standards<sup>29</sup>.

Claiming gender perspective for public policy means an attitude of men and women to stop and think *“these different ways of living in society”*<sup>30</sup>. As stated by Cassia Maria Carloto, gender perspective means actions to modify the gender inequalities and indicators:

*“showing the occurrence of changes in the household division of labor; if the girls are no longer responsible for the domestic work and the care of young brothers; whether domestic violence has decreased; if there is*

28. UNDP. Desarrollo Humano. America Latina Genera. p. 8, Available at: [www.americalatina.genera.org/es/documentos/tematicas/tema\\_desarrollo\\_humano.pdf](http://www.americalatina.genera.org/es/documentos/tematicas/tema_desarrollo_humano.pdf)

29. SUBIRÓS, Giselle Molina. El sistema axiológico de la Cedaw como parámetro de control constitucional en la formulación e implementación de leyes y políticas públicas. Revista IIDH vol. 34-35, San José: 2001-2002, pp. 460-461, 462.

30. FARAH, Marta Ferreira Santos. Políticas Públicas e Gênero. In: GODINHO, Tatau & SILVEIRA, Maria Lúcia (org.). Políticas Públicas e Igualdade de gênero. Coordenaria Especial da Mulher, Friedrich Ebert Stiftung, São Paulo: 2004, p. 127. Available at: [library.fes.de/pdf-files/bueros/brasilien/05630.pdf](http://library.fes.de/pdf-files/bueros/brasilien/05630.pdf)

*access to non-precarious work; complementation of the schooling; the enabling of sexual and reproductive health care; if there is contribution to the autonomy and restoration of self-esteem; and if the stress and depression diminish, among other indicators”<sup>31</sup>.*

In other words: public policy evaluation must show the reduction of discrimination and suffering.

Brazil has the Secretariat of Policies for Women of the Presidency, which has the duty to elaborate the gender planning of the federal government, art. 22, Law n. 10.683/2003. There is also the National Council of Women’s Rights (Ministry of Justice). The Annual Socioeconomic Report for Women has been created by Law n. 12.227/2010 (*RASEAM*). Worth to mention the National Human Rights Plan (Decree n. 7.037/2009 and Decree n. 7.177/2010) which has, among its objectives, to reduce the wage gap between men and women, the violence against women and promote training courses for judiciary officers in women’s human rights.

Implementing national human rights plans is a recommendation of the Vienna Declaration and Programme of Action, 1993<sup>32</sup>. The Brazilian National Human Rights Plan has as objectives: foster the creation of statistics evidencing wages, working hours and working places, occupational diseases and labor rights of women; provide by law the protection of labor market for women through specific incentives (Article 7, XX, Brazilian Constitution); and encourage research and dissemination of information about violence and discrimination against women and ways to protect and promote women’s rights<sup>33</sup>.

This plan determined the Human Rights Secretariat of the Presidency of the Republic to establish and maintain the National Indicator System of Human Rights, in coordination with government agencies and civil society. Brazil has this system, covering the measurement of the following rights: education, environment, health, work and life<sup>34</sup>.

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31. CARLOTO, Cássia Maria. Ruptura ou reforço da dominação: gênero em perspectiva. In: GO-DINHO, Tatau & SILVEIRA, Maria Lúcia (org.). Políticas Públicas e Igualdade de gênero. Coordenaria Especial da Mulher, Friedrich Ebert Stiftung, São Paulo: 2004 P. 152. Available at: [library.fes.de/pdf-files/bueros/brasilien/05630.pdf](http://library.fes.de/pdf-files/bueros/brasilien/05630.pdf)

32. L. SEPÚLVEDA, Ricardo J. Resistencias para implantar los derechos humanos como políticas de Estado en Latinoamérica. Diálogo Político n. 4, Konrad Adenauer Stiftung, 2010, p. 48

33. BRASIL. SECRETARIA DE DIREITOS HUMANOS DA PRESIDÊNCIA DA REPÚBLICA. Programa Nacional de Direitos Humanos. PNDH – 3. SDHPR, Brasília: 2010. Pp. 196 e 213, Available at: [portal.mj.gov.br/sedh/pndh3/pndh3.pdf](http://portal.mj.gov.br/sedh/pndh3/pndh3.pdf)

34. SOARES, 2013, Op. Cit. p. 215.



The enactment of national plans for equality between women and men is the recommendation of the UN Fourth World Conference on Women, Beijing 1995. Amongst the governmental gender initiatives in Brazil, highlight must be given to the National Plan of Policies for Women, National Plan to Combat Violence against Women, the National Plan to Combat Women Trafficking and National Policy for Women Health Care.

Note that, in 2013, according to social indicators synthesis (IBGE):

- among white women 15-49 years of age, 41.2% had no children, while for the black the percentage was 35.5%;
- for women between 18-24 years of age, with no child, 40,9% study, and for those who had a child or more, only 10,0% study;
- there is a lower proportion of women in senior positions and management; and
- there is income inequality between men and women in sectors where women are most: education, health and social services<sup>35</sup>.

In Brazil, every 12 seconds, a woman is raped, and every day 11 women are murdered<sup>36</sup>. Between 1980 and 2010, more than 92,000 women were murdered in Brazil, 41% of the murders occurred inside the house, most of the victims between 15-29 years aged<sup>37</sup>, with 43,700 murders in the last ten years, an increase of 230%, according to the Violence Map of Femicides in Brazil (Brazilian Center for Latin American Studies)<sup>38</sup>, based on the Ministry of Health data.

According to survey of the Economic Applied Research Institute (IPEA, *Instituto Econômico de Pesquisa Aplicada*), 26% of the interviewed agreed, partially or totally, that women with short clothes should be attacked<sup>39</sup>.

35. IBGE. Síntese de Indicadores sociais 2013. 29 de novembro de 2013. Pp. 1-54. Available at: [www.ibge.gov.br/home/presidencia/noticias/imprensa/ppts/00000015471711102013171529343967.pdf](http://www.ibge.gov.br/home/presidencia/noticias/imprensa/ppts/00000015471711102013171529343967.pdf)

36. ANDRADE, Ana Carolina. Mídia contribui para manter a opressão. *Contraponto*. Jornal Laboratório do Curso de Jornalismo, PUC-SP, Fevereiro de 2012, p. 3.

37. PARADIS, Clarisse Goulart. A violência como instrumento de dominação. *Brasil de Fato*, 06 a 12 de dezembro de 2012, p. 2.

38. GOMES, Máira. Violência contra a mulher traz números alarmantes. *Brasil de Fato*, 06 a 12 de dezembro de 2012, p. 10.

39. RAMALHOSO, Wellington. Ipea recua e diz que maioria discorda de ataque a mulher com roupa curta. Available at: [www.noticias.uol.com.br/cotidiano/ultimas-noticias/2014/04/04/apos-erro-ipea-diz-que-maioria-discorda-de-ataque-a-mulher-com-roupa-curta.htm](http://www.noticias.uol.com.br/cotidiano/ultimas-noticias/2014/04/04/apos-erro-ipea-diz-que-maioria-discorda-de-ataque-a-mulher-com-roupa-curta.htm)

According to a survey of 2003, there were 289 specialized police stations for women (DEAM, *Delegacia Especializada de Atendimento à Mulher*), most of them located in the south and south-east regions, for the existing 5.570 municipalities in Brazil<sup>40</sup>.

The Parliamentary Commission of Inquiry (Federal Congress) of violence against women toured Brazil and found that there were, in the whole country, 36 specialized defender centers, 64 specialized prosecutors, 71 shelter homes, 91 specialized courts, 192 centers to assist women and 518 specialized police stations or cores inside the common police stations<sup>41</sup>. Unsafe abortion is the third cause of maternal mortality in Brazil<sup>42</sup>.

In turn, the Parliamentary Commission of Inquiry of the State of São Paulo (Legislative Assembly) recommended the creation of a Women Policy Secretariat and indicators for evaluation and monitoring of all policies fighting violence against women, as well the expansion of existing public services and training of public servants<sup>43</sup>.

In the case of Eliza Samudio, who was murdered by the goalkeeper Bruno Fernandes das Dores de Souza, Flamengo Team, she made a complaint before in a specialized police station, in October 2009, since she had been kidnapped, beaten and forced to take abortive substance, but no protection was offered<sup>44</sup>. In 2010, 45 women were elected compared to the existent 513 deputies<sup>45</sup>. 30% of the candidatures must be destined to women by political parties (Law n. 12.034/2009).

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40. BRASIL. Perfil Organizacional das Delegacias Especiais de Atendimento à mulher. Ministério da Justiça, Outubro de 2004, Brasília, p. 6.

41. SASSE, Cintia & WESTIN, Ricardo. Cpi da violência contra a mulher percorre o Brasil e constata que lei Maria da Penha não é cumprida. 04/07/13, Jornal do Senado, available at: [www.senado.gov.br](http://www.senado.gov.br)

42. IMAIS, 2009 Cf. COELHO, Sonia. Aborto e a criminalização das mulheres. MERLINO, Tatiana & MENDONÇA, Maria Luisa (Org.) Direitos Humanos no Brasil 2011. Relatório da Rede Social de Justiça e Direitos Humanos. São Paulo: 2011, p. 179.

43. MELO, Joel. Cpi que investiga a violência contra a mulher aprova relatório final. 24/04/2014. Available at: [www.al.sp.gov.br](http://www.al.sp.gov.br)

44. BATALHA, Laís & JÚNIOR, José Coutinho. Uma Eliza a cada quinze segundos. Contraponto. Jornal Laboratório do Curso de Jornalismo PUC-SP, agosto, 2010.

45. SOARES, Danyele. Participação das mulheres na política ainda é desafio. 08/03/14 Available at: [www.agenciabrasil.etc.com.br/geral/noticia/2014-03/participacao-das-mulheres-na-politica-ainda-e-desafio](http://www.agenciabrasil.etc.com.br/geral/noticia/2014-03/participacao-das-mulheres-na-politica-ainda-e-desafio)

The challenge is to understand these numbers so that civil society know better what to claim to improve the lives of women, hence the need to unite the topic of budget information technology to women's human rights<sup>46</sup>.

## II. Human Rights' Indicators

*“The inclusion of women in the productive work is not enough, we need to know what happens with the rest of the work left in order to develop ourselves as men and women”<sup>47</sup>*  
 Idoe Zabala

Con otro  
 Acento

### 1. Poverty: multi-dimensional phenomena

The UN International Committee on Economic, Social and Cultural Rights defines poverty as a:

*“human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights”<sup>48</sup>.*

Even with the decrease in the number of registered poor in recent years, inequality persists in Brazil. Serious multidimensional poverty (UNDP) affects 0.2% of the population (400,000 people) – those with low or no income, without access to education, health, housing and water, out of reach of programs like *Bolsa Familia*. People suffering from all kinds of deprivation with a precarious life reach to 5,1

46. The challenge is to compare the socioeconomic indicators with the international human rights obligations. The following paper can be mentioned: GUYER, Patrick Nolan & FUKUDA-PARR, Sakiko & RANDOLPH, Susan & DANIELS, Louise Moreira. Measuring the progressive realization of Economic and Social Human Rights in Brazil: a disaggregated Economic and Social Rights Fulfillment Index. Available at: [www.serfindex.org/wp-content/uploads/2010/12/Research-SERF-Brazil.pdf](http://www.serfindex.org/wp-content/uploads/2010/12/Research-SERF-Brazil.pdf)

47. UNDP. Desarrollo Humano. America Latina Genera. p. 3, Available at: [www.americalatinagenera.org/es/documentos/tematicas/tema\\_desarrollo\\_humano.pdf](http://www.americalatinagenera.org/es/documentos/tematicas/tema_desarrollo_humano.pdf)

48. Declaração do Comitê de Direitos Econômicos, Sociais e Culturais sobre a pobreza, parágrafo 8 Cf. NIKKEN, Pedro. La protección de los derechos humanos: haciendo efectiva la progresividad de los derechos económicos, sociales y culturales. Revista do Instituto Interamericano de Direitos Humanos vol. 52, San José: 2010, p. 135. Available at: [www.corteidh.or.cr/tablas/r25563.pdf](http://www.corteidh.or.cr/tablas/r25563.pdf)

million<sup>49</sup>. This is the most recurring criticism on the *Bolsa Família* program, since it does not cover all the miserable.

Extreme poverty means people who do not have enough to purchase the daily recommended quantity of calories. 23% of the population was in this situation, in 1993, falling to 8.4%, in 2009<sup>50</sup>.

Poverty is defined by Maurício Mota Saboya Pinheiro as: “(...) *deprivation situation of basic capabilities, such as the premature death, malnutrition, diseases, illiteracy and lack of capability to benefit from the economic opportunities offered by the labor market*”<sup>51</sup>.

According to Pete Alcock, “*poverty is not just one aspect of inequality, but the unacceptable extreme of inequality*”, near to the concepts of social exclusion and social polarization. As this author and others have also shown employment policy may not prevent poverty<sup>52</sup>.

As stated by Luiz Eduardo Wanderley the informal economy “*takes advantage of the poor*”, requiring multiple state actions for poverty and situations of vulnerability, beyond the creation of jobs<sup>53</sup>. Martha Nussbaum presents poverty as a “*humiliating situation*”<sup>54</sup>. Emmanuel Renault conceptualizes as “*social suffering*” and “*experience of injustice*” with lack of dignity recognition. This author also thinks on “*social conditions which produce the suffering*”, and that the intolerable can be lived but not quantified<sup>55</sup>. Other criteria can be used to conceptualize poverty such as the segregated housing. It is also important to listen to the poor and how they perceive their condition of poverty with the feeling of

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49. FORMENTI, Lígia & PARAGUASSU, Lisandra & MOURA, Rafael Moraes. IDH das desigualdades faria país despencar 13 posições. *Jornal o Estado de São Paulo*, 3/11/2011, A18 Cf. ROSSET, Patrícia & GERBER, Konstantin. *Autonomia das Mulheres no Direito ao Desenvolvimento*. In: BOSIO, Livia Gaigher & SANTIAGO, Mariana Ribeiro (org.) *Capitalismo humanista e direitos humanos. Estudos em homenagem a Ricardo Sayeg e Wagner Balera*. Conceito Editorial, Florianópolis: 2013, p. 366.

50. CARIELLO, 2012, Op. Cit. p. 30.

51. PINHERO, Maurício Saboya. *As liberdades humanas como bases do desenvolvimento: uma análise conceitual da abordagem das capacidades humanas de Amartya Sen*. Texto para Discussão n. 1794, Rio de Janeiro: 2012, p. 32.

52. ALCOCK, Pete. *Understanding poverty*. Ed. Macmillan, London: 1997, pp. 6-12.

53. WANDERLEY, 2007, Apud PINZANI, Alessandro & REGO, Walquiria Leão Rego. *Vozes do Bolsa Família. Autonomia, Dinheiro e Cidadania*. Unesp, São Paulo: 2013, p. 175

54. NUSSBAUM, 2004 apud PINZANI, Alessandro & REGO, Walquiria Leão Rego. *Vozes do Bolsa Família. Autonomia, Dinheiro e Cidadania*. Unesp, São Paulo: 2013, p. 65.

55. RENAULT, 2004, p. 35, p. 77, p. 344 Apud PINZANI & REGO, 2013, Op. Cit. pp. 41-42.

hopelessness<sup>56</sup>. Since the 80s the theoretical reflection has considered poverty as a “*structural problem*”<sup>57</sup>.

Indicators are important for the diagnosis of poverty, however, as warns Simone Cecchini<sup>58</sup>, monitoring can be done by the number of people served by social assistance (absolute indicator) or by the calculation of the percentage of poor people (comparative indicator), as commonly used by the Ministries of Finance.

Note that the Economist Magazine, in June 2013, focused on the issue of poverty, based on recent studies<sup>59</sup>, to state that in 1990, 43% of the population of developing countries lived in extreme poverty (subsisting on \$1 per day), 1,9 billion people and that there had been a reduction in this percentage, in 2010, to 21%, 1,2 billion people (considering the poor who subsist on less than \$1,25 per day) assuming as condition for poverty reduction in the world: the increasing rates of consumption and income of the countries<sup>60</sup>. This magazine propagates the idea that economic growth reduces poverty.

It is good to observe that the idea of “*making the pie bigger, and then divide it*” comes from a Simon Kuznets’ paper dated of 1955, which stated that economic growth would reduce poverty in the long term. This thesis was refused by studies in the 70s<sup>61</sup>. This debate still goes on between economists. What the Economist Magazine defines as poverty consists in the so-called “*income or consumption poverty*”<sup>62</sup>.

Pursuant to Amartya Sen, there are two notions of poverty: inadequate capacity and low income level, with the understanding that the increase in capacity may contribute to increase the income. The debates about public policy, in addi-

56. PINZANI, Alessandro & REGO, Walquiria Leão Rego. Vozes do Bolsa Família. Autonomia, Dinheiro e Cidadania. Unesp, São Paulo: 2013, pp. 150-151

57. OLIVEIRA, Jane Souto de. A construção da pobreza com objeto de política pública. UERJ, IMS, Rio de Janeiro: 1996, P. 5

58. CECCHINI, 2013, Op. Cit. p. 115.

59. RAVALLION, Martin. How long will it take to lift one billion people out of poverty? World Bank, Policy Research Working Paper n. 6325 e CHANDY, Laurence & LEDLIE, Natasha & PEN-CIAKOVA, Veronika. The Final Countdown: prospects for ending extreme poverty by 2030. Brookings Institution, Policy Paper n. 2013-04.

60. THE ECONOMIST. Not Always with us. June 1st-7th, p. 22.

61. Cf. PINZANI, Alessandro & REGO, Walquiria Leão Rego. Vozes do Bolsa Família. Autonomia, Dinheiro e Cidadania. Unesp, São Paulo: 2013, p. 168.

62. Cf. CAGATAY, Nilüfer & ERTRÜCK, Korkuk. Gender and globalization: a macroeconomic perspective. Working Paper n. 19. International Labour Organization, Geneva: 2004, p. 2, Available at: [www.ilo.org/wcmsp5/groups/public/---dgreports/-integration/documents/publication/publication/wcms\\_079097.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/-integration/documents/publication/publication/wcms_079097.pdf)

tion to measuring the income must relate to unemployment, disease, low education and social exclusion<sup>63</sup>. The “*capability approach*” serves to evaluate public policy, as highlighted by Alexander Goerne<sup>64</sup>. Development may be understood by people achieving their life goals.

In a gender perspective, poverty may be conceived apart from a lack of financial resources, since there are also the poverty of time, poverty of opportunity and work, poverty inside the houses, lack of social ties and lack of political participation<sup>65</sup>.

Gender equality is not necessarily bound to economic growth. The Amartya Sen’s idea of freedom corresponds to capacity, including the access to public services.

Poverty means violation of human rights. In conformity to Flávia Piovesan, the challenge for public policy is to embrace gender, culture and vulnerable groups<sup>66</sup>. In Brazil, families headed by women are the poorest (IBGE data). Cristiane Soares states about the exclusion of black women: “(*... most excluded from the development process, either in terms of access to basic needs or of economic participation and decision taking*)”<sup>67</sup>.

## **2. Inequality-adjusted human development index (IHDI)**

Since 2010, the inequality-adjusted human development index (IHDI) has been used by UNDP. Income, education and health are measured to give the average of development. The factor that most contributes to the fall in ranking constitutes the income of population<sup>68</sup>.

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63. SEN, Amartya. *Desenvolvimento como liberdade*. Companhia das Letras, São Paulo: 2007, Pp. 112-131.

64. GOERNE, 2010 Apud PINZANI & REGO, 2013, Op. Cit. p. 38

65. Idem

66. PIOVESAN, Flávia. *Pobreza como violação de Direitos Humanos*. Revista Brasileira de Direito Constitucional n.4, ESDC, São Paulo: 2004, p. 119 Cf. ROSSET & GERBER, 2013, Op. Cit. p.367.

67. SOARES, Cristiane. *Índices de desenvolvimento de gênero: uma análise do avanço social das mulheres no Brasil e nas unidades da federação*. Revista do Observatório Brasil da Igualdade de Gênero. Edição Especial. Tema: Autonomia Econômica, empoderamento e inserção das mulheres no mercado de trabalho. Julho/2010. Available at: <http://www.observatoriodegenero.gov.br/menu/publicacoes/revista-do-observatorio-edicao-especial-tema-autonomia-economica-empoderamento-e-insercao-das-mulheres-no-mercado-de-trabalho-julho-2010/view>

68. FORMENTI, Ligia; PARAGUASSU; Lisandra; MOURA, Rafael Moraes. IDH das desigualdades faria país despencar 13 posições. *Jornal O Estado de São Paulo*, 3/11/2011, p. A 18 Cf. ROSSET & GERBER, 2013, Op. Cit. p. 366.

It should be noted that, lately, many different types of development indicators have been drawn, involving environmental sustainability, sustainable development, economic freedom, welfare, quality of life, among others<sup>69</sup>.

### 3. Gini Coefficient and Inequality of Opportunity Index

Economic coefficient can be measured in many ways: distribution of wealth, income or consumption, between genders, regions or individuals. The Gini coefficient measures the disposable income and consumption data obtained through household surveys, which are no good to capture all inequalities in the highest levels, because the information of the richest comes from the statements of income, according to the Economist Magazine<sup>70</sup>. The Gini coefficient consists of a snapshot of results, it does not explain why differences increased or what is the trend over time.

IPEA study demonstrates how, in the period 2004-2009, inequality in income distribution among Brazilian decreased 5.6% by Gini coefficient and the average of monthly income increased 28%<sup>71</sup>. Brazil arrived in 2012 to a Gini coefficient close to 0.50, the lowest level since 1960. Between 1970 and 2000, the Gini coefficient was between 0.60. The military regime left the country more unequal. According to the economist Ricardo Paes de Barros, who attended a military school, 30% of the reducing of the Gini coefficient in Brazil was due to schooling (Constitution of 1988 and the expansion of basic education funding in the government of Fernando Henrique Cardoso), 20% related to the increase in the minimum wage which had an impact on retirement and 10% of the gini coefficient decrease due to *Bolsa Família* transfers<sup>72</sup>.

Currently, statistical methods have been used to measure how the situation of parents influence social mobility of children, like the inequality of opportunities index developed by Francisco Ferreira of World Bank. Inequality of opportunity can also be measured by gender factors, place of birth, education and occupation of parents. Brazil has an inequality of opportunity index over 30% for

69. CORREIA JUNIOR, Carlos Barbosa. As liberdades instrumentais de Amartya Sen e os novos indicadores de Desenvolvimento. Mestrado em Administração, PUC SP, São Paulo: 2012.

70. THE ECONOMIST. Na riqueza e na pobreza. In Carta Capital, outubro de 2012, [www.cartacapital.com.br](http://www.cartacapital.com.br)

71. IPEA. Mudanças recentes na pobreza brasileira. Comunicados do IPEA n. 111, 2011, Available at: [http://www.ipea.gov.br/portal/images/stories/PDFs/comunicado/110915\\_comunicadoipea111.pdf](http://www.ipea.gov.br/portal/images/stories/PDFs/comunicado/110915_comunicadoipea111.pdf)

72. CARIELLO, 2012, Op. Cit. Pp. 37 e 38.

the period 1996-2010 (World Bank data)<sup>73</sup>. Inequality of opportunity levels range from 0.003 in Norway to 0.233 in Brazil<sup>74</sup>. There is also the human opportunity index (“*highly correlated with Human Development Index*”)<sup>75</sup>.

#### **4. Quantitative data and human rights’ international responsibility**

Studies point to the need for a multidimensional approach of inequality in Brazil. Researches indicate that inequality has been falling; however, Brazil is among the 12 most unequal countries in the world. Inequality is not only lack of income but also lack of access to labor market and basic public services<sup>76</sup>.

Eitan Felner points that quantitative data can be used to make States responsible for human rights’ violations. The analysis of public budgets to evaluate the international human rights compliance comprise social benefit incidence analysis, public expenditure tracking surveys, outcome indicators and process indicators to verify whether the State has sufficient public policies for the enjoyment of rights. The question is not only to spend more, but to spend better. Performance budget means “*enhancing the allocation and public resources efficiency*”<sup>77</sup>.

As states Eitan Felner “*the problem is often not the availability, but rather the distribution, of resources*”. This author proposes deprivation indicators, inequality indicators to check the availability of goods and services, the accessibility of services and facilities, and compare these indicators with the population growth, the GDP and the millennium goals. The objective is to identify the discrimination in the enjoyment of rights, taking into account that economic growth is not the same as social development<sup>78</sup>.

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73. THE ECONOMIST. 2012, Op. Cit.

74. BRUNONI, Paolo & FERREIRA, Francisco H. G. & PERAGINE, Vito. Inequality of Opportunity, Income Inequality and Economic Mobility. Policy Research Working Paper 6304, World Bank, January 2013, p. 11

75. Idem

76. HAAG, Carlos. A ilusão da igualdade. Pesquisa Fapesp, 2012, [www.revistapesquisa.fapesp.br/2012/04/10/a-ilusao-da-igualdade/](http://www.revistapesquisa.fapesp.br/2012/04/10/a-ilusao-da-igualdade/)

77. ROBINSON & BRUMBY Apud NÓBREGA, Marcos. Orçamento, eficiência e performance budget. In José Maurício Conti & Fernando Scaff Facury (eds) Orçamentos Públicos e Direito Financeiro, RT, São Paulo: 2011, p. 719 Cf. GERBER et. al., 2012, Op. Cit. p. 45.

78. FELNER, Eitan. Novos limites para a luta pelos direitos econômicos e sociais? Dados quantitativos como instrumentos para a responsabilização por violação de direitos humanos. SUR, Revista Internacional de Direitos Humanos n. 9, Conectas, São Paulo: 2008, Available at: [http://www.sur-journal.org/conteudos/getArtigo9.php?artigo=9,port,artigo\\_felner.htm](http://www.sur-journal.org/conteudos/getArtigo9.php?artigo=9,port,artigo_felner.htm)



## 5. Human Development Index (HDI)

The HDI has emerged as a way to assess the human condition, beyond GDP. HDI makes use of the variable income, based on the idea that increased income contributes in the access to education and health. Cristiane Soares explains: “*The Human Development Index – HDI, created by the United Nations in the early 90s, emerged as a response to the widespread dissatisfaction of using GDP per capita as a measure of welfare*”<sup>79</sup>.

The HDI consists of three dimensions: income, education (illiteracy rate and years of schooling) and longevity (expectancy at birth).

Amartya Sen’s theory seeks to overcome the idea that income generation results in improvement of the standard of living by conceiving human development through a multidimensional perspective. Trying to translate this multidimensional perspective through the HDI is criticized, since it doesn’t appraise psychological aspects<sup>80</sup>.

The Brazilian Institute of Tax Planning (*IRBES*) created the social welfare return index. It combines the tax burden, the GDP and HDI. Brazil is the worst country in the ranking<sup>81</sup>. The question raised is about the effectiveness of the public expenditure.

Public service is defined by the administrative law doctrine as the “*provision of activity and convenience directly enjoyable by the citizen*”<sup>82</sup>. Human development is related to access to public services.

Notwithstanding the need for public services, the capability approach theory deals with the freedom of choice of having different life styles, different modes of being in the world<sup>83</sup>. The question is also how the State favors the human diversity.

79. SOARES, Cristiane. Índices de desenvolvimento de gênero: uma análise do avanço social das mulheres no Brasil e nas unidades da federação. Revista do Observatório Brasil da Igualdade de Gênero. Edição Especial. Tema: Autonomia Econômica, empoderamento e inserção das mulheres no mercado de trabalho. Julho/2010. Available at: <http://www.observatoriodegenero.gov.br/menu/publicacoes/revista-do-observatorio-edicao-especial-tema-autonomia-economica-empoderamento-e-insercao-das-mulheres-no-mercado-de-trabalho-julho-2010/view>

80. RANNIS, STEWART & SAMMAN, 2005 Apud MARQUES, Roseane Barcellos. Índice de Desenvolvimento Humano (IDH) no Brasil: uma avaliação de sua capacidade de retratar a realidade social. (Mestrado em Economia Política, São Paulo, PUC/SP: 2006.

81. ROLLI, Claudia. Brasil é o pior em retorno do imposto à população, aponta estudo. Available at: [www.folha.uol.com.br/mercado/2014/04/1434959-brasil-e-pior-em-retorno-de-imposto-a-populacao-aponta-estudo.shtml](http://www.folha.uol.com.br/mercado/2014/04/1434959-brasil-e-pior-em-retorno-de-imposto-a-populacao-aponta-estudo.shtml)

82. BANDEIRA DE MELLO, Celso Antônio. Curso de Direito Administrativo. Malheiros, São Paulo: 2001, p. 595.

83. SEN, Amartya. La libertad individual como cometido social. Cuadernos del Claeh 65-66, Revista Uruguaya de Ciencias Sociales, Montevideo: 1993, p. 194.

## **6. Rights to development and happiness**

*“It’s impossible and especially unattractive to measure happiness (if taking here this term uncritically) as there are no criteria that may confer relevance to such measurement”<sup>84</sup>*

Michel Maffesoli

The senegalese jurist Keba 'Baye defines the right to development as the right to live better<sup>85</sup>. Some relate with the right to education in order to empower individuals for having free development of personality and free social participation, based on article 13 of the International Covenant on Economic, Social and Cultural Rights<sup>86</sup>, Decree n. 591/92.

The idea of human development as expansion of freedoms corroborates the indivisibility of civil, political, economic, social and cultural rights. The right of women to participate in the development process has been provided by article 8 of the UN General Assembly Resolution n. 41/128 of 1986.

In 2011, UN Resolution considered happiness as a fundamental human goal<sup>87</sup>. According to Walquiria Leão Rego e Alessandro Pinzani, happiness is not a good indicator for life, since happiness can derive from a social conditioning or a self-deception. It is not a definition accepted by all, unlike the social suffering which can help evaluating public policy<sup>88</sup>.

The lack of economic rights causes lack of political participation. Income can affect the autonomy of women. In constitutional law, there is the idea of minimum subsistence; in the inter-american human rights law, the idea of life project; and, in the civil law, of minimum patrimony<sup>89</sup>.

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84. MAFFESOLI, Michel. *A sombra de Dionísio*. Graal, Rio de Janeiro: 2008, p. 36.

85. M'BAYE Apud VITA, VITA, Juan Alvarez. *Derecho al desarrollo*. Instituto Interamericano de Derechos Humanos. Instituto Peruano de Derechos Humanos. Cultural, Cuzco S.A., Lima: 1988. Cf. ROSSET, Patrícia & GERBER, Konstantin. *Autonomia das mulheres no direito ao desenvolvimento*. In: CAMPOLLO, Livia Gaigher Bósio & SANTIAGO, Mariana Ribeiro. *Capitalismo Humanista. Estudos em homenagem aos Professores Ricardo Sayeg & Wagner Balera*. Conceito, Florianópolis: 2013, p. 369.

86. FACHIN, Melina Girardi. *Direito Humano ao Desenvolvimento: universalização, ressignificação e emancipação*. Doutorado em Direito, PUC SP: 2013, p.198

87. Cf. ROSSET & GERBER, 2013, Op. Cit. p. 369.

88. PINZANI & REGO, 2013, Op. Cit. p. 41

89. LISBOA, Roberto Senise. *Dignidade e solidariedade civil-constitucional*. Revista de Direito Privado ano 11, n. 42, RT, São Paulo: 2010.

The balance between private and public life by decreasing the time of unremunerated domestic activity may impact women's freedom to choose different lifestyles.

## 7. Public policies: focalization and universalism

The State interventions can be indirect, such as the macroeconomic policy, or direct, such as the granting of scholarships<sup>90</sup>. The dispute among the economists Ricardo Paes de Barros and Marcio Pochman consists in the fact that the latter prefers a policy of raising the minimum wage to fight poverty, unlike the first<sup>91</sup>. *Bolsa Família* has reduced poverty in Brazil. According to the Economist magazine, around a quarter of the population receives *Bolsa Família*<sup>92</sup>. In conformity to federal government, 93% of the card holders of the 13.3 million households are women<sup>93</sup>.

The federal government created the decentralized management index (IGD) for the *Bolsa Família* program, which monitors the compliance with the conditionalities by municipalities, such as school attendance. There is also the state decentralized management index (IGDE)<sup>94</sup>.

The theory of discretionary administrative acts should be linked to social needs. It is known that the guarantees of human rights must be institutional, jurisdictional and economic. Regarding the latter aspect, it is imperative to analyze public budgets and, in terms of decentralized management, a gender cooperative federalism is needed.

## 8. Evaluation of public expenditure

UNDP has four indexes for evaluating public expenditure. The difference between the UNDP indexes for social spending and the proposed by Eitan Felner lies in the fact these are specific indexes for each public service such as health, education system, water and sanitation system. Indexes on water supply and housing are more difficult to be produced.

90. FELNER, 2008, Op. Cit.

91. CARIELLO, 2012, Op. Cit. P. 38

92. THE ECONOMIST, 2012

93. Cf. [www.brasil.gov.br/cidadania-e-justica/2012/01/mulheres-correspondem-a-93-dos-titulares-do-bolsa-familia](http://www.brasil.gov.br/cidadania-e-justica/2012/01/mulheres-correspondem-a-93-dos-titulares-do-bolsa-familia)

94. CUNHA, Rosani Evangelista da & PINTO, Bruno Henrique Benfica da Câmara. O programa Bolsa Família como estratégia para redução da pobreza e os processos de cooperação e coordenação intergovernamental para sua implementação, Pp. 12-14, Available at: [www.ipc-undp.org/publications/mds/19M.pdf](http://www.ipc-undp.org/publications/mds/19M.pdf)

Note that in Brazil, only 19% of homes have treated sewage, according to Atlas of Sanitation of 2011. The housing deficit was of 6.8 million households in 2008, showing decrease at a slower pace (João Pinheiro Foundation<sup>95</sup>). Brazil occupies 112<sup>th</sup> position in international ranking sanitation, reaching the 0,581 mark for Sanitation Development Index<sup>96</sup>.

Whereas investing in sanitation implies poverty reduction and since the poorest are women, investing in sanitation also means defending the women's right.

## **9. Social Indicators**

HDI is based on four indicators: life expectancy at birth; illiteracy rate; school enrollment rate; and *per capita* income<sup>97</sup>. This indicator is not estimated by geographical area and not per family, what does not allow data aggregation from the family. There similar indicators to HDI, such as the living conditions index (*ICV*) drawn by IPEA.

In contrast, the family development index (*IDF*) has a greater scope: lack of vulnerability; access to knowledge; access to work; availability of resources; child development and housing conditions. The index was designed in form of 48 questions with the answers yes or no in the National Sampling Survey of Households (*PNAD*)<sup>98</sup>.

The *IDF* authors assert:

*“When we put before a person baskets of goods and various services, namely, different combinations of goods and services, they will produce in each person a certain degree of satisfaction. (...) Thus, each of us is able to figure out which combination of health, education, security, income, etc. will bring the highest level of satisfaction”<sup>99</sup>.*

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95. MARTINS, Rodrigo Martins. A miragem do crescimento. Carta Capital, 2012, p. 31, Available at: [www.cartacapital.com.br](http://www.cartacapital.com.br),

96. Cf. [www.agenciabrasil.etc.com.br/poitica/notiicia/2014-03/brasil-ocupa-112a-posicao-no-ranking-interacional-de-saneamento](http://www.agenciabrasil.etc.com.br/poitica/notiicia/2014-03/brasil-ocupa-112a-posicao-no-ranking-interacional-de-saneamento)

97. BARROS, Ricardo Paes de & CARVALHO, Mirela de & FRANCO, Samuel. Índice de Desenvolvimento da Família (IDF). ACOSTA, Ana Rojas; VITALE, Maria Amália Faller (Org.). Famílias: redes, laços e políticas públicas. 4 ed. São Paulo: Cortez/Instituto de Estudos Especiais/PUC-SP, 2008, p. 242.

98. CARVALHO, BARROS & FRANCO, 2008, Op. Cit. 250-258.

99. Idem, pp. 245-246.

There are also poverty indicators, such as the parity of purchasing power, the daily amount in U.S. dollars to cover the basic needs, referred by the World Bank Human Development Reports<sup>100</sup>, as already mentioned.

Moreover, there are: social exclusion index; child development index; municipal human development index<sup>101</sup>; municipal social index (Rio Grande do Sul Statistics and Economics Foundation); quality of urban life index (*Pontifícia Universidade Católica de Minas Gerais* and Municipality of Belo Horizonte)<sup>102</sup>; and socio-spatial segregation index, with “*patterns of avoidance*” of human contact<sup>103</sup>.

### III. Public Policy Evaluation

The public administration literature indicates two types of social policy evaluation: process evaluation (effectiveness according to pre-established targets); and impact assessment (effects of the social program on the target population)<sup>104</sup>. In the field of participatory monitoring, there must be: shared data and negotiation over which data will be monitored and evaluated<sup>105</sup>. There are the data production, the dialogue about the data, the program execution and the impact analysis which generates new data<sup>106</sup>.

In social programs evaluations conducted by Federal Audit Court (*Tribunal de Contas da União*), the conclusion was: lack of information system for monitoring the activities of governmental programs<sup>107</sup>.

100. MARQUES, 2006, Op. Cit.

101. OLIVEIRA, 2001 apud MARQUES, 2006

102. SOARES, 2010. Op. Cit.

103. MARQUES, Eduardo. *Redes Sociais, segregação e pobreza*. Unesp, São Paulo: 2010.

104. FIGUEIREDO e FIGUEIREDO, 1986, p. 9 apud SILVA e SILVA, Maria Ozanira da. *Avaliação de políticas sociais: concepção e modelos analíticos*. Serviço Social e Sociedade ano XVII, Cortez, São Paulo, p. 77.

105. CRUZ, Verônica. *Monitoramento de políticas públicas e societal accountability: conceitos e práticas. Uma revisão da literatura internacional* In: HERINGER, Rosana. *A política vivida: olhar crítico sobre monitoramento de políticas públicas*. Ford Foundation, Actionaid, Rio de Janeiro: 2011, pp.19-44.

106. VARELLI, Leandro & ROMANO, Jorge O. & ANTUNES, Marta & NABUCO, Renata. *Mapeamento de Experiências de Monitoramento de Políticas Públicas pela Sociedade Civil no Brasil*. In: HERINGER, Rosana. *A política vivida: olhar crítico sobre monitoramento de políticas públicas*. Ford Foundation, Actionaid, Rio de Janeiro: 2011, pp. 45-192.

107. JANNUZZI, Paulo de Martino Jannuzzi & SILVA, Maria Rosângela F. Machado & SOUSA,

The Federal Audit Court realizes operational performance audits which aims to: saving resources (minimizing costs with maintenance of quality standard); efficiency (ratio between costs and goods/services generated); and effectiveness (degree of achievement of the planned targets in a given period, regardless the cost)<sup>108</sup>. The performance audit determines at what cost and to which extent a policy or program is working<sup>109</sup>.

There is lack of information of the role of institutional actors involved in the federal programs and lack of training of public servants in continuous monitoring<sup>110</sup>. The debate on state reform and reward for performance in public administration remains current.

The writings also points to the fact that public policy formulation does not take into account the socioeconomic heterogeneity<sup>111</sup>. Financial disbursement, human and infrastructure resources in public-private partnerships and differentiated analysis for poor regions may be considered in the monitoring process<sup>112</sup>. For non-profit organizations, some indicate “*decision-driven data collection*”<sup>113</sup>.

Social research in public policy evaluation must return to the citizen’s needs, beyond managerial requirements, as reasoned by Charles E. Lindblom between the terms of public interest and pluralism<sup>114</sup>.

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Mariana Almeida de Faria. Estruturação de sistemas de monitoramento e especificação de pesquisas de avaliação, os problemas dos programas públicos são. In: Caderno ENAP. Reflexões para Ibero-América. Avaliação de Programas Sociais. Brasília: 2009, p. 104 Cf. GERBER, K. ; GOLFIERI, Márcia ; REICHER, Stella C. ; STORTO, Paula R. ; GASPAS, Aureo; TOZZI, José Alberto In: FIGUEIREDO, Marcelo & JUNQUEIRA, Luciano (Coord.). Modernização dos convênios com entidades da sociedade civil. 2012, p. 45. Available at: <http://participacao.mj.gov.br/pensandoodireito/wp-content/uploads/2013/03/Volume-41-Relat%C3%B3rio-final.pdf>

108. FERRAZ, Luciano. Modernização da administração pública e auditorias de programas. Revista de Direito da Procuradoria-Geral do Estado Rio de Janeiro, n. 57, Rio de Janeiro, 2003, p. 262 Cf. GERBER et. al. 2012, Op. Cit. p. 44

109. POLLIT, Christopher & SUMMA, Hilka. Auditoria operacional e reforma da administração pública In POLLITT, Christopher & GIRRE, Xavier & LONSDALE, Jeremy & MUHL, Robert & SUMMA, Hilka & WAERNES, Marit. Desempenho ou legalidade. Auditoria operacional e de gestão pública em cinco países. Ed. Forum, Belo Horizonte 2008, p. 27

110. JANNUZZI & MACHADO SILVA & FARIA SOUSA & RESENDE, 2009, Op. Cit., pp. 102 e 103 Cf. GERBER et. al. 2012, Op. Cit. p. 45

111. Cf. GERBER et. al. 2012 Op. Cit. p. 45

112. JANNUZZI, Paulo de Martino. Indicadores para diagnóstico, monitoramento e avaliação de programas sociais no Brasil. Revista do Serviço Público (56), Brasília: 2005, pp. 137-159 Cf. GERBER, 2012, et. al. p. 45

113. GUGERTY, Mary Kay & KARLAN, Dean. Measuring impact isn’t for everyone. Apr. 2, 2014. Available at: [www.ssireview.org](http://www.ssireview.org)

114. LINDBLOM, Charles E. La investigación social para la elaboración de políticas: quién la

Daniel Vásquez and Domitille Delplace propose a coordinating committee with participation of civil society to verify the fulfillment of human rights in all public policies with process indicators (extent of government programs) and outcome indicators (enjoyment of rights impact)<sup>115</sup>.

The public problem must be first diagnosed to think the possible solution. The scale of the discrimination against women must be known, in order to substantiate the public interest towards reducing inequalities.

## 1. Public Services Ombudsmen

The Office of the Comptroller General, pursuant to article 17 of Law n. 10.683/2003, is also an ombudsman, a human rights ombudsman (Article 29, IX, Decree n. 4.177/2002). Public services' ombudsmen are necessary in order to establish quality programs through the information provided by the users of public services.

The Brazilian Bar Association litigates for the declaration of unconstitutionality by omission (*ADO n. 24*)<sup>116</sup> in order to oblige Brazilian Congress enacting a Statute for users of public services (Brazilian Constitution, article 37, § 3º, I and II: right to claim about the rendering of public services in general; right to periodical assessment, both external and internal, of the quality of the services; and right to access of users to administrative records).

## 2. Budget execution goals

Within the federal government, the evaluation of results follows the goals and guidelines established by the Multiannual Budget Plan (*PPA*), as well the respective monitoring and evaluation system set by a specific Decree<sup>117</sup>.

The Monitoring and Evaluating Multiannual Budget Plan Commission (*CMA*) of the Ministry of Planning, Budget and Management redacts the Analytical Assessment Report. It is within this monitoring commission that may be an interaction between program managers of the different ministries and the federal

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necesita y para qué. *Gestión y Política Pública III (2)*, CIDE, Mexico: 1994.

115. DELAPLACE, Domitille & VÁSQUEZ, Daniel. Políticas públicas em perspectiva de direitos humanos: um campo em construção. SUR, *Revista Internacional de Direitos Humanos* n. 14, Conectas, São Paulo: 2011, Available at: [http://www.surjournal.org/conteudos/getArtigo14.php?artigo=14,artigo\\_02.htm](http://www.surjournal.org/conteudos/getArtigo14.php?artigo=14,artigo_02.htm)

116. Cf. [www.oab.org.br/noticia/25837/oab-obtem-do-stf-liminar-em-acao-em-prol-de-usuario-de-servico-publico](http://www.oab.org.br/noticia/25837/oab-obtem-do-stf-liminar-em-acao-em-prol-de-usuario-de-servico-publico)

117. Cf. GERBER et. al. 2012 Op. Cit. p. 47

budget managers. More transparency and civil society participation are suggested. Criticism always pointed out the absence of internal auditors<sup>118</sup>. There is a Planning and Managerial Information System<sup>119</sup>.

The Federal Budget Secretariat (*SOF*) produces reports on budget execution with monitoring indicators. The integrated planning and budget system (*SIOP*) gathers the information. The Planning and Investment Secretary (*SPI*) evaluate the social programs. Federal monitoring started to occur by Multiannual Budget Plan (*PPA*) 2004-2007 (Decree n. 5.233/2004)<sup>120</sup>. There is also a public budget information system (*SIGA Brasil*), which has a special field called “*women budget*”.

Federal budget and planning system are ruled by Law n. 10.180/2001. Article 22, I determines the Federal Secretary of Internal Audit to evaluate the accomplishment of the Multiannual Budget Plans’ targets (Brazilian Constitution, article 74, I), besides the specific powers of the Brazilian Presidency and the Office of the Comptroller General<sup>121</sup>. The literature indicates that the Internal Audit Reports still refer at most to accounting issues and not to the impact assessment or to the public policy evaluation<sup>122</sup>.

In view of the Judgment n. 1078/2004 (Federal Audit Court), the information system of costs has been created for Federal Public Administration<sup>123</sup>. It is worth noting the existence of indicators of efficiency and effectiveness in relation to the targets of the Annual Budget Act<sup>124</sup>.

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118. RIBAS, Múcio Ferreira & BARBOSA, Ivete Nunes & FIOR, Cynthia Mendes & SCHEFFER, Ester Inês. Como sair dessa? É possível conciliar o nosso viver bem pessoal com um sistema social justo e equilibrado. Cuiabá: 2005, pp. 60-61.

119. SOUZA, Luísa Cardoso Guedes & VERA, Flávia Santinoni. Orçamento da união: instrumento para a igualdade de gênero e para o desenvolvimento. Available at: <http://www.observatoriodegenero.gov.br/eixo/politicas-publicas/publicacoes/orcamento-da-uniao-instrumento-para-a-igualdade-de-genero-e-para-o-desenvolvimento/view>

120. SANTOS, Adriana Rodrigues dos. Monitoramento e Avaliação de Programas no Setor Público. A experiência do PPA no governo federal no período 2000-2011. SOF, Brasília: 2012, p. 34.

121. Decrees n. 5.135/2004 and n. 4.177/2002.

122. ARRUDA, Denise Silva. A (in)aderência dos órgãos setoriais do Sistema de Controle Interno do Poder Executivo Federal à finalidade constitucional de avaliar a execução dos programas de governo. CEFOR, Brasília: 2009, pp. 1-28.

123. MONTEIRO, Bento Rodrigo Pereira & PEREIRA, Maria Clara Estevam & SANTOS, Welinton Vitor dos & HOLANDA, Victor Branco de. O processo de implementação do sistema de informação de custos do governo federal do Brasil, p. 5. Available at: [www.tesouro.gov.br/Sistema\\_Informacao\\_custos/downloads/PROCESSO\\_DE\\_IMPLANTACAO\\_DO\\_SIC.pdf](http://www.tesouro.gov.br/Sistema_Informacao_custos/downloads/PROCESSO_DE_IMPLANTACAO_DO_SIC.pdf)

124. SOF. Orientador do Acompanhamento Orçamentário. Brasília: 2013, pp. 10-11.



The budget and planning information must show the progress of achieving the equality between men and women, as stated by Raquel Coelho Cremades<sup>125</sup>. Pursuant to internal rules of the House of Representatives, the Women Specialized Prosecutor must supervise and monitor the federal programs for the gender equality. The Brazilian Congress, as a whole, has a Permanent Commission to fight violence against women and the Brazilian Senate has, inside its Human Rights Commission, a subcommittee on women's rights.

The whole budget must be evaluated, whether it is related to poverty reduction and gender equality, in order to avoid “*gender-blind*” budgets<sup>126</sup>. As stated by Katrin Schneider, there are techniques to perform an analysis of gender budgeting:

- how public policies meet the needs of men and women?
- how public resources affect men and women differently in relation to the use of time?
- and what information does the government provide to demonstrate the reduction of gender inequality in the budget?<sup>127</sup>

The challenge is given to civil society to utilize the Access to Information Act (Law n. 12.527/2011 and Decree n. 7.724/2012) and existing information technologies within the Legislative (Permanent Commission on Plans, Budgets and Auditing, Resolution n. 1/2006) and Executive powers for monitoring the impact on reducing gender inequality in Brazil.

#### IV. Gender Index

*“In the last ten years, Brazil has passed progressive legislation in support of women's rights, but vulnerable women's access to the formal labor market is limited and discrimination remains a significant challenge”*

Mary Robbins<sup>128</sup>

125. CREMADES, Op. Cit. 2013, p. 15

126. SCHNEIDER, Katrin. Manual for Training on Gender Responsive Budgeting. GTZ, Federal Ministry for Economic Cooperation and Development. Eschborn: 2006, p. 32

127. SCHNEIDER, 2006, Op. Cit. p. 78

128. Cf. (Tradução nossa). Five questions to a leader: Mary Robbins, Instituto Promundo, Brazil. 11th march, 2014. Available at: [www.empowerwomen.org/news/five-questions-to-a-leader-mary-robbins](http://www.empowerwomen.org/news/five-questions-to-a-leader-mary-robbins)

Gender inequality indicators (income, political power, violence, education) have been incorporated by Human Development Reports and UNDP since 1990. After the World Conference on Women, Beijing, 1995, UNDP started to present the gender development index (GDI)<sup>129</sup>. At that conference it was highlighted the need for information about the women's contribution to economy<sup>130</sup>.

Since then, the Human Development Reports introduced the Gender-related Development index (GDI), which measures the differences of development between men and women and the Gender Empowerment Measure (GEM), which measures the exclusion of women in terms of income, professional positions and political participation. Gender inequality is related to poverty (UN Human Development Report, 1997). The Secretary-General of UN Kofi Annan believes improving the status of women as essential to achieving the other Millennium Development Goals<sup>131</sup>.

The World Bank edited the Global Development and Gender Equality Report in 2012, proposing a global agenda for gender equality. The gender perspective is adopted by this bank in its loans<sup>132</sup>.

In Latin America and the Caribbean, after X Regional Conference of Women (Quito Consensus), methodology has been elaborated for measuring parity and degrees of physical, economic and political autonomy. The Economic Commission for Latin America and the Caribbean (UN ECLAC) through its Division for Gender Affairs coordinates with other UN agencies and national statistics institutes of the region, the sources of information for the Gender Equality Observatory.

The ISOQUITO contains quantitative indexes such as: the Index of Women's Well-being (Brazil, in 2013, 0.83 – from zero to one, the higher the value, the better the position), which measures the percentage of women living

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129. HADDAD, Amini. Democracia, cidadania e igualdade de gênero. Revista Jurídica do Ministério Público de Mato Grosso. 1 (1), Entrelinhas, Cuiabá: 2006.

130. MILOSAVLJEVIC, Vivian. Estadísticas e indicadores de género. In: INDH. Seminario Internacional. Indicadores de derechos económicos, sociales y culturales (DESC). CEPAL, Instituto Nacional de Derechos Humanos, Santiago de Chile: 2013, p. 162.

131. DUFLO, Esther. Igualdade dos sexos e desenvolvimento. In: OCKRENT, Christine (org.) & TREINER, Sandrine (coord.) O livro negro da condição das mulheres. Diefel, RJ: 2011. Cf. ROSET, Patrícia & GERBER, Konstantin. Autonomia das mulheres no direito ao desenvolvimento. In: CAMPELLO, Livia Gaigher Bósio & SANTIAGO, Mariana Ribeiro. Capitalismo Humanista. Estudos em homenagem aos Professores Ricardo Sayeg & Wagner Balera. Conceito, Florianópolis: 2013, p. 368.

132. UNIFEM. Fundo de Desenvolvimento das Nações Unidas para a Mulher. Relatório Progresso das Mulheres no Mundo 2008/2009. Available at: <http://www.unifem.org.br/sites/700/710/00000395.pdf>

in poverty, illiteracy and maternal mortality; and the Economic and Labor Parity Index (Brazil, in 2013, 0.79), which measures the participation in labor market, social security coverage, unemployment, difference of wages and urban poverty incidence between men and women, among other indexes. The ISOQUITO has also qualitative indexes - the institutional commitment indexes - like the parity in decision-making index and the legislative commitments to equality index (Brazil, in 2013, 0.3)<sup>133</sup>.

In conformity to Vivian Milosavljevic, gender indicators give visibility to gender inequality and provide quantitative data necessary for political action - monitor the various inequalities over time and guide public policies towards gender equality<sup>134</sup>.

In 2010, in Brazil, the Presidency published the National Monitoring Report on the Millennium Development Goals. Women are more educated, however, earn less than men, regardless the occupation. According to the Gender and Work Annual Report of the Secretariat of Policies for Women of the Presidency, the main characteristics are: domestic work, job instability for many women, lack of time for themselves, difficulties to reconcile the productive work with the reproductive work.

Discrimination in the labor market persists (IPEA data). Cristiane Soares comments on the GDI: *“In the adult population aged 20 or older, the participation of men in the labor market is higher than women by 25%”*<sup>135</sup>.

There is also inequality between Black and White poor women. Poverty has been decreasing in Brazil, since 2005 and illiteracy rates have also fallen from 1995 to 2011<sup>136</sup>.

The Secretariat of Policies for Women of the Presidency applied the Gender Sensitive Social Development Index (*IDS-gen*), which encompasses the minimum needs, adequate sanitation, access to income above minimum wage, decent work and literate population. As stated by Cristiane Soares:

*“According to the IDS-gen for 2008, it is observed that the male population has a higher level of social development than the female population (0,698 e 0,656, respectively)”*.

133. Cf. [www.mujeresdelsur-afm.org.uy](http://www.mujeresdelsur-afm.org.uy)

134. Idem.

135. SOARES, 2010, Op. Cit.

136. BRUERA, Silvana & GUTIÉRREZ, Magdalena. Isoquito. Desigualdades de género y raza en Brasil. Febrero, 2013, pp. 3 e 4, Disponible: [www.cotidianomujer.org/uy/sitio/pdf/ISOQUITO-BRASIL2013.pdf](http://www.cotidianomujer.org/uy/sitio/pdf/ISOQUITO-BRASIL2013.pdf)

The World Economic Forum releases the Global Gender Gap Index (GGI), measuring gender inequality regarding economic participation, education, health and politics<sup>137</sup>. Brazil ranked in 62nd position of GGI in 2013<sup>138</sup>. The NGO Social Watch releases the Gender Equity Index (education, economic participation and empowerment). Brazil had a low index (72) in 2012<sup>139</sup>.

## **1. Discrimination against women at work**

*“It should not be a provision aimed at supporting women seeking work but a right to decent care, especially for dependents (children, elderly, disabled) and a right to exercise the care in adequate conditions”*<sup>140</sup>

Rosario Aguirre & Fernanda Ferrari

In Brazil, in that increases the integration of women into labor market, there is growing unemployment<sup>141</sup>. These data are important. They corroborate what other studies indicate about precariousness of women’s work since the 70’s, and refute the World Bank studies, commonly spread by the Economist Magazine. Unemployment affects more women. How asserts Alicia Girón: “(...) *globalization, integration and development processes deepened and widened the gap between men and women more than rich and poor*”<sup>142</sup>

Supported in the study of Ertürck and Cagatay of 1995, the author states that the greater participation of women in labor market has reduced the drop in family income, but it does not stop the growing of poverty in Latin America<sup>143</sup>.

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137. SOARES, 2010, Op. Cit.

138. HAUSMANN, Ricardo & TYSON, Laura D. & BEKCHOUCHE & ZAHIDI, Saadia. The Global Gender Index 2013 In: WORLD ECONOMIC FORUM. The Global Gender Gap Report 2013. Geneva: 2013, p. 08, Available at: [www3.weforum.org/docs/WEF\\_GenderGap\\_Report\\_2013.pdf](http://www3.weforum.org/docs/WEF_GenderGap_Report_2013.pdf)

139. Cf. [www.socialwatch.org/sites/default/files/IEG\\_2012\\_es.pdf](http://www.socialwatch.org/sites/default/files/IEG_2012_es.pdf)

140. AGUIRRE, Rosario & FERRARI, Fernanda. Las encuestas sobre uso del tiempo y trabajo no remunerado en América Latina y el Caribe. Caminos recorridos y desafíos hacia el futuro. Serie Asuntos de Género n. 122. Cepal, Naciones Unidas, Santiago: 2014, p. 6. Available at: [www.eclac.cl/publicaciones/xml7/50757/LasencuestassobreelusodeltiempoRev1.pdf.pdf](http://www.eclac.cl/publicaciones/xml7/50757/LasencuestassobreelusodeltiempoRev1.pdf.pdf)

141. BRUERA & GUTIÉRREZ, 2013, Op. Cit. pp. 4 e 5.

142. GIRÓN, Alicia. Género, Globalización y Desarrollo. In: GIRÓN, Alicia (Org.) Género y Globalización. CLACSO, Buenos Aires: 2009.

143. Idem, p. 91

In Latin America and the Caribbean region, unemployment and female informality rates are higher. The average income of women is between 60 and 70% of what men earn for the same job<sup>144</sup>.

Brazil is the Latin country with the largest wage gap between men and women and between White and Black or Indians, according to Inter-American Development Bank<sup>145</sup>.

In a study of ILO conducted by Laís Abramo, in 2003, it was found that the monthly income of working women reached 66% of male's income and the income of afro-brazilian women reached only 32%<sup>146</sup>. One of the reasons for wage discrimination is occupational segregation, as explains Vera Soares:

*“In general, jobs and sectors where women predominate pay less than those in which men are the majority. (...) Thus, women end up being excluded from positions that pay better, traditionally occupied by men, and are recruited to traditionally female services such as domestic workers, secretaries, typists, professions, in general, related to the care role<sup>147</sup>.”*

The creation of nurseries favors the equality between men and women in the labor market<sup>148</sup>. Primary education reduces poverty. In the field of child care, there is a deficit in Brazil. Only in São Paulo, there are 127400 children registered and missed<sup>149</sup>. The Public Defender of State of São Paulo filed petitions. Only

144. UNDP. Desarrollo Humano. America Latina Genera. p. 6, Available at: [www.americaingen-nera.org/es/documentos/tematicas/tema\\_desarrollo\\_humano.pdf](http://www.americaingen-nera.org/es/documentos/tematicas/tema_desarrollo_humano.pdf)

145. RIBEIRO, Henrique. Mulheres e minorias ganham 30% a menos. (10/13/2009) [www.metro-point.com](http://www.metro-point.com)

146. POIRIER, Marie-Pierre. Como estão nossas meninas? In: PORTO, Marta (Org.) Olhares femininos. X Brasil, Rio de Janeiro: 2006, p. 142.

147. SOARES, Vera. Práticas discriminatórias e segregação no mercado de trabalho. In: Rosane da Silva & Heleith Saffioti & Nalu Faria & Vera Soares & Marcia Vasconcelos & Odete Filipe & Maria das Graças Costa & Carmen Bravo & Judith Carroll & Ana Leticia Silva. Friedrich Ebert Stiftung, Cut Brasil, 2010, p. 23 Cf. ROSSET, Patricia & GERBER, Konstantin. Autonomia das mulheres no direito ao desenvolvimento. In: CAMPELLO, Livia Gaigher Bósio & SANTIAGO, Mariana Ribeiro. Capitalismo Humanista. Estudos em homenagem aos Professores Ricardo Sayeg & Wagner Balera. Conceito, Florianópolis: 2013, p. 370.

148. GRAÇA, Eliana Magalhães & MALAGUTI, Mirelli & VIEIRA, Célia Maria Farias. Orçamento e gênero: a luta pela igualdade. Os oito anos de governo FHC. Available at: <http://www.observatoriodegenero.gov.br/eixo/politicas-publicas/publicacoes/orcamento-da-uniao-instrumento-para-a-igualdade-de-genero-e-para-o-desenvolvimento/view>

149. Cf. SOMSKINSKI, Suellen. Deficit de vagas em creches de São Paulo chega a 127,4 mil crianças. Available at: [www.educacao.uol.com.br/noticias/2013/08/20/deficit-de-creches-de-sao-paulo](http://www.educacao.uol.com.br/noticias/2013/08/20/deficit-de-creches-de-sao-paulo)

in 2013, 12000 enrollments of children were granted by injunctions in the Judiciary<sup>150</sup>.

Public policies ought to contemplate the productive, the reproductive and the productive-reproductive women, in order to size the unremunerated domestic activities<sup>151</sup>. That is why it is necessary to speak of indicators on the use of time and unpaid work<sup>152</sup>. Brazil created the program Brazil, Gender and Race with support of ILO<sup>153</sup>. It is still necessary for Brazil to ratify ILO Convention 156 on equality of opportunity and treatment for workers with family responsibilities.

The demands for distribution and recognition must be balanced in the income generation policies for women<sup>154</sup>. Public care policies shall be broadened. The active fatherhood must be fostered<sup>155</sup>. The National Qualification Plan of the Ministry of Labor shall promote work trainings beyond the activities traditionally regarded as feminine<sup>156</sup>. In addition to government measures, the attitude of men has to change, as points Vera Maluf:

*“Maybe it’s too hard for some men to accept, understand and support the new ideas of sharing tasks, putting the women in position of greater dignity and respect as a human being”<sup>157</sup>.*

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passa-de-150-mil-vagas-aponta-estudo.htm

150. Cf. [portal.aprendiz.uol.com.br/2013/08/29/audiencia-publica-falta-de-vagas-em-creches-e-violacao-de-direitos/](http://portal.aprendiz.uol.com.br/2013/08/29/audiencia-publica-falta-de-vagas-em-creches-e-violacao-de-direitos/)

151. RODRIGUEZ, Graciela. A autonomia econômica das mulheres e a reprodução social: o papel das políticas públicas In BRASIL. PRESIDÊNCIA DA REPÚBLICA. Edição Especial Revista do Observatório Brasil de Igualdade de Gênero. Tema: Autonomia econômica, empoderamento e inserção das mulheres no mercado de trabalho. Secretaria de Políticas para as mulheres, Brasília: 2009.

152. AGUIRRE & FERRARI, 2013, Op. Cit.

153. GOMES, Ana Virgínia Moreira. A OIT e a disseminação do combate à discriminação contra a mulher no trabalho: indo além das convenções e recomendações. In: BERTOLIN, Patrícia Tuma Martins & ANDREUCCI, Ana Claudia Pompeu Torezan. Mulher, Sociedade e Direitos Humanos. Rideel, São Paulo: 2010, p. 173

154. FRASER, Nancy. Políticas feministas na era do reconhecimento. In: BRUSCHINI, Cristina & UNBEHAUM, Sandra G. (orgs.) Gênero, Democracia e Sociedade Brasileira. São Paulo: Editora 34, 2002 Cf. ROSSET & GERBER, 2013, Op. Cit. p. 371.

155. SECRETARIA DE POLÍTICA PARA AS MULHERES. Eixos indicadores e políticas públicas. In: Relatório Anual 2010/2011. Available at: <http://www.observatoriodegenero.gov.br/menu/publicacoes/relatorio-anual-2010-2011-trabalho-e-genero>

156. GRAÇA, MALAGUTI & VIEIRA, Op. Cit.

157. MALUF, Vera. Mulher, trabalho e maternidade. Uma visão contemporânea. Atheneu, São Paulo: 2012, p. 16 e p. 75.

## 2. Budget process, public policy and women rights: what has been implemented in Brazil

The Department of Policy Evaluation and Economic Autonomy for Women was created by Decree n. 7.043/2009. The Second National Plan of Policies for Women, according to the Multiannual Plan 2008-2011, outlined the goals of the so-called “women budget”<sup>158</sup>.

The “women budget” was an initiative of the Feminist Center of Study and Advisory (CFMEA), in 2002, and aimed to monitor programs addressed to women and check the percentage of expenditures. In addition to the curtailment of funds by the Executive branch, there is lack of gender indicators able to monitor the government programs. As written by Luiza Cardozo de Souza and Flávia Santioni Vera:

*“It is inappropriate to include a gender perspective limited to identify the spending directed at women, since it thus implies a superficial analysis that does not check how gender sensitive the budget process really is”<sup>159</sup>.*

The challenge is to supervise the federal public expenditure (President of the Republic and Ministries)<sup>160</sup>.

## 3. International women’s human rights

Brazil is signatory of the Additional Protocol to the CEDAW, Decree n. 4.316/02. Brazil suspended its reservations (Decree n. 26/94), kept only reservations to article 29 of CEDAW.

Once exhausted the domestic remedies or in case of unreasonable delay, it is possible to file an international petition addressed to the Secretary General of the UN in order to be examined either by CEDAW Committee or UN Women.

158. Cf. ROSSET & GERBER, 2013, Op. Cit. p. 367

159. SOUZA, Luísa Cardoso Guedes & VERA, Flávia Santinoni. Orçamento da união: instrumento para a igualdade de gênero e para o desenvolvimento. Available at: <http://www.observatoriodegenero.gov.br/eixo/politicas-publicas/publicacoes/orcamento-da-uniao-instrumento-para-a-igualdade-de-genero-e-para-o-desenvolvimento/view>

160. BLIACHERIENE, Ana Carla & RIBEIRO, Renato Jorge Brown. Fiscalização financeira e orçamentária: controle interno, controle externo e controle social do orçamento. In: CONTI, José Mauricio & SCAFF, Fernando Facury (Coord.) Orçamentos Públicos e Direito Financeiro. RT, São Paulo: 2011, p. 1231.

Pursuant to article 17 of CEDAW, the Committee examines petitions from individuals or group of individuals claiming to be victims of violations of rights under CEDAW and also examines the periodic reports submitted by States parties, making general observations, suggestions to UN bodies, recommendations to States parties and confidential inquiries. The general observations are remitted to UN General Assembly.

The inter-american system, in turn, looking through the judgments of Inter-American Court of Human Rights and the agreements of the Inter-American Human Rights Commission: restore the previous situation, repair the violation of human rights and publicly recognize the violation. First, the petition must be admitted by the Inter-American Commission with the following requirements (article 46, American Convention): exhaustion of domestic remedies; presentation within six months of final decision; the issue cannot be pending in another international proceeding; and the petition must be signed with the qualification of the petitioners or the legal representative.

In addition to the studies which focus on the cases regarding gender violence<sup>161</sup> in the inter-american system, the Case *Artavia Murillo vs. Costa Rica*<sup>162</sup> may be mentioned for the disproportionate impact theory and also the Case *Cinco Pensionistas vs. Perú* for the prohibition of social regressivity principle.

With respect to international monitoring, article 8, h, *Belém do Pará* Convention, Decree 1.973/1996, establishes the need for the States parties to submit periodic reports about the implementation of the inter-american convention to eradicate violence against women. OAS has specific committees which elaborate questionnaires, hemispheric recommendations and also recommendations for the States parties<sup>163</sup>.

The challenge is to claim the progressive realization of social rights through the monitoring of national statistics, either by arguing violation of CEDAW or an unconstitutionality by omission in order to have the judicial review of public policies.

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161. Regarding gender violence, please check the cases of the Interamerican Court selected by the NGO CEJIL: [https://cejil.org/sites/default/files/sumarios\\_jurisprudencia\\_violencia\\_de\\_genero\\_2011.pdf](https://cejil.org/sites/default/files/sumarios_jurisprudencia_violencia_de_genero_2011.pdf) For the gender violence cases of Interamerican Commission, please check: GONÇALVES, Tamara. *Direitos Humanos das Mulheres e a Comissão Interamericana de Direitos Humanos*. Saraiva, São Paulo: 2013.

162. [http://www.corteidh.or.cr/docs/casos/articulos/resumen\\_257\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/resumen_257_esp.pdf)

163. MEJÍA, Luz Patricia. Breve Recuento sobre los indicadores de la Convención Belém do Pará. In: In: Seminario Internacional. Indicadores de derechos económicos, sociales y culturales (DESC) y seguimiento de las políticas sociales para la superación de la pobreza y el logro de la igualdad. 12 y 13 de junio de 2013, INDH, CEPAL, Santiago de Chile: 2013, p. 185.



#### 4. Constitutional equality principle: parity and the reinvention of equality

*“The discrimination faced by women and girls regarding their access to sexual and reproductive health and rights is one of the key aspects impeding the socio-economic empowerment of women”*<sup>164</sup>

Renate Baehr

Equality is a constitutional principle (Brazilian Constitution, Article 5, I). The arbitrary distinction is forbidden. The Constitution itself provides differential treatment (Articles 7, XVII, XIX, article 143, 1º, 2º and article 202, I, II)<sup>165</sup>.

The Constitution of Brazil provides protection of the labor market for women through specific incentives (Article 7, XX, ruled by Law n. 9.799/99) and prohibition of any difference in wages by reason of sex (Article 7, XXX, ruled by Law n. 9.029/95).

Gender justice means the condition of women as full partners in social interaction, according to Nancy Fraser<sup>166</sup>. There is need for recognition of femininity and overcoming subordination in order to have parity in the labor market, in sex life, in family life, in public sphere and civil associations. Parity is not strictly numerical<sup>167</sup>. Parity corresponds to the affirmation of difference and to a right to identity, in the words of María Luisa Balaguer *“a concept of equality that embraces the concept of difference”*.<sup>168</sup>

164. (Tradução nossa). BAEHR, Renate. Securing her rights, securing her future. 27th March, 2014. Available at: [www.devex.com/news/securing-her-rights-securing-her-future-83127](http://www.devex.com/news/securing-her-rights-securing-her-future-83127)

165. CAMPOS, Amini Haddad & CORRÊA, Lindinalva Rodrigues. Direitos humanos das mulheres. Juruá, Curitiba: 2012, p. 110.

166. FRASER, 2002, Op. Cit. p. 66 Cf. ROSSET, Patricia & GERBER, Konstantin. Autonomia das mulheres no direito ao desenvolvimento. In: CAMPELLO, Livia Gaigher Bósio & SANTIAGO, Mariana Ribeiro. Capitalismo Humanista. Estudos em homenagem aos Professores Ricardo Sayeg & Wagner Balera. Conceito, Florianópolis: 2013, p. 362

167. FRASER, 2002, Op. Cit. pp. 68-69 Cf. ROSSET & GERBER, 2013, p. 363.

168. BALAGUER, María Luisa. Mujer y Constitución. La construcción jurídica del género. Cátedra, Madrid: 2005, p. 127

## **5. Feminine empowerment**

The limitations of self-determination of individuals are not only economic. The question made by Daniel Vásquez e Domitille Delaplace is here reproduced to think the concept of empowerment: *“how to build a connecting link between the government and the people?”*<sup>169</sup>.

Additionally, in the words of Catia Grisa e Laeticia Jalil, following the ideas of J.O. Romano: *“(...) empower means changing power relations in favor of people in poverty.”* According to these authors, empowerment means: power over physical, human, financial and natural resources, ideas, beliefs, values and actions; power to perform and modify what is needed; and power to act together with other people, join forces in order to capacitate and emancipate<sup>170</sup>.

Empower is to perceive the limitations of living conditions and to be capable for making the social intervention reality.

## **6. Gender, Microcredit and *Bolsa Família***

*“In Brazil, there is a notorious hostility against public programs to fight poverty by the media and so-called public opinion, which, actually, expresses the position of the upper-middle class, numerically a minority, but still a powerful social group”*<sup>171</sup>

Walquiria Leão Rego & Alessandro Pinzani

The rhetoric of feminization of poverty emerged in the 70's, in the U.S., when important percentage of households was found living below the poverty line, headed by single or divorced women. This approach influenced microcredit programs of World Bank in the 90's.

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169. DELAPLACE, Domitille & VÁSQUEZ, Daniel. Políticas públicas em perspectiva de direitos humanos: um campo em construção. SUR, Revista Internacional de Direitos Humanos n. 14, Conectas, São Paulo: 2011, p. 41, Available at: [http://www.surjournal.org/conteudos/getArtigo14.php?artigo=14,artigo\\_02.htm](http://www.surjournal.org/conteudos/getArtigo14.php?artigo=14,artigo_02.htm)

170. ROMANO, 2002, p. 17 apud GRISA, Catia & JALIL, Laeticia. O monitoramento da política vivida: a trajetória do projeto medindo e melhorando o impacto do monitoramento de políticas públicas pela sociedade civil. In: ROMANO, Jorge O. & HERINGER, Rosana. A política vivida: olhar crítico sobre monitoramento de políticas públicas. Ford Foundation, Actionaid, Rio de Janeiro: 2011, p. 329.

171. PINZANI, Alessandro & REGO, Walquiria Leão Rego. Vozes do Bolsa Família. Autonomia, Dinheiro e Cidadania. Unesp, São Paulo: 2013, pp. 148-149.

Some authors question for the Brazilian case the lack of gender disaggregated income data for the households, in order to show how poverty affects men and women in a different way, and to evidence the inequality among women<sup>172</sup>.

A survey conducted in metropolitan areas through the National Household Sample Survey (*PNAD*), in 2009, identified “*family more vulnerable to impoverishment*”<sup>173</sup>.

A research about microcredit experience in Latin America highlights the importance of a “*warrant with solidarity*” or how important is to give the loan to a group<sup>174 175</sup>.

Besides *Bolsa Família*, minimum wage increase and primary education, poverty has been reduced in Brazil due to the National Program for Strengthening Family Agriculture (*PRONAF*), with specific credits for women (*PRONAF Mulher*). Much of Brazil’s poverty is concentrated in rural areas. The Gini coefficient had a greater fall in rural areas in the last decade<sup>176</sup>.

The *Bolsa Família* is targeted for those who do not have minimum conditions for survival, less than 5 R\$ a day, or up to 140R\$ per month<sup>177</sup>. The mastermind behind this successful project is the economist Ricardo Paes de Barros, who was influenced by Carlos Langony (author of *Income Distribution and Economic Development in Brazil in 1973*), who, on the other hand, was influenced by Theodor Schultz in the 60’s<sup>178</sup>.

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172. CORRÊA, Sônia. Gênero e pobreza. Genealogias, teorias e “políticas do real”. In: ARILHA, Margareth & CAETANO, André Junqueira & GUEDES, Moema & MARCONDES, Gláucia dos Santos (org.) *Diálogos transversais em gênero e fecundidade. Articulações contemporâneas*. ABEP, Librum, Campinas: 2012, pp. 11-15.

173. MONTALI, Lilia. Homens e mulheres no mercado de trabalho e os desafios para a equidade. In: ARILHA, Margareth & CAETANO, André Junqueira & GUEDES, Moema & MARCONDES, Gláucia dos Santos (org.) *Diálogos transversais em gênero e fecundidade. Articulações contemporâneas*. ABEP, Librum, Campinas: 2012, p. 92.

174. FORTE, Claudia. A força empreendedora da mulher brasileira e da mulher colombiana. In: MEDINA, Cremilda (org.) *O impacto do microcrédito para a mulher latino-americana. Foro Permanente de Reflexão sobre a América Latina. Fundação Memorial da América Latina, São Paulo: 2011, pp. 25-26.*

175. Pode ser referida a ONG WAM (Women Advancing Microfinance): [www.waminternational.org/](http://www.waminternational.org/)

176. FAGNANI, Eduardo. *As lições do desenvolvimento social recente no Brasil*. Le Monde Diplomatique, dezembro, 2011.

177. TELLES, Maria Sarah da Silva. *Só Bolsa família não resolve problema da miséria*. IHU online cf. BRASIL DE FATO, 15 a 21 de setembro de 2011.

178. CARIELLO, Op. Cit. 2012, p. 30.

Notwithstanding the success of the program, there is a limitation of access to the social grant in certain municipalities, and some suggest the possibility of legal action claiming the benefit for excluded vulnerable groups<sup>179</sup>.

Some of the *Bolsa Família* objectives are: raising the purchasing power of households; assuring the rights to education and health; income generation; autonomy of women; increasing the bargaining power of low-income workers; and establishing networks of solidarity.

According to values practiced for the year of 2011, a family in extreme poverty received 70 R\$. With the variable benefits for children the amount can get up to 242 R\$. The design of the program might be considered pronatalist, but recent empirical research indicates no effect of *Bolsa Família* in the fertility rates<sup>180</sup>.

Another research with poor women living in rural areas concludes that *Bolsa Família* is necessary for individual autonomy (ability to make free choices, ability to take care of themselves and their families) and that the benefit is perceived as a right!<sup>181</sup>

There are issues such as lack of nutrition education or even water, so that the food could be healthier, but *Bolsa Família* does impact the power of decision of women in poor regions, characterized by informal work and absence of state services<sup>182</sup>.

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179. ZIMMERMANN, Clóvis Roberto. Os programas sociais sob a ótica dos direitos humanos: o caso do bolsa família do governo Lula no Brasil. SUR, Revista Internacional de Direitos Humanos n. 4, Conectas, São Paulo: 2006, p. 152.

180. ALVES, José Eustáquio Diniz & CAVENAGHI, Suzana. O programa bolsa família, fecundidade e a saída da pobreza. In: ARILHA, Margareth & CAETANO, André Junqueira & GUEDES, Moema & MARCONDES, Gláucia dos Santos (org.) Diálogos transversais em gênero e fecundidade. Articulações contemporâneas. ABEP, Librum, Campinas: 2012 pp. 28-29.

181. REGO & PINZANI, 2013, Op. Cit. Pp.38 e 39

182. SANCHES, Mariana. O Bolsa Família e a revolução feminista no sertão. Revista Marie Claire, 03/12/12, Available at: <http://revistamarieclaire.globo.com/Mulheres-do-Mundo/noticia/2012/11/o-bolsa-familia-e-revolucao-feminista-no-sertao.html> & IPEA. Bolsa família muda percepção da mulher sobre sua vida. Available at: [http://www.ipea.gov.br/portal/index.php?option=com\\_content&view=article&id=17192&catid=4&Itemid=2](http://www.ipea.gov.br/portal/index.php?option=com_content&view=article&id=17192&catid=4&Itemid=2)

## V. Conclusion

*“This struggle is not a struggle of individuals to be recognized and valued, or to be seen, but to be what they are, a struggle to mobilize and transform the position of women”*<sup>183</sup>

Elisabeth Grosz

Parity should mean a qualitative condition<sup>184</sup>. Parity and diversity shall be the guidelines of public policies. The suggestion of using gender indicators for monitoring public policy aims to offer civil society a tool in order to evaluate all government programs as a whole whether if they are gender sensitive or not.

Pursuant to Concluding Observation 14 of CEDAW Committee for Brazil, in 2012, there is inconsistency between what the Budget Guidelines Act determines and the resources effectively allocated to the Secretariat of Policies for Women.

Public participation is needed to evaluate the Multiannual Plans (*PPA*) by improving the budgetary information system of the Executive and Legislative powers. The Annual Reports produced by the Planning, Budget and Management Ministry, as well the reports produced by the governmental audits shall comprise the targets of reducing gender inequality.

Moreover, in addition to monitoring public policies with a gender perspective, public servants shall be educated to know better the women’s human rights framework. The attitude of men must change in order to help women with the domestic work.

The creation of ombudsmen in public services, including in the judiciary is recommended. The challenge is to translate the statistic data into public information for women.

Worth to mention the following Bills which are under discussion at Brazilian Congress:

- PL 5665/2013 (stability of five months in the job for the adopting mother);

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183. GROSZ, 2002 Apud RAGO, Margareth. Foucault, a subjetividade e as heterotopias feministas. In: SCAVONE, Lucila & ALVAREZ, Marcos César & MISKOLCI, Richard (org.) O legado de Foucault. Ed. Unesp, São Paulo: 2006, p. 109.

184. FRASER, 2002, Op. Cit., p. 71, p. 68 Cf. ROSSET, Patricia & GERBER, Konstantin. Autonomia das mulheres no direito ao desenvolvimento. In: CAMPELLO, Livia Gaigher Bósio & SANTIAGO, Mariana Ribeiro. Capitalismo Humanista. Estudos em homenagem aos Professores Ricardo Sayeg & Wagner Balera. Conceito, Florianópolis: 2013, p. 362, p. 363

- PL 3212/2012 (parental leave of 15 days);
- PLS 298/2013 (National Fund to Fight Violence Against Women);
- PLS 297/2013 (Resources for National Penitentiary Fund for the maintenance of the shelters for threatened women); and
- PLS 295/2013 (specialized care in the National Health System for women victims of violence).

We tried throughout this paper to conceptualize poverty and explain how poverty has been reduced in Brazil. In that increases the integration of women into labor market, there is growing unemployment. Poverty affects at most women. Economic growth does not necessarily reduce poverty. In times of economic crisis, women are still the most vulnerable.

The Supreme Court of Brazil has invoked the prohibition of social regressivity principle in some cases involving unconstitutional administrative omission, including a case regarding expansion and improvement in public service for pregnant women (RE 581352 AgR/AM, Rel. Min. Celso de Mello, 29/10/2013). In a case regarding the omission of the President to eradicate illiteracy, the action was dismissed (ADI 1698/DF, Rel. Min. Cármen Lúcia 25/02/2010), since specific statutes had been enacted and according to social indicators the illiteracy rate had been reduced. Gender indicators should also be part of the reasoning of constitutional judges.