Insider and outsider Advocates: Brazilian State Feminism, Abortion and Violence against Women, 2003 - 2006

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Abstract

This dissertation examines the relationship between the Brazilian Women's Policy Agency (WPA), the Secretaria Especial de Politicas para as Mulheres- SPM (the Special Secretariat for Public Policies for Women), and the feminist movements in two policy debates in 2003-2006. This study analyses the level of policy impact the feminist movements had through the SPM in two contrasting case studies, abortion and Violence against Women (VAW). These cases were selected because they were both considered high priority for the feminist movements, and they both received government attention prior to, and during 2003-2006. However, they differed substantially in the level of contentiousness, which indicated different probabilities for movements' success. Loosely informed by the Research Network on Gender and the State (RNGS) framework, this study explores the interaction between feminist movements and the SPM through focussing on the policy environment, the characteristics of the feminist movements, and the activities and characteristics of the SPM. My findings are based upon primary and secondary source material, including elite interviews, participant observations and the analysis of academic and activist material. In the abortion debate, feminists gained access to, and impacted upon the policy debates about decriminalization, though the partnership between the SPM and the movements did not result in a change of policy. In the case of VAW however, the SPM facilitated the creation of Brazil's first law regulating VAW. I conclude that although the SPM was less able to enable feminist impact in the abortion debate than in VAW, I nevertheless argue that the SPM secured a high level of feminist impact on policy debates in both cases.

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List of Abbreviations

AGENDE Ações em Gênero Cidadania e Desenvolvimento (Actions in Gender, Citizenship and Development)

ARENA Aliança Renovadora Nacional (National Renovating Alliance)

CEDAW Convention on the Elimination of Discrimination Against Women

CFEMEA Centro Feminista de Estudos e Assessoria (Feminist Centre for Studies and Advisory Services)

CNDM Conselho Nacional dos Direitos da Mulher (National Council for Women's Rights)

CNMB Conferencia Nacional de Mulheres Brasileiras (National Women's Conference, 2002)

CNPM Conferencia Nacional de Politicas para as Mulheres (National Conference for Women's Policies, 2004)

DEAM Delegacias Especializadas de Atendimento às Mulheres (Special Police Stations for Attending Women)

NGO Non Governmental Organisation

PcdoB Partido Comunista do Brasil (Brasilian Communist Party)

MDB Movimento Democrático Brasileiro (Democratic Brazilian Movement)

OAS Organisation of American States

PL Projeto de Lei (Law Project)

POS Political Opportunity structures

PMDB Partido de Movimento Democrático Brasileiro (The Party of the Brazilian Democratic Movement)

PNSP Plano Nacional de Segurança Pública (National Plan for Public Security)

PT Partido dos Trabalhadores (Worker's Party)

RNGS Research Network on Gender and the State

SEDIM Secretaria de Estado dos Direitos da Mulher (State Secretariat for Women's Rights)

SENASP Secretaria Nacional de Segurança Pública (National Secretariat for Public Security)

SEPPIR Secretaria Especial de Políticas de Promoção da Igualdade Racial (Special Secretariat for the Public Policies for the Promotion of Racial Equality)

SOF Sempreviva Organicação Feminista (Feminist Organisation Alive Forever)

SPM Secretaria Especial de Politicas para as Mulheres (Special Secretariat for Public Policies for Women)

VAW Violence against Women

WPA Women's Policy Agency

Chapter One: Defining and designing the study

1.1 Introduction

In 2002, Luis Inácio Lula da Silva, commonly known as Lula, was elected President of Brazil. This was an historic event, as his election meant a rupture of the dominance of the traditional elite in Brazilian politics. Lula represented the Partido dos Trabalhadores- PT (Workers' Party), which had strong links to the grassroots and civil society. The PT had a history of participatory governance and commitment to the socially and politically excluded. Lula himself was from a working class background with roots in the impoverished North. This contributed to a perceived change in Brazilian politics and many saw Lula as the answer to Brazil's vast social problems.

It was not only the poor and grassroots movements, that saw Lula's presidency as an opportunity for change. Based on the PT's previous gender record, and on the participation of feminists within the PT, feminist movements also had reason to believe that Lula's presidency could help them to have an increased impact on policy debates. Their hopes increased with the creation of the Women's Policy Agency (WPA), the Secretaria Especial de Politicas para as Mulheres- SPM (the Special Secretariat for Public Policies for Women), on Lula's first day in office. Lula's coming to power and the creation of the SPM changed the policy environment in which feminists operated. It also created opportunities for increased feminist access to, and impact in, the policymaking arena.

This thesis sets out to explore whether the opportunities for increased influence in the policymaking arena actually led to an impact on the policy debating process. This thesis answers the question 'How far have Brazilian feminist movements been able to have an impact on policy debates through the SPM?', by focussing on Lula's first administration (2003-2006). To establish how far the SPM increased feminist impact on policy debates during 2003-2006, this study will examine the interaction between Brazilian feminist movements and the SPM throughout two policy debates: Abortion and Violence against Women (VAW).

By presenting new empirical material, this thesis will increase our knowledge of WPAs, state feminism and the nature of the relationship between WPAs and feminists outside of the state apparatus. Much state feminist research concentrates on Northern post-industrial democracies.

In contrast, this thesis looks at a Southern country, expanding the available analyses of feminist movements, WPAs and policymaking outside of a Northern industrialised environment.[1] An exploration of policymaking in a different cultural, political and institutional context widens our knowledgebase of gender and politics. Through focussing on Brazil, this thesis complements the field of state feminist research by adding a thick contextual description of how the Brazilian WPA works. The use of existing concepts and frameworks means that the details discussed here, can then be used in conjunction with findings from other countries (Landman, 2003: 34).

This study contributes to the wider academic literature by examining a case study of a left wing party in government that had feminist activists within it, that has not been extensively analysed to date. There has been much research on the increasing number of Latin American leftist governments over the last decade (Panizza, 2005; Castañeda, 2006; Lomnitz, 2007; Seligson, 2007; Chavez, 2008; Sanchez et al, 2008; Beasley-Murray et al, 2009) . So far however, there have been few analyses of how 'the turn to the left' has influenced feminist opportunities for policy impact, though there are some exemptions (Franceschet, 2006; Macaulay, 2006; Rios Tobar, 2007; 2008; Lievesley and Ludlam, 2008; Friedman, 2007; Friedman, 2009). Neither has there been much academic focus on WPA creations in the context of a leftist government in Latin America, as such agencies were created in a time where the centre and right dominated (Friedman, 2009: 417). As Craske (2000: 54) pointed out, by 2000, there were few leftist governments in Latin America, and there was thus few possibilities to research Stetson and Mazur (1995)'s hypothesis that leftist governments are favourable for increasing women's rights from within the state. Lula and the PT's coming to power presents an opportunity to study the significance of a leftist government in power for feminist influence in policy debates. This thesis, therefore, complements studies of Latin America's turn to the left by providing a gendered analysis.[2] Furthermore, this research also contributes to the literature on gender and politics, which highlights the positive correlation between leftist governments and improvements in gender policies (Stetson and Mazur, 1995;

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[1] I have chosen to make use of the North/South distinction throughout this thesis. By 'the North' is meant the European countries in the EU and EEC, North America, Australia and New Zealand. By 'the South' is meant the countries outside of the EC and EEC, Asia, Africa, Latin America and Oceania excluding Australia and New Zealand.

[2] The left and centre-left wave started with the election of Hugo Chavez in Venezuela (1999-), then came Lula in Brasil (2003-), Néstor Kirchner in Argentina (2003-2007), Tabaré Vázquez in Uruguay (2005-), Michelle Bachelet in Chile (2006-) Evo Morales in Bolivia (2006-), Correa in Ecuador (2006-) Daniel Ortega in Nicaragua (2007 -), Cristina Fernández de Kirchner in Argentina (2007-), and Mauricio Funes in El Salvador (2009-).

Stetson, 2001: 14; Weldon, 2002: 55; Waylen, 2003: 12; Sacchet, 2005: 9; Lovenduski, 2005: 281; McBride and Mazur, 2006: 12; Htun and Power, 2006: 83; Macaulay, 2006; Squires, 2007: 63).

The research conducted here shed light on feminist movements and their strategies, and links with findings in other Latin American countries. Discussions about the most effective strategies for women's movements have long been the subject of debate amongst feminist scholars and there is no unanimity amongst activists or scholars about the most appropriate (Bystydzienski, 1992; Eisenstein, 1996; Chappell, 2002; Banazsak et al, 2003: 16-18). This has also been the focus for researchers of Latin American women's movements. Bonnie Shepard (2000), for example, has analysed reproductive rights and divorce politics in Chile and Columbia. She argues that it has been a strategy for the feminist movements to avoid large debates. This is due to the political cost of engaging with abortion debates in these countries, and the increased crackdown on clandestine clinics following such debates (Shepard, 2000: 126). Due to the different political context, and the difference in abortion rights in these two countries and Brazil, it is unlikely that Shepard's findings would be valid for Brazil. Barrig (1999) has examined feminist strategies on reproductive rights when engaging with the Peruvian state in the 1990s. She found that feminists were in disagreement on whether to negotiate with the state, or to demand accountability of state policies (Barrig, 1999: 22). However, Barrig does not focus on the interaction of the state and feminists in policy formation, but on how feminists reacted to a policy in which they had no opportunity to influence its formation nor its implementation.

Policy framings have also played a part in the analysis of the strategies of feminist movements (Outshoorn, 2004; Lovenduski, 2005). In the Latin American context, Alvarez (2000), Blofield and Haas (2005) and Friedman (2006) are all notable for their analyses of framings. For example, Blofield and Haas (2005), focussing on Chile, suggest that it is a strategic advantage to frame law proposals according to traditional gender roles, rather than focussing on increasing women's rights. In their analysis of Guatemalan and Mexican women's movement strategies, Blacklock and Macdonald (1998) argue that framing demands in terms of human rights has been an important strategy for the women's movements. However, this dissertation also explores whether feminists themselves avoid, or tone down explicitly feminist discourses to secure an advantage in policy debates. There is not enough research

that explores this theme in either the current literature on Latin American feminist movements, or more specifically, in the Brazilian context.

My findings therefore will add to our knowledge of the ways in which discourses and framings shape policy outcomes. This is both discussed as a strategy, but also indicates how common policy frames within the state are important for securing feminist impact on policy debates through WPAs. Framing has also been an important area of research on state feminism in the North. As suggested by the RNGS research in particular, it is important that the WPA and feminist movements share a common policy frame or discourse. This thesis explores how far this is an important prerequisite for feminist influence on policy debates through the WPA. Though, a frame fit between these entities does not necessarily signify that other government structures share the same policy goals and definitions. Hence, where this dissertation aims to add additional insight is into the question of the extent to which it is necessary to consider not only the frame fit between the WPA and feminists, but also between the WPA and the power centre and president.

This subject has already been touched upon in research on Chile. As Willmott (2002: 127) suggest, the Chilean 'Servicio Nacional de la Mujer' (SERNAM) frequently used discourses that were contradictory to those employed in other areas of the state. However, some of these often-contrasting discourses presented by different parts of the state, could be explained by the ideological differences within its coalition government (Waylen, 2007: 157). In fact, the research suggests that policy gains and the frame fit between the SERNAM and the rest of the government increased when the socialist party won the presidency and the control of SERNAM in 2000 (Haas, and Blofield, 2005: 44). This thesis explores another case where the WPA has a high status, a wide-ranging mandate, financial autonomy, is staffed by feminists, and is headed by a member of the same party as the president, and looks at the extent to which the president and government would back its own WPA's discourses, policy goals and actions.

This study is therefore part of and informed by the extensive research conducted on women and politics in Latin America since the 1970s, and this thesis takes part in bringing this research up to date. Many Latin American countries were the focus of many studies of women's and feminist movement activism during the dictatorships and the transition to democracy in the period between the 1970s and early 1990s. This literature explored a number of important themes. It showed how women legitimised their activism in the name of

motherhood (Chaney, 1979; Molyneux, 1985; Chuchryk, 1989; Alvarez, 1990; Safa, 1990; Miller, 1991: 180; Gonzales and Kampwirth, 2001: 24-26). For example, Elsa Chaney (1979), when writing about women and politics in Chile and Peru in the 1960s and 1970s, coined the term 'supermadres'. This notion described how women had to legitimise their public political action in the name of motherhood, thus seeing political activism as extensions of their role in the home. Much of the literature on women's movements based on research in the 1990s, focussed on reasons for a movement's emergence, on women's movement's roles in the breakdown of the authoritarian regimes, and on the effects of the democratic transition on women's political activity (Htun, 2003: 4). A large part of this research suggested that democratization had a negative effect on women's movements organisational and policy impact capacity (Alvarez, 1990; Jaquette, 1994; Stephen, 1997; Lebon, 1997; Matear: 1997; Craske, 1998; Franceschet, 2003: 9; Haas, 2006: 200). Lievesley (1996: 2), for example, concludes that women had more opportunities for political influence during the military regime in Peru, than in the governments following the democratic transition in 1980. Hence, as Waylen (1994: 353) and Craske (1998: 103) remind us, women's participation in bringing down the authoritarian regime, did not necessarily mean that women's political representation would improve after democratization.

Many of the studies on Latin American women's movements went on to explore the relationship between women's movements and the state, and with WPAs. Sonia Alvarez's (1990) classic study of women's movements and the state in Brazil during the transitional period is an oft-cited work in this regard. However, less research had, by the beginning of 2000, focussed on women's movements relationship with WPAs in post-transition Latin America. It was, in fact, Waylen's (2000: 767) statement: "until recently, little has been done to examine the interaction between women and political institutions during attempts at democratic consolidation in Latin America", that inspired this study's focus on women's movements and the state after the transition period.

As such, this thesis is part of an increasing number of studies on women and political institutions, as the academic focus has shifted from focussing on processes of democratization, to the quality of the democracy in the post transition period (Blofield and Haas, 2005: 35). There has been an increase of research on women's interaction with political institutions, research on gender policy and the state in democratic Latin America in the 2000s. However, this has disproportionately focussed on women in legislatures, and particularly on

the adoption of gender quotas (Sacchet, 2002; 2003; Htun and Jones, 2002; IDEA, 2003; Baldez, 2004; Gernet, 2005; Dahlerup, 2006; Araujo and Garcia, 2006). Given that Latin America is considered the leading continent when it comes to introducing gender quotas (Araujo and Garcia, 2006: 83), it is not surprising that researchers find this fascinating. Also, quotas have been a common policy demand from feminist movements all over the region. But as Htun and Jones (2002) find, the effectiveness of quotas in increasing the number of women in the legislature, have been uneven across the continent.

What women actually do while in office, has increasingly been at the centre of attention of many studies on women and political institutions. Schwindt-Bayer (2006), for example, considers whether women legislators still act as supermadres, and studies the policy preferences of women in comparison to men. Stevenson (2004) assesses how women's political organising resulted in the adoption of gender policies during the dictatorship and in post transition Mexico. Her findings suggest that alliances between women outside and inside institutional politics is important, although she focuses more on alliances between feminist movements and female deputies, than with bureaucrats. Although Stevenson mentions government agencies as playing a part in promoting gender policies, she does not distinguish between different agencies. Similarly, Rodriguez (2003), when discussing women's policymaking in Mexico, does not assess the role of WPAs in much detail. Like Stevenson, Rodriguez focus more on women in elected positions, than in bureaucratic positions. Similarly, Htun and Jones (2002) look at the role of deputies, and discuss how, and whether, quotas are linked to an increase in gender policies.

The focus on quotas and on the legislature means that there is less attention given to other sites within the state, such as WPAs, where advocacy for gender policies take place. However, there are some studies that link research on the legislature with the role of WPAs in Latin America. For example Haas and Blofield (2005) and Haas (2006), who studied Chilean women's rights legislation. Haas (2006: 200) analyse feminist legislation in Chile. She argues that even though democratization did not fulfil women's expectations, there have been many important advances in gender policy making. She highlights the role of female legislators and the role of SERNAM in this regard. Franceschet (2003; 2005) offers similar conclusions, and presents one of the few extensive studies of a Latin American WPA in post transition period.

Indeed although few studies have extensively analysed the role of WPAs in furthering women's policies in the last decade, a large proportion of these have focussed on Chile (Waylen, 2000; 2007; Franceschet, 2003; 2004; 2005; 2008; Haas, 2004; 2006; Blofield and Haas, 2005; Blofield, 2006). There is an absence of extensive research on Brazilian WPA(s) during this period in particular, though Htun (2003) and Macaulay (2003; 2006) are notable exceptions, and this research will add up to date knowledge on Brazilian WPAs and gender policymaking.

The remainder of this chapter will outline in more detail the framework and variables used in this study, and introduce the concepts needed to analyse the policymaking processes and debates under investigation. This is followed by a discussion of the methodology and an overview of the rest of the dissertation.

1.2 The framework

This thesis will assess the impact Brazilian feminists had on policy debates through the SPM using an analytical framework loosely based upon the Research Network on Gender and the State (RNGS) project.[3] The RNGS approach (hereafter known as RNGS) is a useful tool for answering this research question because it is primarily concerned with the relationship between WPAs and feminist movements, and because it offers a framework suitable for exploring variation across policy issues within one country. As RNGS focuses on women actors in particular, it takes into account the factors influencing policy debates that are often ignored or inadequately explored by gender-blind frameworks.[4] For example, RNGS draws attention to how women's organising has led to "bureaucratic institutions created in response to movement demands" (RNGS, 2005: 4), and considers how feminists entering the state, as a result of the establishment of such agencies, influence policy formation.

I did consider using some other frameworks before deciding upon the chosen framework, particularly one variant of the social movement theory that focuses on the Political Opportunity Structure (POS) and Historical Institutionalism. Rather than rejecting these altogether, however, the RNGS framework has incorporated parts of these into its framework.

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[3] For more information about RNGS, see: http: //libarts.wsu.Edu/polisci/rngs/index.html
[4] Rather than rejecting other frameworks all together, RNGS base its framework upon theories of democratic representation, institutionalism and social movements, while adding an analysis of gender and feminist politics (RNGS, 2005: 2-3).

Hence, these other two frameworks also influence this thesis. The POS, for example, emphasises how the macro political environment influences both the emergence and strategies of social movements (Friedman, 2000: 6).[5] The notion of the POS provides an important addition to this thesis, as it is concerned with resources external to the movements (Tarrow, 1998: 77) such as state institutions and national political traditions (Waylen, 2007: 53). The POS framework posits that the political context influences activists' prospects for mobilisation, for advancing particular claims and for policy influence (Meyer, 2004: 126). For example, how far the level of openness of state institutions to popular participation in policymaking, and the rules of the game of Brazilian politics, can influence the degree of feminist impact. These factors determine where and how decisions are made, and what state and non-state actors are deemed as legitimate participants in policymaking processes.

However, what is lacking in most social movement theories is a perception of the ways in which social movement opportunities are gendered. For example, analyses of the POS have been criticised for paying inadequate attention to the underlying culture and norms shaping political structures (Chappell, 2002: 8; Chappell, 2006: 226). Furthermore, gender researchers such as Htun (2003) and Blofield and Haas (2005), have indicated the importance of issue distinctiveness for policy outcomes.[6] However, POS does not account for variations in policy success between different policy issues (RNGS, 2005: 6). Although POS looks into political opportunities across time and institutional variations, it does not relate the organisations' and the state's response to different policies and policy debates within the same political structures and contexts. Also, RNGS scholars argue that the POS can not account for the internal diversity of women's and feminist movements, which operate at different times, on different issues, and in different arenas (RNGS, 2005: 6).

In addition, neither the POS nor other social movement approaches pay satisfactory attention to the factors influencing opportunities for social movement activists institutionalised in the state, such as feminist activists in WPAs (Chappell, 2002: 8; Banaszak, 2005: 3). Frameworks looking at social movements relationships with the state rarely assess the relationship between activists inside and outside the state (RNGS, 2005: 4), as scholars tend to discuss the state and civil society as two separate entities (Banaszak, 2005: 4).

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[5] It analyses five aspects of the political environment: opportunities for access; shifting alignments; divided elites; presence of influential allies; and repression and facilitation (Tarrow, 1998: 77-81).
[6] For a comprehensive overview of the POS framework, see Tarrow 1998 and Meyer, 2004. Issue distinctiveness is elaborated upon below.

However, one variant of neo-institutionalist theory, Historical Institutionalism, can offer some useful insights into the relationship between feminist movements and the state, as it sheds light on the role of the state in advancing or reducing political actors' opportunities (Thelen and Steinmo, 1992). This approach asserts that the state is not neutral, but takes part in shaping policy and policy debates. Historical Institutionalism can, as Waylen (2009: 252) suggests, combine "the analysis of actors, particularly key actors in insider and outsider alliances, with their institutional context in ways that are mindful of institutional legacies, as well as institutional change and the importance of ideas and framing". Although institutionalism puts emphasis on the hidden norms and values shaping political institutions, it gives "little attention to the gendered foundations of these institutional norms" (Kenny and Mackay, 2009: 274). Neither does institutionalist approaches draw upon the rich feminist scholarship on women and institutions (Kenny and Mackay, 2009: 274). Also, less explored in this approach is how movement actors and their demands are institutionalised in the state, without necessarily seeing this as co-optation (RNGS, 2005: 4). Historical Institutionalism, like POS, thus can not satisfactory explain the relationship between feminists and the SPM.

However, rather than rejecting other theoretical frameworks altogether, RNGS, offers a way to combine feminist movement studies with studies of institutions and policymaking. RNGS does this by drawing upon theories of democratic representation, institutionalism and social movements, while adding an analysis of gender and feminist politics (RNGS, 2005: 2-3). The strength of RNGS, is thus that it incorporates ideas from other theories, while adapting it to fit with gendered analysis of political processes.

Nevertheless, using RNGS in a Latin American context, and/or in other non post-industrial democracies, presents us with some issues that need to be considered. For example, in their definition of state feminism, RNGS points out that the policies promoted by the WPA should benefit 'women as a group'. However, this does not pay sufficient attention to the diversity of women in the South, such as differences in class and ethnicity (Valiente, 2007: 532), and the ways in which these differences result in different needs. Hence, it can be argued that even policies that do not benefit women as a group, such as income generation projects for poor women, can be labelled state feminist. Additionally, state feminism is a less used concept in non-northern research, and femocrats in the South are less likely to use the notion of state feminism (Mazur and McBride, 2008: 266). The negative connotations attached to the term feminism itself, as it sometimes linked to cultural domination and/or western imperialism,

means that feminism is an unpopular term in many settings (Alvarez, 1990: 90; Mohanty, 1991: 4; Wieringa, 1995: 3; Molyneux, 2001: 83).

Connected to this point, RNGS scholars argue that a WPA leadership with previous ties to the feminist movements, is important for feminist movement impact. However, as this thesis will show, a non-feminist leader can have key advantages. These conclusions accord with Friedman's findings in Venezuela (2000: 59), and Matear's (1997: 112-113) findings in Chile, which suggest that non-feminist leadership may be beneficial. Such findings from Latin America and elsewhere, have led Valiente (2007: 531) to question the importance of feminist WPA leadership. The negative stigma related to feminism in many Latin American countries, and the greater administrative and political experience amongst some non-feminists, means that one should not equate feminist leadership with increased feminist impact, which this thesis will also suggest.

At the same time as RNGS argues for close linkages between feminists inside and outside the state, it also assumes that state actors can be separated from women's and feminist movement actors (The Women and Politics Research Section of the American Political Science Association, 2007: 500). Separating civil society from the state is not clear-cut, as Ewig (1999: 78) argues when analysing women's movements' relationship with the Nicaraguan state. She argues that because the Nicaraguan state actively encouraged civil society activity, it was difficult to discern the one from the other. Furthermore, as is explored in various parts of this thesis, the links between the feminist movements and the governing party, can mean that distinguishing between feminist actors outside the state, and their party and feminist movement comrades employed inside the state apparatus, is not an easy task. Throughout the thesis, the extent to which the boundaries between the SPM, and the feminist movements, became blurred due to the close ties of the feminists to the governing party, will be explored. This theme is less developed in the discussion of post-industrial WPAs (Valiente, 2006: 55).

One of the major differences between RNGS and some of the scholarship focussing on the South, however, is in their understandings of the state (Buorque, 1989; Rai and Lievesley, 1996; Rai, 1996; Waylen, 1998; Randall, 1998; Molyneux, 2000; Rai, 2003). As the RNGS framework is based upon the North, it contains some assumptions about the state that may not 'travel' that well. For example, RNGS presupposes that there is a possibility for women's movements to penetrate the state (Mazur and McBride, 2008: 267). In non-democratic

countries, or in less established democracies, civil society participation in policy-making may be less welcome than in the North. In countries with less organised movements, or with great internal diversity, the women's or feminist movements may be unable to present demands upon the state (Valiente, 2007: 532). Also, RNGS does not account for instances where women's movements do not want to engage with the state. This may be because they do not perceive the state to be able to further their goals, or because they are highly suspicious of the state and state policies (Valiente, 2007: 536).[7]

This brings us to the question of the state's ability to deal with feminist demands. RNGS is based upon research on state institutions that are able to adhere to cross-sectoral pressure. This may not be the case in many Southern countries, where politics and political bodies are less institutionalised. Furthermore, political instability, common also in democratizing regimes, means that WPAs may be limited in their capabilities to act for feminists.[8] Brazil is a good example of this, as the CNDM's ability to further women's interests was compromised by frequent changes in Ministers of Justice.[9]

There are also some differences in the dynamics of gender policy making in Latin America, when compared to the post-industrial democracies. For example, there is a presence of what Shepard (2000) calls a 'double discourse' when it comes to gender policy issues. She argues that the double discourse system in Latin America entails that the public policies regarding sexual and reproductive rights remain constant, while there is an expansion of "private sexual and reproductive choices behind the scene" (Shepard, 2000: 111). While the Catholic Church has a strong influence on public policies, the Catholic public does not follow the church teachings on contraception and abortion (Barroso and Bruschini, 1991: 154; Shepard, 2000: 111; Stein, 2001:148). The result of this paradox is that there is less social and political pressure to initiate legal reform (Shepard: 113).

Also, as Haas (2005: 3) points out, "Latin American women's movements operate within a larger economic context in which basic questions of political development take priority over women's rights". However, in general, policy reform processes in Latin America since the 1990s, have resulted in increased focus on women as targets of social policy (Rosseau, 2007:

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[7] Based upon own observation, this was the view of some of the feminist women's movement activists from India, who participated at the Feminist Dialogue, Porto Alegre 2005.

[8] See chapter two for a discussion of democracy.

[9] See chapter three and four for more details on the CNDM's ability to act for feminists.

96). Nevertheless, the economic context of debt payments to international financial organisations such as the World Bank and the International Monetary Fund, and the neo-liberal ideology that has resulted in the 'rolling back of the state', means that Latin American countries do not have the financial capacity to adhere to feminists' demands for gender policy formation and implementation. As Lind (2005: 71) suggests, Latin American states can not operate autonomously, as they negotiate policy within a "transnational context of power and globalization". In the Ecuadorian case, as Lind (2005: 145) finds, the WPA is largely funded by international organisations. This inevitably puts constraints on the WPAs autonomy to a much larger degree than in the North.

Nevertheless, despite the differences in the political context in the North and Latin America, the RNGS framework can also be used for the study of feminist movements and the state in Brazil. One of the key questions for RNGS is: "if, how, and why do WPAs make post-industrial democracies more democratic" (Mazur, 2009: 17). It is thus linked to issues related to the democratization of the state, and how states include societal interests (RNGS, 2005: 3). Making use of RNGS in a study of a Brazil thus adds new insights into democratization, democracy and gender in Latin America.[10]

In addition, state feminist analyses of Latin America have revealed similar patterns of gender policymaking as in the North (Haas, 2005: 14), reinforcing RNGS usefulness for this study. However, there is a need to pay specific attention to the particular political context in Brazil, which is taken up in Chapter Two; the nature of Brazilian women's and feminist movements, which is explored in Chapter Three; and the particularities of the establishment of WPAs during the transition to democracy, which is discussed in this chapter and in Chapter Four. This thesis therefore considers the country specific context, while at the same time enhancing comparability across cases and countries by making use of RNGS variables.

To operationalise its research and test its hypotheses, RNGS assesses the impact of feminist campaigning on policy debates (dependent variable), through an examination of the activities and characteristics of the WPA (intervening variable), while exploring the characteristics of the feminist movements and the policy environment (independent variables). In order to utilise the RNGS framework in this research, this chapter will now discuss each of these

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[10] See chapter two for a further discussion of democratization in Latin America.

variables in the Brazilian context. But before we can embark upon a discussion of feminist movements, it is necessary to explore what is meant by the term feminism itself.

Defining feminism

Within feminist comparative policy studies, it has proved difficult to advance a common definition of feminism, due to the diversity of feminist actions and activists (Mazur, 2002: 2; 6). The notion of feminism has different connotations in different cultural contexts. Indeed the term feminism itself, has sometimes been questioned by many women in the South because of the links this term has with white, middle class women in the North (Mohanty et al, 1991: 7), hence indicating a definition that is too narrow to include the experiences of all women in the South. Similarly, the term feminist and feminism is scrutinized and avoided by many working class women both in the North and South. This has been explored by Castro (1999) in the case of Brazil, where she found that working class women wish to distance themselves to the white middle class feminism dominating Brazilian feminism, as discussed below.

Acknowledging the diversity of women, instead of providing a definition of feminism, Mazur (2002: 3) explains feminism in terms of some of the core values that feminism represents. These are:
- A certain understanding of women as a group within the context of the social, economic, and cultural diversity of women
- The advancement of women's rights, status or condition as a group in both public and private spheres; and
- The reduction of elimination of gender-based hierarchy or patriarchy that underpins basic inequalities between men and women in the public and private spheres

Focussing on values, rather than a set definition enables the use of the concept in a wider range of cultural contexts, thus making it easier to adapt the RNGS framework to the Brazilian reality.

There are some issues related to these assumptions of the core values of feminism however. For example, some postcolonial feminists question the notion of patriarchy, as it fails to "account for the particular intersections of race, class and colonial forms of domination with women's oppression" (Hassim, 2006: 5). Also, as Valiente (2006: 18) informs us, all feminist policies do not necessarily have to benefit women as a group. She bases her argument on the

difference between the stages of development in the North, where feminism and RNGS derive from, and of the South. Targeted action towards one specific sub-group of women, such as poor or indigenous women, can also be considered as feminism.

Defining Feminist movements

In this research, the characteristics of Brazilian feminist movements are treated as independent variables. In order to explore these characteristics, it is important to understand which movements we are talking about. How to define and classify a women's movement is subject to much debate in the comparative literature on women and politics (Rowbotham, 1992: 295; Beckwith, 2000: 434; Molyneux, 1998: 223; Franceschet, 2003: 15; Beckwith, 2004: 3;).[11] Molyneux (1985; 2001) offers a useful distinction that differentiates between women's collective action being based either upon the pursuit of 'practical' or 'strategic' gender interests.[12] 'Practical' gender interests are "based on the satisfaction of needs arising from women's placement within the sexual division of labour", such as making demands for child care provision and increased access to health services. 'Strategic' gender interests involve "claims to transform social relations in order to enhance women's position and to secure a more lasting repositioning of women within the gender order and within society at large" (Molyneux, 2001: 153). This includes issues such as increasing women's influence in politics, and eliminating discrimination in the workplace.

Molyneux's terms correspond to Alvarez's (1990) distinctions between 'feminine' and 'feminist' movements: the former referring to a mobilisation around gender-related issues such as the cost of living, and the latter focussing on issues 'specific to the female condition', such as abortion (Alvarez, 1990: 25). Both of these useful demarcations between types of women's movement acknowledge that although women may organize according to the traditionally ascribed gender roles, not all women share a common set of goals for their social movement activities. However, making the distinction between feminine and feminist movements, pursuing either practical or strategic gender interests is not clear-cut, as they sometimes overlap. While pursuing practical interests, women tend not to challenge existing gender hierarchies. However, such activism introduces women to political organising, which may, or may not, lead to a pursuit of more strategic interests (Soares, 1998: 46).

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[11] See Mcbride and Mazur, 2005 for a discussion on the ways in which to define women's movements in the RNGS project.
[12] For a discussion of the use of these terms, see for example Molyneux, 1998; Friedman 2000.

Therefore a women's movement is a movement, primarily made up of women, in which women organise as women, while making claims on the basis of their gendered identities (Baldez, 2002: 4; Stetson, Mazur, Outshoorn and Lovenduski, 2003: 9; Beckwith, 2004: 5). This is also true for feminist movements, but feminists particularly mobilize to reduce gender inequality, while making use of explicitly gendered discourses. A further criterion for identifying 'feminist movements' in this study is that the organisation and/or its members define themselves as feminist. However, many scholars, and women's and feminist movement activists, use the terms 'feminist' and 'women's' movements interchangeably (Stetson, Mazur, Outshoorn and Lovenduski, 2003: 10). This is also the case in Brazil. At times it is, therefore, difficult to differentiate between women's and feminist movements in Brazil, as the sources used in this study often invoke the term 'women's movements, when 'feminist' movements would be a more accurate label.[13]

It is therefore not surprising that the different actors and sections of the women's movements present a variety of, and often conflicting, demands and policy goals.[14] As Mazur and McBride (2007: 508) argue: "the [RNGS study] cases have shown that many times, women's movement demands are not feminist; feminist ideology and activism is part of women's movements, but women's movement activism and ideas are not necessarily feminist". It is not given that all women's movements pursue feminist demands. For example, many women organise in the 'right to life' movements, which have conflicting views with feminists in the area of reproductive rights and abortion in particular.

By restricting the criteria of which organisations will be analysed to a specific type of women's movement -feminist, the heterogeneity of Brazilian women's movements is acknowledged, while at the same time limiting the organisations included, ensuring more focussed research. It is impossible to define a common policy goal for the women's movements of Brazil as a whole. The level of impact on policy debates that could be gained through the SPM will differ according to the nature of the particular movement. An analysis, which took as its focus all women's movements, would yield few insightful conclusions on policy impact. In this thesis, I have specifically opted to assess feminist movements because it is predominantly feminists who advocate progressive gender policies and interact with the

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[13] This refers to both primary and secondary sources, as well as to written and oral accounts of feminist and women's organising.
[14] As is taken up in chapter three, many of the women's movements organising around 'feminine' issues, are opposed to feminist demands for legalising abortion.

state, especially in the areas of abortion and VAW. As the task is to assess the extent to which WPAs can further feminist policies, women's movements that are not feminist, are considered either as allies or as a counter-movement where appropriate.

Defining feminist autonomy

In order to understand the ways in which Brazilian feminist movements have related to the state, it is important to look at how ideas of feminist autonomy shifted between the time of dictatorship and Lula's presidency. By then, traditional definitions of autonomy were unable to accommodate for the reality of Brazilian feminist activity in 2003-2006, as feminists pursued their activism in multiple political spheres simultaneously, without necessarily perceiving this as a hindrance to their feminist autonomy. To fit the notions of feminist autonomy into Brazilian realty, we need to separate the notion of feminist autonomy when engaging with state institutions into two categories; feminist movement autonomy, and personal or ideological feminist autonomy.

Molyneux (2001) offers useful insight into notions of feminist movement autonomy in Latin America by dividing the activities of movements into three categories according to their level of autonomy. 1) 'Independent' movements are self-governed, able to set their own goals and choose their own organisational structure.[15] 2) Independent women's organisations opt to form alliances with other political organisations with which they share common goals, known as 'organizational linkage'. This notion correlates with Friedman's 'conjunctural alliances' (2000: 51), and Alvarez's 'conjunctural coalitions' (1990: 237), where feminists create ad hoc alliances amongst themselves and with other political actors around a single policy issue. The actors entering such alliances are often found amongst the medical profession, grassroots activists, union or party members, lawyers, Women's Policy Agencies (WPAs), Women's Caucuses in the legislature, academics, and individuals known to have knowledge of the issue. 3) 'Directed mobilisations' is seen in cases where the authority and initiative comes from outside, whether this be other political organisations and/or government. In this scenario, the women's organisation may have little power to negotiate goals and the higher authority is unlikely to have gender equality as a goal. 'Directed mobilisation' is common in political parties, trade unions and larger social movements. As we shall see, women's directed

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[15] Whether such movements are present in Brazil today is subject to some debate, as independence is hindered, to various degrees, by feminists' reliance on either international or government funding for projects; feminist participation in labour unions and social movements; and by the close relationship between feminists and political parties on the left.

mobilisation was widely found in Brazil in 2003-2006, as many political parties, labour unions and social movements had women's branches. It may also be argued that women's participation in state and national WPAs is a type of directed activism.[16]

In many cases, Latin American feminists faced the 'polar dilemma' (Molyneux, 2001: 149) of autonomy, versus integration, which became a central issue of debate during the re-democratization processes in Latin America in the 1980s (Alvarez et al, 2002: 542-544). Feminists feared to loose their autonomy when participating in political parties in particular, due to parties' hegemony on banners, interests and discourses within the movements (Gurgel, 2006:2). However, autonomy and integration, or 'outsider' and 'insider' tactics are generally depicted as mutually exclusive: the former often seen as rejecting to work through political institutions and the latter perceived as entering political institutions and abandoning movement politics (Franceschet, 2004: 502). In contrast, research has shown that activists have simultaneously taken part in outsider tactics and insider activities, such as in party politics, legislatures and/or state agencies (Franceschet, 2004: 502). This 'double militancy', meaning an activist's presence in two political spaces simultaneously, has a long history within Latin American democratization. And it was common practice amongst many Brazilian feminists.[17] It is thus clear that practice runs against conventional definitions of feminist autonomy.

By 2003, the question of feminist autonomy in Brazil was not as much concerned with organisational autonomy, as with ideological or personal autonomy while engaging in insider tactics. Following the Latin American trend, the meaning of feminist 'autonomy' had changed from a focus on their independence from political parties, to include the ability of feminists to follow their own agenda whilst engaging in relationships with all formal institutional arenas (Alvarez et al, 2002: 552). Hence, feminist political activity could be considered to be autonomous, even when being in spaces of 'directed mobilisation'. Thus, in Brazil in 2003-2006, feminist autonomy referred to a feminist's ability to maintain her feminist position while engaging in 'directed mobilisations', whether this be in cooperation (or confrontation) with the legislature, the executive or in political parties.

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[16] As introduced below, and discussed further in chapter four, the 2004 National Conference for Public Policies for Women (CNPM), initiated by the Lula Government, was such a directed mobilisation.
[17] See Beckwith 2000 for a discussion of this.

When Lula came to power in 2003, these questions of autonomy did not affect feminist decisions whether to engage with the participatory opportunities offered by the government. Most of the feminists either were past or present members of the PT or of parties supporting the PT government, and/or had voted for Lula. Because of this, debates about feminist autonomy were linked to how far feminists were willing to criticise the government positions that conflicted with feminist demands. The background for this dilemma was found in the close relationship between the PT and the feminist movements, which went back to the re-birth of the feminist movements during the dictatorial era.

Analysing the Brazilian Feminist Movements

Having clarified which movements will be analysed in the course of this dissertation, this section will explore how these organisations were analysed. Studies of feminist movements often examine a number of factors: their stage of mobilisation, their ideological and organisational ties to the left, the emphasis they place on the policy issue in question, and the various movements' cohesion on that issue. Also an examination of their strategies, whether they adopt insider or outsider strategies, or a combination of both, can also shed light on their organisations' abilities to influence politics through a WPA such as the SPM.

It is important to consider whether the movements were emerging, re-emerging, at the peak of their mobilisation or in a declining stage at the time the relevant policy debates took place. This is based upon an evaluation of the movements as a whole, rather than each specific organisation. Coherence on a policy issue across the movements has often been found to be important for achieving a significant level of influence on policy debates and formation in a particular area (Weldon, 2002a: 1162; Squires, 2007: 62-3). This is because a multitude of arguments, strategies or priorities relating to the policy issue in question, hinders abilities to actualise impact. The lack of movement-wide coherence in terms of policy goals will also influence the WPA's activities in policy debates, as the WPA will have to favour some parts of the feminist movements over others. The feminist movements' prioritizing a specific issue indicates the level of resources that the movement is willing to mobilise in the policy debate. Placing a high priority on a policy issue often results in higher levels of mobilisation, which again increases possibilities for policy access and impact as efforts are concentrated on the issue. If the feminist movements have a high priority on the issue, this would legitimise WPA intervention, as WPA action can be justified by popular demand.

Another key characteristic of the feminist movements explored in this thesis, is their ideological and organisational closeness to the left. As we have seen, a leftist government is considered a key advantage for improving gender legislation in most of the literature on feminist movements. This is because parties of the left are those that are the closest to social movements, and more committed to social, political and economic equality (Stetson and Mazur, 1995; Stetson, 2001: 14; Waylen, 2003: 12; Sacchet, 2005: 9; Lovenduski, 2005: 281; Macaulay, 2006; Htun and Power, 2006: 83; Htun and Power, 2006: 83; McBride and Mazur, 2006: 12; Htun and Power, 2006: 83; Squires, 2007: 63). The interconnectedness and interaction between feminist and the left, both inside and outside the SPM, between feminists and the PT, and between the PT and the SPM, are therefore essential elements of this analysis. One of the grounding hypotheses of RNGS is that there is a positive correlation between leftist governments in power, and the improvement of gender policies. Feminist movements' organisational and ideological closeness to the left, when the left is in power, can facilitate movement impact and access to policymaking arenas (McBride and Mazur, 2006: 12).

It is also possible to classify movements in relation to their tactics. Mirroring some of the discussions on autonomy, these can be categorised in terms of 'outsider' and 'insider' approaches (Chappell, 2002; Banaszak, 2005; Hochstetler and Friedman, 2008). 'Outsider' tactics are considered those activities that "directly challenge or replace institutional decision making" (Hochstetler and Friedman, 2008: 7), such as taking to the streets, awareness campaigns and autonomously initiated debate forums. Though not mutually exclusive, these tactics are different from insider tactics. 'Insider' feminist activists are those "who constitute the intersection of movement and state as self-identified members of the women's movements, who are active in the women's movements and also who hold recognisable positions within the federal government" (Banaszak, 2005: 5), and in the legislature and in political parties. Such activists are found across state institutions, though many of these are to be found in WPAs.

Analysing Women's Policy Agencies

In order to evaluate the impact Brazilian feminists were able to have through the SPM, a short discussion of WPAs, their background, roles and functions, is needed to put the SPM into context. WPAs are state or governmental agencies dedicated to women and women's policies. The first WPAs appeared in the aftermath of the 1975 UN Conference on Women, and after the approval of the Convention on the Elimination of all Forms of Discrimination against

Women (CEDAW), in 1979. Throughout the late 1970s and 1980s, states followed CEDAW's recommendations to establish agencies to increase women's equality. By 1985, 90% of countries had established some form of a WPA (Byrne et al, 1996: 8).

This trend started to receive scholarly attention, and the notion of 'state feminism' was born. Originally coined by Hernes (1987: 162), 'state feminism' was "a variety of public policies and organisational measures, designed partly to solve general social and economic problems, partly to respond to women's demands". A few years later, the term 'femocrat' (Franzway, Court, and Connell 1989; Watson, 1990; Eisenstein, 1990) was used to identify state actors with a feminist identity. These were protagonists of women friendly policies. Increasingly, femocrats were found in WPAs.

Though some policy gains were achieved through WPAs, the slow pace, or failure of these agencies to increase gender equality became notable. Reasons for this were manifold. For example, weak and unclear mandates and roles, marginal positions in government structures, insufficient resources and staffing and insufficient training systems, all meant that the conditions for the WPAs were unable facilitate increased women's rights. Because many WPAs were perceived as the only institution that were responsible for the betterment of women, in a political environment characterised by insufficient understanding of gender and gender mainstreaming amongst government officials, meant that WPAs were unable to function as an agency to increase gender equality (Byrne et al 1996: 19; Guzman, 2001: 18, Rai, 2003: 5). Limited support from the national political leadership further decreased the WPAs abilities to act to further women's interests from inside the state.

In the 1970s, 1980s and early 1990s, WPAs were considered to deal solely with women-specific issues (Rai, 2003: 1). At the UN Women's Conference in Beijing in 1995, it was realised that WPAs needed an upgrade, as well as a wider scope and mandate. For these reasons, the 'Platform for Action', created at the Beijing Conference, defined WPA mandates as supporting the government in gender mainstreaming (Squires, 2007: 38). Gender mainstreaming was defined as "a set of tools and processes designed to integrate a gender perspective into all policies at the planning stage by considering the likely effects of policies if necessary such that they promote gender equality rather than reproduce gender inequality" (Squires, 2007: 39). The change in WPA scope as advocated by the 'Platform for Action', resulted in a strengthening of many WPAs (Rai, 2003: 4-5).

As there is evidence that WPAs can further women's interests, feminists have been willing to make use of these to campaign for gender equality. Feminist opportunities for policy impact through the SPM in 2003-2006, are thus linked to the feminists' perceptions of the state as a protagonist for gender equality. For example, it is the belief that what are legitimate areas for state intervention are not fixed, but can be modified through campaigning, political lobbying, awareness raining, and changing social expectations (Alvarez, 1990: 24), which make state policies the target for feminist mobilisation. The perception of the state as a set of different structures and power relations both working together and being in tension with each other (Rai, 1996: 5; Kantola, 2006: 12), rather than an unchanging unity of structure and power, means that feminists can find openings in some state structures, such as WPAs, while being denied access to others. These openings vary however, according to the particular political moment (Foweraker, 1995), and according to the specific policy issue (Htun and Weldon, 2007: 4).

The willingness of Latin American states to listen to feminist organisations' demands for WPAs, was influenced by the international trend of setting up agencies dedicated to women and women's issues brought about by CEDAW. This occurred during the period when many Latin American countries were going through democratic transitions, bringing with it a new political terrain for feminists to negotiate (Guzman, 2001: 19). For example, in Brazil, Conselho Nacional de Direitos da Mulher- CNDM (National Council for Women's Rights) was set up because of women's campaigning and interaction with political parties during the transition (Alvarez, 1990; Pitanguy, 1998). Similarly, Chile's Servicio Nacional de la Mujer (SERNAM) can also be accredited to women's activism during the dictatorial rule (Guzman, 2001: 29; Guzman, 2004; Waylen, 2007: 150). These two agencies have been the focus of many of the studies on Latin American WPAs (Matear, 1997: Pitanguy, 1998; Alvarez, 1999; Craske, 1999; 2000; Waylen, 1994; 2000; 2007; Jurema, 2001; Cabral, 2002; Franceschet, 2003; 2007; 2008; Htun, 2003; Baldez, 2003; Montano, Pitanguy and Lobo, 2003; Macaulay, 2003; 2006.; Haas, 2005; Pimenta, 2008).

Since their establishment in the 1980s and 1990s, Latin American WPAs have gone through considerable changes. The optimism felt by the WPAs created in the 1980s and early 1990s, led in many cases to scepticism, as the WPAs became marginalised, lost political support, and were unable to fulfil their mandates. Some examples illustrate this point. The CNDM was initially successful in promoting policies to improve women's lives and status; unfortunately,

by 1989 its influence had diminished and, for a decade, the Brazilian WPA was without the resources and political backing needed to carry out its mandate. A similar fate was evident in Argentina, where the WPA Consejo Nacional de la Mujer- Consejo (National Women's Council) enjoyed the benefits of a sympathetic president, a considerable budget, and a feminist staff at the beginning of the 1990s (Waylen, 2007: 155). However, by the mid 1990s, the Consejo had a limited policymaking role (Waylen, 2007: 156). Similarly, the Venezuelan WPA, the Oficina Nacional de la Mujer (National Women's Office), was created in 1984, and its influence grew in the 1980 and 1990s, until it became subject to traditional practices and instrumental feminism, thus limiting is capability to promote women's rights and policies (Friedman, 2000: 199; 263). Traditional political practices in this context means that WPAs became subject to party and intra-party rivalry, and undemocratic practices such as clientelism. Instrumental feminism means women who use the feminist label, or engage in WPAs or with women's policies in order to advance their political career.

Research on Latin American WPAs has concluded that state feminism has tended to be less successful than some cases in the North (Craske, 1999: 185-6; Craske, 2000: 47; Franceschet, 2003: 13; Haas, 2005: 3; Haas, 2006: 200). For example, Friedman's (2000) study on gender and democratization in Venezuela, is based upon research on the relationship between women and the state until 1996. Her findings suggest that the Venezuelan WPA lacked the necessary resources and backing, hence "the agency did not guarantee women's access to the state" (: 276). Women's access to the state has also been influenced by frequent political changes. In Ecuador, the WPA was hindered in promoting long-term policies due to the political instability, resulting in a number of short-term directors (Ugalde, 2003: 119). A similar fate was evident for the CNDM in Brazil during the early 1990s.

One of the most often quoted reasons for lesser impact of Latin American WPAs have been identified as: the gap between the tasks assigned and the financial and human resources available to the agencies (Waylen, 1996: 129; Craske, 2000; Guzman, 2001: 7; Franceschet, 2004: 7; Guzman, 2004). The gap between knowledge about gender issues between WPAs' staff and other state officials (Guzman, 2001: 7), is also one of the reasons why WPAs have been found to be less influential. Furthermore, the absence of proper coordination (Craske, 2000: 47), low levels of leadership dedication (Pitanguy, 1998), the lack of legitimacy and low levels of institutionalisation (Macaulay, 2003; Guzman, 2004), are other explanations of why state feminism have not fared as well in Latin America. Additionally, as research on

Chile suggest, differing gender discourses within coalition governments may hamper the impact of WPAs (Waylen, 2007).

However, although Latin American WPAs may not be able to carry out their full mandates, they do provide opportunities for feminists to influence policy debates (Franceschet, 2003: 9; Guzman, 2004: 27; Haas, 2006). Based on an analysis of the relatively successful and highly institutionalised SERNAM in Chile, Franceschet argues that WPAs can alter the institutional context in which women's movements operate (2003: 11; 2008a: 11), and thus improving the policy environment in which feminists present their demands. Her conclusions are similar to those found in a study on women's activists inside the US federal government, where according to Banaszak (2005: 35), femocrats, though not only in WPAs,

> "helped to write legislation, provided the rationale that convinced outsiders to support feminist legislation, provided information and resources to women's movement organizations that helped them organize and mobilize in support of feminist policy".

The presence of a WPA is of symbolic value, as it draws attention to both gender inequality and the need for women's policies. It can educate the public and the state about the status of women and the nature of women's discrimination (Franceschet, 2008: 19). Additionally, a WPA can improve the environment in electoral politics, enhancing elected women's chances for policy impact. For example, WPAs can enhance the environment through making the need for policy or legislative change more visible, and it can provide support for legislators and their gender legislation.[18] Guzman (2004: 27) informs us that a vast number of Latin American WPAs have promoted equality policies, and in many cases have these institutions been part of setting up national programmes for gender equality. This indicates that the presence of WPAs has facilitated an increased focus on gender policies.

Furthermore, there is an argument that WPAs have "created opportunities for networking among women's organizations and opportunities for dialogue between state and societal actors" (Franceschet and Krook, 2006: 14; Guzman, 2004). An example of the WPAs role in facilitating such opportunities can be found in the CNDM in the 1980s, when it was the key link between the state and the feminist movements, and where it acted as an important forum for feminist dialogue (Alvarez, 1990: 242). Opportunities for networking may also result from

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[18] Such support may include help on the basis of its technical expertise in law writing, statements and actions in favour of legislative change, the provision of facts and statistics on the legislations' policy area, the hosting of working groups and seminars on the legislation in question, and acting as an arena where feminists and legislators can exchange ideas.

the channelling of resources to movements through the WPA, and through the promotions of conferences and seminars dedicated to women and women's policies.

WPAs can also provide opportunities for feminist impact through other methods, such as providing discourses of women's rights and defining policies around which movements can mobilise (Franceschet, 2003: 9). The provision of discourses can legitimise, and further feminist demands. Discourse coherence within the movements increase their possibilities for targeted action on a policy issue, as already discussed. Discourse coherence between the WPA and the feminist movements increase such possibilities even further, as the use of the government discourse legitimises the feminist framings and demands. By pushing core arguments and ideals, not only are the WPA's campaigns strengthened, but women's movements are made more effective by having a common cause and unified voice around which to mobilise (Franceschet, 2008: 21). WPAs have, therefore, the potential to provide the women's movements with several important resources, despite their inability to fulfil their mandates (Franceschet, 2003: 11; 2008: 11).

In this dissertation, the characteristics and activities of the SPM are treated as an intervening variable. This means that the Brazilian feminists' abilities to influence policy debates were shaped by the SPM's features, and by its activities in the areas of abortion and VAW, the two policy areas selected for in-depth analysis in this thesis. Of particular importance for determining whether the SPM could further feminist impact, was how far feminists saw the SPM as a potential ally. Additionally, the SPM's level of resources, its priority of the policy issues in question, and its activities, such as its campaigns, projects, participation in policymaking arenas, were influential for its facilitating of impact. As was how far it was able to engage other parts of the state in the debates. However, the SPM's ability to further feminist impact was also influenced by factors outside its own institution, particularly the policy environment within which it was operating.

Analysing the Policy Environment
The wider policy environment, in which debates about VAW and abortion were situated, is treated as an independent variable in this research. An examination of the policy environment will inform us about how the nature of political institutions, political practice, the international environment, and the counter movements, shaped feminist and SPM opportunities, discourses and activities. This tells us about the prospects for feminist impact

provided by the wider political context. This variable has links to the notion of the POS in social movement theories (RNGS, 2005: 5), as briefly discussed above.

For the purpose of this thesis, it is necessary to use a variable that can help the analysis of feminist organisations in their interaction with WPAs. The focus on 'policy environment' in this study is used to explore the gendered nature of state institutions, such as women's access to political parties, to the legislature and to participatory arenas provided by the state. Although POS directs us to look at the state's openness to civil society participation, it is also necessary to see how this openness is gendered. So for example, this thesis explores the ways in which weakly institutionalised parties respond to gender policies, and how this influence feminist opportunities. The ways in which the Lula government's participatory mechanisms opened up, or denied access to women, is also assessed. Furthermore, the policy environment approach takes into account that opportunity structures differ according to the specific time, issue, actors and institution active in the debate. It is, therefore, necessary to address the nature of access to state institutions, not by looking at the state as a whole, but by recognising that the state is made up of multiple institutions and arenas (Randall, 1998: 196). Each of these have their political culture and norms, creating the possibility for multiple access points through which feminists may influence the policymaking and debating process (Randall, 1998: 196; Chappell, 2002: 7-8).

As this thesis deal with debates that ended in the legislature, it is necessary to understand women's possibilities for impact in this arena. For more than thirty years, feminists have explored the gendered nature of politics. Pateman (1989: 4; 6) amongst others, has explored how women being linked to the private sphere, has meant that women are excluded from enjoying the citizenship rights in the public sphere. Because of the correlation between politics and the public sphere (Squires, 2000: 23), women have been less able to participate in, and influence politics. A number of other factors influence the abilities of feminists and other women to influence the different stages of policymaking processes. These include the gendered nature of politics; the gendered division of labour; and the internalisation of expected behaviour (Randall, 1991: 526). Women often face limitations for engaging in the political space because they have less time to participate in political activity due to their reproductive responsibilities, but also because politics is considered a male pursuit, which is

dominated by masculine ways of behaviour (Randall, 1987:21).[19] Women are generally socialised into patterns of behaviour, which deter them from seeking entrance to the political realm (Franceschet, 2005: 91; Sacchet, 2008: 3). Traditionally ascribed gender characteristics hinder women's abilities to have an influence in political settings, as institutional norms prescribe "acceptable masculine and feminine forms of behaviour, rules and values for men and women within institutions" (Chappell, 2006: 226). This may result in limiting women's impact, as conflicts arise between the rules of the game and their traditionally ascribed gendered attributes. For example, "caring women run the risk of being seen as less competent, while authoritative women may be criticized as unpleasant" (Inter American Development Bank, 2008: 9). The rules of the game may inhibit women from participating in politics all together. Hence, there are relatively few women in elected policymaking positions.[20]

There are structural and social hindrances to women's participation in politics. In addition, there are no guarantees that women in political parties, in the legislature or in the government will push for gendered policies, as not all women are committed to improving gender equality. Being female does not mean that you are *a priori* committed to enhancing women's rights. In fact, as Htun and Jones (2002: 49) argue, gender issues are not the first priority of women elected to public office. Even when they are, there is no consensus as to what constitutes women's interests due to the diversity of the female population (Chappell, 2002: 11; Franceschet, 2004: 8; Cornwall and Goetz, 2005: 786), as women's identities and demands are shaped by their political ideology, race, class, age, sexuality and geographic background.

Women in parties, government or in the legislature are not 'natural' allies for feminists in policy debates, just because they are female. However, some studies from Brazil and elsewhere in Latin America suggest that more women in the state structure does make a difference in gendering policy debates, and that female legislators are more likely to initiate bills that promote women's issues and women's equality (Htun and Jones, 2002: 44; Htun, 2003: 169; Garcia, 2006: 4; Schwindt-Bayer, 2006: 570). However, the presence of more

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[19] Such as a combating style and promoting oneself.
[20] In 2003, only 18% of ministerial positions in Latin America were held by women. In 2008, this number raised to 25% (Inter American Development Bank, 2008: 2). Four women have won the presidency in their countries by popular vote: Violeta Chamoro in Nicaragua, Mireya Moscoso in Panama, Michelle Bachelet in Chile, and Cristina Fernandez de Kirchner in Argentina (Llanos and Sample, 2008: 10). There has been an increase in the number of women in Latin American Parliaments in the last 10 years, although few have been able to reach their quota target level (Htun and Jones, 2002: 33 ; Htun, 2003: 169; Htun, 2005: 112; Heath, Escobar-Lemon and Taylor-Robinson, 2005: 829; Araujo and Garcia, 2006: 99).

women does not guarantee an increase of women's policies or gendered debates.[21] Activists in the feminist movement and the SPM, can not assume, therefore, that their policy preferences will be backed by the women in Congress.

Even in cases where women in the legislature share the same policy preferences as the feminist movements, studies have shown that women may feel strong tensions between their commitment to gender equality and to their party, and party considerations tend to win (Htun and Jones, 2002: 49; Rodriguez, 2003: 190; Htun and Power, 2006: 87). This is important for this research, because a large number of the Brazilian feminist activists were also members of political parties. As subsequent chapters will explore in more detail, feminist impact on policy debates were influenced by questions of feminist autonomy vis-à-vis their party commitments.

Because of the limited representation of women in politics, and because one cannot assume that women 'will act for women', researchers have emphasized the importance of 'critical actors' in gender policymaking (Weldon, 2002b: 97; Macaulay, 2005a: 3; Mazur, 2005: 5; Franceschet and Krook, 2006: 13; Childs and Krook, 2006a: 528; Celis and Childs, 2008: 3). These are actors who are able to promote women friendly policy change and are often, but not always, female (Mazur, 2005: 5). The notion of critical actors rejects that the presence of large numbers of women on their own will bring change, and recognises that men may also act for women (Childs and Krook, 2006b: 21). Research on 'critical actors' also acknowledges that there are other, and maybe more effective sites than in Parliament where women's substantive representation occurs, such as in the bureaucracy, in the Constitutional and legal arena, and in civil society (Weldon, 2002a: 1153; Chappell, 2002: 5). The role of critical actors is important for this study, as it highlights the important role key individuals may play in policymaking. Although critical actors are most often identified in terms of their role in *increasing* feminist impact on policy debates, other critical actors can be identified as playing a part in *limiting* feminist impact.

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[21] For debates on descriptive and substantive representation of women, see Pitkin, 1967; Beckwith, 2002; Lovenduski, 2005; Dahlerup, 2006; Childs and Krook, 2006; Dodson, 2006; Waylen, 2006; Beckwith, 2007; Squires, 2007; Rolandsen Augustín, 2008; Childs and Krook, 2008; Curtin, 2008; Murray, 2008; Bochel and Bochel, 2008; Celis and Childs, 2008; Ayata and Tütünchü, 2008;. For a discussion on these debates in a Latin American context, see Jones, 1997; Heath, Schwindt-Bayer and Taylor-Robinson, 2005; Del Campo, 2005; Macaulay, 2005a Waylen, 2006; Schwindt-Bayer, 2006; Araujo and Garcia, 2006; Waylen, 2007; Zetterberg, 2008.

Individual actors can be a valuable resource for feminist movements. However, increasing feminist impact has often been linked to the creation of 'policy networks' or 'issue networks'. These are "elite coalitions of lawyers, feminist activists, doctors, legislators, and state officials" (Htun, 2003: 5), who combine their forces to bring about policy change in one specific policy area. These notions correlate with Friedman's (2000: 51) notion of 'conjunctural alliances, and Alvarez's (1990: 237) conjunctural coalitions'. Haas (2005: 13) highlights that, "the consensus of the comparative literature is that the creation of policy networks among feminists in the parties, the national women's agencies, and civil society, is the ideal strategy for passing progressive policy reforms". It has been noted by several scholars of Latin American women's movements, that such alliances have proved vital both during the dictatorship and under democracy (Friedman, 2000: 51; Htun, 2003: 5).[22] As research suggest that impact is dependent upon how far these networks are able to hook into state institutions (Htun, 2003: 5), issue networks are clearly important for the study of the Brazilian feminist movement's engagement in policy debates. The availability of a range of allies in the policy environment, is thus of importance.

The policy environment will also tell us how additional factors shape feminist influence. These include the ideological nature of the party in power; the characteristics of the counter-movements active in each debate; and how national and international events, discourses and processes influence the course of the debates. By counter movement is meant those movements or forces presenting discourses and policy goals opposite to, or distinctly different from feminist demands.[23] The counter movements are important for policy influence, as this movement's strength may be a determining factor in feminist abilities to affect policy change. The ideological positioning of the party in power will influence whether it will allow or obstruct social movement participation in policy formation and decision-making, and whether it sees gender equality as an important issue. In this way, the predisposition of the party in power influences the likeliness of policy access for feminist movements and affects the probability of a gendered policy debate and policy change.

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[22] For example, in Brazil, the creation of a conjunctural alliance was used by the feminist movement when they teamed up with the Feminine Lobby in Congress during the Constituent assembly. The success of this tactic proved itself when 80% of their demands were included in the new Constitution (Pitanguy, 1998). A similar alliance of women is discussed by Waylen (2000: 776) in relations to the 1991 quota law in Argentina. See also Haas (2005) and Friedman (2000).

[23] In the abortion debate, for example, the Catholic Church was a strong counter movement as they present discourses opposing feminist demands for the right to choose.

This section has explored the intervening and independent variables used in this research. It has established that a WPA's characteristics and activities influence feminist impact on policy decisions, as does the policy environment and the characteristics of the feminist movements. The next section provides additional background for the analysis. It defines impact, policies and policy debates, and introduces the policies analysed in this thesis.

1.3 Determining feminist impact on policy debates

The dependent variable in this study is the levels of impact Brazilian feminists were able to have on policy debates within the state, specifically, policies related to issues of VAW and abortion. This section explores how 'impact' is assessed. Through looking at the debates and discussions surrounding policy formation, the level of impact can be established. This research considers the policy process rather than policy implementation. As such the research could uncover areas where feminists were key in pushing the government to approve policies, even where they had few capabilities to influence the ways in which policies were implemented (Mazur, 2002: 27; Franceschet, 2008: 3). The analysis provided here will focus on presenting an empirically rich account of the events leading up to the moment of policy decision. This enables the answering of the research question, without diluting efforts by spreading the research field too wide. It also provides a solid basis for future research both on implementation strategies and the influence state feminism has on policy debates. By focussing on the process leading up to the moment were policy decisions were made, we can establish the ways in which the state can open up to include women, feminists and their discourses.

A policy debate is defined as the active consideration of a proposal regarding a certain issue, which takes place in the public arena, such as in the legislature, courts, media, party or electoral politics (Stetson, 2001: 11). In order to define how and whether feminists have influenced the debates, it is necessary to establish an end to the relevant debate. In this thesis, the debate has ended when it has resulted in "an official decision, including, for instance, legislation, an executive order, a court ruling, or a government or party policy proposal (Stetson, 2001: 11).

As it is the process, rather than the outcome of the debate that is the focus in this thesis, impact is not only considered in terms of legislative change, or whether the government

proposes new guidelines or projects in the policy area. As such, informed by the RNGS (2005) framework, this research measures impact in five different stages: access; attention; government involvement; change in discourse; and policy change. *Access* is defined as the openness of policymaking and debating arenas to feminists and feminist movements' presence and participation. These arenas include permanent and ad hoc government spaces, such as WPAs and working groups on specific policy issues; the legislature; and the media. Access says something about the state's willingness to accept the feminist movements as "legitimate representatives for movement interests in the policymaking process" (RNGS, 2005: 14). *Attention* describes how far feminists stir interest for the issue in the media, amongst Non Governmental Organisations (NGOs), amongst professionals dealing with the specific policy area, in the government and in the legislature. *Government involvement* considers whether, or how far, the WPA and/or the government actively involved itself in the debates. This thesis evaluates how far the SPM sees abortion and VAW as legitimate policy areas for government intervention. The SPM's willingness and ability to engage in these debates, are considered in relation to feminists mobilisation for the SPM's intervention. *Change in discourse* encompasses whether the policy debate is gendered, meaning that the issue is defined in terms of how the problem and the solutions will affect women in comparison with men (RNGS, 2005: 13).[24] It is important to add in this regard, that the issue and debate may already be gendered. For example, VAW may already be gendered in the sense that previous policies and debates have adopted feminist framings on the issue. Current debates may thus develop upon previously used framings. *Policy change* considers whether the dominant discourse results in actual policies or law changes that coincide with the feminist movements' perspectives.

In terms of discourse analysis, it is important to consider the ways in which the policy issue or problem is defined. This point relates to policy framing, which is the "order, logic and structure in which an idea is enclosed", and "occurs in policy debates as competing actors offer competing issue definitions and policy goals" (Lovenduski, 2005: 7). Carol Bacchi (1999) offers a useful insight into how to analyse policy issues through looking at discourses. She argues that how we think about an issue, will influence what we think ought to be done about it (Bacchi, 1999: 1). In her 'What's the problem' approach, Bacchi points to the

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[24]According to Mazur (2002: 30-1), feminist policies are gendered if they include three of five ideas: 1) the improvement of women's rights, status or situation to be in line with men's; 2) the reduction or elimination of gender based hierarchies or patriarchy; 3) a focus on both the public and the private sphere or an approach that avoids the distinctions between the public and the private; 4) a focus on both men and women; 5) ideas that can be readily associated with a recognized feminist group, movement or individual actor in a particular national context.

importance of understanding not only what the problem is perceived to be, but also what presuppositions are implied or taken for granted, and what effects are likely to happen as a result of this problem definition or 'problem representation' (Bacchi, 1999: 2). For example, high rates of maternal mortality following from illegal abortions can be perceived as a form of criminal behaviour. In such cases, the solution to such problems could be to impose prison sentences and increased policing of illegal abortions. However, another way of perceiving the same problem, is to consider this as imposing a high risk to the women having such abortions. The solution arising from this problem definition as a public health issue, would be to increase women's access to legal and safe abortions. We see thus that the ways in which the problems are defined, are likely to influence the policy outcomes, and/or the nature of the policy change.

1.4 The policy areas

In order to assess the impact of the feminist movements in Brazil, I make use of two contrasting policy areas: abortion and VAW. I have opted to focus on two policy areas as this increases comparability within the Brazilian case by highlighting similarities and differences across the two somewhat different cases. This will allow a more forceful conclusion when the level of feminist impact is assessed. Several reasons lie behind this selection. The policy areas share similarities because both: were historically important feminist issues; were high on the Brazilian and international feminist policy agenda; received attention by the Brazilian government prior to 2003, and in 2003-2006; and these issues have received international attention from institutions such as the United Nations (UN) and the Organization of American States (OAS). The issues also share similarities as they are both gender policies, i.e. policies which are "directly concerned with gender rights and regulating relations between men and women" (Waylen, 2007: 13). Abortion and VAW have both been labelled 'body politics' (Mazur, 2002: 138), because they are linked to the biology of women and men. Furthermore, they are both strategic gender issues (Waylen, 2007: 39), as discussed below.

Abortion is part of a cluster of reproductive rights policies. These seek to provide women with the opportunities to choose whether and when to have children, and include issues concerning contraception, access to education and services on reproductive rights, reproductive technologies and abortion (Petchesky, 1995: 154). In the North, debates on policy reform on abortion started in the 1960s and 1970s, and resulted in a liberalisation of the restrictive

abortion laws (Lovenduski and Outshoorn, 1986; Githens and Stetson, 1996: 3; Htun, 2003: 142). However, this scenario contrasts the Latin American experience, where abortion is still illegal in most countries, and in most circumstances (Htun, 2003: 142).

In countries where abortion is a criminal offence, or is only legal in some cases, abortion debates tend to focus on legalisation or decriminalization of abortion in whole or in part. Recent debates in Mexico, for example, have focussed the legality of abortion when pregnancy is the result of rape and where there the foetus has cerebral damage (Lamas and Bissel, 2000). This mirrors policy debates on reproductive rights in other Latin America countries, such as in Brazil, as explored in Chapter Five.

Although the legality and level of access to abortion has a different impact on women and men, debates on whether, or how far, to legalise abortion are not automatically gendered (Stetson, 2001: 3). Instead, debates can be concerned with whether doctors should have more freedom in making decisions concerning abortions, without considering women's rights to have a say in these matters (Outshoorn, 1996: 148). The advance of reproductive technologies for instance, has the potential to give medical professionals more say in whether abortions are to be performed (Cooke, Dickens, and Fathalla, 2003). Similarly, when abortion is legal only in cases where the pregnancy is the result of rape, the police may have the right to determine the right to abortion. Women's rights to claim an abortion in these cases can be overshadowed by a debate as to whether a police report stating rape is needed for medical personnel to perform the procedure (Htun, 2003: 157; Cook, Dickens, and Fathalla, 2003: 287). Studies have shown that abortion is framed in one of four ways (Lovenduski and Outshoorn, in Mazur, 2002: 140):

(1) feminist- defined as women's rights,
(2) criminal- defined as a criminal act,
(3) medical- defined as an issue of health and medical regulation, or
(4) moral- defined in terms of the life of the unborn, often represented by religious groups

Similarly, VAW is also subject to competing definitions. For example, VAW has been defined as including

"not only issues of physical violence such as rape, wife beating, female foeticide/infanticide and murder, but also issues related to violence caused and

experienced by women as a consequence of economic deprivation, structural adjustment policies, environmental degradation, war, political repression, fundamentalism, racism, and extreme forms of nationalism" (Abeyesekera, quoted in Weldon, 2004a: 20-21).

A feminist framing of VAW states that a woman's right to be free from violence is a human rights issue. Other dominant frames include: public health (part of physical and mental health), poverty (eradicating violence is seen as giving people the minimum capacity to lead a decent life), economics (consequence of violence for public expenditure), and security (as public security measure to ensure personal safety) (Almeras et al, 2004: 12). As a legal issue, debates on improving legislation dealing with VAW have been seen as a way to modernize the legal system (Almeras et al, 2004: 12). In Latin America, the legal side of VAW takes on another dimension, in which courts and other legal bodies see such violence as crimes against morality, social convention and honour of the family (Macaulay, 2000a: 149).[25] Hence, feminist framings of VAW, and abortion, sometimes have to compete against a myriad of other discourses, definitions and conflicting perceptions of the problems and solutions at stake.

However, using these two policy areas helps us to explore feminist impact because of the contrasts they offer. First of all, they differ in contentiousness (Waylen, 2007: 39). Abortion rights stir fierce opposition from a wide range of religious entities, politicians, civil society and the public. This is an 'absolutist' issue, as Htun (2003: 5) calls it, because strong emotions come into play, and debates are likely to end in value clashes. In contrast, feminist mobilising around VAW find allies amongst the above-mentioned sectors. The Church is less likely to be in opposition, and there is less controversy surrounding VAW. This issue can be framed as what Htun (2003: 5) calls a technical issue, which requires a certain amount of expertise (such as in legal matters), and is less likely to stir opposition. There are distinct variations in the framing of abortion and VAW by feminist movements, states and actors in the international arena (Waylen, 2007: 39). Hence, the opportunities for policy reform in these two issues are significantly different.

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[25] An example of this can be seen in the fact that by 2000, no Latin American penal code classified rape in marriage as a crime (Macaulay, 2000: 149).

The distinctive nature of each of these issues implies that policy impact may vary across the two cases, because they will generate different types of politics (Htun, 2003: 4).[26] Research suggests that policy debates and outcomes will vary according to several interrelated factors. These include: the level of involvement of religion based organisations (Htun, 2003: 5); whether the issue is treated in terms of the need for technical knowledge about the law, or if it is considered absolutist in nature (Htun, 2003: 5; Htun and Weldon, 2007: 9); how far it is seen as a class issue or a universal women's issue (Htun and Weldon, 2007: 8); whether economic redistribution would be a requisite for policy change (Blofield and Haas, 2005: 35); the degree to which the policies would challenge existing gender roles (Blofield and Haas, 2005: 35); and the level and nature of international attention given to the issue (Friedman, 2006: 2-3; Waylen, 2007: 34).

How far each of these factors described above influenced policy debates on abortion and VAW in Brazil during 2003-2006, is explored in this thesis. The likely outcome of the policy debates in question, are partly found in the examinations of the issues mentioned above. The rest of the chapter deals with the ways in which these case studies are analysed.

1.5 The methodology

This section provides an introduction of the ways in which this study was approached. It describes why the case study method was chosen, and how the data was collected. First however, I want to situate myself within feminist research. In terms of epistemology, I am a standpoint feminist in that I believe that my own values, assumptions, culture and experiences have influenced my production of knowledge (Letherby, 2003: 44; Harding, 2004: 136). I agree with the feminist views implying that "good social science at any rate should recognise that it can never be fully 'objective'; it should acknowledge the limited extent to which the so called 'hard' scientific methods can be usefully applied to the study of human society" (Randall, 1991: 524). Rather than claiming to have undertaken objective research, or having this as my ultimate goal, I acknowledge that: "my personhood is always part of my research" (Letherby, 2003: 45). This is not to say that just because I am a woman, I share my interviewees' positions and perspectives (DeVault, 1990: 97), but rather that I see the importance in analysing women's position within society.

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[26] This is referred to as issue distinctiveness by Htun (2003: 4).

Therefore, I am aware that I did not approach this project as an objective researcher and that my identity has shaped this thesis. My personal and political stance not only influenced my choice of research question, framework and methodology, but it also shaped the ways I interacted with my research subjects and how I interpreted the answers I got from them. Furthermore, the research process can be considered as a political act in itself (Gatenby and Humphries, 2000: 90), as I clearly took sides with the feminists I was researching, and was actively participating in protest marches and meetings where feminists gathered.

My interest in state feminism and gender policies lies in my ideological perceptions of the world. I have been a self-identified feminist for as long as I can remember, and studies of women's oppression and the ways in which groups of women try to deal with this, have always been of interest to me. This thesis is thus a natural combination of my feminist identity with my interest for social inquiry.

My epistemological and ideological background also shaped my research methods. The research took the form of an in-depth case study. The case study approach entails a detailed examination of a process to develop or test explanations, that may be generalizable to other events (George and Bennett, 2005: 5). Case studies are particularly useful for exploring complex causality, as George and Bennett (2005: 10) argue. This method is thus useful for the study of the abortion and VAW debates in Brazil, because of the complexity of the factors influencing the feminists' impact on these debates. Hence, it is necessary to use case studies as these allows for a more detailed focus on context, which statistical investigations are unable to (George and Bennett, 2005 :19). The case study method, comparison of two cases within one country, was chosen because this allows for a more detailed research on processes and mechanisms, than when investigating more countries and cases (Landman, 2008: 90). Single country studies, and few cases, can reveal more details in the processes of casual mechanisms, which are left insufficiently explored in comparisons of a large number of cases and countries (Landman, 2008: 93). This research is placed within a comparative context, as it provides other researchers with original empirical knowledge about the Brazilian feminist movements, the SPM, and how these two entities influenced policy debates about abortion and VAW. In this sense, the research presented here can "serve as the raw data for those comparative studies that aspire to higher levels of explanation" (Landman, 2003: 5).

In order to generate sufficient data to enable the thick description necessary for the in-depth case study approach, I used qualitative methods, as does much feminist research. The qualitative method considers that knowledge is socially situated (Harding, 2004: 128), and allows for a more holistic approach to the research (Hesse-Biber and Leavy, 2005: 5). In order to increase the validity of my findings, a triangulation of data sources has been used: semi-structured in-depth interviews with key informants; informal conversations with feminist activists; participant observations, and printed and online sources. My primary sources are the interviews, as well as materials gathered through participant observation in formal and informal debates, conferences, meetings, seminars and gatherings where feminists participated.

The most important of the mass gatherings of feminists took place during the Feminist Dialogues (FD) and World Social Forum (WSF) in Porto Alegre. Other important feminist gatherings took place during the International Women's Day, 8th of March, preparations and celebrations in São Paulo and Brasilia, and in the series of seminars held to commemorate 20 years of Brazilian feminism in São Paulo. Participant observations enabled me to get a deeper understanding of the context and content of Brazilian feminism.

My secondary sources are based upon literature reviews of academic sources on women and politics, both those focussing on the North, and the materials covering Latin America and in Brazil. I also consulted available research on civil society and the state in Brazil and in Latin America. Additionally, government and international governmental organisations' documents were analysed. The aforementioned sources were supplemented by activist material available online or in print. All translations from Portuguese to English are my own.

The fieldwork was initiated through locating gender research centres in São Paulo – the city hosting a large number of the most influential feminist movements and academics in Brazil. These were contacted by email while I was in the UK, and two directors of these study centres kindly accepted my request for affiliation. Hence, my association with two universities in São Paulo State, the University of São Paulo and the State University of São Paulo, enabled me to meet academics with similar research interests. By giving a paper on my research to the gender studies section at each of these universities, I was able to discuss my research, and gain invaluable knowledge from a Brazilian academic perspective.

Although I contacted some informants, including academics and feminist organisation activists, by email before I arrived in Brazil, most interviewees were initially contacted during the fieldwork through the snowballing effect.[27] Initial contacts with the feminist movement activists in particular, took place during the FD from January 23-25 in Porto Alegre. This was a feminist conference uniting the world's feminist organisations prior to the WSF in Porto Alegre, January 26 to 31 2005. Because these took place in Brazil, large parts of the Brazilian feminist movements were present at both events.

The benefits of my presence and participation in these spaces were manifold. It enabled me to take part in discussions, meetings and seminars with the feminists I was researching. I identified their organisations and their alliances, and was introduced to their discourses, policy priorities and goals. Additionally, I could establish which organisations that were key players in the policy areas I was researching. My participation in these happenings provided me with an opportunity to personally present myself to a large number of feminist activists, who then presented me to other feminists. Through actively engaging at the FD, and at the seminars organised by feminists at the WSF, I presented myself as a member of the feminist community. My participation gave me feminist credibility amongst the Brazilian feminists, and I was soon known as 'a pesquisadora noruegesa' (the Norwegian researcher). This meant that some activists actively sought me out when they heard about my research. This was particularly the case with the younger feminists who identified themselves with me because of my age. This contact often ended in me arranging for interviews during the FD, or in the following months. Because of my physical presence, I was able to ask many feminists whether they would agree to take part in an interview at a later time. When I contacted them in the following months, I could to refer to our earlier meeting, which eased my access to their organisations and to their time. These contacts also provided openings for contacts with feminists and other staff in the SPM. The contacts made in January thus laid the base for the snowballing method made use of throughout the fieldwork. Participant observation in other seminars, conferences and feminist events was a strategy that was used to establish and maintain contact with the feminist activists throughout the fieldwork.

There are weaknesses linked to this process. I was only able to initially meet, and make contact with, the feminist activists that were part of organisations that had the financial

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[27] Snowballing effect in research refers to one respondent/contact indicating the name of a person or organisation who/which might be useful for the researcher to contact.

capability to send representatives to the feminist dialogue and WSF. This, for example, limited my contact with feminist activists in the poorer organisations, which were unable to afford the travelling cost. Also, the snowballing method made use of throughout this research, indicates that the researcher was directed by existing contacts towards people within the same group, resulting in the overrepresentation of some views, and the lack of others. In terms of the interviewees from the SPM, there is an overrepresentation of views from feminists in the SPM, while the voices of those with few or no links with the movements are fewer, though not absent.

The selection of feminists to be included in my research was based upon an evaluation of the individual and/ or her organisation's participation in the policy debates studied in this thesis. In order to gain inside information of the policy debates, a particular focus was on gaining access to the feminists that were both insiders (in the CNDM and/ or governmental working groups), and outsiders (in NGOs that were particularly part of policy debates in question). Furthermore, specific attention was given to the NGOs that were active in these debates through outsider activities, such as organising events, making publications, lobbying Congress and the SPM. Because of the nature of these debates, the research concentrated on studying the feminist organisations that were active on a national level, as discussed above. Due to the limited time and resources, feminist movements situated outside São Paulo, Rio de Janiero, Brasilia and Recife were not included in this thesis. The focus on these places was, however, chosen because these cities host the majority of the feminist movements participating in the policy debates covered in this thesis. Based on the number of NGOs represented by the interviewees, the geographical areas included, and the responses I got from feminists themselves when I said whom I had been in contact with, there is reason to believe that the research includes a fair representation of most parts of the feminist movements.

Between January and June 2005, 50 interviews were carried out in Brazil, the majority of which were recorded, then transcribed and translated. The informal discussions were not recorded, but key points of interest were written down either during or after they took place. The bulk of interviews were with feminist activists, but Senators, individuals from the SPM and other government officials, were also interviewed. Most of these interviews were 'key informant interviews', meaning that the interviewees were asked to serve as experts in their area and provide information on which research conclusions could be based (Blee and Taylor, 2002: 100). Most interviews had a duration of between twenty minutes and two hours, and

took place in the feminists' offices or homes, and in public spaces such in lobbies in conference locations, and restaurants. The bulk of interviews took place around the time of the peak of the abortion and VAW debates that were researched, and most of the interviewees were actively involved in both debates.

The interviews were based upon interview guides (Childs, 2004: 212-213), rather than on set interview questions.[28] This meant that the participants were encouraged to talk about what was relevant and important to them, from their point of view. The interviews started with an introduction and an explanation of the research and why this person or her organisation had been contacted. The interviews ended with asking whether they knew someone that might be useful for me to talk to.

Semi-structured interviews were more useful for this research than surveys for example. This was because semi-structured interviews provided greater breadth and depth of information in comparison with quantitative methods. Surveys do not give the interviewees the opportunity to elaborate upon issues that are important to them. Nor do they provide the possibility to give examples or provide other additional information to clarify their point. Also, surveys were not appropriate for the nature of this study, as surveys do not provide the flexibility to incorporate the changes that occur when studying debates while they take place.

Though more structured interviews were an option, this method was not chosen. This was because semi-structured interviews enable the researcher to gain an understanding of political processes through the eyes of the actors taking part in these processes, and the open-ended structure gave the researcher flexibility, while it made it possible for the respondents to clarify, contextualise and elaborate upon his or her experiences (Blee and Taylor, 2002: 92-94). The semi-structured nature of the interviews conducted in the course of this research gave interviewees the freedom to set the agenda, and raise issues that were important to them (Dodson, 2006: 48), while my questions steered the discussion towards what was needed for me to answer my research question. In this way, my research method allowed for the inclusion of unforeseen issues and developments influencing my research findings.

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[28] See Appendix V for an overview of the themes covered in the interviews.

1.7 Thesis outline

In order to answer the research questions outlined above, the thesis is structured in the following way. Chapter Two explores the ways in which the Brazilian policy environment shaped feminist opportunities for policy debate impact. It also situates the policy environment in relationship with democratization, and discuss how factors during democratization influenced Brazilian politics, and how this process has shaped gender politics. One of the important arguments in this chapter is that the policy environment changed significantly when Lula came to power in 2003, though much of the political context remained constant. With the PT in power, the potential for feminist participation in policymaking arenas increased; it also improved the likelihood that the policy makers would accept feminist demands. However, at the same time, feminists were influenced by the existing structures and the 'rules of the game' of Brazilian politics. Few of these changed in 2003. This chapter discusses how a powerful Catholic Church influenced policy debates on international and national levels through the increased spread of international religious discourses. However, the spread of international discourses also proved an advantage for feminists, as the greater acceptance of international feminist discourses provided national feminists with powerful arguments with which to press governments for policy change.

Brazilian feminist movements are the focus of Chapter Three. It argues that Brazilian feminism was mainly made up of a group of predominantly white, middle class women mobilising through NGOs, although their dominance was challenged by the emergence and presence of groupings of other feminist identities. I present an argument that, in the period covered in this thesis, there were signs that the feminist movements in Brazil were in a re-emerging stage, as new issue networks were created during this time. This increased their abilities to influence the policy debates on abortion and on VAW, though there were characteristics limiting their possibilities as well. I also discuss the feminists' close relationship with the left, and the ways in which their participation in political parties influenced their activism and their abilities to influence policies inside and outside of the state.

Brazilian feminists were not only found in parties, but in a wide range of political institutions. The history of feminist engagement with one set of political institutions in particular, the SPM and the CNDM, is taken up in Chapter Four. The main argument in this chapter is that the

characteristics and activities of the SPM added significantly to the opportunities feminists had to influence policy debates. The feminist nature of a group of SPM employees provided the opportunity for feminists to access the policymaking arena. Furthermore, the SPM's characteristics and activities provided resources for the feminist movements, which both directly and indirectly increased feminist influence on policy debates. Also, the feminist nature of the CNDM increased the potential for using this arena to influence policy debates, though the CNDM's mandate was less than the feminists had hoped for.

These points are elaborated upon in Chapter Five, which discusses feminist and SPM interaction in the policy debate concerning decriminalising abortion. It is argued that although there was no change in law despite intensive feminist and SPM campaigning, the SPM was a powerful ally for feminists in gendering the debate. Findings in this chapter suggest that despite the SPM's institutional closeness to the president, that relationship was not enough to provoke policy change. The particularities of the policy environment provide some explanation for the partial success for feminists in the abortion debate.

These findings contrast the results of the VAW debate, explored in Chapter Six. The characteristics of the feminist movements and the SPM, were constant in both debates, as were the structures of the political institutions, and the 'rules of the game'. This chapter tells, us that 'issue distinctiveness' is important for determining feminist policy impact, as feminists had a higher degree of impact in the VAW debate than in the abortion debate. The policy environment was significantly different for the VAW debate, even though it took place at the same time, and in the same institutional context, as the abortion debate. Whereas the abortion debate was influenced by unforeseen changes in the policy environment in 2005, this did not have a similar impact on feminist abilities to press for legislative change in the VAW debate.

The concluding chapter summarises the findings of this thesis and answers the question 'How far have Brazilian feminist movements been able to have an impact on policy debates through the SPM in 2003-2006? It argues that the SPM, through its backing of feminist attempts to decriminalise abortion, and to create a law regulating VAW in particular, did facilitate a high degree of feminist impact on these two policy debates.

Chapter Two: The Policy Environment

2.1 Introduction

The shift in policy environment in 2003, when Lula came to power, was seen as a watershed moment for the country's democracy (Goldfrank and Wampler, 2008: 245). The entering of Lula and his Partido dos Trabalhadores- PT (Worker's Party) to national government stirred expectations of more democratic and participatory governance in Brazil. Amongst feminists, there were hopes that the PT in power would result in the opening of access points to the policymaking arena, and increasing feminist opportunities for policy impact. The PT's previous gender records while in local government, the significant number of feminists active in the PT's rank and file, and the PT's leading position in the feminine lobby in Congress, all served to rise the expectations. What were the implications of this shift in the policy environment for the feminist movements, and for their abilities to influence the policy debates on abortion and VAW? These issues are of central concern in this chapter.

As we saw in the previous chapter, it is important to be aware of how the nature of political institutions, their structures and their rules, shaped the context within which feminists negotiated their demands. The Research Network on Gender and the State (RNGS) framework informs us of the importance of the formal institutional structures and of the formal and informal 'rules of the game'. In order to explore the ways in which the nature of formal and informal structures affected feminist opportunities for policy influence, this chapter presents an overview of Brazilian political institutions and political practice. The last chapter pointed out that an exploration of the gendered nature of the workings of political institutions is important because these workings partly determine the level of impact feminists are likely to have in decision-making arenas. Therefore, this chapter examines the opportunities provided by the nature of politics in Brazil, and explores how these influence the number of, and impact of women in the bureaucracy, legislature and political parties.

In order to understand the workings of Brazilian political institutions, and the opportunities and constraints these have on political actors, it is necessary to explore some of the political history. The origins of the PT, the feminist movements, and some of the institutional frameworks, date back to the authoritarian rule (1964-1985) and to the democratization process (1974- 1985). Hence, an understanding of the political climate and the political situation during this time is vital to comprehend the policy environment in 2003-2006.

The chapter is organised as follows. First, we look at the politics of democratization, as these processes shaped the Brazilian political past and present. The Brazilian transition was part of the 'third wave' of democratization, beginning in Portugal in 1974, and which swept Latin America in the 1980s (Huntington, 1991). Many scholars have studied this phenomenon, and this section traces some of these findings. The subsequent section explores Brazil's political history until 1964, with a particular focus on women's political participation. A discussion of the military rule and its breakdown is next, tracing how its distinct political environment spurred particular ways of political activism, and how notions of citizenship were defined within the context on democratization. A crucial argument in this section is that feminist movements achieved policy influence during the democratic transition by drawing upon their role in the opposition to the dictatorial regime. Women were aided in their mobilisation for policy change by the political parties' need to be perceived as democratic institutions.

The role of civil society is taken up in the next section, which outlines some of the important political developments leading up to Lula's presidency. Of particular concern in this section, is the development of civil society's relationship with the state in post-authoritarian Brazil. This leads to a discussion of the PT. An important part of this discussion is the ways in which the PT had related to the participation of women, and to feminist attempts to influence the party's politics. The next section describes Lula's campaign and accession to power in 2003. Additionally, this part analyses the Lula government's relationship with civil society, as well as how its policies related to women, and to feminist movements. A point made in this section is that Lula's strategies for participatory government did not result in the level of impact that civil society had hoped for. Nevertheless, for the feminist movements in particular, there were openings for access and impact to be found. Also, the establishment of the women's year in 2004, served to create visibility of women's situations, of their rights and of services available to them.

An overview of the political institutions as they were in 2003, then follows. It is argued that undemocratic practices and low levels of institutionalised party politics shaped Brazilian politics. Although this hindered women's and feminist abilities to influence politics, at the same time, some of the same factors provided openings for feminist influence. In addition to being influenced by the national policy environment, feminist movements' opportunities were also shaped by the international and regional political setting. An exploration of the political context in which feminists operated is not complete without giving attention to the

international arena. Of particular importance is the ways in which international discourses had transcended onto the national arena, and how these facilitated or hindered feminist impact on policy debates. The main point in the last section is the importance of international discourses, and discusses how these shaped national politics, and how such discourses either aided or hindered feminist attempts to provoke policy change.

2.2 The politics of Democratization

In order to put the Brazilian policy environment into perspective, we need to consider its political history. One of the most important influences on political life in Brazil, has been its experiences of dictatorship, and the subsequent democratization process. We will thus start with a look at the politics of transition, and assess how they shaped prospects for women's policy influence in democratic Brazil.

The nature of the non-democratic regime has long been considered as having an important impact on transitions to democracy, and on democratic politics (Linz and Stepan, 1996). In many Latin American countries, the military was in charge in the 1960s, 70s and 80s, and continued to have an impact on politics throughout all stages of democratization, and even in the consolidated democracies (Linz and Stepan, 1996). A characteristic of most of the Latin American dictatorships was that they closed down all or most of the traditional channels for political activism, such as political parties and trade unions (Baldez, 2003: 258). As a result, political actors found new spaces for activism, mainly in social movements. For women, this meant that they were offered opportunities for increased political activism, as political activity shifted to the informal arena. Women's organising was, paradoxically, also helped by the ideology of the military regimes, which tended to be right wing, with traditional notions of women's roles (Waylen, forthcoming). As we shall see below, the focus on women's roles presented opportunities for women's legitimisation of their political activity. The military's ideology also shaped opportunities for gender policy during dictatorial rule. In the case of Brazil, for example, despite the conservative position, the military regime introduced several policies and legal changes that increased women's rights (Htun, 2003: 3). In other cases, such as in Chile, the church was more influential on the military regime than in Brazil, where it sided with the opposition. For Chile, this resulted in less reform on gender issues, such as the continued absence of the right to divorce (Htun, 2003: 3).

Comparative politics scholars have also spent a significant amount of time examining why authoritarian regimes break down, and there are a number of theories explaining this phenomenon. Some theorists have focused on the relationship between levels of development and democracy within the country itself (Lipset, 1959; Karl, 1990; Przeworski and Limongi, 1996). Proponents of transition theory also focus on domestic reasons, highlighting how internal splits within the regime, and negotiations between political elites, more particularly between moderates in the military regime and in the opposition, result in regime breakdown (O' Donnell et al, 1986: 19; O'Donnell, 1996). The ruling elite's strategic interaction with the opposition is, according to Marks (1992: 400), dependent on the elite's decision of the cost of toleration versus oppression of the political opposition. Much of the democratization literature in the 1980s and early 1990s focussed on the role of these elites in negotiating a return to democracy (Karl, 1990: 3; Waylen, 1994: 330- 331; Diamond, 1999: 218; Dominguez and Jones, 2007: 21).

This focus on elite actors, and traditional arenas for political activism, downplayed the role of social movements in democratization (Diamond, 1997: xxx), and this meant that the women participating in social movements also received minimal attention from democratization scholars (Waylen, 1994: 333; Molyneux and Craske, 2002: 4). As a result, the majority of the democratization literature remains gender-blind (Waylen, 1994; Waylen, 2007: 15). This literature failed to see the role and importance of women's movements (Waylen, 2007: 15), although the role of social movement opposition to the authoritarian regimes was acknowledged as a force in initiating the breakdown of the regimes (O' Donnell and Schmitter, 1986; Valenzuela, 1989: 450; Oxhorn, 2003: 47: Molyneux and Craske, 2002: 4). Gendered analyses of democratization have shown that women's movements political activity was a force in the breakdown of some of the non-democratic regimes (Fitzsimmons, 2000: 53; Molyneux and Craske, 2002: 4; Baldez, 2003; Waylen, 2007: 69). The Mothers of Plaza do Mayo in Argentina, for example, publicly condemned the human rights abuses of the military regime, and they were thus a force in de-legitimizing the regime (Fisher, 1989).

Other scholars have also drawn attention to the role of external factors. For example, the US' shift in foreign policy, with an increased attention to democratic rule, has been found to play a part in influencing re-democratization (Karl, 1990: 4; Carothers, 2002: 6), as can the forces of globalization, and particularly the pressures from the international economy (Bunce, 2000: 710). In Argentina for example, democratic elections were announced after the military

regime's defeat in the Falklands/Malvinas war. There are therefore a number of ways of explaining dictatorial breakdown, and it can be argued that in each case, there were several reasons why the military regimes broke down in Latin America.

Transitions to democracy followed most cases of regime breakdown. Where a rapid transition occurred, as in Argentina, the military regime had little influence over the transition process. Consequently, these regimes had little ability to shape politics in the post-authoritarian era (Geddes, 1999: 120). In contrast, where transitions were initiated from above, following splits within the military regime, the pace of the transition was often slower. On the one hand, this meant that civil society organisations had time to adapt to the new political environment, and to adjust their strategies accordingly (Waylen, 2007: 71). On the other hand, the slow pace of the transition meant that the outgoing regime could shape the nature of the transition and its outcomes. This happened in pacted transitions, where political elites in the military and in the opposition negotiated the changeover to a civilian government (O'Donnell and Schmitter, 1986). The process is explained as the interaction between the soft liners and the hard liners in the authoritarian regime, and between the moderates and radicals in the opposition (Foweraker, Landman and Harvey, 2003: 38). According to Schmitter (1994: 65), pacted transitions are most likely to end in consolidation, as radical change is less likely to occur, and is thus more acceptable to the outgoing regime.

However, what constitutes a consolidated democracy is also subject to debate in the democratization literature. It has been argued that a democracy is consolidated when democracy becomes "the only game in town" (Linz and Stepan, 1996: 5). This is defined as political practices are adhering to the formal rules of democratic practice, such as the institutionalisation of electoral and party politics (O'Donnell, 1996: 41). However, it has been argued that this focus on formal politics fails to assess the ways in which informal practices, such as clientelism, continues to play a part in politics in democratic states (O'Donnell, 1996: 40; Bunce, 2000: 713). Similarly, weakly institutionalised parties have implications for the democratic nature of such polities (Mainwaring, 1999: 21), as weakly institutionalised parties are unpredictable and unable to fully represent the public. The belief that electoral politics will serve to increase participatory politics, and result in higher levels of state accountability (Carothers, 2002: 8) is thus problematic.

Some scholars have argued that the demobilisation of civil society was necessary for the consolidation of the emerging democracies, as civil society activism was a destabilising force in the emerging democracies (O' Donnell and Schmitter, 1986; Oxhorn, 2003: 47). As is described below, large parts of the social movements did demobilize after the regimes' breakdown. Scholars analysing women's movements' organising have pointed this out (Waylen, 2007: 69), as is taken up in Chapter Three. However, at the same time, many women continued their mobilisation, as a response to women's exclusion from the elite negotiations (Baldez, 2003: 258-259).

As we will see, the focus on the adherence to formal democratic processes neglects the socioeconomic hindrances to political participation amongst large sectors of Latin American society (Avritzer, 2002: 36). The consolidation of formal democratic practice has not resulted in the granting of rights to the level of civil society's' expectations (Craske, 2000: 7). This is particularly the case when looking at women's political participation, and women's rights. The expectations of a more inclusive democracy are linked to the development of ideas of more inclusive citizenship.

Citizenship politics and democratization

Democratization in Latin America revitalised citizenship politics (Craske, 2000: 13; Dagnino 2003: 3), and citizenship became a common frame amongst the social movements mobilising in Latin America in the 1980s and 1990s (Dagnino, 2003: 3; Molyneux, 2001: 175). At the core of the citizenship politics was the definition of who has the 'right to have rights', or in other words, how to distinguish between the excluded and included citizens (Jelin, 2003: 110). Social movements' perception of citizenship went beyond a demand for political inclusion, such as the right to vote. Social mobilisation in Latin America was concerned with the extension of citizenship rights, defined as social, economic and political inclusion (Lievesley, 1999: 6; Dagnino. 2003: 3; Friedman and Hochstetler, 2002: 31; Oxhorn, 2003: 54). At the same time, Latin American feminist movements started to appear, which meant that women mobilized for a gendered citizenship (Molyneux, 2001: 166).

During the dictatorships, state violence was a common occurrence, and women used notions of human rights to create legitimacy for their demands. Because of the developments in the definition of citizenship, within the context of state repression and the development of a feminist consciousness, women's demand for citizenship in Latin America, were closely

linked to human rights (Blacklock and Macdonald, 2000: 21). In the name of citizenship and human rights, women confronted the distinction between the public and private sphere (Molyneux, 2001: 171), and demanded state action in areas such as violence against women (VAW). In this context, as we shall see in Chapters Five and Six, framing demands for abortion rights and for laws regulating violence against women (VAW) in terms of human and women's rights, can thus be considered as a way of securing and improving women's citizenship.

During the 1990s, social movements used the political spaces emerging from democratization to further their claims for citizenship (Blacklock and Jenson, 1998: 129), as marginalisation of various sectors of society continued after democratic restoration (Lievesley, 1999: 6). The widening of the notion of citizenship rights, meant that citizenship was no longer only defining the relationship between citizens and the state, but was also linked to the equalising of relationships between social sectors in society, through the struggle for ethnic rights and women's rights (Dagnino, 2003. 6). The adoption of the language of rights, rather than individual demands, was particularly useful for the women's movements (Craske, 2000: 13; Dagnino, 2003: 4), as we shall see in the discussion of Brazilian women's movement's during democratization. First however, we turn to an analysis of the specifics of the Brazilian case beginning with gender politics in Brazil prior to 1964.

2.3 Women and Politics in Brazil prior to 1964

Brazil gained independence from its Portuguese rulers in 1822.[1] For the next 100 years, the political landscape was characterised by the dominance of governors, state based parties and elites, who paid little attention to national politics (Chaffee, 1998: 78). This changed when President Getulio Vargas (1930-1945, 1951-1954) entered the scene. He introduced a program of modernisation and political centralisation, though he was unable to curb all the power of the regional elites (Cheibub, Figueiredo and Limongi, 2009: 3). However, using a communist plot to overthrow the government as justification, Vargas established authoritarian rule in 1937 (Chaffe, 1998: 78).

While male politicians lost influence during Vargas' presidency, women gained more authority in the political landscape. His modernisation program challenged the boundaries between the public and the private sphere (Besse, 1996: 4), thus creating opportunities for

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[1] Brazil had been a Portuguese colony from 1500.

increasing women's rights.[2] The political times were characterised by an increase in the number of women who had received an education, and by an increase in demand for, and acceptance of, women entering paid employment. The demand for female labour was, however, countered by the conservative elite, who stressed that the family was the basis of society, and feared potential uprisings by the working-class or by women. The conflict between educated women and the conservative elite created openings for certain changes in gender relations and "the struggle to redefine the gender system became an important part of the larger political conflicts in the era" (Besse, 1996: 5). For example, in 1940, the criminal code was changed to exempt penalties in cases of abortions performed to save the mother's life and in cases when the pregnancy was the result of rape (Htun, 2003: 55).

The first feminists entered the scene a few decades after independence, although they were limited in number and had scarce influence (Teles, 2003: 27-33). By the 1920s, the suffragist movement had increased in force. This movement was a small group of young, white, educated upper and middle class women (Rachum, 1977: 118; Hahner, 1982: 85; Costa, 2005: 12). Bertha Lutz was the leader of the Brazilian feminist movement, and was the first woman who gained a high-ranking position in public office (Rachum, 1977: 122; Hahner, 1990: xv; Garcia, 2006: 1). Lutz leadership, and the increased influence of this group, joined with Vargas's politics, led to women winning the right to vote in 1932.[3] This year also witnessed the first woman elected to take part in the Constituent Assembly (Bethell, 2003: 27) and the following year saw the election of the first female Federal Deputy (Pitanguy, 1998: 99).[4]

Whereas the 1930s was considered a time where women's rights and access to politics increased, this gave way to increased hostility to women's rights towards the end of the decade (Rachum, 1977: 128). Few women entered Congress and women's access to political parties was limited at this time (Rachum, 1977: 127-129; Macaulay, 2006a: 38), and in the following decades.[5] During democratic times, party politics was there, although elections had more to do with the public demonstration of personal loyalties and patronage, than with party and policy preference (Bethell, 2003: 23; Montero, 2006: 12). Excluding two illegal parties,

[2] See Ruchum, 1977; Hanher, 1982; 1990; Besse, 1996 for more details.
[3] The right to vote excluded illiterate women (and men) (Bethell, 2002: 23).
[4] For more details on women's activism in the 18th, 19th and beginning of the 20th century, see for example Hahner, 1990; Besse, 1996; Pitanguy, 1998; Bethell, 2002; Teles, 2003; Costa, 2005; Marques, 2006; Novellino, 2006.
[5] For the next 63 years, only 119 women served as federal Deputies, compared to over 5000 men (Pitanguy, 1998: 99).

there were no national political parties or political movements until 1945, when Brazil hosted the first of its "reasonably honest, competitive, relatively popular elections" (Bethell, 2003: 27).[6]

Political participation was limited for both women and women prior to 1985, with democratic governments only present in the years 1934-7 and 1946-64 (Kingstone and Power, 2000: XVI). The post-war years saw increased industrialisation and urbanisation. The democratically elected presidents gained their support from the urban masses, which contrasted Congress' power base, which was rooted in the landed, rural elite (Hagopian, 1996: 9). Although democratic practices were present in the years leading up to 1964, the military increased its intervention in politics (Hagopian, 1996: 8). The military had twice been successful in removing Vargas from his presidency, both in 1945 and again in 1954, and were set to remove president Goulart in 1964 (Skidmore, 1990: 14).

2.4 Military rule and civil society, 1964-1985

Supported by the middle class, including a number of organised, conservative middle class women mobilising against the sitting president (Hahner, 1982: 86), the military came to power through a coup in 1964. Although the regime kept conventional politics under tight control, parties, elections and Congress continued to be active during most of the authoritarian period (Despostao, 2001: 287). Two parties were allowed: the Democratic Brazilian Movement (MDB), the opposition's party, and the military's National Renovating Alliance (ARENA).

Despite its restrictions on political participation, the authoritarian regime in Brazil left many sites open for social and political organisation (Encarnacion, 2003: 11). The restrictions on the traditional arenas for political activity meant that social movements became the centre of political life (Jaquette and Wolchik, 1998: 5). Many of Brazil's civil society organisations thus appeared in the specific context of authoritarian rule. Social movements took over the role of political parties and mobilised against the authoritarian regime, as well as organising to compensate for the hardships many faced because of the government's policies. Social movements on the left were an integral part of the opposition to the authoritarian regime, which in addition consisted of the militant, organised left, and centre-left, an organisation of

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[6] These were the Brazilian Communist party, founded in 1922, and the Ação Integralista Brasileira, established in 1932 (Bethell, 2002: 24).

academics, radicals, and labour unions (Alvarez, 1990: 109). The Catholic Church sided with the opposition to the authoritarian regime. It was an important ally in the transition process, both because of its political influence, and because of its capacity in organising social movements, where women mobilised in great numbers (Alvarez, 1990: 131).

In this context, many new types of movements emerged. Onto the political scene came urban movements; Church-linked human rights movements; the 'new labour movement'; ecological movements; the Basic Ecclesiastical Communities (CEBs); and identity-based movements, representing women's, black, gay and indigenous rights.[7] These proved significantly different from previous social mobilisation groups, in that they claimed organisational autonomy from the state and presented their demands as a set of rights, as opposed to claiming favours from the state (Chaves, 2000: 26; Foweraker, 2001: 5). Despite their different foci, these new movements united in their demand for democracy and increased citizenship rights during the 1970s and 1980s (Friedman and Hochstetler, 2002: 31). The ways in which citizenship became important both during and after democratization is explored below.

Democratization
At the same time as social movements increased their opposition to the regime in the 1970s, there were other factors that decreased the government's legitimacy and abilities to maintain their grip on power. These were the growing popular support for the MDB, the government's electoral setbacks, internal conflict in the military, and the escalating economic problems faced by the government (Hagopian, 1996: 211; D'Alva Kinzo and Dunkerley, 2003: 2; Baldez, 2003: 260; Nervo Codato, 2006: 16-17). These led the regime to introduce some political liberalisation, albeit with no intention of loosening their grip on power.

From 1974 and onwards, the President General Ernesto Geisel initiated the transition towards democratization. In 1974, the control over the press became less severe and the electoral restrictions were relaxed, enabling the MDB to win the majority of seats in the Senate. Five years later, an amnesty was given to political exiles and the party-ban was lifted. The MDB continued under the new name of the Party of the Brazilian Democratic Movement (PMDB) and in 1980 the PT was established (Montero, 2006: 129). In 1982, the direct election of

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[7] For a further discussion on new social movements in Brazil and Latin America, see Escobar and Alvarez, 1992; Foweraker, 1995; Stephen 1997; Livesley, 1999; Alvarez et al 1998; Eckstein, 2001.

governors secured the PMDM nine governorships and legislative majority in many of the 'most developed states' (Hagopian, 1996: 211).

With this background, the opposition could find members in the military regime who were willing to negotiate a return to democracy, although the military had enough strength to control the pace and nature of the transition (Linz and Stepan, 1996: 168). As a result, an elite dominated 'pacted transition' took place over a number of years. These elite negotiations were distinctly gendered. As political activity shifted from the informal arenas of social movements, to traditional political arenas when transitions were underway, this had significantly different impact on women and men's abilities for further political influence. Also, as there were few women in the leadership of political parties, women did not gain access to these negotiations. Resulting from the pacts between the military and the opposition during the transition, many members of the military regime retained positions of power even after the breakdown of the military rule (Alvarez, 1990: 226; Panizza, 2000: 503; Hunter, 2000: 110; Nervo Codato, 2006: 11, 18). Hence, the military regime had a significant impact on politics after the return to democracy (Linz and Stepan, 1996: 168; Bethell, 2003: 29). For example, during the first civilian presidency, there were six military ministers in the cabinet (Linz and Stepan, 1996: 169).

In 1984, mass mobilisations for direct presidential elections (the *Direitas Já* campaign) appeared nation wide. They were unsuccessful however. An electoral college, rather than the public, selected Tancredo Neves to become the first civilian President in 20 years.[8] Unfortunately, he fell ill and died before his inauguration, and the vice-president Jose Sarney took up the position in his place. From the beginning of his presidency in 1985, Jose Sarney lacked legitimacy. He was not directly elected by universal suffrage, and his previous leadership position in the ARENA further undermined his authority (Panizza, 2000: 504). He had to rely on patronage and clientelism to secure his political influence, and drew upon support from the military (Linz and Stepan, 1996: 169; Montero, 2006: 22; Arturi, 2006: 261). Brazil thus turned into a civilian government that was "controlled by authoritarian elements who are unlikely to push for greater participation, accountability, or equity for the majority of their citizens" (Karl, 1990: 14). The return to democracy then, did not result in a more

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[8] Although some argue that the democratic transition was not complete until the direct election of the first civilian president in 1989 (see for example D'Alva Kinzo and Dunkerley, 2003: 1, Nervo Codato, 2006: 1), others date the new democracy from when Tancredo Neves gained the necessary backing to win the Presidency in 1985.

democratic way of governance, but rather re-established the political pattern of conservative and personalistic politics, and continued the military's influence on politics.

Women's mobilisation during the dictatorship and the democratic transition in Brazil

Women's movements and social movements shared many of the same constraints and opportunities presented by the political context during the Brazilian democratization. However, some of these were distinctly gendered, and women and feminists thus faced a somewhat different policy environment than organisations dominated by men.

The political environment during the dictatorship had a significant impact on women's and feminist movements in particular. Firstly, women gained experience in political organising through their participation in social movements. Instead of participating in political parties, women used their spaces in social movements to speak out against the military regime and increasingly against gender injustice. Secondly, the regime's policies created mobilisation points for women's organising. Women started to organise against the regime's human rights violations, around economic subsistence due to the faltering living conditions, and increasingly around women's rights (Alvarez, 1990: 109; Baldez, 2003: 259). Thirdly, the regime's use of the symbol of motherhood, created an opening for women's organising as mothers (Alvarez, 1990: 6), thus legitimising women's mobilisation.[9] Prior to the military coup, women's organisations had used the symbol of motherhood, and argued for the preservation of the family, in their mobilisation against the then president Goulart (Hahner, 1982: 86). The military continued to making use of this notion to appeal to the public, which ironically enabled women to be amongst the first groups to speak up against the regime.

There is a large amount of literature available on women's mobilisation during democratization in Brazil.[10] These accounts of women's movements during the transition, points towards the distinct opportunities for mobilisation and policy impact during this time. As shown below, feminists made use of the openings for influence, which resulted in feminist presence inside the state, and in policy change. At the same time however, these accounts suggest that there were limitations to women's representation and influence during the

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[9] For details on women's organising during the dictatorship and under the transition, see Alvarez 1990 and chapter 3 in this thesis.

[10] See for example, Alvarez, 1989; 1990; Viera, 1993; Tabak, 1994; Macaulay, 1996; 2006; Lebon, 1997; Pitanguy, 1998; Scumaher and Vargas, 1999; Drogus, 1999; Corcoran-Nantes, 2000; Araujo, 2003; Baldez, 2003; Htun, 200 2; 2003; Scumaher, 2002; Teles, 2003; Sarti, 2004; Drogus and Stewart-Gambino, 2005; Marques-Pereira and Raes, 2005; Santos, 2005; Soares, 2005; Waylen, 2007.

democratization process. For example, the elite nature of the transition meant that women had little influence over the process. This was because when a transition to democracy is underway, political initiative and activity shift toward the conventional arena of party politics, where women's representation is often restricted (Waylen, 2007: 69). However, during the 1990s, scholars started to focus on the roles of civil society also in democracy building (Diamond, 1997: xxx; Grugel, 1999: 10), and attention was given to the ways in which citizenship had a central focus in developing a democratic state.

An important question for the feminist movements was, therefore, whether to engage with the political parties, which had little tradition of including women. The inability to come to an agreement over this question fragmented and demobilised the women's movements. Tensions grew between those opting for the outsider tactic and those choosing the insider option, and between those participating in different parties (Alvarez, 1990: 148). This hampered feminist impact inside the parties (Araujo, 2003: 15) and their ability to influence the transition process.[11] Before the last few years of the transition, women were unable to influence the MDB to include gender on their agenda (Baldez, 2003: 259). Neither did feminists have enough force to include gender perspectives within the organised left (Alvarez 1990: 109).

This changed however, as the political openings in the 1980s presented opportunities for feminist impact, despite their disagreements and fragmentation, and despite the return to traditional politics. The newly created political parties in the early 1980s needed legitimacy. Furthermore, they sought the female vote, and wanted to take advantage of the feminists' electoral and organisational capital (Alvarez, 1990: 161-164; Haas, 2001: 255). This context enabled feminists to push for the inclusion of some of their demands in the political platforms of these parties.

It was particularly feminists inside the PT and the PMDB, who successfully persuaded their party leaders to acknowledge their demands in areas such as gender violence and the establishment of WPAs. When the PMDB won the elections for state government in São Paulo and Minas Gerais, feminists in that party gained access to the state apparatus, particularly in WPAs. This led to the creation of important women's policies, such as women's police stations and a women's health programme. Hence, even before the

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[11] See Alvarez, 1990 for a discussion of this.

completion of the transition at the national level, feminist had gained access to the state, and had influenced the formation of gender policies (Macaulay, 2006a: 36).

As democratization reached the national level, women could build upon their experiences, and on their influence. For example, the creation of the CNDM was a sign of feminist impact on its own. Not only did the CNDM serve to increase the number of women and feminists in the state, but it also facilitated the gendering of many policy debates.[12] Another significant indicator of feminist impact during the democratization process, was the inclusion of an estimated 80% of the feminist demands in the 1988 Constitution (Pitanguy, 1998: 100). Although only two women were present in the official process of writing the Constitution, feminist pressure resulted in substantive gains.[13] This was due to the combined efforts of the feminist movements, the CNDM and the Bancada Feminina, which was created particularly to influence the Constituent Assembly (Mainwaring, 1999: 100).

This section has argued that political developments in Brazil had not facilitated much experience in democratic practices. The public's possibilities for political influence had been limited by the nature of undemocratic parties, and of non-democratic rule. Nevertheless, the dictatorial period between 1964 and 1985 offered sites for political practice and influence outside the traditional political venues. To a certain degree, social movements (including feminist movements) were able to build upon their mobilisation in the opposition, to demand influence in the legislature through the Constituent Assembly, and on some policy areas.

Civil society's ability to influence policy debates and policy formation over the next decades, was dependent upon several factors. As the next section discuss, these factors included the development of civil society's capacities to influence policy formation, the Constitution's acknowledgement of participatory governance, and the individual presidents' perception of the role of civil society in policymaking. Before we embark upon a discussion of civil society in democratic Brazil however, a discussion of the democratic presidents is in order, as this provides some insight into the level of democratic practice in Brazil.

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[12] This is explored in more detail in chapter four.
[13] Women's gains in the 1988 Constitution are discussed in more detail below and in Chapter Three. See also Alvarez, 1990; Verucci, 1991; and Pitanguy, 1998.

2.5 Politics in post transition Brazil, 1985-2003

The presidents

The first directly elected President since 1964, Fernando Collor de Mello (PMDB), was impeached upon corruption charges in 1992. However, the fact that his conduct led to his impeachment showed that democratic features were present in the state (Linz and Stepan, 1996: 179). Mello's vice president, Itamar Franco, served the rest of the presidential term. Franco's finance Minister, Fernando Henrique Cardoso, a sociologist who turned politician, won the 1995 Presidential elections. A former MDB and PMDB party member, he served as President representing the Brazilian Social Democracy Party (PSDB), in a coalition government with parties from the right and centre. Cardoso served for two terms until Lula became President in 2003.

The accession from Cardoso to Lula was the consolidation of the democratic process in Brazil, as this was the first time that one elected president took over from another. It was also the first time Brazil had a president from a poor background and who was not from the traditional conservative political elite. Hence, Lula's victory demonstrated that Brazilian democracy was, indeed, 'sound' (Daudelin, 2008: 53). Lula's party had been an advocate for participatory governance since its establishment. We will now turn to how participatory governance was transformed from a demand framed as a citizenship right during the transition to democracy, to be institutionalised in the constitution, and in the bureaucracy.

Democratic institutions

As Mainwaring (1999: 8) argues, "institutional arrangements shape policy outputs". The decisions made during the transitions to democracy, thus had an important impact on post transition politics, in that decisions were made concerning the political system. Research has increasingly paid attention to the character of political institutions, and how these affect the quality of the democracy (Diamond, 1997: xxii). Scholars of gender and democratization have indicated how these institutions are gendered, and how this has implications for women's opportunities to push for gender policies (Waylen, 2007). A closer look at how institutional choices made during democratization, is thus important in order to understand women's opportunities to influence policy and policy debates.

Schmitter (1992: 427) argues that the process of writing a new constitution represents and important part of a democratic consolidation. Though with limited possibilities to influence politics as the country returned to the dominance of political parties, civil society managed to incorporate some of their demands during the Constituent Assembly in 1987 and 1988, held to write the new Constitution. The focus on inclusive citizenship during the transition to democracy, meant that some of these notions were incorporated into the new legal framework. Hence, social rights, such as universal suffrage and women's rights, increased in the 1988 Constitution. However, these advances occurred in the same period that neo-liberal policies were embraced (Moroni, 2005: 39), which limited social spending. This contradiction meant that many of the Constitutional rights and the necessary public policies needed to realise these rights, did not materialise due to the lack of funding for these.

Other parts of the Constitution had a vital impact on post-democratization politics, such as the strengthening of Congress while maintaining the power of the executive (Power, 1998: 201; Mainwaring, 1999: 264; Figueiredo and Limongi, 2000: 73), and political party reforms. These factors were crucial in shaping the nature of political practice in post-authoritarian Brazil. Of particular interest for this thesis, was the recognition of the importance of participatory governance (Wampler and Avritzer, 2004: 293; Koonings, 2004: 82; Moroni, 2005: 3).

Participatory governance

During the first decade of post-authoritarian rule, opportunities for civil society participation were facilitated by public hearings (Coelho, Andrade and Montoya, 2002: 65), participatory budgeting (Chaves, 2000: 34; Baiocchi, 2003: 9) and through the establishment of more ad hoc partnerships between state and civil society in social policy draft and implementation (Chaves, 2000: 34).[14] This was a result of civil society's demand for inclusive citizenship, and of their successful inclusion of this in the 1988 Constitution. Democratization and civil society's focus on a wide definition of citizenship led way to the creation of new institutional types in Brazil (Wampler and Avritzer, 2004: 291).

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[14] The now well-known 'participatory budgeting' (PB), was created as an answer to the increase in urban civil society organisations, which demands included more participation, neighbourhood improvements, and more accountability from parts of local government (Wampler and Avritzer, 2004: 296). Participatory budgeting was initiated in 1989 by a PT Mayor in the city of Porto Alegre (Wampler and Avritzer, 2004: 291-2). Since then, the phenomena has spread throughout Brazil, and is no longer only practiced in PT held municipalities (Wampler and Avritzer, 2004: 291-2). For more details on participatory budgeting, see for example: Wampler and Avritzer, 2004; Goldfranck, 2003; Nylen, 2002, 2003; Wampler 2004; Baiocchi, 2003; Abers, 1996.

In addition, numerous councils organised citizens to discuss policies in areas such as health and urban planning. This activity has been labelled 'deliberative' democracy (Coelho, Andrade and Montoya, 2002: 65) which enables more accountability, which Brazilians refer to as 'controle social' (social control).[15] For women and feminists in particular, the establishment of councils was of particular importance. The establishment of the CNDM in 1985, which quickly became a major site for feminists influence on government gender policies, indicated the role such councils could have in policymaking.[16]

Unfortunately, the CNDM followed the fate of many sites for institutionalised civil society participation. During the late 1980s and early 1990s, social movements relationships with the state was shaped by the decreasing enthusiasm for such councils from parts of civil society, whilst political forces ignored, dismantled or dominated the councils with partisan politics (Hochstetler, 1997: 11; Galgani, 2000: 35: Houtzager, 2003: 33; Lavalle, Acharya and Houtzager, 2005: 951).[17]

Social movements, together with the emerging PT, proved a significant force during the transitional period. However, its opposition and mass mobilisation tactics during the dictatorship did not fit with the merging democratic practices, where political parties and elite politicians were again at the centre stage. Social movements found it difficult to adapt their strategies to democratic politics, which resulted in a decline in the policy impact of these movements (Alvarez, 1990: 227).

Although the waning importance of civil society in policymaking can partly be traced to the elite transition, and a political tradition characterised by undemocratic practice, it can also be accredited to the lack of consensus of civil society's role in policymaking amongst state officials (Encarnacion, 2003: 130). Whereas participation can be seen as a way to improve public policies, it can also be perceived as a threat to power holders and their domination (Dagnino, 2002: 6; Moroni, 2005: 8). This latter view hindered civil society's access to policymaking arenas, and hindered their potential for policy influence. Additionally, the

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[15] Around the time Lula came to power, there were at least 84 national councils and thousands of councils situated in lower levels (Friedman and Hochstetler, 2002). The State council for women's rights in São Paulo was part of this development.

[16] See chapter three and four for more details on the CNDM and its role in policymaking.

[17] One observer in São Paulo suggest that there were difficulties in finding enough members to sit on the councils that are still in operation and that often the same people are serving in different councils simultaneously. Interview with Albertina Costa, CNDM representative. Fundação Perseu Abramo. São Paulo, 20/05/05.

history of the authoritarian rule, where civil society's relationship with the state was severely challenged, and the tradition of tutelage between those who govern and the governed, all impeded popular participation (Chaves et al, 2000: 36). Hence, although the principle of participatory government was included in the Constitution, this did not lead to civil society's substantive representation in the state (Foweraker, 2001: 7).

2.6 Political Institutions in 2003

When Lula took office in 2003 the national political landscape in Brazil was still shaped by the country's vast social, economic and geographical differences (D'Alva Kinzo and Dunkerley, 2003: 10).[19] The huge disparities between the 'underdeveloped' and scarcely populated North, and the industrial and densely populated Southern and South-eastern regions remained. The North was still considered as the 'backwater' of Brazil, a largely rural area which hosted a mostly poor black and indigenous population. A few white landowners mainly owned the land. These dominated the political landscape, where conservative, and clientelistic practices predominated (Bethell, 2003: 31). This scenery contrasted the industrialised and rich South, which was ethnically whiter, more educated, and had more access to goods and public services. Although the South was also conservative in nature, it had bred, and hosted some of the most influential radical organisations in Brazil, such as the PT and various feminist organisations.

In 2003 Brazil was a federal republic with a bi-cameral parliamentary representative system (Araujo, 2003: 2), which had an open-list, multi-member proportional representation electoral system (Macaulay, 2006a: 42).[20] This system created intra-party competition (Htun and Jones, 2002: 37-39), promoted personalism (Desposato, 2006: 57), and, therefore, weakened party cohesion. The electoral rules joined a legal framework that did not favour institutionalising political parties. The rules encouraged the creation of many small parties, resulting in around thirty political parties competing in each election, although only eight were large or medium sized (Araujo, 2003: 2).[21]

The parties on the left, such as the Communist Party (PCdoB), the Green Party (PV), and the PT, had shown the most institutional stability, compared to the majority of other parties, which went through rapid name and organisational changes (Araujo, 2003: 2). The lack of

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[19] See appendix I for a map of Brazil.
[20] It is made up of 26 states, and the Federal District, Brasilia.
[21] In 2002, 19 parties were represented in Congress (Armijo, 2006: 761).

consistency and predictability of the political system resulted in low levels of party loyalty amongst politicians. This meant that as many as one third of all Deputies switched parties during their term (Desposato, 2006: 63).

Many of these constantly changing parties were catch-all parties, which were often electoral machines for individual politicians (Mainwaring, 1995: 382) and rarely accommodated for continuous participation of its supporters. This meant that access to resources and policy influence was limited to the party authorities (Araujo, 2003: 15). Clientelism, patronage, and corruption were still prevalent (Samuels, 2002a: 315; Samuels 2002b: 846; Desposato, 2006: 63; Schonleitner, 2006: 35). Furthermore, pork barrel politics was widespread, which meant that most Federal Deputies were less concerned with national policies, than with providing pork for their constituencies (Armijo, 2006: 762). Apart from some parties of the left, most notably the PT, there were few ideological principles guiding the parties and few presented a coherent political platform (Mainwaring, 1999: 141). This damaged opportunities for effective, democratic formulation, implementation and administration of national policies (Foweraker, 2001: 19).

In what ways did these characteristics shape feminist opportunities to influence policymaking? Social movements in general, had to look for alternatives to engaging with political parties as a means to influence policies, as these parties had few links with civil society outside election periods, when they sought votes through patronage and clientelism (Dagnino, 2002: 3).[22] Possibilities for civil society impact on policies through political parties were thus limited, for civil society, and for party supporters. This was particularly true for women, as similar to most other countries in the world, Brazilian parties were less inclined to include women than men in decision-making positions within the party. As research has shown that women's presence in powerful positions, and the willingness to respond to gender issues, is more likely in institutionalised parties and party systems (Htun, 2002; Waylen, 2003: 12; Sacchet, 2005: 9), we can conclude that Brazilian feminists had few opportunities to achieve policy goals through engaging with political parties.

However, this is only part of the political picture. On the one hand, parties on the left provided more opportunities for feminist impact than those to the right. The left tended to be

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[22] See Hochstetler and Friedman, 2008 for an elaboration upon the role of civil society and political parties in representation.

more open to feminist demands than the conservative parties (Waylen, 2003: 12; Sacchet, 2005: 9), as parties to the left "tend to have consistent and programmatic policy positions on controversial gender issues" (Htun and Power, 2006: 83). The PT, as described below, was an important ally for feminists demanding policy change. On the other hand, however, due to the particularities of Brazilian parties, even parties on the right could be feminist allies. Although much of the women and politics literature state that parties from the centre and right are less likely to support gender policies, the lack of a clear ideology and the absence of a constant policy platform in Brazilian parties, meant that few had a consistent view on gender policies (Macaulay, 2006a: 39). These parties could thus be favourable to some feminist proposals, while opposing others. Studies suggest that it was in the cases which required economic redistribution, such as paid maternity and paternity leave and the creation of shelters for women victims of violence, where the centre and right opposed gender policies (Macaulay, 2006a: 3).[23] Whereas policy areas such as gender quotas, which could be adopted without making substantial financial commitments, were more likely to be accepted across the political spectrum.[24]

The absence of ideological principles in political parties, and their lack of political platform, allowed individual legislators more freedom in supporting policy proposals, feminist and otherwise. The members of the women's caucus, the Bancada Feminina were important actors in persuading their fellow party members to vote in favour of gender legislation, in addition to introducing and backing feminist legislation in areas such as the quota law, reforms in the civil and penal codes, anti-discrimination measures and on gender violence (Macaulay, 2006a: 46). In the 2003-2006 period, it consisted of 42 Deputies and 9 Senators from a variety of parties, though the PT was in majority (CFEMEA, 2006a). This was a high number considering the low number of female Congress members.[25] The PT and other parties of the left were leading the Bancada Feminina, but most female Congress members backed the Bancada, while none opposed it (Macaulay, 2006a: 46).[26] It had a historically close

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[23] This mirrors findings in other countries, such as in Chile. Evidence from Chile suggest that allies for furthering gender equality can be found amongst the more conservative parties when policies do not require economic redistribution and where policies did not challenge existing traditional gender roles (Blofield and Haas, 2005: 35).

[24] A quota law was passed in 1995 which required a 20% placement of women in the political party lists. This was raised to 30% for the 1998 and subsequent elections.

[25] In the 2002 elections, women held only 8.19% of the positions in the Chamber of Deputies, a number which rose to 8.97% in the 2006 elections (CFEMEA, 2006b). In 2006, there were 14% female senators, the same number as in 2002 (CFEMEA, 2002).

[26] Interview with Interview with Senator Serys Slhessarenko. Brasilia. 15/03/05.

relationship with the CNDM (Macaulay, 2006b: 7), and from 2003, with the SPM. Together with their close relationship with influential feminist movements, the Bancada Feminina served as an important access point and facilitator of feminist impact in Congress.

Although the Bancada Feminina facilitated feminist access, it could only promote legislative change to a certain degree. The 1988 Constitution gave the executive much power in the legislature, which meant that the Presidents have to a large extent been able to initiate, pursue and get approval for his policy agenda (Alston, Melo, Mueller and Pereira, 2006: 9). This meant that it was the President, rather than Congress members, which was the driving force behind most policies (Alston, Melo, Mueller and Pereira, 2006: 3). Since democratization, the executive had dominated law making through agenda setting (Pereira, Power and Renno, 2006: 17) and through introducing the majority of laws in the Chamber of Deputies, few of which were rejected (Figueiredo and Limongi, 2000a: 155). Through the use of urgency procedures, restricting the time available for Congress members to make amendments, the executive can dominate the legislature even further. The acceptance of feminist demands for policy change was thus likely to increase if executive backing could be secured, whereas a law presented by the Bancada Feminina, would be 'just another project in Congress'.[27]

This section has argued that undemocratic political practices and few institutionalised political parties shaped Brazilian politics in 2003. Although the nature of political practice hindered civil society and women's opportunities for policy influence through political parties, there were openings for feminist access to policymaking arenas. Potential allies and supporters were to be found in the Bancada Feminina, in parties on the left and sometimes even in parties on the right. However, one party in party in particular stood out as the main ally for feminists – the PT.

2.7 The Partido dos Trabalhadores

The PT grew out of the labour unions, the Catholic Church and social movement activism in the 1970s and 1980s (Samuels, 2006: 2). Its foundation was the new labour unions, which creation resulted from the industrialisation process in the 1960s and 1970s. However, the benefits of the economic development did not reach all. The increased numbers of urban . workers, the unemployed, the impoverished semi-proletariat, and professionals who were hard

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[27] Interview with Parecida Gonçalves. SPM. Brasilia 28/02/05.

hit by increased inflation, were unable to profit from this development. These groups became increasingly hostile to the military regime (Lowy and Denner, 1987: 453). The labour unions were one of the few institutionalised oppositional forces to the authoritarian regime, and held strikes, rallies and demonstrations against the dictatorial rule (Payne, 1991: 221).

By the end of the 1970s, the labour movement felt the need to have their views represented politically. Consequently, when the government lifted the political party ban in 1980, it stirred the creation of a new party, which promoted the political independence of the working class-the PT. Its membership base was, and still was by 2003, diverse, comprising of the working class, opposition to the authoritarian regime, academics, and a large number of feminists and grassroots activists.[28] The leadership consisted of prominent labour union leaders, including the PT President, Luís Ignácio da Silva, commonly known as Lula.

The core principles of the PT had remained consistent throughout the decades: a commitment to participatory governance; an inversion of government policy, prioritising social policy and the poor; economic development; and greater transparency and honesty in government (Samuels, 2006: 6). The party's principles and practices were influenced by grassroots and leftist politics, and by the Catholic Church and liberation theology.[29] In contrast to other Brazilian parties, the PT had a relatively coherent party platform and strict internal discipline, which ensured that representatives adhered to the party line.

The party grew steadily from its beginning to 2003. The number of PT held administrations rose steadily from two in 1982, to 411 in 2004 (Macaulay, 2006b). By 2002, it was the third largest party in the Senate, and the largest in the chamber of Deputies (Guidry, 2003: 83). It was also the leading party in the Bancada Feminina, and the PT was in the forefront of promoting women for political office, and introduced a large part of the feminist proposals in Congress. We now turn to an exploration of how the PT accommodated for women's participation, and for the promotion of women's interests.

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[28] Lowy (1987) divides the members into 8 particular groups: 1) union members, 2) the union opposition, 3) rural unions and legions, 4) Christian Base Communities, 5) former communist party militants, 6) groups of leftist revolutionaries, 7) a wide range of intellectuals, and 8) parliamentary deputies.
[29] The PT had close links to the Landless Movement (MST), the major workers' union – the Federal Confederation of Workers (CUT), and a wide range of religious and social movements.

Feminist access to, and impact on the PT

There were several reasons for why the PT offered opportunities to women to a larger degree than other left wing parties in Latin America and in Brazil. Firstly, social movements formed a large part of the PT's membership base. This meant that women, who made up the largest number of social movement activists, were an integral part of the party. Secondly, the PT's discourse of political ethics, derived from the Catholic Church, which supplemented its discourse on class, made the environment more acceptable to, and for women. Thirdly, the pluralist view of citizenship in the PT meant that it did not only operate exclusively from the viewpoint of a male, unionised worker (Macaulay, 2003a: 6), as labour unions or leftist parties tended to do. Fourthly, there were several points of interconnectedness between the PT and the feminist movements. Both were born out of the same political context (Godinho, 1998: 15), where they had the same demands for social change, and for democratization (Soares, 1998: 307). Also, "The PT's core characteristics of participation, internal democracy and the attention to the reproduction of everyday challenges converge with women's movement practices and principles, thus explaining the high degree of political sympathy between the two" (Macaulay, 2006a: 62).

Les us first see how this has influenced the number of women within the PT. The PT was in the forefront of enhancing the numbers of women in politics. For example, it was the first party to introduce quotas for women, in place since 1991.[30] From 1988 to 1996, the PT mostly elected female councillors (Macaulay, 2003a: 181), and elected proportionately more women in Congress than any other party until 1998 (Macaulay, 2003a: 179). In the early 2000s, it had more female candidates than any other party, and had the highest number of women in Congress (Haas, 2001: 254; Sacchet, 2005: 3).[31] Also, the 2003 Lula government could boast of having the highest number of female cabinet members ever selected to be part of the federal administration.[32]

The effects of the quotas however, have been questioned. They only applied to leadership positions, and not to its candidate slates (Sacchet, 2005: 3) to president, governor or mayor

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[30] The PDT discussed quotas as early as 1986, but did not adopt the measure then (Araujo, 2003: 3).

[31] In comparison to the 30% of women in the PT national board, the Brazilian Popular Party – PPB had 7%; the Party of the Liberal Front – PFL had 5%; the PMDB had 6.7%; Brazilian Social Democratic Party (PSDB) 8.4%; and the Democratic Labour Party had 17% (sachet, 2005: 2).

[32] Marina Silva- Environment Minister, Benedita Sila- Social Welfare Minister, and Dilma Roussef- the Mines and Energy Minister. Matilde Ribeiro, as the Minister for Racial Equality, and Emilia Fernandes as the Minister for public policies for women.

positions (Macaulay, 2003a: 181). Although the PT observed the quotas on the national level, it did not on local or state levels (Sacchet, 2008: 12-13). The quota's implications for women's impact have similarly come under scrutiny. As Nascimento (2003) observed, the introduction of quotas did not inflict substantial changes to the male dominated nature of the party, and long lasting discussions of women's equality did not come as a result.

Nevertheless Nascimento's observations, feminists were able to affect policymaking through participating in the PT. The PT's rhetoric, combined with the presence of women and feminists in the party, led to the development of a gender discourse that was more progressive than the norm in Brazilian politics.[33] The PT gender ideology was influenced by four distinct discourses: traditional class-based socialism, feminism, the Catholic Church and, increasingly, from a Gender and Development (GAD) perspective adopted by the party's 'femocrats' (Macaulay, 2003b: 14).

The class-based socialism discourse led the PT to pursue practical gender interests, particularly policies directed at women in the workplace, such as the provision of child-care and projects related to income generation for women, whereas the feminist and the GAD discourse led to the pursuit of strategic gender interests. For example, in the late 1990s, the PT started to introduce the concept of gender planning in local PT administrations (Macaulay, 2003b: 17). Feminist influence inside the PT also resulted in the introduction of a wide range of gender policies coinciding with feminist demands, including changes to the civil and penal codes, maternity and paternity leave, sexual harassment, the rights of women prisoners, and anti-discrimination measures (Macaulay, 2003a: 183).

Also, and more importantly for this thesis, because of feminist campaigning, the PT had recognised reproductive rights and VAW as legitimate areas for party and government intervention. In fact, it had been the leading party in introducing feminist influenced policies and law proposals in these areas since the 1980s. However, due to the influence of the Catholic Church, there was sometimes a large gap between the PT's advanced gender discourse, and practice (Haas, 2001: 259-60; Macaulay, 2003a: 187; Lebon, 2004a: 5), though Macaulay (2003b: 15) argued that the conflicts between the Church and the feminists inside the PT should not be overstated.

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[33] See Macaulay, 2003b, 2006 for more details of PT discourses on women.

However, the issue of abortion in particular, had been a continued subject of conflict within the party. The feminist discourse on abortion constantly competed with that of the Catholic Church. Whether, and how the PT dealt with abortion, depended upon the particular policy environment at the particular time, and on the political strength of the feminists. In the beginning of the 1980s, feminists occupied places of influence within the party. The first party platforms thus included a demand for decriminalising abortion and the PT introduced this during the Constituent Assembly (Godinho, 1998: 22). Abortion decriminalization was later removed however, in order to accommodate for other advances. The introduction, and then removal of this demand, was also visible six years later when the 1994 party programme originally included a stance in favour of decriminalization, but this was later withdrawn due to Church pressure (Haas, 2001: 263). Towards the end of the decade, feminists lost their influence within the party (Alvarez, 1990; PT, n.d: 5) and decriminalization disappeared altogether in the following party programmes.

Instead, the PT promoted increased access to abortions already allowed by law, framing this as a public health matter (Macaulay, 2003b: 16). For example, during the administration of the feminist PT mayor for São Paulo, Luiza Erundina, a municipal ordinance was passed to require public hospitals to carry out legal abortions (Macaulay, 2003a: 184). As reproductive rights were so controversial, the PT's main gender policy tended to be gender violence, where they provided women's shelters. This did not provoke opposition from the Catholic Church, as did abortion. Increasingly, the PT started to expand their VAW policies, and created a set of more integrated services to target the issue. Hence, policies targeted the issue from several angles, including areas such as housing, employment, health and the legal situation (Macaulay, 2003b: 16). As we shall see in Chapter Six, this approach was adopted also at the national level during Lula's first administration.

Let us now turn to an exploration of WPAs in local PT administrations prior to 2003, as this will tell us something about the prospects for gender policymaking, and WPA characteristics in the federal PT government 2003-2006. Since the PT's first administrations, women inside the party had advocated for WPAs. The choice of WPA model in each administration was influenced by a number of factors, including the timing of the set up of the WPA, the level of the mayor's gender commitment, and the foresight and organisational capacity of the local women's movements (Macaulay, 2003b: 12).

One of three models tended to shape local WPAs. The preferred format advocated by PT women was an executive organ with a mandate to implement public policies in conjunction with other governmental bodies, with financial and administrative autonomy, and with the political power (Godinho, 1998: 24; Macaulay, 2003b: 12). However, in most cases, this was denied, and coordinating bodies attached to the mayor's office became the alternative (Macaulay, 2003b: 12; Nascimento, 2003). In many instances these had poor structures and neither political force, nor organisational capacity, to influence government positions (Nascimento, 2003). The third, and least preferable option, was women's associate bodies. Their roles were limited and the possibilities for them to influence a wide scale of policies, were less (Macaulay, 2003b: 12). The experiences of the local WPAs, as pointed out by Macaulay (2003a: 191-193), point to the importance of an organised women's movement to pressure the PT to accept their demands. But studies also hinted at the complications arising from the unclear boundaries between party, movement and government when the PT was in power.

The PT's history explains the relative high number of women and high level of women's influence in the PT, compared to other Latin American and Brazilian political parties. Based on this history, in 2003 Brazil's feminist movements were optimistic that the PT's coming to power would mean an increase of political opportunities. By 2003, the PT had been at the forefront of promoting gender legislation; it had introduced several policies on VAW and abortion while in local government; it was open to the participation of women and feminists; and Lula had promised to be guided by the feminist platform presented to the Presidential candidates in 2002, as elaborated upon in the following chapter. The PT promoted participatory governance. Therefore, its own ideology indicated willingness to open up policymaking arenas to civil society. In order to explore how it was that the coming to power of the PT could significantly change the policy environment in which abortion and VAW debates took place, we need to take a closer look at Lula's accession to power, his government and policies.

2.8 Lula takes office

The campaigns and victory

In 2002, Lula entered the presidential race for the fourth time. In his first attempt, he had been the main opposition to Fernando Collor de Mello in the first democratic presidential election in 1989. However, he lost to the "younger, more dynamic neo-liberal reformer" (Bustani, 2001: 306). In Lula's second attempt, he went against Fernando H. Cardoso. The bid was unsuccessful however, as Cardoso won due to the (initial) success of his Plano Real, which he had introduced to fight hyperinflation when he served as Finance Minister under Itamar Franco's Presidency. Based on his defeat in 1994, the PT, and Lula's 1998 campaign was characterised by a programmatic shift to the centre, and more focus on personalism and patronage (Hunter, 2007: 457). However, he lost again, as Cardoso was "immensely popular during his first term" (Hunter and Power, 2005: 128).

Nevertheless Lula's defeats, his party gained governing experience through holding office in an increasing number of state and municipal governments. It was thus an experienced party, with an experienced leader, which entered the presidential race in 2002. Lula was determined to win this election, and in order to win he had to expand his support base beyond the PT's traditional followers. He needed to appeal to the political and financial elite, and to tone down the PT's radical discourse. As a result, the socialist values and ideas that were characteristic of the PT, were considerably moderated in his 2002 campaign (Hunter, 2003: 153; Samuels, 2004: 1003; Bianchi and Braga, 2005: 1754).

Through promising a continuation of Brazil's neo-liberal policies and repayments to the International Monetary Fund, Lula secured the needed backing. He set out these commitments in his infamous 'letter to the people' in June 2002. The 'letter to the Brazilian people' was released to the press and was "designed to appease market players in regards to the aftermath of an imminent PT victory" (Tavolaro and Tavolaro, 2007: 429). This letter, which was intended to calm the financial elite which had gone into a 'mild panic' as Lula stayed ahead in the polls (Daudelin, 2008: 54), can be seen as the finalization of the moderation process which had taken place within the PT since the 1990s (Tavolaro and Tavolaro, 2007: 429).

Furthermore, Lula was willing to go into a coalition government consisting of parties across the political spectrum. This tactic contrasted with the earlier policies of the PT, when it was

against making alliances and unwilling to compromise its politics to gain support. Lula's first administration (January 2003-January 2004) thus consisted of eight parties (Samuels, 2006: 16), and later expanded to nine (Armijo, 2006: 761). Hence, the PT government in 2003 was very different from the radical PT of the 1980s.

Lula's victory in the 2002 presidential election was a defining moment in Brazilian politics (Panizza, 2004: 465; Samuels, 2006: 2; Moroni, 2005: 12; Flynn, 2005: 1221; Hunter and Power, 2005: 130). This was because of Lula's the personal attributes. He was the first president from outside the traditional political elite. Lula was an immigrant from the North-East to São Paulo, a factory worker who rose to become a union leader, a party founder and leader, and finally President on his fourth attempt (Hunter and Power, 2005: 130; Samuels, 2006: 2). As Panizza (2004: 466) argues: "For many of [Lula's] followers he became an iconic image of the struggle of the Brazilian people for their rights as workers and citizens in one of the world's more unequal countries". It was also the first time that a workers' and leftist party had won the presidential elections, thus disrupting the continuity of a conservative national government.

Nevertheless this optimism, Lula's victory came at a cost to the PT's distinctiveness in Brazilian politics. To facilitate legislative support, Lula had to rely on multi-party coalitions and offering ministerial positions to other parties. The PT thus had to make use of clientelistic practices, in order to manoeuvre through the parameters set by the rules of the game in Brazilian politics. At the same time, the multi-party governing coalition continued the economic policies set out by Lula's predecessor. In fact, a year into his presidency, the international financial community praised Lula for his policies, and consumer spending expanded by 5.25% and export boomed (Hunter and Power, 2005: 131). However, this came at a cost. Minimum wages did not increase according to Lula's pledge while in opposition, and social policies were not as many, nor as well funded as Lula's traditional supporters had hoped for (Hunter and Power, 2005: 130-131; Friedman, 2009: 423).

The modest performance in social policies did not meet the high expectations social movements had of Lula's policies (Hunter and Power, 2005 :130) 'Their' party in power did not lead to increased social spending as they had hoped. This was not because of Lula's lack of attention to civil society participation in developing policies, it was just that their "articulation and aggregation of interests did not make an impact on the administration's

governing choices (Hochstetler and Friedman, 2008: 21-22). Let us now take a closer look at the ways in which Lula interacted with civil society organisations more in detail.

Lula's relationship with civil society

Popular participation in policymaking between 2003 and 2006, facilitated by the PT coming to power, has been described as somewhat disappointing for civil society (Hochstetler, 2006: 1). However, this conclusion results from so-called gender-neutral research. Although some analyses briefly mention the inclusion of activists in government, they do not look at the gendered opportunities, and do not include a discussion of civil society in government institutions such as the SPM and CNDM. Nevertheless, an exploration of the Lula administration's relationship with civil society in general, can give us an overall impression of the openings created by the changes in the political environment.

Lula's first administration facilitated popular participation using three main strategies: personal contact with the President, the allocation of government positions, and wider consultative processes (Hochstetler, 2004: 10). In addition, Lula established the SPM, which was connected with feminist and women's movements, and the Secretaria Especial de Políticas de Promoção da Igualdade Racial- SEPPIR (Special Secretariat for the Public Policies for the Promotion of Racial Equality), connected to the movements mobilising for racial equality. Personal contact with Lula, it can be argued, was of less importance for feminist impact than the other strategies. Personal meetings with Lula enabled prominent civil society leaders to ensure that Lula was aware of, and working for their cause (Hochstetler, 2004: 10). However, as Moroni (2005: 15) argued, this measure was of a personal nature between leaders, rather than an institutionalised way of achieving participatory policymaking. Due to the gendered nature of politics, few women were amongst the civil society leadership outside of the women's movements, and were, therefore, less likely to be in a position which granted them access to conversations with Lula.[34]

In contrast, Lula's offering of government positions to members of civil society was an important factor in furthering feminist impact. This meant an increase of feminists within the state apparatus as a whole, which enabled feminist access to policy debates from an insider

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[34] However, opportunities for feminist interaction with Lula were present. For example, Nalu Faria, leading the feminist network Marcha Mundial das Mulheres (the World's Women's March), took part in a meeting between Lula and civil society leaders in June 2005. Information received from Sonia Celoho. SOF. São Paulo, 22/06/05.

position. The influx of feminists in the state increased the number of potential allies for the outsider feminists. This created allies both in the women-centred CNDM and SPM, as well as in other state institutions. The most prominent on other government institutions were Matilde Ribeiro, a prominent member of the black feminist movement who was appointed the Minister of the SEPPIR, and Maria Jose Araujo, the feminist activist in charge of the women's section of the Ministry of Health.

The entry of potential feminist policy supporters also happened because the PT and its social movement allies tended to be more favourable to women's interests than other parties and interest groups. Thus, the increase of individuals from a civil society background in the state more generally, meant an increase of people who were accustomed to notions of women's rights and women's policies.[35] These amplified possibilities for gendering policy debates and gaining support for gender policies were thus an important factor in the polic environment during Lula's first term. It is important to be aware, however, that due to the close relationship between the Catholic Church and the PT, the existence of openings through which feminists could access the decision making process, did not necessarily guarantee an incorporation of their demands in the final version of government policies.[36]

Feminists gained greater access to policy formation arenas through the employment of feminists or sympathisers of feminist demands in the government. Further opportunities to influence government policies were also available through consultative processes. Such processes facilitated possibilities for civil society "ownership" of government policies and aided the establishment of social consensus on policy proposals (Hochstetler, 2004: 11).[37] Although women participated in a variety of spaces, the most important of these, in addition to the CNDM, was the 2004 Conferencia Nacional de Politicas para as Mulheres – CNPM (National Conference for Women's Policies), and the local and state conferences leading up to this, as discussed in the following chapters.

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[35] Interview with Vera Soares, part of Lula's transition committee and UNIFEM programme coordinator, Brasilia, 22/02/05.
[36] An example of this was the abortion debate covered in this thesis.
[37] In the two first years of Lula's government, 12 national conferences were held. One of these consultative processes was the 2004 CNPM; this resulted in the creation of a national plan for women's policies, which is the base for the SPM's work/mandate. The others were on children and adolescence; cities; medicines and pharmaceutical issues; the environment; fish; health; social security; food security; human rights; sports; and racial equality (Moroni, 2005: 20-24).

The interaction between government and civil society in the conferences held by the Lula administration was different to the interaction at conferences organised under previous presidents. In the past, conferences designed to influence public policies were organised by civil society, and at these conferences, government officials were observers rather than participants (Moroni, 2005: 18).[38] During the CNPM, and other similar conferences held by the Lula government, there was a change in government behaviour; rather than taking a backseat approach, as previous governments had done, the PT government was more interactive, and the conferences became spaces of political debate between civil society and civil society and the government (Moroni, 2005: 18).

However, how far Lula and his key policy makers were open to make policy decisions in accordance with civil society demands, is a different matter to the act of granting individuals and groups access to policymaking arenas. Based on Hochstetler's (2004; 2006) analysis, popular participation and civil society's reaction to the opportunities provided by Lula's first administration, went through several phases. When Lula first entered office in 2003, civil society organisations mobilised to back Lula against the opposition and "most social protests were designed to pressure the government to carry out a shared agenda with the CSOs" (Civil society organisations) (Hochstetler, 2004: 5; Flynn, 2005: 1249). Any criticism of Lula or his policies during this initial stage was relatively subtle.

In the middle of 2005, the relationship between civil society and Lula's administration entered a new phase. Severe corruption charges were made towards the government, as it became known that prominent PT members had paid monthly allowances to Deputies to secure their support, and that public and private firms had paid for electoral expenses (Flynn, 2005: 1232). Although by mid 2005 social movements had realised that the PT would not live up to their expectations, they nevertheless supported Lula against the forces wanting to impeach him (Hochstetler and Friedman, 2008: 20). The corruption scandal had a direct impact on feminist abilities to influence policymaking. Lula needed to secure the support of his more powerful allies, such as the Catholic Church. This came at the expense of feminist policies, such as policies related to abortion, discussed in Chapter Five.

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[38] This was also the case for women's conferences. See the next chapter for further details on the 2002 Women's Conference organised by the feminist movement.

Lula's administration opened up additional possibilities for feminists, including access to areas within the state where they could exert influence over decision-making. This potential influence was augmented by a more favourable policy environment created by the increased number of potential allies feminists could find within the state system. However, an analysis of civil society's relationship with the state has shown that the resulting policies did not reflect the high expectations civil society had of Lula's presidency; neither did the PT live up to what its supporters believed it would deliver in terms of democratic political practice. This had a significant impact on the likelihood of feminists' policy influence.

Wooing women

As already mentioned, the policy environment took a positive turn for feminists as Lula entered the presidential palace. On October 9th 2003, Lula signed the law that established 2004 as the 'Women's year'.[39] The objective, according to this law, was to establish conditions for gender equality and justice (Senado Federal, 2004a). In Chapter Four, we discover the women's Conferences, which were part of the Women's year, more in detail. Here, we outline some of the key ways in which the women's year improved the policy environment in which feminists operated.

The announcement of the women's year resulted in a wave of activities and campaigns to promote women and women's rights. In the Senate, a Commission, headed by Serys Slhessarenko (PT), was established to coordinate the programs and activities related to the Women's year (Senado Federal, 2004a). Similarly, the Deputy Jandira Feghali (PcdoB), was president of the Women's year Commission in the Chamber of Deputies. Throughout 2004, these Commissions hosted debates, participated in conferences, handed out awards and published material aimed at increasing awareness of women's rights and of women's situation (Senado Federal, 2004a).[40] In other government institutions, such as the Ministry of Health, publications were produced to increase the awareness of women's rights and providing information of relevant legislation and the available services (Ministerio de Saude, 2004).

The significance of the women's year was first of all symbolic, in that Lula announced that he was committed to women's equality. It served to give publicity to the gender policies that

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[39] The following year was the year for racial equality.
[40] See http://www.cfemea.org.br/jornalfemea/detalhes.asp?IDJornalFemea=1189 (accessed 10/03/09) and http://www.senado.gov.br/anodamulher/default.asp (accessed 10/03/09) for more information on the activities of the women's year Commissions.

women's and feminist movements had conquered through the legislature, through the executive and in the justice system.[41] It also served to raise awareness of women's conditions, of women's rights, and of services available to women. However, as Slhessarenko herself proclaimed, even though the women's year saw advances in terms of gender awareness, the political institutions remained slow in addressing women's rights.[42] Nevertheless, the women's year served to improve the policy environment in that it put gender policies and legislation on the political agenda.

The key social policies of the Lula administration, though intended to be gender-neutral, served to improve women's living conditions. Although social policies such as land reform, did not happen to the extent his supporters had hoped for, Lula presented two key programs to combat poverty, and these benefited women in particular (Freidman, 2009: 430). His 'Zero Fome' (Zero hunger) program became his 'defining flagship policy' (Hall, 2006: 689). Aimed at the poorest sectors, Zero Fome was a cash transfer program to reduce and eradicate hunger. The other program 'Bolsa Familia', gave grants to poor families that kept their children at school, attended health clinics, vaccinated their children and participated in vocational training programmes (Hall, 2006: 698). Although the results were impressive in that the programme had reached 30 million beneficiaries by 2006, there were problems with implementation and organisation of the programmes (Friedman, 2009: 419).

These two programmes were gendered in that they targeted mothers and children in particular. Payments were given to the mother (Macaulay, 2003b: 27), and an estimated 93% of the families receiving the grant, were women headed households (Rosa, in Senado Federal, 2004b). Government officials believed that the Bolsa Familia 'boosts the mothers' financial autonomy and control over household resources' (Macaulay, 2003b: 27). Feminist movements thus operated in a policy environment that had taken steps to decrease the gendered wealth inequality. However, it has been argued that this made women 'an administrator of poverty', and that women were seen as a means to an end, and that rather than empowering women, the programme reinforced traditional gender roles (Macaulay, 2003b: 27). One may also argue that rather than being dependent on the man, women became dependent on the state, an argument traditionally used in feminist theorising of the welfare state.[43] Although these

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[41] Interview with Suely de Oliveira, SPM sub secretary of institutional relations, Brasilia, 10/03/05.
[42] Interview with Senator Serys Slhessarenko. Brasilia. 15/03/05.
[43] See Hernes 1988, for a discussion of the transition from private to public dependence.

programs were attempts to reduce poverty, they also had an instrumental value in that they gave political returns (Macaulay, 2003b: 28; Hall, 2006: 691; Hunter and Power, 2007: 16).[44] Through the cash transfers to the poor, Lula targeted his own supporter base. By increasing the spending power of the poor, Lula managed to have enough political support from the poor masses to secure his re-election in 2006 (Hunter and Power, 2007: 16).

2.9 The International Environment

The feminists operated in an environment that was shaped not only by national politics, but increasingly by regional and international developments. To various degrees, international political developments, and complementing and contrasting international discourses and policy recommendations, hindered and facilitated feminist possibilities for policy impact. Let us first explore the positive influences on feminist opportunities.

An important influence on the policy environment in which feminists operated was the "transcendence of international human rights norms in promoting national gender-based legislation (Friedman, 2006: 2). In other words, international gendered discourses trickled down to regional and national levels, and influenced national legislatures to adopt legislations similar to feminist framings of the policy issue. Although Friedman is talking here about VAW legislation in particular, similar processes and influences were evident in other policy areas.

The transcendence of international discourses happened through the interaction between women's movements, state and international organisations at international conferences and meetings, particularly during the 1990s. This interaction resulted in the creation of policy platforms, which many national governments signed. Although signing these agreements did not make them legally binding, although national legislation could make them so, many countries adopted gender policies according to recommendations made in these platforms. For example, Brazil made the Belém do Pará Covention legally binding, although this convention did not immediately influence the creation of national VAW legislation. Even in cases where commitments to the policy platforms did not result in policy reform, these could nevertheless be used as a tool for feminist movements to advocate for policy impact and implementation.

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[44] Similar programs had been adopted in other countries in the region: Mexico (Progresa, now known as Oportunidades), Colombia (Familias en Accio'n), Chile (Subsidio Unitario Familiar), Nicaragua (Red de Proteccio'n Social), Argentina (Jefes de Hogar) and Ecuador (Bono de Desarrollo Humano) (Hall, 2006: 691).

The international platforms considerably improved the policy environment in which feminist movements operated, as these agreements enhanced feminists' chances of securing policy impact. In cases where access to national decision-making arenas were closed to feminist movements, and their policy impact was denied, feminists could advocate for the international community to put pressure on national government to adopt gender policies (Walsh, 2008: 50). Another benefit of feminist mobilisation on international levels, was that this created opportunities for networking with similar groups. This allowed them to share experiences, but also to combine their forces to pressure international organisations to adopt gendered frames in their policy recommendations. Another tool developed at these conferences, was the creation of gendered discourses on a wide range of policy areas. As the focus of this thesis is abortion and VAW, the following paragraphs focus on these in particular.

The most influential conference platforms on reproductive rights were the 1993 Vienna Conference on Human Rights, the 1994 International Conference on Population and Development in Cairo, and the 1995 Women's Conference in Beijing.[45] By signing these platforms, Brazil committed to review its reproductive rights policies. This provided feminists with an important resource to pressure for policy change. For Brazilian feminists, this resource was reinforced by Brazil's progressive position on reproductive rights in international arenas (Macaulay, 2003b: 23; Htun, 2003: 144: Correa, Germain and Petchesky: 111).

Similarly, international conferences provided resources for local feminist movements in the area of VAW. In 1994 came the Declaration on the Elimination of Violence against Women, resulting from the Vienna Conference on Human Rights. However, the most important process and platform influencing Brazil and Latin America's VAW discourses and policies, was the Organisation of American States' 1994 Intra American Convention to Prevent, Punish and Eradicate Violence against Women (The Belém do Pará Convention) (Friedman, 2006). It explicitly recognised VAW as a crime against human rights (Friedman, 2006: 10). It also made the Inter American Commission on Human Rights (CIDH) open for petitions, presented by individuals or groups, concerning VAW in cases that had been unsatisfactory treated by the nation state. The Belém do Pará Convention had a direct impact on Brazil, as a 1994

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[45] For a Discussion of the 1994 International Conference on Population and Development in Cairo, and the 1995 Fourth World Conference on Women in Beijing, and the long terms effects of these, see Correa, Germian and Petchesky, 2005.

decree made the Convention legally binding. In other Latin American countries, it had even greater impact, by influencing the creation of national VAW legislation (Friedman, 2006; 2009).

However, while powerful international discourses presented opportunities for feminist policy impact, there were other, and more powerful discourses which had made their entrance. In the years leading up to Lula's election, international and national religious fundamentalism was increasing (Shepard, 2000: 111). This had a wide-ranging effect on feminist abilities to advocate for increased reproductive rights in particular. At the forefront of the fundamentalist campaign against reproductive rights on the international arena, was the US president George W. Bush. He re-instated the global gag rule in 2001, which resulted in a justification of religious influence in politics, and in a withdrawal of funding to NGOs and projects dealing with abortion.[46] Furthermore, Bush's attack on UN documents and agreements dealing with abortion undermined the positive potential these had (Pazello and Correa, 2002: 168-169). Bush's policies were similar to the Catholic Church's leadership. Reforms initiated by Pope John Paul II (1978-2005) meant that liberalising abortion legislation became more difficult as he enhanced the Church's possibilities to oppose abortion, and particularly concentrated his efforts on Latin America (Htun, 2003: 151). The influence of religion on national politics was evident in Brazil at the time of Lula's accession to power, as explored in Chapter Five in particular.

As this section has argued, there had been a series of international conferences that promoted feminist discourses and policy recommendations in the decade leading up to Lula's presidency. Many of these had positive impact on national legislation in particular. However, in the time between these conferences, and Lula's Presidency, the policy environment was shaped by the increasing influence of religion in politics, both nationally and internationally.

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[46] The Gag rule, imposed by President Reagan in 1984, removed by Bill Clinton in 1993, and then re-instated by Bush in 2001, related to its development funding. It denied support to projects and social movements dealing with issues of birth control, both in relation to preventing pregnancies and the spread of AIDS.

2.10 Conclusion

As we have seen, a particular political opportunity structure for feminists was in place when Lula took office in 2003. This context was shaped by civil society's mobilisation during the dictatorship and the transition to democracy, and by the nature of that transition process – elite and pacted. This political history created an environment characterised by undemocratic practices and uneven levels of opportunities for participatory governance and policy influence. The political context hindered access to political parties for women in particular, and their possibilities for policy influence in parties were limited, although not absent. It was particularly the PT, which offered opportunities for feminist influence, which was increased by the support of the Bancada Feminina, and the occasionally backing from centre and centre-right.

While there were constraints and opportunities for feminist impact at the national political arena, these were also mirrored in the international arena. The spread of international discourses on women's rights offered prospects for feminists to advocate for national policy change. At the same time however, there were strong international forces that hindered these prospects.

When Lula finally won the Presidency at his fourth attempt, the PT of the 1980s had given way to a more moderate party, which had abandoned some of its socialist and radical principles. Although Lula adhered to the PT's principle of participatory governance, and civil society accepted the spaces for participation granted them, the government's policies did not reflect civil society's expectations of a reduction of social inequalities. Feminists similarly were offered opportunities for participatory governance, both through positions in the CNDM, in the SPM and through the local and national women's conferences.

Hence, feminist abilities to have impact on policy debates through the SPM were enhanced by the PT coming to power, as the party shared similar ideals with the feminist movements, and had accepted women's and feminist presence and influence on policy while in local administrations. Additionally, Lula himself had acknowledged women's interests and issues through establishing the SPM and 'women friendly' policies. It can be argued that the abilities for the SPM to enhance feminist influence on policy debates were significant because of the links between the feminist movements and the PT, and because of the executive's powerful

position in law making processes. At the same however, the SPM would have to be strong enough to manoeuvre through a policy environment that was shaped by inconsistent policy preferences from politicians, and by a noticeable increase of religious fundamentalism. The abilities of feminists to use the opportunities created by the PT in government were linked to the past and the contemporary characteristics of these movements, to which the next chapter now turns.

Chapter Three: Brazilian Feminist Movements

3.1 Introduction

From a discussion of social movements in the previous chapter, this chapter moves the attention to my independent variable: the Brazilian feminist movements. More specifically, this chapter assesses the background, characteristics and activities of the feminist movements that were important players in the abortion and Violence against Women (VAW) debates taking place in 2003-2006. An exploration of their past methods of mobilisation and political activities tells us about their access to and impact on previous policy debates. This sheds light on their experiences and indicates how these experiences influenced their mobilisation during Lula's first presidency. For example, feminists' past encounters with the state were likely to affect their willingness and ability to engage with the Secretaria Especial de Politicas para as Mulheres (SPM). By looking at the feminist movements that were actively involved in abortion and VAW debates in 2003-2006, this chapter explores how these movements' strengths, weaknesses and organisational forms, shaped the opportunities for access to and impact on the policy debates in question.

Through a discussion of the characteristics of the feminist movements, this chapter argues that in the period covered by this thesis there were signs that the movements were re-emerging and demonstrated increased organisational capabilities. The high priority they placed on both abortion and VAW issues and their closeness to left, especially the governing party, meant that there were indications of a possible increase in access to and impact on these debates. However, these positive factors were countered by other characteristics, such as low levels of visibility and public support for feminist movements, which they had to address if they were to have any success in their campaigns. Feminist organisational and ideological autonomy, as introduced in Chapter One, was also put to the test, as their close links with the left challenged their feminist, versus leftist, ideology.

The following section presents a review of the feminist movements' history, which begins with an exploration of women's organisations during the second wave of feminism. Due to the political environment of that time, women's mobilisation in relation to the dictatorial regime is a central concern. Although the focus of this thesis is feminist movements, these share much of their background with women who organised around practical needs during this time. Section 3.3, therefore, opens with an account of the ways in which women in

general started to organise in the time of authoritarian rule. This is followed by the argument that particular features of the authoritarian regime and the international environment spurred the creation of a type of women's organisation, which was different to organisations of women mobilising around practical needs. The feminist movements were born, and the analysis presented in section 3.4 follows these feminists' fate as the democratization process unfolded. It describes the developments in feminist mobilisation from the return of democracy until Lula took office in 2003. Central to the discussion are the ways in which the creation of Non-Governmental Organisations (NGOs) provided opportunities for feminists to increase their impact on policy debates, while at the same time negatively influencing feminist links with the grassroots. Section 3.5 provides an analysis of the feminist movements as they were at the time of the abortion and VAW debates 2003-2006.

3.2 The birth of the feminist movements (1964-1985)

Spurring women's mobilisation

As previously discussed, the first women to appear in the public sphere were the middle-class women in the suffragist movement at the beginning of the 20th century (Pitanguy, 1998: 98). However, this was a comparatively low number of activists compared to the mass mobilisation of women during the dictatorial era (1964-1985). At the beginning of the military regime, women's organisations were formed around the aim of combating political violence, to promote democracy and to demand compensation for the loss of goods and services (Machado, 1993: 89; Pitanguy, 1998: 99).[4] Women joined forces in mother's clubs, neighbourhood organisations and other groups dealing with practical gender needs.[5] The most important issues raised during the early days were the need for higher wages, more crèches and other issues relating to the 'cost of living' (Hahner, 1982: 84; Teles, 2003: 75).

The Catholic Church helped the increased mobilisation of women; it was a strong ally for the opposition of the dictatorial regime and stimulated social mobilisation by organising poor communities into Communidades Eclesiais de Base- CEBs (Base Ecclesiastical Communities), where women were in a majority (Alvarez, 1990: 60; Machado 1993: 97: Soares, 1998: 40-41). Due to the political repression, the CEBs offered one of the few

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[4] The Poor's living standards dropped as a result of the collapse of trade unions, frequent state intervention in workers' organisations, the lowering of working-class people's wages and policies favouring the middle classes (Blay, 1985: 299).
[5] For a further discussion of these, see Alvarez, 1990 and Teles, 2003.

available opportunities for women to participate in public life (Machado, 1993: 89). Through the CEBs, women engaged in activities that challenged the economic and political policies of the military regime (Drogus, 1999: 35). Through their CEB activism, women gained opportunities to transform their participation in "informal politics" into "larger political circles", such as in neighbourhood associations and women's movements, and later into political parties (Levine and Mainwaring, 2001: 219)

Under the military regime, women had relative freedom to express their political demands. This was because of the way they used the dictatorial regime's attempts to gain their support through appealing to their traditional roles as mothers and guardians of traditional family values (Alvarez, 1990: 6; 109; Soares et al, 1995: 308; Baldez, 2003: 259, Marques-Pereira and Raes, 2005: 68). Women used this discourse in their favour and presented their demands in the name of motherhood, similarly to other women's movements in the region.[6] For example, the 'cost of living' movement in the late 1970s was initiated by mothers in several neighbourhoods who were no longer able to feed their families due to the rise in food prices (Teles, 2003: 78-79). Similarly, the movement for increasing the number of nurseries organised around the demand for childcare, as women entered the work force in greater numbers. Because of their use of this discourse, women were allowed greater freedom of expression than most other social movements at the time (Alvarez, 1990: 50; Marques-Pereira and Raes, 2005: 67-70), as the regime was hesitant to be oppressive to wives and mothers (Alvarez, 1989: 210). Militant motherhood (Alvarez, 1989: 210) was thus a successful tactic in the undemocratic Brazil.[7]

The regime's attempts to depoliticise society had, therefore, failed. When the traditional venues for political action were closed off, male political activism declined, as intended by the regime. However, this led to the "political activation of previously marginal groups" (Drogus, 1999: 36-7), such as women. As one of Machado's interviewees amply put it: through engaging in these activities, "we [women] learned to think politically" (Machado, 1993: 109). Authoritarian regimes saw them as subversive and women started to perceive their activities as such. Additionally, through their struggles around practical gender needs,

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[6] This was a common tactic amongst many women's movements in Latin America at the time. The most famous of these were the mothers of the Plaza de Mayo in Argentina. For more details on women organising as mothers, and women's political activity as an extension of their roles in the family, see Chaney, 1979; 1998; Chuchryk,1989; Radcliffe and Westwood, 1991; Guzman, 1994; Jaquette, 1994; Waylen 1994; 2000; Stephan, 1997; Gonzales and Kampwirth, 2001; Navarro, 2001; Schwindt- Bayer, 2006.
[7] For details on women's organisation during the dictatorship and under the transition, see Alvarez 1990.

women developed greater awareness of strategic gender interests (Corcoran-Nantes, 2000: 97). Hence, despite the economic nature of many women's movements, they were political in nature (Waylen, 2007: 57).

Emerging feminism

In contrast to the activism around practical gender needs, it was predominantly women from the middle class that mobilised around strategic gender needs. The feminist movements were a result of the modernisation of the country, which led more women into high education, and into paid labour (Hahner, 1982: 84; Sorj and Moraes, 2008: 122). As Alvarez (1989: 211) explained "networking among would-be Brazilian feminists occurred in university and professional settings", spaces with an increased presence of middle-class women. The discrimination against these women in the workplace and the prevalent sexism in the student movements, clandestine organisations and politicised professional associations, helped spur a feminist consciousness (Alvarez, 1989: 211). As a result, wide-ranging debates on women's position in society started to emerge. In 1972, feminist reflection and information groups appeared in São Paulo and Rio de Janeiro (Alvarez, 1989: 212; Pinto, 2003: 49), which were mostly made up of left-wing intellectuals, academics and professional women (Pinto, 2003: 50). Hence, alongside the women's groups dealing with practical needs, grew a new type of movement, which was distinctly feminist in nature.

Although white, middle class women were the protagonists of the feminist movements, much of their action was directed at poor women, as feminists sought women's liberation through raising the consciousness of another class (Cardoso, in Machado: 1993: 109). However, in contrast to the middle class feminism in the North, Brazilian feminists became more sensitive to social inequalities, as the opposition to the regime created alliances amongst a variety of social classes and identities (Alves, 2001: 278; Sorj and Moraes, 2008: 123). This led feminists to adopt an agenda that included issues more pressing for the poor, such as access to health services (Sorj and Moraes, 2008: 123).

However, the middle-class feminists had problems gaining acceptance for their ideas, and they faced opposition particularly when introducing concepts contrary to Church teachings. As many of the women's organisations either targeted by feminists, or where women participated, were linked to the Catholic Church, this caused them extra problems. Subjects relating to women's sexuality and reproductive health were met with resistance, as were

issues such as rape and women's equality (Machado, 1993: 109; Teles, 2003: 76; Sarti, 2004: 40). Instead, Church leaders permitted feminists to talk about issues relating to domestic workers, children's education and workplace discrimination (Teles, 2003: 76). Although women's participation in Church groups meant that some issues had to be avoided or toned down, taking part in this space gave women the opportunity to be recognised as legitimate public actors and to challenge traditional gender norms (Soares et al, 1995: 313).

Feminist consciousness was also aided by the return of the political exiles after the amnesty was given in 1979. While in exile, Brazilian women, mostly from the left and with a Marxist ideology, had been influenced by the spread of feminist ideas in Europe. In Paris in particular, Brazilian women met and discussed women's autonomy and the political situation in their home country. The most important groupings was called Círculo de Mulheres Brasilieiras (the Brasilian Women's Circle), which organised in Paris 1975- 1979 (Pinto, 2003: 54).

Increased feminist mobilisation resulted in a series of women's conferences in São Paulo, held in 1979, 1980 and 1981.[8] This initial stage of the evolution of Brazilian feminist organisations was characterised by a unity amongst feminists, their organisations and their demands (Sarti, 2004: 41). An example of this was the mobilisation of several feminist organisations around a set of joint demands that were stated in the Charter of Women's Rights in 1978 (Marques-Pereira and Raes, 2005). However, differences were noticeable between feminists, women from grassroots organisations and political parties. These differences were especially noticeable over the issue of whether to favour the specific struggle of women or "the overall socialist struggle" (Schumaher and Vargas, 1999: 141).

Nevertheless, feminists were able to come together around issues that united women. Their priorities were as follows: the struggle for day-care centres; the struggle against birth control; and the struggle for equal pay for equal work (Schumaher and Vargas, 1999: 142).[9] Additionally, VAW became a key feminist policy area. The national violence debates, spurred by the reports of the sexual violence, torture and murder used by the dictatorial

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[8] For a detailed analysis of these conferences, see Alvarez, 1990.
[9] Birth control should not be mistaken for the right to family planning. In Brazil, the notion of birth control is linked to the military regime's policies of controlling the population. To the feminists, family planning services should be offered, but not made compulsory (Interview with Lia Zanotta, University of Brasilia; Rede Saude, representative in the CNDM; and representative in the abortion Commission, Brasilia; 16/03/05).

regime, helped feminists to introduce debates about gender violence (Soares, 1995: 307), as is discussed in Chapter Six.

Public marches, demonstrations, information and consciousness raising meetings, and feminist publications such as 'Brasil Mulher' (Brazil Women) and 'Nos Mulheres' (Us Women), introduced feminist ideas to the political agenda. The feminist presence in various spaces raised the visibility of feminists and their discourses as the democratization process proceeded. However, democratization changed the ways in which feminists organised. The political openings created arguments and splits within the movements. For example, the 1978 electoral process stirred debates amongst feminists on how to best make use of the political openings.

Differences within the feminist movements had already started to appear as the regime permitted the presence of political parties. Initially, disagreements were not so much along party lines, as directed towards whether to stay autonomous or to integrate feminism in political parties (Alvarez, 1990). Although some feminists were against engaging in 'directed mobilisation', many decided to become party activists and it was particularly the Partido dos Trabalhadores- PT (Worker's Party), and the Partido de Movimento Democrático Brasileiro-PMDB (The Party of the Brazilian Democratic Movement) that they turned to. Because of feminist campaigning, both male and female electoral candidates gave attention to feminist issues (Tabak, 1994: 132), although, neither the PT, nor the PMDB, incorporated gender issues into their agenda (Schumaher and Vargas, 1999: 143).

In 1980 the feminist movements became divided as the multiplicity of political tendencies made it difficult to unite around a common agenda (Alvarez, 1990: 121). Two years later, many feminist movements were demobilised and fragmented due to partisan rivalries (Alvarez, 1990: 148). This severely hampered feminists' ability to influence the transition process (Waylen, 2007: 73). Nevertheless, women's presence in the parties served to politicise many women's interest. Political parties introduced feminist issues into the public debate in order to both woo the female electorate and to appear democratic (Marques-Pereira and Raes, 2005: 77).

For women who chose the insider tactic and joined the parties, two options were available: to take part in the traditional electoral arena, or to create new institutional spaces within the state

which could combat gender inequalities (Blay, 1985: 301).[10] The latter idea transformed into the creation of Women's Councils at the state level and later at the federal level.[11] The two themes that were particularly important for the feminist movements, VAW, and women's and reproductive health (Pinto, 2003: 79; 83), were thus introduced into public debates.

During the 1980s, larger parts of the feminist movements were institutionalised, in political parties such as the PT and PMDB, in government and in WPAs. Hence, the question of autonomy was re-defined. Autonomy was not only a matter of whether to join the newly created political parties, but also related to how far women should take part in the municipal, state and federal Women's Councils (Costa, 2008: 1). The integrationist strategy increasingly gained acceptance and during the transition period many feminists started to cooperate with the new political players. Through participating in political parties and by working inside municipal, state and federal governments, feminists achieved many important goals.

However, feminist institutionalisation did not only happen in political parties or in governments. During the transitional period, gender study centres appeared in universities. Additionally, feminist organisations themselves reorganised, and the movements became institutionalised into Non-Governmental-Organisations (NGOs) (Soares, 1995: 308). While these transformations took place, feminist issues started to be recognised as questions suitable for public debate, and were discussed in the media and by political actors.

The success of the institutionalisation tactic may be seen in the establishment of the federal WPA, the CNDM, created in 1985, the creation of the women's police stations, and the high percentage of feminist recommendations that were incorporated in the 1988 Constitution (Verucci, 1991; Montaño et al, 2003). As Caldeira (1998: 77-78) argues: "the combination of feminists' use of specific institutional spaces within the state and grassroots and lobbying work of autonomous women's organisations succeeded best during the Constitutional assembly meeting in the late 1980s". The transitional period was thus considered as the heyday of Brazilian feminism (Pinto, 2003: 91).[12] This view is based on the relative high level

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[10] See chapter four for a further discussion of the creation of WPAs.
[11] See Blay (1985) and Alvarez (1990) for a discussion of the creation of the first Women's Council in São Paulo.
[12] Confirmed in conversations with Arlene Aricoldi, São Paulo May 2005; Interview with Amelinha Teles, União de Mulheres de São Paulo, São Paulo, 02/05/05; Interview with Sonia Coelho, SOF, São Paulo, 22/06/05.

of policy success, the high number of women participating in the movements and the publicity that feminists and the feminist cause achieved.

3.3 Democracy, internationalisation and NGOisation of the feminist movements (1985-2003)

The period during which Brazilian feminists accomplished many of their goals was atypical for Brazilian politics. The political environment was shaped by the transition to democracy, which presented certain political opportunities. However, these opportunities waned as politics returned to more democratic practices. Women had gained rights at a time when social movement activism flourished and political parties, as well as parts of the state, were eager to appear democratic. In the context of democratic transitions and women's movements in Latin America, it has been argued that rights that are recognised and demands that are accepted, during such times may be challenged as the political situation normalises (Alvarez, 1990: 223; Friedman, 2000: 257-264; Guzman, 2001: 20). This was the case for Brazil.

As the nation settled into democratic politics, feminists were unable to maintain many of the important gains they had secured during the transition. Even though the CNDM was highly effective in securing women's policies immediately after the transition, its influence waned with the return to normal political practices.[13] In 1989, the CNDM was more or less dismantled and feminists lost their most important link to the state. The weakening of the CNDM resulted in the co-option of both feminist goals and movements, as feminists lost access to and impact on the CNDM's agenda.[14] During this time, some feminists chose to pursue their feminist activism within political parties. However, co-option was the fate for many, as political parties sidelined women's issues similar to how they had done prior to democratization. As engaging with the state and with political parties no longer enabled feminist influence on policy processes, feminists had to pursue a different tactic. The insider strategy had failed and, therefore, feminists had to rely on more autonomous and outsider activism.

Consequently, from around 1990, Brazilian feminism entered a new phase where the agenda was carried forward mainly by NGOs. In addition to the lack of response to women's issues and feminist co-option by the state and political parties, feminist movements were influenced

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[13] See chapter four for further details on the CNDM.
[14] See for example Alvarez, 1990; Waylen, 1993.

by the nationwide trend of NGOisation, described in Chapter Two. This increased the number of feminist NGOs. In addition, feminist NGOisation was stimulated by the recognition of 'the women's question' both nationally and internationally, which served to stimulate the creation and maintenance of feminist organisations. At the same time, state and international organisations turned to feminist NGOs as 'gender experts' (Alvarez, 1999: 183), thus stimulating further NGOisation and professionalizing of the movements. This opened up opportunities for funding and served to legitimise feminist organisations and their demands, which helped the introduction of feminist discourses into public debates. However, receiving government and international funding came at a cost, and the movements' desire to maintain their organisational autonomy often conflicted with their dependence on funding (Gurgel, 2006:3).

NGOisation also became a solution to the problems faced by feminist activists who, due to the economic crisis in the 1990s, could no longer engage in voluntary work. Creating, running or participating in an NGO enabled middle-class feminists to merge their need for paid employment with continued activism (Lebon, 1997: 4). It can be seen, therefore, that the professionalisation of activism was, in many cases, a personal economical issue as well as a response to the institutional, national and international political context stimulating NGOisation.

Professional feminism led to the diversification of projects and strategies, and to new structural and mobilisation forms, explored below. New options became available, such as affirmative action and quotas (Soares, 1998: 46). In addition, regional and international mobilisation increased, predominantly through NGOs. These often highly professional NGOs centralised their work in more specialised activities than previously, focussing on gender policy assessment, advocacy, project execution, and social service delivery (Soares, 1998: 45; Novellino, 2006: 2; Marques and Ferreira, 2008: 5). Such activities sidelined grassroots activism and consciousness rising which were characteristic of feminist mobilisation in the 1970s and early 1980s, resulting in the distancing of feminist NGOs from the grassroots.

Furthermore, as NGOs tended to be less concerned with grassroots mobilisation, the gap between NGOs and grassroots increased. The relationship between these entities was also influenced by unequal power relations, which increased the political disputes between feminist and women's movements (Gurgel, 2006:3). An example of the unequal power

balance resulting from the professionalisation of feminism, was seen in that some women (poor) became clients of others (middle class), as NGOs increasingly became engaged in the provision of public services. The widening gulf between NGOs and grassroots women activists emerged despite an increase of women who embraced feminist notions of women's rights.

This development, which continued throughout the 1990s, had a negative impact on the voluntary based movements, as Lebon describes (1997: 9). She argues that local movements suffered because of the loss of experienced women. The opening of new institutionalised mobilisation opportunities, and the greater proliferation of these opportunities, led to the departure of skilled feminists from the grassroots.

The Centro Feminista de Estudos e Assessoria- CFEMEA (the Feminist Centre for Studies and Advisory Services), based in Brasilia, provides a good example of the shift in feminist activism, and of how feminists had to shift from insider to outsider tactics. The decline of the CNDM spurred the creation of CFEMEA (Macaulay, 2000b: 353). Established in 1989 by ex-CNDM members, it quickly became the main feminist advocacy and lobby group in Congress. The staff's experience in the CNDM meant that they had inside knowledge of the political game, which was of vital importance for policy influence. The previous CNDM members could, and still could by 2003, rely on friendships and alliances with former colleagues who decided to stay inside the state apparatus.[15] It had close links with the Bancada Femina; a relationship which had its roots in the bond created between the CNDM and the Bancada Feminina during the Constituent Assembly. However, because of CFEMEA's focus on national and international policy debates, they had few direct links with the grassroots.

CFEMEA, and other leading feminist NGOs, had the ability to take advantages of the many opportunities arose for increasing mobilisation on international and regional levels during the 1990s. For example, feminists created spaces for autonomous mobilisation and debates in the Latin American and Caribbean Feminist Encounters (Alvarez et al, 2002).[16] However, the most important international event was the 1995 UN Women's Conference in Beijing, where

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[15] See below for a further discussion of CFEMEA and its role in feminist activism and policy influence.
[16] Since 1981, there have been autonomous Latin American and Caribbean feminist encounters; Brazilian feminists have also participated in the World Social Forums and the Feminist Dialogues held in Porto Alegre until 2005.

feminists took part in both the preparatory meetings and in Brazil's official delegation.[17] This resulted in the mobilisation of 8000 organisations in the preliminary meetings (Marques-Pereira and Raes, 2005: 82). Following the build-up to, and participation in, these international arenas, feminists created networks that were able to have some impact on the national level, despite the limited number of feminists inside the state (Caldeira, 1998: 80).

Taking a leading role in the preparations for the Beijing conference was the Articulação de Mulheres Brasileiras- AMB (the Brazilian Women's Federation). It was created in 1994 to organise a coordinated preparation for Beijing (Marques-Pereira and Raes, 2005: 81). Made up of feminist and women's organisations, the AMB comprised of around 800 organisations by 2006, and consisted of 27 state forums. Its leadership was coordinated in an executive committee made up of professional feminists employed in prominent NGOs, while the membership NGOs and grassroots movements were organised in state forums, networks and federations.[18] These networks were similar to many other women's umbrella organisations or networks that were established throughout the 1990s and early 2000s.[19]

While NGOization ensured the continued activism by historical feminists, their hegemony over feminist activism was challenged by the introduction of new feminist actors. By historical feminists, is meant the more mature and experienced feminists who had been activists since the beginning of the second wave feminism in the 1970s. By 2003, these were often the heads of their own organisations, and their policy impact was facilitated by their personal and organisational links to national and international institutions.

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[17] Other important UN Conferences where feminist played an active role was the conference on racism in Durban in 2001 and the Environmental Conference held in Rio in 1992.

[18] In a similar fashion, the black women's movements were inspired by the 2001 UN Conference on racism. In 2000, AMNB was established in preparation to this event. It now unites around 40 organisations in 15 states (http: //www.adpf.org.br/modules/news/article.php?storyid=31819), (accessed 15/04/08), and, by 2005, it had become an influential force in black women's policy debates.

[19] Other important networks included the Rede Nacional Feminista de Saúde, Direitos Sexuais e Direitos Reprodutivos (Rede Saude), created in 1991 to fight for the guarantee of and increased access to services in areas of sexual and reproductive issues . Rede Saude has 110 affiliates in 20 Brazilian states (Pinto, 2003). Rede Saude is an example of a feminist thematic network, focussing on monitoring and working for public health and reproductive rights policies. This network has been cited as one of the most successful feminist organisations (Blay, 2005) and it has marked its presence in several state councils, such as the CNDM and the National Health Council, while taking a key role in feminist conjunctural alliances. Created in 2000, Marcha Mundial das Mulheres unites many of the grassroots women's movements in the country and claims to have "a radical anti-capitalist and anti-patriarchal agenda" (http: //www.sof.org.br/marcha/?pagina=memoria HistoricoMarcha) (accessed 14/08/08). It is led by the feminist organisation Sempreviva organização feminista (SOF), which has been situated in São Paulo since 1963. The Brazilian Women's Union (UBM), established in 1988, is a similarly well-established network, which has a feminist focus. All of the abovementioned networks are participants in the CNDM.

In the late 1980s, and increasingly in the 1990s and 2000s, new feminist identities appeared, such as working-class, young and lesbian feminism. But the most important of these new feminisms, were the black feminists, who emerged in the late 1980s, and whose influence grew throughout the 1990s and into the 2000s.[20] On the one hand, the introduction of black feminism was an answer to the insensitivity of the black movement to women's and feminist demands; on the other hand, it was a response to the incapability of the feminist movement to incorporate race in their discourse and agendas (Soares et al, 1995: 307; Caldwell, 2000: 3; Chaves et al, 2000: 3). Hence, there were many black women engaging in double militancy, in the form of taking up the causes of the black and the feminist movement simultaneously (or even triple-militancy through the added participation in political parties). The growing importance of black women's mobilisation can be seen in the organisation of these movements into larger networks, such as in the Articulação de Organizações de Mulheres Negras Brasileiras- AMNB (the Federation of Negro Brazilian Women's NGOs), and the Fórum Nacional de Mulheres Negras- FNMN (the National Forum of Negro Women).

The ability to unite large numbers of women and their organisations around common goals, such as conference preparations, and more generally around gender issues, shows the unity of the women's and feminist movements, despite their organisational diversity and different policy agendas. However, the move towards larger women's networks did not come without challenges. For example, the creation of AMB in 1994 was criticised because it served to centralise decision making, and monopolise resources and information; there were also concerns about the lack of representation and the sources of financing (Marques-Pereira and Raes, 2005: 81).[21] As AMB and similar organisations were headed by mainstream feminist NGOs such as CFEMEA, the unequal relationship between the leadership and the grassroots members was visible. It was these elite feminists and their networks that carried the feminist platforms and agendas forward into the new millennium.

Although a vast number of feminist networks and NGOs were in operation at the beginning of Lula's term in 2003, their presence and influence was not felt by the general public in the

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[20] Although this statement is not an attempt to favour one identity over another, I consider black feminist movements the most important because of the sheer number of black women in Brazil, who prior to the establishment of such organisations, had little political representation. Important movements include Geledes and Fala Preta! (Speak black woman!), both of which have capabilities to influence national and national policy debates.

[21] Similar criticisms have been made in relation to other feminist NGOs, as there is a perceived lack of openness in relation to project funding (Soares et al, 1995: 319-20).

same way as it had been during the transition. The limited access to the media, the reduction of links with the grassroots, and the behind the scenes lobbying and advocacy on national and international levels, compromised the visibility, and, therefore, some of the legitimacy of feminist demands amongst the population. While reflecting upon their activism, the historical feminists looked back at the past almost with nostalgia, to a time with a more coherent feminist movement, when they had the capacity to take to the streets, and when there were many links with the grassroots. Their past experiences were portrayed as superior compared to the contemporary setting in which they carried out their activism. But was it really that bad? This is explored in the following section.

3.4 The re-emerging feminist movements (2003-2006)

Where had all the feminists gone?

As the previous paragraph suggests, feminism in 2003 faced the major challenge of improving its visibility. Although feminists had been able to put many of their demands on the table in the previous decades, they had been less successful in opening up political spaces for themselves (Alcantara, 2007). Because of this, neither feminists, nor the general public, perceived feminism as a strong and influential movement. Even within the SPM, there were concerns voiced about feminists losing their momentum and influence.[22] Eva Blay, an influential feminist argued in 2005 that women's movements were a thing of the past, and that even though there were NGOs and associations of women, these were not 'movements', meaning in the sense of grassroots and mass mobilisations of women.[23] This lack of visibility had led to some misconceptions about feminism in the 2000s, as the following statement suggested: "I am asked if feminism is still alive".[24] Such comments inevitably pointed to one of the key challenges feminists faced in Lula's Brazil: how to reclaim some of their past 'glory' from the 1980s.

The loss of feminist visibility in Brazil could be seen in the physical lack of feminists and their movements in public spaces, and in the absence of the word 'feminist' itself. Even feminists themselves often talked about the 'women's' movement, rather than the 'feminist' movement, when referring to their organisations. As some feminists pointed out, there was a

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[22] Conversation with SPM member of staff. Brasilia, 03/03/05.
[23] Informal discussion with Eva Blay. NEMGE. São Paulo, 29/04/05.
[24] Interview with Jacira Melo. Instituto Patricia Galvão. São Paulo, 21/06/05.

need for the feminist movements to retake the word 'feminist'.[25] The avoidance of the word 'feminist' could be seen in the relatively small number of feminist NGOs that were named 'feminist' and the refusal of the label 'feminist' by women in women's movements, despite their activism around strategic interests. However, some exemptions were present, such as CFEMEA, Sempreviva Organicação Feminista- SOF (Feminist Organisation Alive Forever) and the Coletivo Feminista Sexualidade e Saudé (the Sexuality and Health Feminist Collective). The absence of notions of feminism and feminist pointed to a de-radicalisation of many of these movements.

By 2003, the more palatable words 'gender' had taken over, reducing the visibility of feminism even further. As Sardenberg (1999: 28; 2007: 49) points out, following the international trends in development, from a focus on Women in Development (WID) to Gender and Development (GAD), Brazilian feminists, NGOs and government agencies had substituted the notion of 'women', and I would add 'feminist', with that of 'gender'. For example, prior to 1985, study centres were called 'women's study centres, though after this time, the term 'gender' or 'gender relations' appeared in the names of the newly created research centres (Sardenberg, 2007: 54). This meant that in terms of activism, particularly related to NGO service provision, feminist organisations were allowed to 'do gender', for example related to women's empowerment, rather than to 'do feminism', which dealt with issues related to power relations, such as gender violence. This de-radicalised feminist activism through 'smoothing out its more radical undertones, turning women's interests invisible once again' (Sardenberg, 2007: 49). There was thus, from both feminist scholars and activists, a call for a return to the category of 'women', and 'feminist' in their activism (Sardenberg, 2007: 49).[26]

Following this development, feminist discourses were not present in the daily lives of men and women in the same way that they were during the 1980s.[27] Prospects for policy influence based on feminist visibility and legitimacy in society was, therefore, less in 2003 than in the feminist heydays. It was their visibility in the opposition to the dictatorial rule during the 1980s, which legitimated their participation in the democratic state. Twenty years later,

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[25] Conversation with Arlene Aricoldi, São Paulo, various dates, 2005; Panel presentation by Baião, Seminario 30 anos do feminismo, Sao Paulo, May 2005.
[26] Conversation with Arlene Aricoldi, São Paulo, various dates, 2005; Panel presentation by Baião, Seminario 30 anos do feminismo, Sao Paulo, May 2005.
[27] Personal communication with Arlene Aricoldi, May and June 2005.

feminists could no longer rely on such a justification for policy influence. Feminist visibility was important for their prospects of access to and impact on policy, as legitimacy was linked to policy makers' acknowledgment of movements' participation in policy debates. High visibility increased the likelihood of being accepted as justifiable actors in a debate.

Visibility was linked to another challenge feminism faced in 2003: fragmentation. During the dictatorship, feminists had their opposition to the dictatorship as a common unifying banner and, therefore, the movements and their demands were more coherent. In contrast, feminist movements in 2003 represented a myriad of women's experiences, policy preferences, strategies and organisational structures. Such diversity made it harder for the movements to cooperate. Additionally, as few NGOs focussed on a single or a narrow set of policy areas, this limited their abilities to put enough resources behind one specific policy area.[28] The different movements competing for the same funding also hindered cooperation between movements.[29]

Lack of coordination was not only a result of the diversity of NGOs, but also the variety of places in which feminists operated. In the time period covered by this thesis, feminism was not restricted to activism in NGOs. Rather, feminists were present in a wide range of arenas, including in academia, professional organisations, labour unions, political parties, social movements, Congress, the state, government, international governmental and non-governmental institutions and in the media, and used their insider positions to make feminism and feminist demands more visible.[30] Additionally, feminist ideas were present in many women's movements (Garcia, 2006:2). Though this meant that feminists could target gender inequality in a wide range of arenas, this also meant that feminists had to juggle their allegiance between their feminist ideology and the organisations they were part of. As a result, feminist personal autonomy was challenged, and establishing links with other feminists, and with other movements, became more difficult.

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[28] Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo, 21/06/05.
[29] Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo, 21/06/05.
[30] The Fundação Carlos Chagas (the Carlos Chagas Foundation) was the most prominent gender research institution in Brazil; other important university based institutes include the Network for studies in Women's and Gender relations at the University of São Paulo, the Gender Studies Network at the University of Campinas, and NEIM at the University of Bahia. Although the media tend to be conservative and anti-feminist in nature, there are individual journalists who write favourable about feminist issues. This included two journalists in the important newspaper Folha de São Paulo. Media access was also granted via the radio station 'Radio Fala Mulher'.

The coordination of activism in a way that would attract attention and unite their forces was thus a challenge for feminists during this period. As a consequence, the likelihood of having an impact on policy was reduced. Parts of the movements felt the lack of unity was taking its toll on their ability to influence public policies, as it led to problems of cooperation and the loss of political force.[31] The various networks created in the 1990s, which continued into the new millennium, were unable to deal with the lack of common strategies.[32] Fragmentation was thus often mentioned as a key problem for feminist movements in the time of Lula's first administration.

However, it was not to be expected that such diverse movements would be in unison. Rather, disagreements were a sign of a group of healthy organisations with freedom from hierarchic organisational systems. In addition, this diversity should be seen as a positive force: feminist presence in a variety of spaces provided opportunities for access points in multiple spheres and had the potential to create conjunctural alliances. The availability of a range of allies for feminist movements and increased opportunities for policy impact existed, as pressure for policy change came from actors representing a multitude of organisations. It can, therefore, be argued that the picture in 2003, was characterised by a mature and widespread feminist mobilisation.

Joining forces and expanding feminisms

Indeed, the feminist movements in 2003 did, in fact, show characteristics that indicated they were re-emerging, which according to the Research Network on Gender and the State (RNGS) framework, increase chances of policy success. Although there were problems of visibility and internal coordination, the feminist movements were developing and increasing their policy impact potential. Evidence for this can first of all be seen in the creation of new, and the maintenance of existing, feminist NGOs and networks, as well as the initiation of several conjunctural alliances throughout the period of study.[33] This led to long-term feminist and femocrat Liege Rocha in the SPM to argue that the movements were in fact

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[31] Interview with Sonia Coelho, SOF, São Paulo, 22/06/06; Interview with Miriam Nobre, Programme Coordinator of SOF, São Paulo, 22/06/05; Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo, 21/06/05; seminar presentation by Pereira, Flavia, Seminario 30 anos de feminismo no Brasil: Balanco e perspectives, São Paulo, 21/05/07; seminar presentation by Gonzaga, Terezinha, Seminario 30 anos de feminismo no Brasil: Balanco e perspectives, São Paulo, 21/05/05.

[32] Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo, 21/06/05.

[33] Of particular importance are the conjunctural alliances on abortion and on violence against women, which are discussed in detail in chapters five and six respectively.

strengthening.[34] She justified her position through pointing at the creation of conjunctural alliances in the area of decriminalising abortion, which included a wide range of feminist movements, and she saw that the feminists' ability to get support from medical organisations, indicated the increased strength of the movements.

Some numbers will illustrate the re-emergence of the feminist movements during the time of study. In 2000, there were 35 feminist NGOs according to the Associação Brasileira de Organizações Não-Governamentais – ABONG (the Brazilian Association of NGOs) (in Novellino, 2006: 10). Figures from 2008 suggested that there was a steady rise in feminist movements from the years before the period covered in this thesis, to the years after the period. Of the NGOs registered with ABONG in 2008, 54 dealt with gender and sexuality, and 99 NGOs dealt with women, although many of these were overlapping and not all defined as feminist organisations (ABONG, 2008). Out of these organisations, 26 were self-defined as feminist, although several others dealt with feminist issues such as gender equality, sexual rights, and VAW. In addition to the feminist organisations registered with ABONG, there were at least 20 more self-defined feminist NGOs Brazil and over 20 networks coordinating women's and feminist organisations.

The number of member organisations in networks hinted at the presence of vast numbers of organised women.[35] Although not all of these were labelled feminists, many of these were, nevertheless inspired by a feminist discourse of women's rights. Many social movement activists, political party and union members accepted the feminist label, and even more women supported many, if not all, feminist demands. Costa (2005: 1) had similar findings, and argued that 'popular feminism' was present in Brazil. This meant that there was an increasing number of "poor, working, black, lesbian, labour unionist, progressive Catholic activists, women and other social sectors that embrace feminist ideas, and who are transforming feminist discourses into their specific identities, demands and political trajectories" (Chaves, 2000: 52). Castro (1999: 28) expressed similar ideas. When she wrote about working class women's organising in the late 1990s, Castro argued that working class feminism was on the rise. This trend did not disappear at the turn of the millennium. For example, the Central Única dos Trabalhadores- CUT (the Central Worker's Union) women's

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[34] Interview with Suely de Oliveira, SPM sub secretary of institutional relations, Brasilia, 10/03/05.
[35] Exact numbers of affiliated organisations are unavailable, as member organisations are not listed by the networks.

branch, organised campaigns and meetings on VAW and dealt with issues of abortion.[36] However, in order to differentiate themselves from the middle class feminism, working class feminists often labelled themselves as being a 'feminist of another type' (Drogus and Stewart-Gambino, 2005: 155). Despite the gap between the middle class and working class feminists, the frontier between the feminists and the women's movements had become increasingly blurred by 2003.

It was not just an increase of popular feminism which was identifiable: a new generation of middle class feminists also made their presence known during this time. These often highly educated young feminists created their own organisations, but also worked alongside 'historical' feminists in feminist NGOs.The most influential of the young feminist organisations was Rede Jovens, situated in São Paulo. Although it was an NGO in its own right, it was closely linked to the União de Mulheres, which lended its offices, as well as expertise, to Rede Jovens. The introduction of young feminists brought a new set of issues and policy demands to the feminist movements, including a focus on violence against girls and high rates of teenage pregnancy. Furthermore, these young women were of an age where the need for decriminalization of abortion was more pressing (AWID, 2008).[37] This contrasted with many in the feminist leadership, who were, by 2003, past the reproductive age.

The introduction of young feminists thus also ensured a continuity of feminist activism in Brazil. Although the new ideas and strategies presented by the younger generation, combined with the experience of older feminists, presented opportunities for policy impact. The young feminists saw opportunities for increasing feminist influence in spaces that were not targeted by the older generation, such as in social movements made up by young girls and boys, and/or young women and men; and the pushing for gendered discourses in government policies on youth. Policy influence could also be enhanced through employing more young feminists in feminist organisations, rather than employing people with no feminist consciousness in clerical positions in feminist NGOs (AWID, 2008).[38]

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[36] In 2005, for example, CUT launched a campaign on VAW and also worked on reproductive rights. The CUT's women's branch has five policy areas in which they work: Employment; VAW; worker's and social rights; women's empowerment and training/skills enhancement. (Interview with Bezerra de Lima, 30/05/05).

[37] Interview with Ana Adeve, Jovens Feministas de São Paulo, São Paulo, 09/05/05.

[38] Interview with Fernanda Grigolin, Jovens Feministas de São Paulo, São Paulo, 09/05/05. Future policy debates could thus benefit from more experienced feminist actors.

The incorporation of a new generation of feminists created a risk of a power struggle between the younger and the more mature feminists. By the time of Lula's accession to power, the established feminist movements had not been able to take advantage of the new opportunities presented by the younger generation (AWID, 2008).[39] As Adeve, a young feminist from São Paulo (in AWID 2008) argued, there was a clear division of work in the feminist movements: the older feminists 'write, think and speak', while the younger feminists made photocopies, handed out pamphlets and formatted texts. A reluctance to incorporate youths, or a discourse of age, was partly caused by the older generation's fear of losing power and control, causing them to distance themselves from new actors and new potential leaders.[40] The lack of incorporation of new people was also, according to Adeve and Grigolin, two young feminists, due to a fear of the new, both in terms of new people and identities, and new ideas and strategies.[41] Some feminists were willing to acknowledge this, such as Lago, a historical feminist, who explained the situation like this: "I think that we are becoming old, and we are doing little expansion, expansion of leaders, [and we are] very closed to incorporate new people, new ideas, and new perspectives. Like young women".[42]

Similarly, despite an increased influence of black feminists, the white hegemony was still noticeable in Brazilian feminism. Although most feminists had, by 2003, adopted a discourse acknowledging racism, there were still deficiencies in practice. This was exemplified by the absence of black speakers in many feminist panels and by the relatively few black women in the leading feminist organisations.[43] This suggests that the Brazilian feminist movements had the potential to mobilise many new actors and incorporate many new powerful ideas in their efforts to affect policy. If they were to open up to new ideas, this potential could be realised. One may conclude that Brazilian feminism was characterised by a multitude of actors, policy demands and strategies (Friedman, 2009: 423), and that one by 2003 could no longer talk of

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[39] The introduction of a discourse of youth had not been fully incorporated into mainstream feminism. According to the leader of the Young feminist network, Debora Oliveira (in RJC, 2005), historical feminists did not think that there are that many differences between adult and young women.

[40] Personal communication with Arlene Aricodli May and June, 2005; Interview with Fernanda Grigolin, Jovens Feministas de São Paulo, São Paulo, 09/05/05; Interview with Ana Adeve, Jovens Feministas de São Paulo, São Paulo, 09/05/05.

[41] Interview with Fernanda Grigolin, Jovens Feministas de São Paulo, São Paulo, 09/05/05; Interview with Ana Adeve, Jovens Feministas de São Paulo, São Paulo, 09/05/05.

[42] Interview with Tania Lago, CEBRAP, São Paulo, 30/05/05.

[43] Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.

one specific feminist movement, but of feminisms and feminist movements (Oliveira, 2005).[44] However, this was contested. For example, as Iraci argued, although she used to talk about feminisms, she did not anymore, as she recognised that even though there were differences in strategies, all feminists shared the same ideology.[45] Even if this was true to a certain extent, the diversity of strategies made it somewhat difficult for organisations to unite, thus serving to create a divide amongst feminist movements.

The Brazilian feminist movements were characterised by the contradictions of an increasing number of organisations and female identities embracing notions of gender equality and feminism, while at the same time struggling with the low visibility of feminism and feminist activities in society. How can this be explained? It is partly due to the fact that although feminist ideas had spread through parts of society, they were not labelled as such. For example, many women perceived the right to be free from violence as their right, but did not consider this to be taking a feminist stance on this issue. Additionally, women's rights gained through feminist campaigning in the past, were taken for granted by most young women, as they had not been born, or were too young to remember the campaigning for women's rights during the transition to democracy. Many rights, such as maternity rights, were thus not linked to feminism in the same way that they were while the policy was debated. Also, the adoption of women's rights discourses by the grassroots, was not only linked to feminist campaigning, as such discourses were also promoted through funding and development agencies, and by parts of the state. Hence, the links between (at least some) notions of women's rights and feminists, were not as direct as they used to be. It was thus possible to support the women's rights that were packaged to be more palatable, and which could be linked to other struggles. For example, women's rights to equal pay could be seen in terms of labour rights, promoted by organisations such as the International Labour Unions. Whereas issues such as abortion and contraception, were more clearly seen as feminist issues, and were, therefore, not so easily embraced.

Another characteristic of the feminist movements at the time of Lula's presidency was that, despite their concerns about coordination problems, they had recently joined forces. Leading up to the presidential change in 2003, feminists had come together to create the Conferencia

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[44] Similar ideas were expressed already in the 1990s, see Soares et al, 1995; Soares, 1998; Alvarez 1994; Alvarez 1996.
[45] Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.

Nacional de Mulheres Brasilieiras- CNMB (the National Women's Conference) in 2002. It was coordinated by ten feminist organisations and the goal was to unite the various strands of feminist organisations by creating a common set of demands and actions (Comissão Organisadora da Conferencia Nacional de Mulheres Brasilieiras, 2002: 5).[46] Although it was defined as a women's conference, it was clearly feminist.

The resulting Feminist Platform, designed as a set of evaluations and demands, highlighted the feminist nature of the conference, and presented a set of common policy priorities.[47] The priorities were manifold, thus reflecting the multiplicity of women's identities and organisations. The demands were organised in five areas: political democracy; social justice and a democratic state; Brazil in the international arena; democratization of social life; and sexual and reproductive freedom (Commisão Organizadora da Conferência Nacional de Mulheres Brasileiras, 2002). Thoug the organisational diversity limited the possibilities to agree upon a narrow set of policy priorities, strategies, and policy definitions, the Platform nevertheless visualised the areas in which the movements could agree upon. This action thus served to identify where coherence across the movements could be found, and around which policue demands they could join forces.

As the introduction to this Platform suggests, this action was an answer to the absence of common mobilisation points (Comissão Organisadora da Conferencia Nacional de Mulheres Brasilieiras, 2002: 5). The CNMB thus demonstrated an increased unity among feminists and illustrated their ability to create autonomous spaces for networking and debate.[48] This conference also confirmed their determination to increase their political force in the following years. The CNMB and the Platform thus shows that the feminist movements in 2002 had increased capability and willingness to improve their access to policydebating and policymaking arenas. It clearly indicated their willingness to have an impact on policy

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[46] These were: Articulação de Mulheres Brasileiras, Articulação Nacional de Mulheres Trabalhadoras Rurais, Articulação de ONGs de Mulheres Negras Brasileiras, Comissão Nacional sobra a Mulher Trabalhadora da CUT, Rede Nacional Feminista de Saúde, Direitos Sexuais e Direitos Reprodutivos. Rede de Mulher no Rádio, Rede Nacional de Parteiras Tradicionais, Secretaria Nacional de Mulheres do Partido Socialista Brasileiro, Secretaria para Assuntos da Mulher Trabalhadora da CONTEE and União Brasileira da Mulher.

[47] The action united 5200 women in various state conferences, which ended up in a National Conference held in Brasilia (Comissão organisadora da Conferancia Nacional de Mulheres Brasileiras, 2002).

[48] The creation of this conference was autonomous mobilisation, in contrast to the same feminists' participation in the National Women's Conference hosted by the SPM in 2004. See chapter four for more information on the 2004 Conference.

decisions, and their increased focus on securing policy impact on the national level. The statement from the Organisational Committee made this clear:

> "With the Feminist Political Platform, the women's movements reaffirmed their potential for defence, mobilisation and elaboration of politics, and strategically collectively put forward the contents of the plural discourses towards the Brazilian political context, reaffirming its autonomy of thought, project and action" (Comissão organisadora da Conferancia Nacional de Mulheres Brasilieiras, 2002: 7).

The Platform was also used as a political statement, as the feminists' joint demands, as presented in the platform, were given to the candidates in the 2002 Presidential election (Agência Câmara, 2002; Costa, 2008: 3). Lula, as one of the Presidential candidates, formally made a commitment to follow this plan (Costa, 2008: 3). Lula's promise indicated the opportunities feminists had to influence policy decisions through increasing the visibility of their policy preferences. Even though no implementation was guaranteed by Lula's commitment, his acknowledgement of feminists and feminist demands was of symbolic importance, as he signalled that feminists were a group that he had to take notice of.

Feminists had thus made themselves more visible in the leading up to Lula's first administration, and this continued as he took office. The experiences and demands of the CNMB in 2002, were taken forward in 2004 when the same organisations participated in the first Conferencia Nacional de Politicas para as Mulheres- CNPM (National Conference for Policies for Women). Conscious of the new political context presented by the PT in power, feminists wanted to establish new institutional spaces for dialogue with the government whilst maintaining the spaces they had previously secured. The CNPM was considered an opportunity to engage with the government, and to secure more access points to the government. As Matos explained, the conference was an opportunity to create links with the new government, and also to increase the bonds between feminist movements. The CNPM helped the creation of a more unified discourse within the movements.[49] Furthermore, as several feminists pointed out, the CNPM was an opportunity for feminists to show their strength, to mobilise, and to transform these new alliances into 'transformative' policy proposals.[50] Although the CNPM was 'directed mobilisation', the feminists transformed this

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[49] Interview with Glaucia Matos, Executive Director of FALA PRETA! São Paulo, 16/05/05.
[50] Interview with Glaucia Matos, Executive Director of FALA PRETA! São Paulo, 16/05/05; Interview with Albertina Costa, CNDM representative, Fundação Perseu Abramo, São Paulo, 20/05/05; Interview with Jaqueline Pitanguy, Former CNDM president and Director of CEPIA, Rio de Janeiro, 04/04/05.

arena into their own space for dialogue and used this conference to bring important policies to the eyes of the government and the public.

In the period before, during and after the CNPM, feminist organisations proved vital in policy debates, particularly regarding the issue of abortion. As Chapter Five discusses in detail, feminists showed enough strength to secure the incorporation of their demands in the policy platform resulting from the CNPM, even demands such as revising the abortion legislation, which were contrary to the Government's official policy.[51] The introduction of abortion issues by feminists into the realm of public discussion, and the success of feminists in encouraging the government to take part in this policy debate, indicated the emerging strength of feminist organisations. The CNPM also influenced the creation of new women's and feminist alliances, such as the first network for young feminists, the Rede Jovens Brasil – Direitos sexuais, Direitos Reprodutivos. Another new alliance, which proved to be very influential in the abortion debate, was the Jornadas pelo Direito ao Aborto Legal e Seguro- Jornadas (The united women for the right to legal and secure abortion). The creation of new alliances was another sign that feminist organisations were re-emerging.

In addition to inspiring new alliances around abortion and young feminists, the CNPM and the CNMB were important factors in the mobilisation of a large number of feminists, and an even higher number of women. Other mass mobilisations took place in 2005. For example, the women's network Marcha, argued that feminists made themselves more visible during the World Social Forum, and again at the 8th of March celebrations in São Paulo, where an estimated 35 000 women participated (SOF, 2005). This presence exemplified the mobilisation strength of the movements (SOF, 2005). This was the first time in years that Brazilian feminists were able to arrange such a big mass mobilisation on women's day. In the public audiences around VAW, as described in Chapter Six, a high number of women attended, from a wide range of organisational backgrounds.[52] This increased visibility was an important factor in increasing the ability of feminists to influence policy debates, as their visibility made their contribution in debates more legitimate. These mass mobilisations were evidence of an increased unity between feminist movements, and indicated that feminists had

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[51] Interview with Leonora Menecucci, University of São Paulo and part of the coordination board of the Jornadas, São Paulo, 27/05/05.
[52] Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo 21/06/05

the political strength and willingness to mobilise around certain policy issues, such as abortion and VAW.

Other signs that the 2003-2006 period was a time when feminists had enough force to influence political debates were present. Not only were feminist in the PT strong enough to be granted a place in the transition team for Lula's government, they were also strong enough to influence the upgrading of the CNDM and the creation of the SPM, as well as the initiation of other women friendly policies during Lula's first term. Arguably, this may not be a sign of increased feminist strength per se, but a sign of a political context either positive to, or feeling pressured from above, to address gender issues. However, feminists had to be organised in such a way that enabled them to make use of the positive political climate.

Increased feminist force can also be seen in the CNDM. Although not all CNDM members were self-identified as feminists, they were increasingly adopting the discourses of feminism and actively promoting feminist ideology.[53] The ability of feminists to 'upgrade' their lobbying power by infiltrating government spaces clearly indicates an increased strength and capability to mobilise and influence political institutions.

Feminists, the left, and the PT

The ability of feminists to exert increased influence over policy decisions during Lula's presidency was linked to the close ties between feminist movements and the PT, something the establishment of the SPM exemplified. Another sign of closeness was found in the various statements from prominent feminists arguing that the Lula government was 'their' government, a characteristic they shared with many other social movements.[54]

Brazilian feminists identified themselves as leftist and many engaged in double militancy, simultaneously participating in feminist movements, leftist parties and in trade unions. The feminist proximity to the left and hence to the government, was evident in the allocation of a ministerial post to the feminist Matilde Ribeiro, the minister for the Secretaria Especial de Políticas de Promoção da Igualdade Racial - SEPPIR (Special Secretariat for the Public

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[53] Interview with Maria Laura Sales Pinheiro, SPM vice-minister, Brasilia, 03/03/05.
[54] Interview with Leonora Menecucci, University of São Paulo and part of the coordination board of the Jornadas, São Paulo, 27/05/05. Interview with Glaucia Matos, Executive Director of FALA PRETA! São Paulo, 16/05/05. Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.

Policies for the promotion of Racial Equality). Affinity to the left was an important characteristic of the feminist movement. RNGS informs us that movements that are very close to the left, defined as movements which "formally ally with or work with political parties and/or trade unions on the left" (Stetson, Mazur, Outshoorn, and Lovenduski, 2003: 48), were in a better position to influence policy debates. This was because "ideas from the movement are taken up by left wing parties in party platforms" (Stetson, Mazur, Outshoorn, and Lovenduski, 2003: 48). Based on their closeness to the left, feminist movements in 2003 were thus in a good position to influence policy debates.

However, close links to the leftist government in power, inevitably brought with it challenges, as well as advantages. Although fears of losing organisational and personal autonomy were not spoken of directly, it was, nevertheless, an issue which was looming in the background during Lula's first term. The double militancy amongst many feminists suggested that Lula's coming to power increased the intensity of this dilemma. As Iraci confirmed, feminists had to go through a process of learning to be able to criticise 'their own' government.[55] During this process, feminists had to establish how to deal with the monitoring and criticising government policies, without being seen as weakening the left, the SPM, or the government as a whole. As is seen in Chapter Five, feminist loyalty to their feminist ideologies, versus their party, was continually tested during Lula's first term.

Autonomy was also debated in relation to government funding of feminist projects. Whether to receive funding from the Lula government was an issue of debate amongst many feminists.[56] By receiving funding, feminists were at risk of being directed towards activities defined by the government's policy agenda. This introduced the danger that they would pursue policy priorities favoured by the government at the expense of others. A review of the SPM's spending, however, suggests that most of the larger and most influential feminist organisations did receive government funding, and that these were in areas defined as priorities for the feminist movements (SPM, 2009).

Although the closeness of feminists to the left inevitably created some difficulties, the benefits were manifold. Their links with the PT enabled feminists to be present in various

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[55] Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.
[56] Interview with Leonora Menecucci, University of São Paulo and part of the coordination board of the Jornadas, São Paulo, 27/05/05.

ministries and secretariats, especially the SPM (Friedman, 2009: 423). The creation of the SPM in particular, opened up new possibilities for feminists to enter positions of policy influence. The benefits for feminists included more than just the placing of feminist staff in these positions; the influx of feminists into the SPM enabled feminists in NGOs to create partnerships with organisation and party comrades.[57] These partnerships were created in order to influence the government in the range of policy priorities of the feminist movements.

One organisation which had links to the PT, as well as with the SPM and the Bancada Feminina, was CFEMEA. CFEMEA was a highly professional NGO which had a good base of technical knowledge about feminist issues and about state and bureaucratic proceedings. The staff was made up of historical feminists; younger feminists, of which many were lawyers; and technical staff dealing with the website and statistics.[58] Their newsletter, FEMEA, was available online and in paper form; copies were sent to parliamentarians and women's organisations around the country (Macaulay, 2000b: 347). In this way, CFEMEA brought skill and knowledge to women's and feminist movements on the one hand, and provided information and assessments to legislators and public policy makers on the other. CFEMEA was present in a wide range of arenas at national and international levels; in feminist seminars and conferences; and in closed-doors meetings with fellow feminists, politicians and bureaucrats.

According to Macaulay (2000b: 362), CFEMEA had no aspirations to act as the women's movements' leader or representative. However, because of its reputation and skill, it did often take on a leadership role, both in relation to other feminist and women's organisations, and when in contact with other political actors. According to Dagnino (2002: 8), this is not uncommon for influential NGOs, as those that acquire competence in a field, tend to be put forward as representatives. The state sees these actors as such because of their specific knowledge and because of the organisations' past or present connection with social sectors (Chaves et al, 2000: 16; Dagnino, 2002: 16). CFEMEA's legitimacy did not only lie in its ability to work professionally and its specialist knowledge in their field, but also because CFEMEA was made up of well-known feminists. In addition, as NGO legitimacy from the

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[57] Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.
[58] Their informative website consists of news and information about legislative matters, public policies, feminist issues and campaigns. For more information about CFEMEA staff, see http://www.cfemea.org.br/quemsomos/equipe.asp.

perspective of policy makers is judged by the NGOs' ability to operate on a national and international level (Pinto, 2003: 100), and its relative high visibility (Dagnino, 2002: 17; Pinto, 2003: 100), CFEMEA was a natural choice for the state when it wanted to engage with members of the women's and feminist movements.

As will be explored in Chapters Five and Six, CFEMEA's advocacy at national and international levels had an important impact on policy debates about VAW and abortion. This was partly because of the high priority it placed on these policy issues, a characteristic it shared with most of the other feminist NGOs.

Policy priorities

As has been mentioned, due to the diversity of women's experiences and of the magnitude of feminist organisations, it is difficult to define a common set of specific policy demands across Brazilian feminist organisations. However, the focus on the mainstream movements in this thesis has enabled the creation of a policy priority list. This includes the policies that most feminists agreed on, and advocated for on a near daily basis.[59]

The most common and highest prioritised feminist policy issues in 2003-2006 were:

1. Violence against Women
2. Abortion
3. Health, sexual and other reproductive rights
4. Racial discrimination

It is important to add, that whereas the three top priorities had been on the feminist agenda for around 30 years, racial discrimination was incorporated more recently. Although these were the most common issues, other policies were present amongst a high number of feminist NGOs. These included day care, equal pay, work relations, political reform and the national budget.[60] Novellino's (2006) study on feminist movements' policy priorities reveals that feminist organisations continued to focus on public policies, similar to how they had done in

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[59] This list is based upon an analysis of debates taken place in Brazil during fieldwork in 2005, upon leaflets and pamphlets distributed during the same time, upon various interviews and informal conversations with feminist activists, The Feminist Political Platform (2002), the National Plan for Public Policies for Women (2004), as well as an analysis of both printed and internet based material in the time period 2002-2008.

[60] The national budget has only recently become an issue of concern for the feminist movement (Conversation with Vera Soares, Brasilia, 08/03/05). CFEMEA and AGENDE are the two main feminist organisations that have a focus on this. As of 2005, little attention was given to the budget by the more grassroots and locally focused organizations.

the previous decade. Novellino found that 24% of the ABONG registered feminist NGOs focussed on public policies, which meant, I suspect, that 24% of the feminist movements concentrated on lobbying and advocacy related to the creation of, and implementation of public policies. Other important areas found by Novellino's study included education, training and racial issues, though these were not considered as activism on policies as such.[61] Surprisingly, there was no reference to VAW in Novellino's graphs, although this was listed in the overview of many of the NGOs' projects. One may suspect that VAW was included within the public policy focus of many of the organisations.

The policy focus uncovered in this analysis suggests that the policy preferences had not altered significantly since the beginning of the second wave of feminism. This meant that many of the activists in the feminist movements had, by 2003, over 20 years of experience mobilising around the same policy issues. This experience was an important factor in acquiring the legitimacy needed to become influential participants in policy debates; it also gave them knowledge about how to identify and make use of the political opportunities available to them, and how to manoeuvre through less favourable environments.

3.5 Conclusion

This chapter has argued that the feminist movements analysed in this thesis had developed a notion of autonomy, which was no longer as intimately linked to an organisation's proximity to the state or a political party. Rather, autonomy was seen in relation to how far a feminist was able to maintain her feminist position while engaging in directed mobilisations. The development of the autonomy of feminist movements was closely linked to feminist activism during the transition to democracy. When Brazilian feminism established itself as a political force, Brazil was in the process of democratization. This opened up opportunities for feminists to access and impact on policy debates, which resulted in important gains as the democratization process came to a close.

One of these important gains was the creation of the CNDM, through which feminists were able to achieve access to policymaking arenas and influence on policy debates. However, as the nation settled down to democratic rule, feminists were hit by the co-option of their

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[61] In addition to focussing on public policies, the NGOs in Novellino's study worked with issues of reproductive rights, information and communication, racial discrimination, human rights, citizenship and women's autonomy, education and training.

movements and their demands. The CNDM also ceased to be an influential link to the state. This meant that Brazilian feminism entered a new phase characterised by NGOisation, the distancing between professional and voluntary women's movements, and activism in the shape of advocacy and lobbying on national and international levels.

In what ways did the characteristics of the feminist movements shape the abilities of the movements to influence policy debates through the SPM? Firstly, the change of focus towards influencing policy debates meant that, by 2003, the feminist NGOs had much experience in the ways in which politics worked and how to identify windows of opportunities for policy influence. Secondly, although feminist movements in the time of Lula's presidency were characterised by an overall low visibility, they had moments of mass mobilisations, which indicated that feminists were continuing their activism. The re-emerging stage of the feminist movements indicated that they were in a stronger position to influence policies than previously, and that they were able to advocate for the SPM's acceptance of their policy discourses and demands. Stronger and more mobilised movements have a greater potential to influence policy debates. Their opportunities to access policymaking arenas and influence the debates increased. Thirdly, feminist opportunities for policy influence were enhanced by the feminists close links to the governing party, and with their interconnectedness with the SPM and its staff. This indicated that the SPM would accept and support feminist attemts at influencing policy debates. Feminist close links with the governing party led to an influx of feminists in various government structures, particularly in the SPM, but also the CNDM, and in various venues for 'directed mobilisations'.

Another characteristic of the feminist movements, which proved positive for furthering feminist impact through the SPM, was that, despite organisational differences, the mainstream feminist NGOs had a more or less coherent list of priority issues. How far these preferences coincided with the SPM's policy priorities, is explored in the next chapter, which focuses on the characteristics and activities of the SPM.

Chapter Four: The Secretaria Especial de Politicas para as Mulheres

4.1 Introduction

When Lula came to power in 2003, he established the Secretaria Especial de Politicas para as Mulheres- SPM (the Special Secretariat for Public Policies for Women). This chapter discuss the intervening variable of this study: the characteristics and activities of the SPM. Although the SPM is the focus of this thesis, the Conselho Nacional de Direitos da Mulher- CNDM (National Council for Women's Rights) requires attention in this analysis, as it was important for feminist engagement with the state in 2003. This is because it was an integral part of the feminist movement's history and because it continued its activities alongside the SPM.

The purpose of this chapter is threefold. First, it is to map the SPM's background, which is rooted in the establishment of the CNDM in 1985. The CNDM's characteristics inevitably shaped the SPM's role, functions and outlook. Looking at the CNDM's past role in gender policymaking and its relationship with the feminist movements sheds light on what could be expected from the new WPA in 2003. An exploration of the CNDM reveals how feminist experiences with this agency influenced their expectations of, and future engagements with, the new WPA. Furthermore, an exploration of the CNDM's role in policymaking prior to 2003 hints at some of the possibilities and challenges for the SPM in its attempts to influence policy. The brief presence of Secretaria de Estado dos Direitos da Mulher - SEDIM (State Secretariat for Women's Rights), created by President Cardoso in 2002, is also part of the SPM's background. This is because, although it did not have any direct impact on policy, SEDIM nevertheless paved the way for a WPA with a larger policy mandate than the CNDM had enjoyed in the last decade.

The second purpose of this chapter is to examine the characteristics of the SPM in 2003-2006. An assessment of the specific features of the SPM indicates its potential to facilitate a feminist influence over policy debates. The SPM's capability, and willingness, to engage in policy debates, and to (take steps to) enhance feminist chances of having an impact on decisions is analysed in relation to the SPM's mandate, proximity to the power centre, resources and relationship with the feminist movements.

The third purpose of this chapter is to assess the nature and role of the CNDM in gender policy debates in 2003-2006. In order to discover the potential feminists had to influence policy decisions through the CNDM, it is necessary to establish the formal and informal relationships between the SPM and the CNDM, and to examine how feminists made use of this space in 2003-2006.

The chapter is outlined as follows: section 4.2 explores the CNDM, its creation and its activities through the changing political contexts. The next section looks at the SPM, examining how it was established and the early years of its existence, and assessing how its inherent characteristics influenced its potential to influence policy. A discussion of the CNDM, and how it related to the SPM and to the feminist movements in 2003-2006, then follows.

4.2 CNDM (1985-2002)

Proposing a women's council

In 1984, a group of feminists, led by the Deputy Ruth Escobar, met in São Paulo to discuss the creation of a federal organ to defend women's rights (Alvarez, 1990: 220; Schumaher, 2003a: 4).[1] Based on the positive experiences of the state Councils in São Paulo and Minas Gerais, these feminists presented the idea of a women's council.[2] However, according to one of CNDM's founding members, Schuma Schumaher (2003a: 5), who was also a member of the CNDM both before the period we are looking at, and during 2003-6, this proposition met with some reservation from other feminists. There were worries that such a council would affect feminist autonomy, and concerns about co-option, and about how far it would be used to legitimate government action, were raised when discussing the establishment of such a council. Nevertheless, in 1985, when the President established the CNDM by law, it had widespread support from feminist organisations.[3]

Why did the president accept feminist demands for a WPA? As described in Chapter Two, the transition to democracy offered distinct opportunities for feminists to gain acceptance of their demands. This resulted, amongst other things, in the establishment of state based WPAs. Based on similar justifications as had been used to argue for these WPAs, feminists demanded

[1] Escobar had been elected on a feminist platform in 1982 (Alvarez, 1990: 219).
[2] The proposal for the creation of CNDM was officially stated in the 'Belo Horizonte Charter', issued during the 7th National Feminist Meeting in 1985.
[3] See Appendix II for an overview of the CNDM legislation.

a national WPA. The fact that a WPA was not a new idea, and that the governing party already had experience with such agencies, eased the introduction of the idea. In addition, the reorganisation of the party system and the eagerness of the governing party to appear democratic, further improved the positive environment. The international political context also helped the feminists, as international agencies were encouraging the establishment of WPAs.[4] The creation of a women's council thus increased government legitimacy, both nationally and internationally.[5]

The CNDM's mandate was to formulate policies and to eliminate discrimination against women (Pitanguy, 1998). It was a consultative agency, which had an advisory body made up of 20 councillors appointed by the President, and the CNDM president headed the Council. Its first president was Ruth Escobar. However, it was during Jaqueline Pitanguy's leadership (1986-9) that the CNDM really prospered. Until 1989, feminists were in a majority in the Council and the CNDM was characterised by its close relationship with the feminist movements and its actors. The Council also had a technical and an administrative section with 150 members of staff and, during its heyday, budgetary autonomy (Macauulay, 2003b: 19).[6]

The CNDM's leader reported directly to the President, rather than to the Minister of Justice, despite its institutional setting under the Ministry of Justice.[7] The CNDM's link with this Ministry reflected the ideas at the time, which focussed on improving women's rights, rather than linking the CNDM with women's policies.[8] Ideas of women's policies were still at an early stage, in contrast to notions of women's and human rights, which had been championed during the dictatorship. Macaulay (2006b: 5) argues that the Ministry of Justice seemed a logical institutional home for the CNDM as it used a rights based discourse and was successful in introducing legislative changes. Linking the council with women's rights was also complimentary to one of its first and most important tasks: the promotion of women's rights in the new Constitution.

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[4] This was stated in the recommendations coming from the 1985 United Nations Conference for Women (Pitanguy, in SPM 2005a). Discussions about WPA's had already started in the 1970s, in the context of the 'Equality of Action of Women and the World Action Plan (1975) and in the framework for the approval of the Convention on the Elimination of All Forms of Discrimination Against Women (1979) (Guzman, 2001.17).

[5] Since 1985, the UN Women's Conferences have advocated for the creation of WPAs and, with the creation of CNDM, Brazil responded to this demand.

[6] For the first 3 months in operation alone, the CNDM had the budget equivalent to US $ 1 million (Alvarez, 1990).

[7] Founding members of the council believed that the CNDM was the first step towards the creation of a Ministry for women (Escobar, in Alvarez, 1990), an idea that was reflected in the structure of the council.

[8] Interview with Maria Laura Sales Pinheiro, SPM vice-secretary, Brasilia, 03/03/05.

According to Alvarez (1990: 242), during its first year in operation, the CNDM became the "principal stage for the practice of a 1980s brand of Brazilian interest group feminist politics", pursuing a quite radical and successful policy agenda.[9] This was evident during the Constituent Assembly, when the CNDM acted as the de facto official feminist lobby (Alvarez, 1990: 242). During this time the Council organised a Congress sit-in; public hearings and seminars; and formulated proposals which were summarised in the 'Carta das Mulheres à Assembléia Constituinte' (Women's Letter to the National Constituent Assembly) and handed this letter out to legislators and the media (Htun, 2003: 124-5). The CNDM was also involved in the creation of the Bancada Feminina, which was organised to press feminist demands during the Assembly.[10]

In addition to its legislative work, the CNDM worked on a range of policy areas, including reproductive health and VAW.[11] It proposed policies; initiated educational campaigns on equality and women's rights; promoted information, seminars and conferences on reproductive rights; carried out research and a national campaign on VAW; pressured businesses to establish day care centres; and set up a committee on black women (Alvarez, 1990: 242; Schumaher and Vargas, 1999: 46; Macaulay, 2006a: 48).

The CNDM's success in increasing the acknowledgement of women's rights during its early years was due to a wide range of factors. As Macaulay (2006a: 48) explains:

> "It [the CNDM] enjoyed enormous legitimacy and support from the women's movements, worked closely with a cohort of sympathetic women legislators in Congress, and conducted regular cross-sectoral meetings with representatives from the ministries. It was staffed by experienced feminist activists skilled in public policy formation and political lobbying, who benefited from high credibility, good currency with the [Party of the Brazilian Democratic Movement (PMDB)] and the political sympathy of the government"

In order to maintain a feminist agenda, the presence of feminists within the state was of vital importance. The CNDM's relationship with the autonomous movements ensured its continued legitimacy, as did its non-partisan composition. Also, feminist presence in the streets, in

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[9] Key policy areas for the CNDM were family planning, day-care and violence against women.

[10] Due to the favourable political environment and well-coordinated feminist actions and strategies, around 80% of feminist proposals were included in the Constitution (Pitanguy: 1998:104). For more information on the CNDM's role during the Constituent Assembly, see Alvarez, 1990; Verucci, 1991.

[11] Other policy areas the CNDM worked on between 1985 and 1989 were women's health, rural women's rights, agrarian reform, day care and discrimination in the workplace (Htun, 2002: 124).

parliament through the Bancada Feminina, and in government through the CNDM (Montaño, 2003: 10), created an axis of CNDM legitimacy and policy influence. However, this influence waned.

The 1990s and early 2000s

In the late 1980s, a change in the policy environment negatively influenced the CNDM. The PMDB became indifferent to its own councils (Macaulay, 2006a: 48) and conservatives within the government withdrew the CNDM's financial and administrative autonomy (Soares, 1995: 314; Pitanguy, 2002: 1). For example, the Minister of Justice's negative intervention resulted in a 72 % budget cutback, causing an 80% reduction of its activities (Pitanguy, 1998: 108; Schumaher, 2003a: 6; 2003b; Pimenta, 2008: 3). Through a series of budget cuts, changes and reductions; intimidation of staff; and undermining the CNDM's policies, the Minister of Justice weakened both the feminist nature of the CNDM and decreased its potential for gendering policy debates. It is believed that the Minister of Justice started to work against the CNDM because of his opposing policy preferences (Hautzinger, 1997: 14-15), and he justified his actions by arguing that the CNDM had fulfilled its mandate due to the inclusion of many women's rights in the Constitution (Schumaher, 2003a: 6; 2003b; Pimenta, 2008: 3). When conservative women with no links to the feminist movements replaced the CNDM feminists in 1989, Pitanguy and her staff left in protest.[12]

From 1989, the CNDM went into a decline that lasted nearly 10 years.[13] The lack of support for women's policies from the power holders; sparse financial and administrative resources and autonomy; and the frequent replacements of CNDM leaders and board members (Macaulay, 2006a: 48), meant that the CNDM was unable to facilitate feminist influence in policy debating arenas.[14] Hence, in contrast to its first years in operation, the CNDM was no longer the key connection point between feminist movements and the state. Consequently, as explored in the previous chapter, feminists advocated for women's policies through NGOs, rather than as insiders.

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[12] In the following year, Pitanguy established CEPIA, which became one of the leading feminist NGOs in the country.
[13] President Collor changed parts of the law which had established the CNDM and, during Collor's Presidency, the CNDM's financial and administrative autonomy was lost (Schumaher, 2003; Cabral, 2002).
[14] From 1990 until 2000 there was no real administrative structure of the CNDM, only one member of staff in 1990, no staff between 1991-95, and two staff until 2000 (Cabral, 2002. 10).

Nevertheless, feminists maintained some links with the CNDM, and NGOs such as CFEMEA and CEPIA worked on projects associated with the CNDM.[15] However, as feminists found new spaces to push for policy influence, such as lobbying Congress, maintaining links with the Bancada Feminina and international campaigning, there were few feminist initiatives to strengthen the CNDM during the 1990s. There was no consensus amongst feminists as to whether and how they wanted to participate in a WPA (Cabral, 2002: 5), and the availability of other arenas to secure policy impact limited the immediate need for feminist to work through a WPA. Based on the experiences of co-option and loss of autonomy in the late 1980s, feminists seemed unsure as to the benefits and legitimacy of re-entering the state (Cabral, 2002: 5).

However, towards the end of the 1990s things started to change. During the CNDM leadership of Solange Bentes Jurema (1999-2002), it started to be upgraded. Feminist presence in the CNDM increased and, in 2002, the budget was almost doubled to what it was in 1999 (Cabral, 2002: 12; Jurema, 2004). The CNDM also adopted a wider range of policies.[16] This change was important for the creation of the SPM in 2003, and for the impact feminists could have on policy through the SPM. Towards the end of Cardoso's presidency, more feminists were willing to trust an engagement with the state. Feminist participation in the CNDM increased, which gave them new experience in working with, and in the, state. Their presence within the state also meant that they were in a better position to push for a further upgrade of the WPA.

This upgrade came in 2002, when Cardoso created the SEDIM. There are contradictory explanations as to why he did so. Suggestions include a personal motive to improve his gender record, while leaving the actual cost to his predecessor (Macaualy, 2006b); others accredit the creation to pressure from women's networks (Montaño, 2003; Jurema, 2004); from the Bancada Feminina (Montaño, 2003; Jurema, 2004), and from international organisations such as UNIFEM (Jurema, 2004: 5). Of particular importance was the lobbying for its creation from the from the CNDM leader Jurema (Jurema, in AMB, 2002; Jurema in SPM, 2005a; Pimenta, 2008: 4), who became SEDIM's first minister.

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[15] Both of these NGOs consisted of feminist CNDM members who left in 1989.
[16] From only working on VAW, as it had done since 1995, the CNDM's budget enabled it to spend funds on research and information (Cabral, 2002: 11), and 'women in politics' (Jurema, 2001: 210).

The leader of the SEDIM had the status of a Minister, thus enabling her to participate in cabinet meetings, which a president of a Council would be unable to (Jurema, 2004: 5). Hence, this status paved way for increased political force and the creation of an improved WPA during Lula's presidency. Although the SEDIM had a powerful status, it lacked a clear role and mandate. It was to work on fighting poverty and violence, to combat all forms of discrimination and promoting human rights (Ministry of Justice, 2002). There were two main priorities for the SEDIM: to implement the National Plan on Violence against Women and to open a dialogue with the government and civil society about the SEDIM's future work (Ministry of Justice, 2002). However, there were no guidelines as to how the SEDIM was to carry out this mandate. There was not enough time to allow for an elaboration upon the SEDIM's mandate, its relationship with civil society, with the legislature, with the judiciary, with governmental organs or with the CNDM (Pitanguy, 2002: 23). This was because it was created shortly before Lula entered office, which again altered the institutional context for feminist campaigning.

The creation of the SEDIM, which can be seen as a continuation of the CNDM's upgrade in the late 1990s, and as an attempt to give feminists an official space in government, was thus important for the establishment of the SPM, and for its characteristics. SEDIM paved the way for a further upgrade of the WPA in 2003. Furthermore, a continued, though challenging, relationship with the CNDM from its beginning, had provided feminists with valuable expertise of doing politics, and when many of them entered the SPM as staff, they were well qualified for the positions. In addition, VAW had remained the focal point of the WPA's activities for nearly 20 years, and the SPM's work on VAW, therefore, benefited from the CNDM's institutional memory in this policy area.[17] The following section deals with the SPM's characteristics, and how these influenced the ways in which feminists could make use of the SPM in order to increase their impact on policy. First, however, we need to establish how, and why, Lula established the SPM in 2003.

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[17] This point is elaborated upon in chapter six.

4.3 The SPM

Creating the SPM

Lula created the SPM on the first day of his Presidency in 2003. By doing so, he acknowledged the Partido dos Trabalhadores's (PT's) commitment dating back to 1994, when Lula's election manifesto stated he would "upgrade the CNDM to an executive level Secretariat with autonomy, a substantial budget and decision-making powers, cross-sectoral access and influence" (Macaulay, 2006a: 49). On the one hand, the SPM can be seen as the continuation of almost 20 years of Brazilian state feminism. Despite negative experiences in the past, feminists believed that institutionalising gender in the state was of vital importance. The SPM was a result of the history of feminist mobilisation and the creation of the CNDM. Feminist re-entry in the CNDM in the late 1990s, and the restructuring of this organ in the beginning of 2000, further helped the upgrade. The SEDIM further helped this process by clearing the way for an improved WPA.

On the other hand, the establishment of the SPM was, in part, due to the PT itself. Its democratic nature enabled feminists to influence election manifestos and to promote debates about WPAs within the party. Many PT local governments had established WPAs, which provided opportunities to experiment with types of WPA in order to discover which form was most effective at promoting women's policies. In the months leading up to Lula's accession to power, the idea of WPAs and of women's policies was not new to PT members, as they had already encountered such in local administrations (Macaulay, 2003b: 21). This helped to secure the backing needed for the SPM's establishment. In addition, the inclusion of two feminists, Vera Soares and Matilde Ribeiro, in the transition team for Lula's government, provided an access point to lobby for the creation of the SPM.[18] Feminists saw the need for a WPA at a 'high' state level, above a ministerial position.[19] Their wish was granted, and the Program for Lula's government stated that in order for the equality policies to be incorporated in various areas of the government, the SPM would be linked directly to the President's office and have institutional and financial resources of its own (Programa Coligação Lula Presidente, 2002).

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[18] These women enjoyed feminist and PT legitimacy due to their long history of activism in both camps. Ribeiro became the Minister for Racial Equality; Soares was a member of the feminist organisation AGENDE. works for UNIFEM, is an academic linked to the University of São Paulo, and has a long history of feminist militancy in the women's secretariat of the PT.

[19] Interview with Vera Soares, Part of Lula's transition committee and UNIFEM programme coordinator, Brasilia, 22/02/05.

SPM Characteristics

However, before discussing these resources, let us have a look at the SPM's mandate. Its overarching mandate was to create public policies that contributed to improving women's lives, thus reaffirming the federal government's commitment to women.[20] The SPM was to create policies that had an impact on women's lives. It aimed to gender and improve statistics in all areas of public administration; to establish a documentation centre; to formulate proposals for legislative change; to design a set of 'gender norms' for federal government action, and if possible, for state and municipal government; and to elaborate and implement national awareness campaigns (Programa Coligação Lula Presidente, 2002). The SPM had the power to formulate, coordinate, follow up on, and, in some cases, execute public policies related to gender equity (United Nations, N.d: 5). One of the SPM's most important roles was to establish a set of women's policies, which it did through the creation of the Plano Nacional de Politicas para as Mulheres – PNPM (National Plan for Public Policies for Women) in 2004. Its mandate was to be carried out in cooperation with other ministries and secretariats, and with national and international bodies. The SPM was also in charge of overseeing the enforcement of international treaties and conventions, and it represented Brazil to the CEDAW committee and in the MERCOSUL Specialized Meeting on Women. Hence, gender mainstreaming was at the top of the SPM's agenda.

As already stated, the SPM was a Secretariat with a ministerial position, linked to the President's Office. This location ensured a more autonomous status than if it had been in another Ministry, as CNDM and SEDIM had been in the past.[21] The ministerial status put the head of the SPM in a stronger position to influence policy debates. Her participation in cabinet meetings and her status as a colleague of equal status of other Ministers of State enabled this higher level of influence.[22] Additionally, this position meant the Secretariat, its minister and its work had more visibility. For example, the ministerial status created

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[20] This mandate was broken down into five areas: to help the president to formulate, coordinate and present women's policies; to create and implement educational and non discriminatory campaigns on a national scale; to elaborate plans for incorporating gender in all areas of the government; to promote gender equality, and to elaborate, promote and execute programs with national and international, as well as public and private organisations which implement women's policies; and promote the implementation of affirmative action and of policies relating to gender equality and discrimination, which are in accordance with the conventions and action plans signed by Brazil.

[21] Prior to 2003, the CNDM came under the Ministry of Justice and the SEDIM was linked to the Human Rights department. Interview with Vera Soares, part of Lula's transition committee and UNIFEM programme coordinator, Brasilia, 22/02/05.

[22] Interview with Vera Soares, part of Lula's transition committee and UNIFEM programme coordinator, Brasilia, 22/02/05.

opportunities for media appearances: a tactic used to influence policy debates and to provide information. Through appearing on TV and Radio, the Minister improved the visibility of the SPM and its work, bringing it to a wider audience. This was of vital importance in a country where relatively few people followed national politics and where TV was the main source of information for a large number of the population.

The SPM's high-ranking and cross-ministerial position was in accordance with both academic and international organisations' recommendations for improving women's rights. The UN Beijing Platform for Action (1995: pt 296), for example, stated that WPAs should be placed at the highest level of policymaking and governance in order to have the desired effect. Similarly, research on state feminism suggests that a cross-ministerial or cross-sectoral position tends to have the most policy influence (Stetson and Mazur, 1995: 288; Weldon 2002a: 129). This is because most stand-alone ministries focus on issues traditionally of a concern to men, which contrast with the complexity of most gender policies (Weldon, 2002a: 120-122; Franceschet, 2008a: 8-9). Many gender policies need cross-ministerial action; for example, gender policies relating to VAW require "prevention action by the education Ministry, healthcare and housing, possibly employment, for the victims, and policing, prosecution and rehabilitation of the aggressors" (Macaulay, 2003b: 25). The SPM's cross-ministerial position thus facilitated its abilities to carry out its mainstreaming mandate. The SPM's mandate was related to what Rai (2003: 31) calls a catalyst role, which included facilitating research to be used in policymaking and using its intra-ministerial role to engage with other ministries, hence expanding the network of institutions working on gender equity. It is thus possible to argue that the SPM's position within the government gave it the potential to increase feminist influence on policy debates

Although the institutional position of the SPM ensured closeness to the President and other key policy makers, hence suggesting a certain degree of policy impact, this influence was not guaranteed. Friedman (2009: 423) suggest that the SPM's reach was wider than its impact, given the lack of attention to gender policies by other ministries, and because of Lula's neo-liberal policies. Additionally, as Macaulay (2003b: 26) pointed out, at the beginning of Lula's Presidency there was a "new small, powerful, male cabal at the centre of government that [would] be difficult to penetrate and influence, despite the appointment of women to a number of second-string ministries". She suggested that although women were present in ministerial positions, they were unlikely to have much power to influence the key policy makers in

Lula's administration. The feminist Jaja Melo presented similar ideas two years into Lula's administration, and argued that the SPM had a peripheral de facto position vis-à-vis the real power centre.[23]

The findings in this study support Melo's position, revealing that at times the SPM's policy positions and campaigns went unsupported, or were even countered, by the President and his close friends, as happened during the abortion debate. This can be seen as a strategic and political failure by the SPM to secure government backing. However, the inability to manoeuvre through the power structures can be accredited to the gendered nature of political practice; to the policy environment, which did not prioritise or support women's issues; and to the limited funding available to the SPM (Friedman, 2009: 423). Furthermore, it may be argued that some of the projects the SPM embarked on, such as the attempt to decriminalise abortion, were unrealistic in the contemporary political environment.

On the one hand, the conflicts between the high institutional position and low influence on policy makers indicate that the SPM's position did not facilitate impact to the level that the SPM's status suggested it would. Findings from the case study of the abortion debate, discussed in Chapter Five, exemplify this point. However, to say that the SPM was without political support, influence or backing would be misleading. For example, the SPM was able to resist a downgrading of its position in Lula's first administration.[24] According to Natalia Mori Cruz from CFEMEA, the SPM was able to resist such a downgrading because of the limited financial benefit in relations to the high political cost such an action would result in.[25] This hints at the presence of allies within the government, though some of these did not support all of the SPM's policy choices.

The number of policy areas in which the SPM operated was limited prior to 2004. The SPM started its policy activities by continuing the line of the CNDM and SEDIM, which had concentrated primarily on VAW. This was also the key gender policy area for the PT. The summary of the SPM's activities in 2003 clearly shows this focus on VAW, as does the 2003 budget.[26] However, in 2004 the policy priority list increased to include work; education, culture, science and technology; health; and violence (SPM, 2006a). In 2005, although

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[23] Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo 21/06/05.
[24] Personal communication with Natalia Mori Cruz. CFEMEA. Brasilia, 15/03/05.
[25] Personal communication with Natalia Mori Cruz. CFEMEA. Brasilia, 15/03/05.
[26] See Appendix II for information about the SPM's budget.

abortion was not a set priority for the SPM, its engagement in the legalisation debate made it a key policy area.

The SPM's ability to act as a facilitator for feminist impact on policy debates was linked to its position, as well as to its resources. Its budget increased throughout Lula's first term, from 5.6 million Reais in 2003, to 24 million in 2006 (SPM, 2009: 5). However, in 2006, the budget still only represented 0.56% of the national budget (Fernandes, 2007), far from enough to carry out its wide-ranging mandate. The SPM's finances were, as to be expected, one of the key challenges to the SPM's ability to facilitate the gendering of policy debates. This was a cause of concern for the SPM itself, which stated that it was unable to fulfil its mandate unless it received more funding (United Nations, N.d: 6), a problem it shared with WPAs worldwide (Rai, 2003: 31). Similarly, feminists were also critical of the large gap between the SPM's mandate and the resources it was allocated. Fernandes (2007) argued that at least 1% of the national budget was needed in order to effectively carry out its mandate.

It can be argued that political power and influence can only be achieved with sufficient resources, regardless of official mandates.[27] This, to a certain degree, helps explain the limited influence the SPM had over policy decisions vis-à-vis other, more powerful and better funded, ministries and secretariats. The limited resources available to the SPM suggest severe restrictions on its ability to help feminists in policy debates. However, there are findings from the Research Network on Gender and the State (RNGS), which suggest that the availability of separate staff and budget is of more importance for a WPA's abilities to gender policy debates than the size of its resources (Mazur, 2005: 14). This might be true in terms of determining the autonomy of the agency. However, it is the size of the budget which determines the scale of campaigns, the ability to reach public spaces in a range of arenas and locations. The financial resources provided also signifies the level of dedication to women's issues by the power holders, and its budget tells the public and policy makers across the government about the level of importance of the WPA, and of gender policies.

The SPM's situation mirrored the fate of other WPAs in the region, where "the financial resources allocated to the institutional mechanism are not commensurate with the position occupied in the government structure. Moreover, the budgets assigned by the central

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[27] Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo 21/06/05.

governments in almost all cases are insufficient to support substantial work" (ICRW, 2003: 14). The limited budget hindered the SPM's activities and the lack of control it had over the administration of its funding introduced further obstacles. NGOs complained about delays in the processing of funds, even in cases where the money had been allocated.[28] The bureaucratic nature of the SPM, which shared the government's inability 'to do things quickly', led to this slow turnaround. This was not a reflection of the administrative capabilities of the SPM as such.[29]

The administrative capacity of the SPM was ensured through the employment of skilled staff. Some were technical and bureaucratic appointments; others were drawn from feminist and women's movements. There were around 50 members of staff in the SPM in 2005. These worked in the Minister's cabinet; in the international office; in the CNDM; in the secretaria adjunta's office (vice-minister); in the ouvidoria (the listening organ); and in the sub-secretariats for institutional articulation, where they monitored planning and policy issues.[30] The ouvidoria's role was to give information to the public, and to receive reports on violence and discrimination against women. This mechanism created an opportunity for the SPM to have links with the public, and was one method of getting some ideas about the scope of the problem of VAW in particular. For the public, the ouvidoria provided an opportunity to seek advice from an organ that had knowledge about gender matters, as opposed to a more central information desk with little experience in these matters.[31]

From 2004, feminists experienced in party and government politics headed the sub-secretariats. In addition, some of these sub-secretaries, such as Tatau Godinho, the sub-secretary for monitoring and thematic issues, had experience of working in WPAs in city administrations. Hence, the SPM did not have to choose between staff that were feminists and individuals with administrative experience, but could make use of experienced femocrats with continued links with the feminist movements. Although the staff were unable to meet all the demands created by the SPM's mandate, there were enough employees to enable an SPM presence in a wide range of public arenas, to secure the administration of a wide range of policy activities, and to create and maintain links with feminist movements.

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[28] Conversation with Maria Elvira Viera de Mello, CEPIA, Rio de Janeiro 08/04/05. Interview with Iaris Cortes, founder of CFEMEA and Almira Rodrigues,co-director of CFEMEA Brasilia, 15/03/05.
[29] Interview with Almira Rodrigues, Co-director of CFEMEA, Brasilia, 15/03/05.
[30] Informal conversation with Natalia Foutura and Marcia Leporace. SPM. Brasilia, 03/03/05.
[31] Interview with Ana Paula Gonçalves, Ouvidoria, SPM. Brasilia, 15/06/05.

Emilia Fernandes, the PT Senator for Rio Grande do Sul (1995-2003), was the first head of the SPM. Her appointment was due to her long-standing PT militancy and her role in the Bancada Feminina (SPM, 2003). She had supported many feminist demands, had taken part in various women's meetings (Senado Federal, 2004: 101-155), and was the author of several pieces of gender legislation. Nevertheless, she had no history as a feminist activist.

The selection of staff in the WPA exemplified its importance to the government. Staff that were experienced in politics and recognised by political parties could increase the agency's legitimacy and political influence (Byrne et al, 1996; Guzman, 2001). In this sense, Fernandes brought with her the legitimacy and political clout that almost 10 years as a Senator had granted her. In contrast, representatives from feminist movements may not have had the political experience or the technical skills needed to lead a successful state institution (Byrne et al, 1996; Guzman, 2001). However, a leader drawn from the feminist movements would increase the WPA's legitimacy amongst civil society, increase feminist participation, and provide the gender knowledge that was partly lacking from Fernandes' discourse.[32]

The selection of Fernandes was a disappointment for many in the feminist movements. Feminists had hoped, and some even expected, that they would be able to choose the Minister and that she would be drawn from the feminist movements.[33] Feminist were active in the period leading up to Lula's take over and had indicated their preferred candidates for the SPM position. For example, Vera Soares, the member of Lula's transition team, was named as one of the feminist movements' preferred candidates.[34] However, they were unable to persuade Lula on the matter. Despite the disappointment, in hindsight, some feminists argued that the choice of a political militant, rather than a feminist, had its advantages. Due to the diversity of the movements, some feminists claimed that choosing a representative from one organisation and not another, could have stirred tensions amongst feminists, which could have resulted in a precedence of one organisation or network over others.[35]

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[32] Feminists complained about the lacks in Fernandes' discourses on key women's issues, particularly concerning reproductive rights and VAW. Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.
[33] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission. Brasilia, 16/03/05.
[34] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission. Brasilia, 16/03/05.
[35] Interview with Leonora Menecucci, University of São Paulo and part of the coordination board of the Jornadas, São Paulo, 27/05/05. Interview with Marlise Matos, National Coordinator of NEPEM, Federal university of Minas Gerais, Belo Horizonte, 06/06/05.

Although the selection of Fernandes avoided the elevation of one section of the feminist movements over another, and thereby risking their unity, it did not promote a significant impact of feminists on policy debates. The authoritarian and bureaucratic nature of Fernandes' administration was the opposite to feminist expectations of an interactive and democratic relationship with the SPM.[36] Some feminists even argued that the SPM had become subject to what Friedman (2000: 234) calls 'instrumental feminism', which she defines as "the use of feminist rhetoric and institutional resources dedicated to the advancement of women as a group for the personal advancement of individual female leaders or of other goals".[37]

As with many of the key positions in the SPM, the leader was a political appointment.[38] These appointments were thus vulnerable to changes in the political situation, such as shifts in government, governmental alliances, and policy preferences. This was the case with the Emilia Fernandes, who only served in the SPM until the governmental restructuring in February 2004. Reasons for her departure are not known for certain, although suggestions include that her discourse on reproductive rights was against the government position, as well as offensive to feminists.[39] An additional explanation was offered by Lebon (2004b: 2), who proposed that Fernandes was replaced in favour of someone with more administrative skills.

In contrast, the second Minister, Nilcéa Freire maintained her position during several re-arrangements in the government and kept her position from Lula's first to second Presidential term. In terms of facilitating feminist impact on policy debates, Freire's appointment was beneficial. As a former head of the Federal University of Rio de Janeiro (2000-2003), she had more administrative experience than Fernandes (Lebon, 2004b: 2). Freire had a more democratic approach to her administration; promoted more dialogue; and facilitated more alliances with the feminist movements.[40] In addition, Freire's background in medicine enabled an understanding of feminist demands in relation to women's health and reproductive rights. Although she was not from the feminist movements, she soon adopted a gendered discourse

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[36] Interview with Lourdes Bandeira, University of Brasilia, Brasilia, 11/03/05.
[37] Interview with Almira Rodrigues, Co-director of CFEMEA, Brasilia, 01/03/05.
[38] Interview with Liege Rocha, SPM project manager, Brasilia, 03/03/05. Rocha represented the Communist party in the SPM.
[39] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.
[40] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05. Interview with Almira Rodrigues, Co-director of CFEMEA, Brasilia, 01/03/05.

on women's policies.[41] This included a discourse promoting women's rights to choose abortion, as is highlighted in Chapter Five. Although the RNGS framework and findings suggests that the leaders' feminist background is an important indicator for the WPA's ability to act for the feminist movements (RNGS, 2005; Sauer, Hausmann and McBride, 2007: 315), this thesis suggests that this is not necessarily the case, as elaborated upon in subsequent chapters.

The change of Minister only a year into the administration hints at a lack of institutional stability and continuity, which could have a negative influence on WPA activities and its capability to have an influence over policy. In this case, however, the SPM's potential for gendering policy debates and its ability to facilitate opportunities for feminists to have an impact on policy debates, were improved by this change. For the SPM to act for feminists, good relations between the two were a prerequisite. The links with the feminist movements were, to a large degree, dependent upon having a leadership favourable to feminist ideas and able to make links with the movements. Freire's administration provided a more favourable policy environment for the feminist movements' interaction with the SPM and for feminist influence over policy.

4.4 SPM and the feminist movements

In order for the feminist movements to have an impact on policy through the SPM, a critical prerequisite was their willingness to engage with the SPM. It was also important that the SPM accepted the feminist movements as important players in the policy debates and opened up opportunities for feminist movements to be in dialogue with, and influence the activities of the SPM. This section argues that the high levels of interconnectedness between the SPM and feminists, created multiples access points for feminists to policy debating and making arenas, which increased the possibilities for them to have an impact on policy. However, with these opportunities came challenges: it created tension between the SPM and feminists outside the state, and between feminists in the PT. It also created personal conflicts for the 'insider' feminists.

Links between the SPM and feminists were manifold in 2003-2006, though especially from 2004. When Freire entered the SPM in 2004, she appointed new members of staff. Many of

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[41] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.

these individuals were, as SPM's Suley de Oliveira described herself, 'a feminist militant within the public administration'.[42] Some of the femocrats such as de Oliveira, had vast experiences of working in WPAs, both at local and national levels. Like Liege Rocha, an SPM project manager, de Oliveira began her career as a feminist and later became a public servant. This means that in their professional life, feminism has always been an integral part of their work. The presence of feminists facilitated the promotion of feminist discourses from an insider position. As Rocha explained, "the importance of having feminists in the SPM is that you are bringing with you feminist issues through your experiences. You are able to sensitise the political proposals, the decisions. You have the knowledge of women's situation, of women's organising".[43]

The SPM feminists were advocates within the policymaking arena for the movements they represented. For example, Adami Santos, an SPM legislative advisor and member of the Articulação de Organizações de Mulheres Negras Brasileiras- AMNB (the Federation of Negro Brazilian Women's NGOs), argued that, "Sometimes when you have someone inside it is easier to deal with some issues. [Such as] the racial question that I am doing which is part of the struggle. It becomes easier because you have more access to the instrument [WPA]".[44] Feminists outside the state also believed women like Adami were important.[45] Hence, both feminists inside and outside of the SPM saw how the presence of feminists within the state could facilitate an increased impact on policy.

The presence of insiders, who continued their membership of feminist organisations, created channels through which their feminist comrades could access the SPM. For example, such connections meant that it was easier to get a meeting with SPM representatives and increased the chances that an SPM official would be present in movement events. According to Melo, setting up meetings with the Minister or her staff, was relatively easy as the SPM was committed to an interaction with the movements.[46] However, there is some evidence that the feminists' closeness to the SPM and the ease in which meetings could be arranged, depended upon having the necessary and pre-established links with people inside the SPM. This view was presented by Matos, who argued that her organisation, Fala Preta! (Speak Black

[42] Interview with Suely de Oliveira, SPM sub secretary of institutional relations, Brasilia, 10/03/05.
[43] Interview with Liege Rocha, SPM project manager, Brasilia, 03/03/05.
[44] Interview with Regina Célia Sant'Anna Adami Santos, SPM parliamentary assistant, Brasilia, 15/06/05.
[45] Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.
[46] Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo, 21/06/05.

Woman!), was not in a position where they could talk to the Minister personally, even though they had links with the SPM through the various umbrella organisations to which they belonged.[47] Matos contrasted this with the relationship her organisation, and other black feminist movements, had with the Minister of Secretaria Especial de Políticas de Promoção da Igualdade Racial- SEPPIR (Special Secretariat for the Public Policies for the Promotion of Racial Equality), Matilde Ribeiro. She was from the black feminist movement, which meant that Matos and her organisation had previously established organisational links with Ribeiro.

However, it was not only through meetings and through personal links that the SPM created opportunities for feminists to influence the SPM's work and discourses. Representatives from the SPM were present in various feminist events and the SPM invited feminists to participate in governmental arenas for the promotion of policy debate and information. This presented opportunities for both formal and informal dialogue between the two parts. The SPM argued that it was more open to civil society participation and influence than other government agencies, which the findings in this thesis support.[48] The interconnectedness between feminists and the SPM facilitated this and there is evidence for this openness presented in the following chapters.

The close relationship between the feminists and the SPM made the SPM's work easier; for instance, the feminist movements presented policy discourses to the SPM, thereby giving the SPM and its policy campaigns and recommendations' legitimacy, and feminists made the need for policy action more visible (Stetson and Mazur, 1995; Goetz, 2003: 29). However, the openness to the movements' influence created a high level of pressure on the SPM.[49] Because of the CNDM and the SPM's background, and the close links with the feminists, the SPM was presented with a myriad of demands from feminists, who saw the agency as theirs. As Freire explained: "The Secretariat is a governmental organ, but was born out of the movements; because of this, it has a strong commitment to the movements, which sees the Secretariat as their representative" (Freire, in Gomide, 2004). The SPM was unable to meet all these demands: its position as a governmental agency, the wider government agenda, budgetary constraints, bureaucratic obstacles, and having to deal with other governmental bodies with

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[47] Interview with Glaucia Matos, Executive Director of FALA PRETA! São Paulo, 16/05/05.
[48] Interview with Natalia Foutura, SPM, Brasilia, 03/03/05.
[49] Interview with Natalia Foutura, SPM, Brasilia, 03/03/05.

other policy preferences and policy framings, were all factors which limited the SPM's ability to facilitate feminist impact on policy debates.[50]

"I do not think that we were co-opted. Not yet."[51]

The complexity of the relationship between feminists and the government, caused by the large number of feminists in the SPM and the PT, created new challenges for the relationship between feminist movements and the state. Having historically been in opposition to the government, most feminists now saw their party in power. This created a dilemma. Feminists outside the state felt a conflict between their role and experiences as feminist activists, and their support for the SPM, the PT, and the government. At the beginning of Lula's term, many feminists felt that criticisms of the SPM resulted in a weakening of the legitimacy and support for 'their' WPA.[52] Hence, the possibility of having an impact on policy through the SPM was influenced, to a certain degree, by the reluctance of feminists to present positions perceived as in opposition to the government. Especially during the early years of the SPM, feminists had to come to grips with the new political environment. Many debates took place to discuss how to make use of the SPM and the opportunities to influence policy it presented, without being seen as opposing the government.

Questions of ideological or personal autonomy also influenced the feminists who had entered the SPM. Many of these found themselves torn between party, government and feminist loyalty. Nilza Iraci, the executive coordinator of Geledes- Instituto da Mulher Negra (Geledes- Negro Women's Institute), and representative for AMNB in the CNDM, discussed how the changes in the political environment had led to an identity crisis for many feminists. Long time feminists were suddenly faced with 'having to vote with the other side', i.e. the government, and having to side against their feminist comrades made them uncomfortable.[53] Feminists inside the state confirmed Iraci's point. Adami, for example, described how she sometimes had to side with the government, despite her feminist conscience telling her

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[50] Interview with Natalia Foutura, SPM, Brasilia, 03/03/05. Interview with Parecida Gonçalves, SPM sub-secretary for Action and thematic issues (2006), Brasilia, 28/02/05. Interview with Regina Célia Sant'Anna Adami Santos, SPM parliamentary assistant, Brasilia, 15/06/05.

[51] Interview with Glaucia Matos, Executive Director of FALA PRETA! São Paulo, 16/05/05.

[52] Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.

[53] Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.

otherwise.[54] The ways in which feminist autonomy was challenged by interaction with the state, was particularly acute in the CNDM. The following section explores this in more detail.

4.5 CNDM (2003-2006)

How the CNDM would operate in relation to the SPM was subject to much debate in 2003. A working group to discuss the CNDM's position was set up in 2003, which consisted of both SPM and feminist movement representatives, including Vera Soares and Betania Avila, the Coordinator of SOS Corpo (Body SOS). While some feminists defended an organisation that enabled institutional autonomy from the SPM, other parts of the feminist movements and the government proposed a CNDM that was part of the SPM (AMB, 2003: 1). The latter faction won. The CNDM was given neither institutional autonomy, staff, nor a budget of its own, and, despite what had been argued for by the feminist movements, the CNDM became a council under, rather than linked to, the SPM. Instead of autonomous staff, one of the SPM staff was given the role to act as a CNDM secretary. This signalled that the CNDM would find it difficult to make autonomous decisions or influence policy debates; it would also be less able to criticise the SPM. From the very beginning, it was clear that the SPM had the upper hand in the relationship between the government and the feminist movements in the CNDM.

The unequal relationship between the two organs was also evident in the CNDM's mandate. It did not gain a deliberative status, but became a consultative organ and a space for social control (Pimenta, 2008: 4), with the possibility to propose, rather than create public policies. The term 'social control' was used in Brazil to describe civil society participation in government bodies, as a way of participatory politics and to oversee government actions, similar to notions of accountability. The word 'deliberative' was used to suggest more power of influence or to have the opportunity to propose policies. Deliberate powers thus contrasted the consultative role given the CNDM, which could more easily be used to rubber stamp policies.

The differentiation of tasks for the SPM and the CNDM was designed to strengthen each of the agencies' roles, where one had the executive role and status and the other had a representative character (Soares, in AMB, 2003: 1). In this way, the SPM and CNDM avoided

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[54] Interview with Regina Célia Sant'Anna Adami Santos, SPM parliamentary assistant, Brasilia, 15/06/05.

competitive mandates. According to Macaulay (2003a: 22), the CNDM was maintained to avoid the SPM becoming a WPA of bureaucrats and femocrats, with no links to the movements. There was a need to secure a formalised process of civil society consultation, which was of particular importance for a party and government committed to participatory governance (Macaulay, 2003a: 22). In terms of opportunities to facilitate feminist impact on policy debates, this organisation made a clear distinction between the executive and the representative agency. It avoided overlapping mandates, and thus prevented competition and confusion between the two, which otherwise could lead to a weakening of both agencies.

Furthermore, the composition of the CNDM indicated that it would not have the same status and political force as the SPM. Whereas civil society was the basis of the CNDM, the SPM consisted of government officials who enjoyed a much higher degree of political and bureaucratic legitimacy, ensured by the SPM's Ministerial status. Sharing a role with an institution comprised of members of civil society could have robbed the SPM of the political force it had achieved through securing its high-ranking status. In terms of political advantage, the SPM enjoyed a far better chance of influencing policy than the CNDM. The CNDM, through its representative and consultative nature, opened up access to policymaking arenas for the feminist movements, provided legitimacy for policies promoted by the SPM, and provided a space for creating and maintaining links between feminist movements and the state. The two mandates thus complimented each other.

There were, however, features in the new role of the CNDM, which limited its ability to function as a space for feminists to access, and exercise influence over, policy debates. As Betania Avila argued shortly after the working groups' conclusion: the mere consultative status would weaken the CNDM politically, and it would undermine the importance of civil society participation in policymaking (Avila, in CFEMEA 2003: 3). This is an important point; for example, it is all too easy to use a consultative organ to rubber stamp government policies. Without the power to create policies, the CNDM was denied an important role in policymaking. Furthermore, it signalled that the Lula government was not willing to give decision-making powers to civil society, contrary to what civil society had expected.

Another factor that undermined the ability of feminists to influence policy was the lack of a CNDM budget and lack of autonomy from the SPM. This resulted in a council which was not able to monitor, evaluate and propose changes in government policies, neither was it in a

position to act in accordance with the notions of 'controle social' (Cabral, in AMB, 2003a). Because the CNDM was under the SPM, there were limitations as to how far the CNDM would be able to be critical to, or oppose, policies presented by the SPM. The status and mandate of the CNDM indicated that feminists would be limited in their attempts to have an impact on policy debates by acting as insiders in the CNDM. However, how far these limitations presented challenges for feminist influence depended on the extent to which the SPM consulted the CNDM and whether it followed the CNDM's advice. It also depended on feminist pressure from outside of the state to persuade the SPM and the government to follow the CNDM's recommendations.

The interaction and relationship between the two bodies was partly dependent upon the CNDM's leader. The choice of CNDM leader was controversial, and divided feminists. The government and some feminists argued for the SPM Minister to also act as the CNDM president. In the other camp were the more autonomous feminists, who wanted a representative from the feminist movements to be in charge. They argued that if the SPM Minister was in charge, it would compromise the CNDM's position.[55] A Council whose role was to oversee the government's actions could easily be diverted from criticising these acts if it was lead by a person whose loyalty undoubtedly positioned with the government. Furthermore, it would create an even further power imbalance within the Council. The autonomous feminists lost the battle. The CNDM became a Council with a mere consultative status, subordinated to the SPM, and headed by the SPM. As a result, the CNDM became fragile and lost its independence (Avila, in AMB, 2003: 1). This suggested that the government and the SPM were not willing to compromise their power when they engaged with civil society.

Although there were disagreements regarding CNDM's status, mandate and leadership, there was a consensus about its composition. Whereas one third of the representatives were from various institutions within the government, two thirds of the members represented women's networks.[56] This contrasted the earlier versions of the CNDM, where feminists represented themselves as opposed to an organisation. It also included three women known for their knowledge of women's issues. In 2003, these women were selected from the PT, academia

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[55] Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.
[56] See Appendix IV for a full list of CNDM representatives.

and the women's movements. The motive for the inclusion of the three 'knowledgeable women' is unclear. Although it could be seen as a way to increase the knowledgebase of the Council, it also suggest that an appointment of particular women to the CNDM was a way for the PT to reward long time, female PT members. Albertina Costa, who argued that the two other appointed women in the CNDM had no particular competence in feminist or gender issues, but that they had long time links with the PT, hinted at the latter point.[57]

It was decided that the government representatives would be ministers or other high-ranking governmental officials. However, in practice it was more junior members of staff who represented the ministries in CNDM meetings. In 2003-2006, these included, for the most part, women who were particularly interested in women's issues or had participated in the CNDM in the past. One the one hand, the delegation of tasks to junior staff meant that the opportunities to influence policy debates within the individual ministries were lessened, as the absence of the ministers themselves meant that these did not interact with the feminists. On the other hand, the presence of women who were already committed to women' issues, and who had participated in past CNDM administrations, facilitated more access points to influence policy and created more opportunities to find allies across ministries.

In terms of the nature of the civil society members of the CNDM, three characteristics were particularly important for their ability to push for policy impact. First, many of the women who were representatives in 2003-2006 had previously been members of the CNDM.[58] Some had been amongst the feminists who established the CNDM in 1985, such as Schuma Schumaher, the AMB representative in the CNDM. This increased the possibility that feminists would be able to further policy impact, as these women were experienced in pushing for policy influence through the CNDM.

Secondly, whereas these women had previously participated in the Council as independents, as of 2003, they were there representing their organisations. This meant that, rather than representing and presenting their personal opinions, after 2003, CNDM members represented the views of their organisations. This made them more accountable for the stance they presented inside the CNDM, as their positions were more legitimate as they had

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[57] Interview with Albertina Costa, CNDM representative, Fundação Perseu Abramo, São Paulo, 20/05/05.
[58] See http://www.presidencia.gov.br/estrutura_presidencia/sepm/conselho/historico/ for a complete list of CNDM members from 1985-2003. Interview with Albertina Costa, CNDM representative, Fundação Perseu Abramo, São Paulo, 20/05/05.

organisational backing. However, this also raised concerns about divided loyalties, as many of these organisations were linked to the PT, as discussed below. Additionally, the focus on organisations and not individuals meant that a wider spectre of women and women's interests were represented in the CNDM. It was thus more heterogeneous than its original version.

Although not all of the organisations included in the CNDM were feminist organisations as such, all were dedicated to increasing women's rights, and therefore, reflected the myriad of feminisms in Brazil.[59] Even though there were non-feminist representatives in the CNDM, as Sales Pinheiro, the SPM Vice-Minister, argued in 2005, the CNDM characteristic was increasingly becoming feminist.[60] The increasing presence of feminists in the CNDM improved their ability influence policy debates; as these women shared a similardedication to women's rights and were able to present a unified front comprised of similar policy discourses and demands. This created opportunities for a more cohesive CNDM, which could help in the drive for policy change.

However, the close connection between many of the representatives and the PT, undermined their ability to effectively argue for policy change. Although some of the CNDM councillors were used to engaging with the state through the CNDM, they had previously been in opposition to the government. It was thus not a matter of the change of the CNDM members, but a change in the policy environment that influenced the ways in which the CNDM could be a space to influence policy debates. From 2003, many of the councillors found themselves in a compromising position because of their past or present PT militancy. Others faced conflicting loyalties because of their organisations' close links with the PT, such as worker's and rural worker's unions. Likewise, the women selected for their knowledge of women's issues, also had connections with the PT. These links interfered with the CNDM councillors' ability to be critical of the government's actions and policies.[61] The ability to maintain an autonomous feminist position while interacting with the government through the CNDM, was similarly compromised.[62]

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[59] Interview with Maria Laura Sales Pinheiro, SPM vice-Minister, Brasilia, 03/03/05.
[60] Interview with Maria Laura Sales Pinheiro, SPM vice-Minister, Brasilia, 03/03/05.
[61] Interview with Albertina Costa, CNDM representative, Fundação Perseu Abramo, São Paulo, 20/05/05.
[62] See chapter five for an example of how governmental links influenced feminist abilities to gender a policy debate.

Two years into the CNDM's new role, there were concerns about its abilities. Its limited status and mandate, and the lack of a clear definition of its role and functions, resulted in councillors arguing that the CNDM had, in fact, done very little.[63] This was particularly in relation to policy influence. This statement hints at a Council that was unable to act as a facilitator for feminist impact on policy debates, which was limited in its activities because of its weak mandate. Although the potential for influencing policy had improved with the change of Minister, there was still a sense of lack in terms of the CNDM's potential to engage in policy processes. For example, it was argued that it was the SPM which brought issues for the Council to discuss, rather than it being a two way process.[64] Costa argued that the councillors had less importance than previously, and that the CNDM was more or less an ornament.[65] This, she argued, was because councillors had more importance in a fragile institution, than in a strong WPA, such as the SPM. In this way, feminist concerns about CNDM subordination leading to less impact on policy debates were justified. During its first year of operation in its new form, the CNDM's meetings focussed on clarifying the roles of the SPM and the CNDM, and preparing for the Women's Conferences taking place the following year.

4.6 The National Conference for Women's Policies and the National Plan for Public Policies for Women

In 2004, the efforts of the SPM and the CNDM concentrated on the Conferencia Nacional de Politicas para as Mulheres -CNPM (National Conference for Women's Policies), which resulted in the creation of the first Plano Nacional de Politicas para as Mulheres- PNPM (National Plan for Public Policies for Women). Both the CNPM and the PNPM were evidence of the level of feminist access to government and the impact they could have through the SPM. Some facts illustrate this point. Prior to the CNPM, a series of local and state Women's Conferences took place, in which more than 120,000 women participated. At the CNPM, taking place in Brasilia 15-17 July 2004, 1787 delegates and 700 invited people (including a large number of government officials) were present (SPM, 2004: 13). The 3440 suggestions put forward by women and women's organisations during these conferences, resulted in the

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[63] Interview with Schuma Schumaher, Executive coordinator of REDEH and CNDM representative for AMB, Rio de Janeiro, 14/02/05. Interview with Maria Ednalva Bezerra de Lima, CNDM representative for CUT, São Paulo, 30/05/05. Interview with Albertina Costa, Fundação Carlos Chagas and CNDM representative, São Paulo, 20/05/05.
[64] Interview with Maria Ednalva Bazarra de Lima, CNDM representative for CUT, São Paulo, 30/05/05.
[65] Interview with Albertina Costa, CNDM representative, Fundação Perseu Abramo, São Paulo, 20/05/05.

creation of 199 plans for action in the PNPM (SPM, 2004).[66] The high number of participants willing to engage in a 'directed mobilisation', and the high number of proposals and plans for action suggest that the CNPM was an important access point for women and feminists to the key policymaking arena for gender policies. This is elaborated upon below.

As the SPM incorporated women and their demands in the policymaking process, it is evidence of the SPM's ability to facilitate women's impact on policy debates, and on policy formation. A specific indication of feminists' influence on policies in the PNPM, was the inclusion of the principle of a woman's rights to make decisions over her own body and life (Costa, 2008: 4). This principle directly linked to the discourses of the feminist movements, who partly framed their campaigns for abortion rights as 'women's right to choose'. Through the PNPM, the SPM gave feminists access to the key policymaking arena for women's policies, as the plan was to guide the government's actions in gender related policies for the following years. The inclusion of feminist discourses, as further elaborated upon in Chapter Five, signified that feminists had an impact on these policy debates.

Although evidence that feminists had an impact on policy debates is available in the national arena, there were obstacles to their ability to influence policy in the preparatory processes at local levels. Unfortunately, many of the local conferences were hampered by party politics. In states and municipalities governed by parties not in federal government, there was less commitment to the women's conferences.[67] In some cases, as in São Paulo, it was, in practice, the feminist movements, rather than the government, which organised these conferences. Consequently, feminists enjoyed a high level of influence over the proceedings in some of these conferences. Nevertheless, the failure of some local governments to engage with the conferences hindered the impact feminists could have on local level policymaking, because they were denied the legitimacy the government's participation would have provided, and because of the limited resources allocated to the conferences.

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[66] Interview with Liege Rocha, SPM project manager, Brasilia, 03/03/05. These included 76 plans for action and five priorities in the area of work and citizenship, 32 actions and six priorities in education, 39 actions and six priorities in health, and 31 plans of action and seven priorities in the area of violence. An assessment of the implementation of this plan is beyond the scope of this thesis, although some parts of the plan are discussed in chapters five and six.

[67] Interview with Leonora Menecucci, University of São Paulo and part of the coordination board of the Jornadas, São Paulo, 27/05/05.

In some places where conferences were set up, party politics hindered effective policy influence. According to one participant, the conference theme was sometimes lost due to intra-party fighting.[68] In other cases, the lack of necessary infrastructure presented obstacles to women's access to the policy-making arena, and impact on the policy debates. For example, transport was needed to enable the participation of women from outside the city in which the conferences took place. Limited public transportation and the lack of funding for these women's participation, meant an under representation of poor women and those living in the outskirts. This, inevitably, had a negative impact on the participatory policymaking process.

Despite these problems, the CNPM and PNPM served to make women's policies more visible at local levels. This is important, as the federal nature of the state means that much of the policy implementation is the responsibility of the state and the municipality, and an important aspect of the SPM's work after the creation of the plan, was to ensure local commitment by making pacts with individual governments. As of May 2006, about 160 municipalities had made a pact with the SPM about implementing the PNPM (SPM, 2006). The SPM's ministerial status facilitated the creation of these pacts, because the status ensured political leverage and indicated the importance of women's policies.[69] In addition, the close work with local governments resulted in a steady rise in the number of local WPAs, which increased feminist opportunities for access to local policymaking arenas.[70]

The increased attention to women's policies by the federal authorities did not only influence governmental institutions, the PNPM also provided women and feminists with important resources. A clear policy plan created a rallying point around which women could organise, and the pacts with the SPM created the opportunity to hold governments accountable.

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[68] Interview with Marlise Matos, National Coordinator of NEPEM, Federal university of Minas Gerais, Belo Horizonte, 06/06/05.

[69] Interview with Regina Célia Sant'Anna Adami Santos, SPM parliamentary assistant, Brasilia, 15/06/05. Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.

[70] The number of WPAs rose from 13 in June 2003, to 101 towards the end of 2005 (SPM, 2006b). These met in a 'Forum for governmental organs for women's policies', which stimulates the sharing of ideas and information between these agencies. The SPM also hosted a National Conference for these organs. Nevertheless, as of May 2006, there were still some states with no women's councils and most of the WPAs were clustered in the south of the country. Interview with Liege Rocha, SPM project manager, Brasilia, 03/03/05.

The number of women participating in these processes indicated that the conferences did stimulate increased mobilisation. This increased mobilisation can also be seen in the creation of new and stronger alliances among women. For example, the conferences prompted an alliance of women from 23 municipalities in the state of Alagoias, which resulted in the first National Conference for Indigenous women.[71] Faria (2004: 27) agrees with this observation: "since it [the conference] was announced, we are taking part in an increased mobilisation and an increased participation in the municipal plenary, which have created very representative state conferences".

This was particularly true for the feminist movements. Their increased mobilisation prior to the conferences was visible in their web-based debates and in their published documents describing their hopes and demands for the PNPM.[72] Feminists also made use of their presence in the CNDM to influence the policy debates and policy formation, and the CNDM presented many of their demands in the preparation documents for the conferences.[73] However, Matos points out that poor women were scarcely represented at the conferences, as most of the movements participating at the conferences were those already present in state and national policy debates, and these organisations were comprised predominantly of middle-class women.[74] From this observation, one could argue that the conferences were not able to promote increased participation from wider society, thus mirroring experiences from other participatory measures initiated by the PT, but rather secured increased feminist mobilisation.[75]

The high level of feminist mobilisation and participation in the women's conferences in 2004 sheds light on the political context of the time. Civil society believed that Lula's government would bring a more participatory and democratic government. Feminist activism during the conferences is an example of what Hochstetler (2006: 15) calls 'supportive mobilisation': where the feminists believed that they "shared a political project with the government". The participation in the women's conferences was the "fruit of the large expectations of the social

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[71] Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.
[72] See for example: Abong, 2004; AMB, 2004.
[73] This is elaborated upon in chapter five.
[74] Interview with Marlise Matos, National Coordinator of NEPEM, Federal University of Minas Gerais, Belo Horizonte, 06/06/05.
[75] A similar argument was made for the PT initiated participatory budgeting processes, which highlights/points out that it is those already participating in politics, who take part in the budgeting process. See Houtzager, 2003 for a further elaboration of the budgeting process.

movements to the Lula government" (Faria, 2004: 27). As Matos explained, previously the feminist movements had arranged parallel conferences to the government initiated spaces, but because they still believed in the democratic and popular (for the people) government, they did not do so in 2004.[76]

Although this was 'directed mobilisation', feminists used this space for autonomous policy demands. According to Menecucci, the widespread mobilisation and the autonomous action from parts of the feminist movements was counter to the government's plan:

> civil society participated, the SPM did not expect civil society to participate as it did. Because they wanted to manipulate all the decisions. Wanted it to be party based. But civil society participated and it is diverse. The Conference was very difficult because we, AMB, Rede [Saude], Marcha [Mundial das Mulheres] and Articulação de Mulheres Negras united and we were able to get something forward against the government. The question of legalisation of abortion, this was against the government.[77]

As Menecucci argued, the government believed that it could control the CNPM and manipulate the policy proposals made in this arena. Because of the close links between the feminists and the PT, the SPM had reason to believe that feminists would not act contrary to government wishes. What the feminists signalled through their activism was that they were strong enough to organise around a common goal and that they were able to act autonomously from 'their own' government when needed. For the feminists, as well as for the SPM, the CNPM became a space of learning. This was not only in terms of the level of participation and policy influence allowed for feminists, but also in terms of how to maintain autonomy while engaging in directed mobilisations. In no debate was this clearer than in the abortion debate, to which the next chapter turns.

4.7 Conclusion

In what ways did the SPM's characteristics and activities shape the possibilities for feminist influence through the SPM? This chapter has argued that feminist abilities for policy impact through the SPM was considerable enhanced by the SPM's establishement, characteristics and activities. The SPM provided the feminist movements with several accesspoints to its own organisation, but also to other policy debating and policymaking arenas. The feminist nature

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[76] Interview with Glaucia Matos, Executive Director of FALA PRETA! São Paulo, 16/05/05.
[77] Interview with Leonora Menecucci, University of São Paulo and part of the coordination board of the Jornadas, São Paulo, 27/05/05.

of the agency meant that it was more likely to accept feminist demands for participation in policy debates, and increased the chances for securing active support for feminist proposals from the SPM. The activities initiated by the SPM reflected its support for many feminist policy goals and discourses, and its policy priorities were similar to that of the feminists. This created important opportunities for feminists to influence policy debates through the SPM.

This chapter started with an exploration of the SPM's background, which discussed how the CNDM's history was important for feminists in 2003 for many reasons. Feminists had positive experiences of engaging with the state. Based on their interaction with the CNDM in the 1980s, feminist knew that the state could be vital in facilitating feminist impact on policy debates, as it could provide a more favourable political environment. Although the weakness of the CNDM continued throughout the 1990s, its sustained presence signified the importance of having an WPA at the federal level in terms of the legitimacy it gave to the government. This WPA was already in place, had a long history, and at one time had enjoyed a high level of legitimacy. Advocating for its upgrade was easier than having to start from nothing. Helping with this push were the feminists in the CNDM and in the SEDIM that, in 2002, were in a better position to advocate for a WPA upgrade than those with few links to the old, or the new government.

The chapter then moved on to explore the SPM's characteristics. Despite some limiting factors, such as its inadequate resources and its ambiguous relationship with the power centre, there were several indicators that the SPM facilitated increased feminist access to policy debating and policymaking arenas. The SPM's presence increased feminist chances for impact on policy debates. Paradoxically, the lack of presidential support for its policy activities and its marginal position within the government enabled the SPM more dialogue with the feminist movements, and meant that it was more willing and able to accept feminist demands. The SPM facilitated feminist impact on policymaking processes in several ways: the high number of feminists and feminist sympathisers in the SPM; the provision of resources to feminist movements; the democratic nature of the Minister Nilcéa Freire; and the close links between feminists and the PT. Although this close relationship presented feminists with the problem of divided loyalties, feminists outside the state were able to maintain an autonomous position. This became clear during the women's conferences in 2004.

As discussed in this chapter, the CNPM and the PNPM served as rallying points for women and feminist movements alike. Furthermore, the PNPM and the events leading up to this plan, served as important access points to both policy debating, and policymaking arenas. The policy debates at the CNPM, upon which the PNPM was based, were clearly influenced by feminist discourses on important policy areas such as reproductive rights. This suggests a high level of feminist impact on the policy debates concerning women at the time of Lula's first presidential term. Hence, the SPM's actions during these processes signalled that it could provide feminists with significant resources to influence policy debates and processes.

However, the CNDM did not have the level of political force that it had enjoyed during its heyday. Feminists were thus concerned about the CNDM's ability to act as a tool to further feminist impact inside the state. The feminists' disappointments and disagreements with the CNDM's new role and status, point to some of the complex issues surrounding an institutionalised presence of civil society inside the state. The SPM and the CNDM's history confused the distinction between the executive and the representative governmental body. The WPAs were products of feminist campaigning, which created a strong sense of ownership. This justified feminist demands for influence over the CNDM's role and functions. On the one hand, the weakening of the CNDM limited its ability to work effectively as a tool to enable feminist influence on policy debates. On the other hand, the SPM had a clear mandate and the legitimacy of a ministerial status, which facilitated opportunities for feminists to have an impact on policy. The SPM's ministerial status and its position vis-à-vis the power centre were influential factors in the ability of feminist to affect the two policy debates analysed in this thesis. This was particularly the case in the abortion debate, to which this thesis now turns.

Chapter Five: Decriminalising abortion

5.1 Introduction

In 2005, Brazil experienced one of its most intense and widespread debates about decriminalising abortion to date. What made this different to previous debates was that it was discussed inside the government. Even more significant, this took place whilst a party with a history of supporting abortion rights was in power. Furthermore, this government took an active role in the debate; it openly supported women's right to choose and proposed a change in legislation. What also made this debate stand out from the others was that it ceased to be a discussion that took place mainly amongst feminists and religious entities, and became subject to widespread national debate. However, what made it similar to previous attempts to decriminalise abortion was that it failed.

This chapter argues that the Secretaria Especial de Politicas para as Mulheres (SPM), though failing to facilitate legislative change, provided feminist movements with considerable resources and opportunities for access to, an impact on, the policy debate that dealt with abortion. The findings in this chapter suggest that feminist proximity to the left, joined with the left being in power, was important for feminists in their attempts to affect policy change. This debate also illustrated how shifts in the policy environment are important factors in determining the influence feminists and Women's Policy Agencies (WPAs) can have over policy debates.

This chapter takes us back to the 2004 Conferencia Nacional de Politicas para as Mulheres-CNPM (National Conference for Women's Policies) and shows how feminists made use of this opportunity to demand more say in policy matters. At the Conference, feminists successfully increased their sphere of influence. Their pressure on the SPM resulted in the creation of a new significant opportunity to have an impact on policy: a governmental Commission to discuss the abortion legislation. The ways in which feminists, the SPM, the rest of the government, the media and the counter-movements operated during this Commission, provides insight into the ways in which the SPM was able to facilitate a feminist impact on policy debates.

The next part of this chapter, section 5.2, presents the legislation, facts and figures needed to understand the background of the feminist demands for the decriminalization of abortion.

Section 5.3 follows with a discussion of abortion debates prior to 2003, highlighting past feminist actions and government responses, and 5.4 provides analysis of the policy environment during 2003-2006, focussing on both the negative and positive factors which influenced the abortion debates during this time. An exploration of the feminist movements' characteristics in relation to abortion follows in section 5.5, before 5.6 examines the abortion debate in detail, from its emergence in 2004, to the presentation of the law proposal to decriminalise abortion in September 2005. Although legalisation and decriminalization is not the same issue, I have opted for the use of the notion 'decriminalization' in this chapter. Although legalisation would be the ultimate goal, decriminalization would have been the likely outcome of a policy change in 2003-2006.[1]

5.2 Legislation, facts and figures

The Brazilian Penal Code, which dated back to 1940, stated that abortion, deliberately induced by a woman bearing a foetus, or with her consent; or when induced by a third party, with or without the women's consent; was a punishable crime against life. However, two exceptions were included: when there was fear for the mother's life, or when sexual violence had resulted in pregnancy.

Even more than 60 years later, despite these exemptions, there was only limited access to public health services providing legal abortions.[2] For example, in 2004 only 1600 legal abortions were performed by the National Health Service (SUS) (Jornadas, 2004), a low rate compared to the 1998 estimate of 940,660 illegal abortions (Faúndes et al: 2004, 48). The limited availability of legal abortions was rooted in a number of factors, but was largely because of the attitudes of the members of the medical profession.[3] There was a lack of knowledge about the abortion law amongst many doctors (Adesse, 2005: 155), while others feared the consequences of performing a legal abortion. Without a judge's authorisation, doctors were not be sure of the legality of the abortion demanded on the grounds of rape

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[1] Decriminalization and legalisation are often used interchangeably. Legalisation is the preferred outcome of abortion policy change; not only does this mean that women have the right to choose for themselves, but this could also mean that abortion services would be more accessible in public and private hospitals, and would be safer, cheaper and more accessible for a larger part of the population. Decriminalization, on the other hand, would not make the practice legal, but those performing or having abortions, would not be subject to prosecution in all, or some cases. In this way, decriminalization would be an important step on the way to legalisation.

[2] For example, in 2004 only 1600 legal abortions were performed by the National Health Service (SUS) (Jornadas, 2004), compared to an estimated 940,660 illegal abortions in 1998 (Fau'ndes et al: 2004, 48).

[3] Other explanations include lack of resources; limited accessibility to public hospitals for pregnant women, particularly in rural areas; and the fear and stigma attached to women who have abortions.

(Adesse and de Almeida, 2005: 155). Furthermore, doctors' religious beliefs influenced whether or not they would decide to perform an abortion, as they had the right to deny the perform actions that went against their conscience. This indicated that it was the willingness, or more often, the unwillingness, of medical personnel that determined whether the law was applied or not (Faundes et al, 2002: 121).

Although abortion was a crime, an estimated 37% of all pregnancies in Brazil ended with an abortion (Sardenberg, 2007: 1).[4] Whereas women from the middle and upper classes could afford to have illegal abortions in a private clinic with professional medical personnel, poor women tended to resort to clandestine clinics, back-alley practitioners, or inducing the abortion themselves. As a result, abortion was the fourth most common cause of maternal mortality (Correa et al, 2005: 73) and 50% of the annual national obstetrics budget went to treating women with post-abortion complications (Guedes, 2000: 67). Self-induced abortion was often carried out with the prostaglandin drug misoprostol (Cytotec), which was normally used to treat ulcers. Though this drug was illegal, it was easily available and relatively inexpensive (Adesse, 2005: 155). This drug reduced the serious complications that women often faced when self-inducing abortions, and had reduced the number of related serious illnesses and disabilities, as well as mortality rates (Guedes, 2000: 67; Adesse, 2005: 155).

5.3 Abortion debates prior to 2003

The legislature had held debates on abortion since 1949, when the Catholic Church attempted to withdraw women's rights to abortion in the two cases exempted in law (Rocha, 1999: 60; Guedes, 2000: 70). Although this attempt failed, the Church continued to be a significant actor in the abortion debates. The Church's framing of the abortion debate was based upon its view of women as mothers: abortion was considered an immoral act, but it also went against the natural state of women- motherhood. According to the Church, the 'dedicated mother' should put her unborn child first, despite any suffering the woman has, or will go through because of the pregnancy (Amaral, 2008: 3).

The medical profession entered the scene in the 1970s, challenging the Church's hegemony on the framing of the abortion debate, and abortion started to be linked to women's health, not

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[4] No reliable statistical evidence is available on provoked abortions alone, due to (a high level of) underreporting and reporting cases of provoked abortions as spontaneous.

just to morality.[5] In addition, some of the legislation proposed during the 1970s, was related to demographic concerns.

In the following decade, feminist movements increased in number and their influence over policy improved. As a result of feminist campaigning, and their framing of abortion, between 1983 and 1991, the abortion and reproductive rights debates became more prevalent in both government and Congress.[6] Scavone (2008: 676) argues that the feminist strategy to de-radicalise their discourses in order to gain political influence, a characteristic of the 2003-2006 debates, started already in the 1970s and 1980s. And this tactic was successful, as the increased feminist impact on abortion debates in the 1980s suggests.

During the 1980s, feminists started to talk about abortion rights as matters of individual and social rights, which still influenced their discourses two decades later (Scavone, 2008: 676). However, instead of using the word 'abortion', feminists made use of notions such as 'being able to choose the number of children' and 'the right to know and decide over their own bodies' (Teles, 2003: 146). Furthermore, they focussed on decriminalization, rather than legalisation, and on securing access to legal abortions. This, again, was a characteristic the abortion rights movements brought with them into the following decades. This choice of strategy, which Scavone calls 'negotiating', resulted in significant policy gains. For example, feminists abilities to influence policy makers to acknowledge their demands was the the creation of the Programa de Assistência Integral à Saúde da Mulher- PAISM (the Comprehensive Programme for Women's Health) in 1984, which included pre and postnatal care, and access to contraceptives (Woitowicz, 2008: 2).

Feminist and medical influence on policy debates was also evident in the legislature. In fact, the majority of the Law Projects (PL) presented between 1946 and the early 1990s were in favour of increasing abortion rights (Rocha, 2004: 4). This was despite the increasing influence of the Evangelical Churches, which, like the Catholic Church, defended life from conception. This signals that feminist tactics to influence policy debates had been significant.

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[5] Medics were advocating for the distribution of contraceptives, and for allowing interruptions of pregnancy in cases of grave and irreversible foetal anomaly, and when the mother is HIV positive.
[6] The first bill which was influenced by feminists was presented by the Deputy Cristina Tavares in 1983 (Rocha, 1999: 62).

One of the most important periods for mobilising around abortion issues was the time of the Constituent Assembly, when abortion became one of the most controversial issues of discussion. The federal Constitution of 1988 stated the inviolable right to life. However, the feminist movements, with the CNDM and the Bancada Feminina, had prevented the inclusion of 'from conception' in the definition of right to life, thus making sure that abortion would not be unconstitutional (Pitanguy, 1998: 105). Though feminists had been unsuccessful in establishing a legal right to abortion, they were able to mobilise enough forces to stand against the movements that wanted to restrict all abortion rights. A period of intensification of abortion debates in Congress followed (Rocha, 2004: 4).

Intense abortion debates continued throughout the first half of the 1990s. Feminists focussed on the congressional arena to influence policy, because the CNDM's power was diminishing and the impeachment of the President Collor in 1992 impeded the relationship between civil society and the state (Barsted, 1993: 246; Correa et al, 2005: 73). In the first half of the 1990s, two Law Projects (PLs) were noticeable: the PT bill, PL 20/91, requiring all public hospitals to perform legal abortions; and Eduardo Jorge and Sandra Starling's PL 1135/91, which, if passed, would legalise abortion.[7] Although there were several other PLs relating to abortion in the 1990s, before 1996, only one PL was submitted which was explicitly opposed to abortion (Rocha, 1999: 64). During the 1990s, the majority of PLs were aimed at liberalising the abortion legislation. There was also an overall increase in abortion related PLs (Guedes, 2000: 69). This development highlights a high level of feminist abilities to have an impact on policy debates, and to find allies willing to support their demands.

Whilst abortion and reproductive rights debates were flourishing in the national arena, international attention focused on similar issues.[8] This provided a favourable policy environment for the Brazilian feminist movements. As Htun (2003: 150) suggests "The Cairo and Beijing documents, for example, helped legitimize feminist arguments in domestic politics and served as instruments of consciousness raising and political mobilizations". International attention to reproductive rights and the government's commitment to

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[7] After years of waiting to be put to the vote, in 2008 the PL 1135/91 was rejected in two Parliamentary Commissions. Although the PL was rejected, it could go to the vote in the Plenary if it had the support/signatures of 51 Deputies. However, due to the low support it has in the Commissions (only 4 are in favour in the Commission of Constitutionality, justice and citizenship), such support is unlikely at the present.

[8] The most important arenas for reproductive rights debates were the 1993 Vienna Conference on Human Rights, the 1994 International Conference on Population and Development in Cairo, and the 1995 Women's Conference in Beijing.

international platforms served to legitimate feminist demands. The signing of agreements related to reproductive rights created opportunities for feminists to hold the government accountable to its obligations. At the same time, the rise of the international reproductive rights movements served to strengthen the national movements by providing an arena for sharing experiences, and by increasing the pressure on policy makers in the international and national arenas.

The media also gave increased attention to the abortion question during the 1990s.[9] Popular interest increased and abortion debates in the newspapers moved from the politics pages to the editorials (Pazello and Correa, 2002. 147). The abortion debates in this period were characterised by the variety of voices reflected in the media, some of which were feminist.[10] In 1997, the vote on the PL 20/91, which guaranteed access to legal abortion, sparked intense debate. This coincided with Pope John Paul II's visit to Brazil and the Minister of the Federal Supreme Court voicing strong opinions in favour of women's right to choose (Melo, 2001: 265; Pazello and Correa, 2002: 147-149). A media analysis of abortion debate coverage in the 1990s, found that 45% of the instances mentioning abortion, presented a position favourable to legalisation (Melo, 2001: 265).[11] Nevertheless, media analyses of the period recognised a high level of religious influence on the media's portrayal of abortion debates, with no systematic reference to demographic, political, scientific or economical points of view (Pazello and Correa, 2002:147), suggesting that the Catholic Church's hegemony on framing abortion was not seriously challenged. This indicates that feminists, and others presenting alternative abortion discourses, had problems gaining systematic access to the media, hence were unable to make use of this valuable resource to change public opinion. The battle between feminist and religious discourses on abortion continued throughout the 1990s and early 2000s. The dominance of religious views in the media combined with the Church's influence in the legislature, and from 1999, there was an increase of PLs motivated by religious ideals.

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[9] In 1995-97, abortion was mentioned a total of 1329 times in the four leading Brazilian newspapers (Meloabortoimnprensa).

[10] In a qualitative analysis, the Political, Juridical and Religious entities had an equal share of media coverage, each being the principal speakers in 14.4 % of the material relating to abortion. In contrast, only 4.7% of the space dealing with abortion was given to movements, including, although not specifically, feminists (Pazello and Correa, 2002).

[11] In 1996, media coverage of abortion was in favour of abortion in 46% of the cases, against in 28% of the cases, and neutral in 26% of the cases.

Feminists tried to counter this by stressing the secular principles of the Brazilian state. They presented abortion as a matter of women's human rights; as a woman's right to choose; and, in a juridical sense, argued that legalising abortion would modernise the law (Guedes, 2000. 69). However, the most common frame presented by the feminists in the late 1990s and early 2000s, was abortion as a matter of public health. Feminists linked high maternal mortality rates with illegal abortions, framing these as 'insecure abortions' (Scavone, 2008: 677). Their arguments were backed by the findings of a 1998 Parliamentary Commission investigating maternal mortality. This research, and the influential Conselho Nacional de Saude's (the National Health Council) recommendation to legalise abortion to the Health minister in 1999 (IACHR, 2007: 3), indicated that feminists had influential allies, as well as legitimate arguments and demands in their pursuit of abortion rights.

Although feminists mobilised around abortion in the 1990s, their institutionalisation in NGOs, and their focus on national and international activism, led to a de-radicalisation of the movements. They focussed on strategies to avoid conflict, rather than to pursue a very radical agenda (Scavone, 2008: 678). Hence, reproductive rights' activism concentrated on the high rates of sterilization and increasing access to legal abortion, rather than on legalisation (Barsted, 1999: 24; Correa, 2005: 208; Adesse, 2005: 155; Scavone, 2008: 678). Until 2003, the focus had been on putting out fires: "to react to evident threats to existing abortion rights rather than to plan ahead in a proactive fashion to achieve change" (Sardenberg, 2007). Legalising abortion was never taken off the feminists' policy agenda; however, they did not change their focus to legislative reform until 2000 (Soares, 2007), and it did not have much prominence in feminist campaigns until 2003.[12]

Opinion polls in the late 1990s suggested that the majority of parliamentarians supported public provision of legal abortions. Around half of the 1999-2003 parliamentarians were favourable to increasing abortion rights, and only 9% opposed legalisation of abortion in all cases (Rodrigues, 2000: 17). These figures indicated a favourable environment for feminist to be able to influence the policy debates. Feminists could also find openings within the political system. Although most parties would not support legalisation, they would not defend restricting the right to abortion either (Htun, 2003: 161). The PT and the Partido Communista do Brasil – PcdoB (the Brasilian Communist Party) stood out because of their inclusion of

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[12] Interview with Tania Lago, CEBRAP, São Paulo, 30/05/05.

abortion on their agenda (Guedes, 2000: 72). As no major party had an official position on abortion (Htun, 2003: 158), this left individual politicians free to engage in abortion debates and to present proposals according to their own convictions. However, because of the controversial nature of abortion, engaging in abortion debates could come at a high political cost to the politicians (Guedes, 2000: 17), as is exemplified below. The greatest hindrance to the advancement of abortion legislation was not the opposition to the case per se, but rather the lack of political will to put abortion on the agenda.

The ability of the feminist movements to influence policy debates on abortion in the late 1990s and early 2000, can be seen in the Cardoso government's adoption of feminist abortion discourses. Cardoso was personally in favour of decriminalization (Macaulay, 2003b: 23); hence, he did not oppose abortion rights, nor did he have links with the anti-abortion movements. This created a favourable policy environment for feminists. For example, both the human rights and the public health framing of abortion issues were visible in 2002, when the Human Rights Programme framed its discussions of abortion as a matter of public health and suggested an alteration of the penal code regulating abortion (Ventura, 2005: 4). This paralleled the Ministry of Justice, which stated that abortion should be considered a matter of public health and that legal abortion should be guaranteed in the public health service (Htun, 2003: 160-1).

The Cardoso government's approach to abortion created pockets of opportunities for feminists to find allies inside the government. Similarly, there were allies to be found inside the political parties and in Congress. Although the Catholic Church had a long history of influencing abortion debates in Congress, feminist influence was visible in the number of PLs favourable to guaranteeing and increasing women's access to abortion. The 1990s and early 2000s was a time when there was a greater potential to reform the legal standing of abortion. As Htun (2003: 149) suggests, this was a time of growth for the reproductive rights movements on national, regional and international level. However, the feminist movements failed to secure the legalisation of abortion in Brazil during this time. Htun (2003: 149) concludes that this was due to the increased attacks by the Catholic Church on abortion rights, and the increased growth of the anti-abortion movement. The ways in which these factors influenced the policy environment in 2003-2006, are of central concern in the next section.

5.4 Policy environment 2003-2006

The policy environment in which the abortion debate took place was characterised by a set of contradictory factors. First to be assessed in this section are those factors favourable to increasing feminist abilities to push for the legalisation or decriminalization of abortion. There were several signs at both the legislative and executive level, which indicated that the probability of securing an increase in abortion rights was high when Lula came to power (Ventura, 2005: 4). As outlined above, the previous government had taken a positive position and presented discourses sympathetic to feminist standpoints. Additionally, it had made international commitments to improving reproductive rights, which the new government adhered to. For example, in 2003, the SPM Minister, Emilia Fernandes, stated that there was a need for a reform of the laws dealing with abortion when she presented the Brazilian Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) report to the UN. Two years later, Nilcéa Freire reconfirmed this commitment at the Beijing +10 meeting in New York.

When the PT came to power in 2003, it was with a background of promoting reproductive rights policies. It had been at the forefront of the drive to increase women's access to legal abortions (Macaulay, 2003b: 16) and had been the most prominent party in the campaign to increase abortion rights (Htun, 2003: 161). When the PT came to power it was, therefore, experienced in partaking in abortion debates and in supporting feminist demands. Furthermore, the support for the decriminalization of abortion at the National PT Congress in 2007 indicates that the majority of PT members were favourable to decriminalization in the time leading up to this congress (Fernandes, 2007: 1). In 2003, the nature of the party in power thus created opportunities for feminists to find allies in their fight to legalise abortion.

However, the SPM's predecessor's primary focus on Violence against Women (VAW) meant that there was a lack of institutional experience of working on the issue of abortion. This did not improve in the first year of the SPM's existence, as reproductive rights were not mentioned in any of its documents (Macaulay, 2003b: 23). This improved during Freire's administration; for example, the SPM initiated working groups on both sexual and reproductive rights, and on maternal mortality. Additionally, the SPM took a leading role in the abortion debate that took place in 2005. The presence of feminists in the SPM and its activities, particularly after the change of Minister, signalled that it was favourable to the

decriminalization of abortion. This was of vital importance for the ability of feminists to influence abortion debates.

The SPM was an important ally for feminists inside the government, as were two other government organs: Secretaria Especial de Políticas de Promoção da Igualdade Racial - SEPPIR (the Special Secretariat for the Public Policies for the Promotion of Racial Equality) and the Ministry of Health. The long-time feminist, Matilde Riberio, headed the SEPPIR. She was a valuable resource for feminists because she had a Ministerial status, was in favour of legalisation to promote women's right to choose, had maintained strong links with the feminist movements throughout her administration, and participated actively in both government and feminist initiated abortion debates.[13] Her support further legitimised the abortion debates because it meant the SPM was not the only Secretariat dedicated to promoting women's reproductive rights. Furthermore, Ribeiro's engagement served to stir abortion debates in an additional Ministry.

The Ministry of Health continued to be an important ally for feminists in the abortion debates. The relationship between the two entities was strengthened by Lula's coming to power, as the feminist Maria Jose Araujo became head of the women's branch of the Health Ministry. She provided the feminists with similar support as Ribeiro did. Additionally, Araujo's position facilitated feminist access to one of the key ministries dealing with abortion related issues. As Leila Adesse, the coordinator of the Brazilian branch of the feminist health organisation IPAS, stated, there were no difficulties in gaining access to the women's section of the Ministry of Health.[14] IPAS had established previous links with Araujo while she was in local government, and these remained as Araujo entered the Health Ministry. This enabled the creation of alliances, and secured IPAS' access to the Ministry of Health.

As it had done during Cardoso's administration, the Ministry of Health continued to frame abortion as a matter of public health. In fact, the Health Minister himself, Humberto Costa (2003-2005), argued in his first interview as a Health minister, that abortion was one of the key issues in the area of public health (Jessouroun, in IPAS, 2009). According to Jessouroun (in IPAS, 2009), that was important because it was the first time that the Ministry had dealt

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[13] Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.
[14] Interview with Leila Adesse. IPAS. Rio de Janeiro 16/02/05.

with this issue with such openness. Furthermore, the Ministry was part of a national pact to prevent maternal mortality and created National Policies for Family Planning. In 2005, the Ministry presented a technical norm that stated that women, who went to hospital because of complications from self-inflicted abortions, should receive professional and respectful treatment from medical personnel (Ventura, 2005. 4). The Health Minster, Costa, went even further and publicly declared his support for women's access to legal abortions (Athias and Collucci, 2004; Collucci, 2005a). He also stated that, even though he respected the Church's opinions in relation to abortion, the government's emphasis had to be on women's health and their right to control their own bodies, and that he was in favour of women's right to choose (Athias and Collucci, 2004). A favourable policy environment was thus facilitated by the Health Minister's personal support and by the actions of his Ministry.

Additionally, the prospects of feminists being able to have an impact on policy were influenced by the development of another reproductive rights debate: a debate about the right to abortion in cases where there is no cerebral activity of the foetus (anencephaly). This was initiated in 2004 and continued parallel to, and was sometimes part of, the general abortion decriminalization debate. In 2004, the Federal Supreme Court ordered that abortion was legal in cases of anencephaly. The background for this was that after 1989, around 3000 abortions had been authorised in cases of anencephaly (Diniz, 2007a: 64).

The heightened debate that followed, and the positive policy response from the court, was the result of feminist pressure, particularly from the feminist NGO, ANIS- Instituto de Bioética, Direitos Humanos e Gênero (ANIS- The Institute of Bioethics, Human Rights, and Gender). With its headquarters in Brasília, ANIS has been conducting its activities since 1999, and was the only Latin American NGO "devoted to bioethics research, advocacy, and education" (ANIS, 2009). It can be argued that feminists' success in gaining both access to and impact on the anencephaly debate lies in ANIS's framing of the discussions. It defined the issue as 'the therapeutic anticipation of childbirth in cases of anencephaly'.[15] This provided distinct triggers to the debate. First, this definition avoided the use of the word abortion. This served to remove anencephaly from the general abortion debates and thus limited some of the stigma normally attached to abortion. Secondly, this framing stirred an interest in the matter due to the lack of available information on the subject; there had been little public interest in the

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[15] Interview with Debora Diniz, ANIS/University of Brasília, 16/06/05.

matter up until then, hence few knew what either anencephaly, or therapeutic anticipation of childbirth, really meant: this gave ANIS the upper hand in framing the discourse and the information available.[16]

The anencephaly debate was important because it paved the way for a broader, and even more controversial, abortion debate (Paranhos, 2004; Machado, 2008: 18). Parts of the feminist movements, ANIS in particular, had established themselves as experts in this particular area. When the abortion debate included anencephaly as part of the discussion, ANIS was a legitimate and important contributor. Furthermore, ANIS had shown that the avoidance of the word 'abortion' could lead to an increased impact on policy. The debate proved that strategies, which removed the debates from notions of feminism, could be more effective than the use of traditional discourses (Paranhos, 2004).[17] Feminists and the SPM made use of the same strategy of making the issue seem less like a feminist proposal the decriminalization debate.

Although there were several developments and signs that the policy environment was favourable to feminist attempts to legalise abortion, there were aspects of the political context that limited feminist impact on policy. Of particular importance was the governmental corruption crisis in 2005, which reversed the favourable climate. The media focussed on corruption, leaving less space, and interest, to abortion debates. In contrast to the previous president, Lula had strong links with the abortion counter movement, as the PT and the Catholic Church had a close relationship. As the corruption charges unfolded, the PT had to reverse its stance on abortion in order to preserve its political support from the Catholic Church (Friedman, 2009: 428). The Crisis also led to changes within the government. In the Health Ministry, José Saraiva Felipe replaced Humberto Costa in the government restructuring in July 2005. Felipe did not share Costa's view on abortion; therefore, he refused to support the SPM's attempts to decriminalise abortion and withdrew the technical norm on 'humanised' abortion treatment. The change of Health Minister at the height of the abortion debate resulted in a less favourable national policy environment.

The policy environment in 2003-2006 was influenced by the Catholic Church's interference in politics, both nationally and internationally. Religious fundamentalism created a backlash

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[16] Interview with Debora Diniz, ANIS/University of Brasilia, 16/06/05.
[17] Interview with Tania Lago, CEBRAP, São Paulo, 30/05/05.

for reproductive rights worldwide. The US President George W. Bush stood at the forefront of this: through his actions, he justified religiously motivated politics. For example, he attacked UN documents and agreements on abortion, thus undermining the potential these had (Pazello and Correa, 2002: 168-169). Furthermore, he re-instated the global gag rule, which led to the withdrawal of funding to NGOs and projects dealing with abortion.[18] Also, reforms initiated by Pope John Paul II (1978-2005) meant that liberalising abortion legislation became more contentious (Htun, 2003: 151).[19] John Paul II died in April 2005, around the time when the abortion debate increased in Brazil: this gave the Church increased media coverage. The event resulted in a revival of religious sentiments in the world's largest Catholic country, limiting feminist possibilities to secure a favourable public opinion to their abortion framing. Furthermore, the accession of the very conservative Ratzinger (who became Pope Benedict XVI) as the new spiritual leader of the Catholic Church, was perceived by some feminists as taking the Church's approach to reproductive rights back to the Middle Ages, making the work of the feminist movements even more difficult.[20] Thus, the impact of a decade of increased Vatican inspired movement against abortion, hindered feminist abilities to push for decriminalization (Friedman, 2009: 426).

Even prior to the Pope's death, feminists had observed an increase of religious fundamentalism in national politics. As was noted by feminist working closely with the legislature, the Catholic lobby in Congress had become stronger.[21] The number of Deputies with close links to the Catholic and Evangelical Churches had increased, and the number of members in the anti-abortion groups in Congress totalled 639 by 2007 (Ferrare, 2007).[22] These were important actors in the counter movement to abortion decriminalization (Friedman, 2009: 428). There were no similar organisations in favour of legalising abortion, which gave the pro-life activists the upper hand. The anti-abortion movement further increased in strength when Severino Cavalcante became president of the Chamber of Deputies at the beginning of 2005. He was fiercely opposed to abortion and was to have an important

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[18] The Gag rule imposed by the United States in relation to its development funding, denied funding to projects and social movements dealing with issues of birth control, both in relation to preventing pregnancies as well as AIDS.

[19] Interview with Dulce Xavier, Catolicas pelo Direito de Decidir, São Paulo, 11/05/05. Interview with Helieth Safiotti. São Paulo. 01/05/05.

[20] Interview with Dulce Xavier, Catolicas pelo Direito de Decidir, São Paulo, 11/05/05.

[21] Interview with Elisabeth Saar, CFEMEA. São Paulo 19/05/05.

[22] There were two strong religious lobbies in Congress, the Evangelical lobby representing 60 deputies, and the Catholic with 120 deputies and 15 senators (Delgado, 2006).The Parliamentary Front for the Family and the Help to Life, had 215 members; In Defence of Life, Against Abortion had 194 members; and The Parliamentary Front Against the Legalisation of Abortion, in Defence of Life, had 230 members (Ferrare, 2007).

role in the decriminalization debate. A decade earlier, and again in 2002, Cavalcante had presented law proposals which would criminalise abortions in all circumstances.[23]

Half way through Lula's presidency, there were 35 law proposals dealing with abortion in Congress. While 28 of these were favourable to abortion, there were 16 clearly against abortion. According to CFEMEA's Elisabeth Saar, a part of the strategy of the anti-abortion members of Congress was not to aim straight at the laws dealing with allowing or restricting abortions.[24] Instead, they were circling in on these rights, for example through presenting law proposals demanding detailed registrations of the legal and illegal abortions taking place, and one proposing to oblige hospitals to provide information about the foetus development and graphic images of aborted foetuses to women seeking legal abortions. Another proposal, which the feminists labelled 'the rape grant', offered financial support to women victims of rape who chose to carry the baby to term, who would otherwise have opted for an abortion (Friedman, 2009: 428). Thus, in addition to presenting PLs that would hinder women's rights to abortion, the counter movement's tactic focussed on intimidating women, and persuading them to refrain from having an abortion. In addition to being a protagonist for anti-abortion sentiments, the Congress' mobilisation against abortion rights reflected the negative stance on abortion taking hold on society.

Anti-abortion sentiments were thus also in place outside of the legislature. The growth of anti-abortion movements both internationally and nationally, meant that feminists met increased opposition to their demands. The media, which was traditionally conservative, played a fundamental role in steering the public towards conservative opinions. Increased international funding for anti-abortion movements, which meant that these could afford to finance media campaigns, joined the already conservative media to promote anti-abortion sentiments (Sardenberg, 2007: 2). This promoted an environment that was hostile to abortion rights. At the time of Lula's first presidency, there was an increase of women reported and imprisoned due to illegal abortions (Correa, 2005: 208), and few public hospitals implemented the law giving women access to legal abortions. Also, public opinion favouring legal abortion had dropped. Whereas 23% of the people asked in a 1993 poll favoured legalisation of abortion, this had dropped to only 16% by 2007 (Sardenberg, 2007: 2).

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[23] For more details on Cavalcante's law proposals, and the discourses he and the other members of the 'pro-life' movements, see Aldana, 2008.

[24] Interview with Elisabeth Saar, CFEMEA. São Paulo 19/05/05.

Despite a decline in public opinion supporting abortion rights, research suggested that there were large differences of opinions regarding reproductive rights and abortion between the Catholic Church hierarchy and the Catholic population (Lorea, 2007: 3). For example, the widespread use of condoms, and the use of the birth control pill suggests that the population did not embrace the Church's approach to reproductive rights altogether. Also, amongst the Catholic public, there was widespread support for continued access to legal abortions and most opposed the idea that women should go to jail for having an illegal abortion (Lorea, 2007: 3). Thus, public opinion may have been more in tune with some feminist movements than with the Church hierarchy.

The feminist NGO, Catolicas pelo Direito de Decidir- Catolicas (Catholics for the Right to Choose), was an important bridge between Catholicism, feminism and abortion rights. This movement was an integral part of the feminist movements' engagement with the abortion debates in 2004 and 2005. This chapter now turns to a further exploration of the abortion rights movements and their activities during 2003-2006.

5.5 The Abortion Rights Movements 2003-2006

Since the 1990s, the abortion rights movements had operated on national and international levels. This continued throughout the period of Lula's first administration. The national women's networks carried out most of the policy advocacy. Rede Nacional Feminista de Saude e Direitos Reprodutivos- Rede Saude (National Feminist Network for Health and Reproductive Rights) and Articulação de Mulheres Brasileiras- AMB (the Brasilan Women's Federation) were amongst the most prominent in this regard.[25] However, some individual feminist NGOs were able to have a significant impact on the national level, such as Centro Feminista de Estudos e Assessoria- CFEMEA (The Feminist Centre for Studies and Advisory Services) and Catolicas.

Catolicas had a particularly important role to play in the abortion debates. Created in 1993, Catolicas's establishment was part of the feminist movements' strategy to counter the Catholic Church's hegemony over the framing of the debates on abortion (Avila and Correa,

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[25] Rede Saude, created in 1991, uniting about 180 women's groups, NGOs, research networks, unions and councils, in addition to health professionals and feminist activist dealing with sexual and reproductive rights (Oliveira and Maia, 2005).

1999: 94, Scavone, 2008: 678).[26] Through the lens of the teaching of the Catholic Church, Catolicas focussed on promoting abortion debates in society and influencing Catholic groups and health professionals on abortion related issues.[27]

According to Xavier, one of the leading figures of Catolicas, the Health Ministry supported their work and they had strong links with the Bancada Feminina. Their relationship with the Church authorities was difficult however, as the conservative leaders opposed Catolicas' work. Nevertheless, they had support from many Catholic grassroots organisations (Drogus and Stewart-Gambino, 2005: 107).[28] For the abortion debate taking place in 2004 and 2005, Catolicas was an important actor in the debate because it presented arguments for decriminalization that were based upon Church teachings, hence enabling more support from the grassroots and from the more progressive Catholics. Catolicas' links with the grassroots was an important advantage for the abortion rights movements, which had struggled with the reduced visibility of both their movements and their cause since the 1990s, and with the diminishing links between the grassroots and the professional movements (Lebon, 1997: 8).

Correa (in Correa, Germain and Petchesky, 2005: 113), in a discussion with other feminists about the state of the Brazilian reproductive rights movement, saw the reduced visibility of the feminist movements' campaigning for abortion rights in this way:

> "the feminists operate at the strategic level, trying to have experts in place, being very intelligent, with good policy formulation...but we don't have people screaming in the streets when things don't work".

She compared the abortion rights movements' strategy with that of the HIV/AIDS movements, which had the capacity to mobilise people onto the streets. Additionally, the HIV/AIDS movements had been able to encompass a wide range of voices inside these movements, whereas the abortion movements struggled with how to include a variety of identities and experiences. Before 2003, the reduced visibility of the pro-abortion campaign and limited activism on legalisation was also rooted in the lack of cohesion of the abortion

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[26] Interview with Dulce Xavier, Catolicas pelo Direito de Decidir, São Paulo, 11/05/05.
[27] In 2005, for example, they had a project directed at health professionals working in hospitals providing legal abortions. The aim was to influence the personnel to provide legal abortions to the women needing this service, as too many in the medical profession made use of their right to objection due to conscience, which was mostly based upon religious convictions.Interview with Dulce Xavier, Catolicas pelo Direito de Decidir, São Paulo, 11/05/05.
[28] Interview with Dulce Xavier, Catolicas pelo Direito de Decidir, São Paulo, 11/05/05.

rights movements. This was one of the main characteristic of these movements at the beginning of Lula's administration.

Even though, as discussed below, the movements' unity improved during 2004 and 2005, there was no real agreement on the best strategy to secure the legalisation or decriminalization of abortion. The inability to come to an agreement within the movements was highlighted by several feminists in 2005. As Miriam Nobre from Sempreviva Organicação Feminista- SOF (Feminist Organisation Alive Forever), which headed the women's network Marcha Mundial das Mulheres- Marcha (The World Women March), argued: "we have not achieved to establish an agreement on what to do in this fight [legalising abortion]. We are trying, and they [other national networks] have also tried, but we are not arriving at an agreement".[29] According to Jacira Melo from Instituto Patricia Galvão (the Patricia Galvão Institute), the possibilities of a unified national agenda were weakened by the lack of clear agendas and strategies within each network.[30] Although it is not to be expected that such a diverse set of movements should agree on all strategies and policy demands, their differences had a negative impact on their abilities to push for legalisation, even though they all shared the goal of decriminalised abortion.

Disagreements related to the question of whether to target the decriminalization/legalisation of abortion in stages, or to fight for full legalisation at once. In 2005 (: 259) Sonia Correa asked: "are we or are we not ready to confront the debate about legalisation?". A small segment of the movements, such as Marcha, were advocating for full legalisation of abortion and argued against the 'stages strategy' as explained below, which they believed to empower doctors rather than women, by giving doctors the right to choose when abortion can or cannot happen. However, 'no', was the answer from a large part of the feminist movements.[31]

Instead, many feminists believed it more fruitful to work towards decriminalization of abortion on a case-by-case basis, slowly expanding the circumstances in which abortion would be legal. The first stage was to ensure the implementation of abortion in cases already permitted by law. Although feminists had been active on this stage for decades, and had

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[29] Interview with Miriam Nobre, Programme Coordinator in SOF, São Paulo, 22/06/05; Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo, 21/06/05.
[30] Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo, 21/06/05.
[31] Interview with Miriam Nobre, Programme Coordinator in SOF, São Paulo, 22/06/05; Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo, 21/06/05.

achieved an increase of access to abortion services, the right to legal abortion had not yet been secured by the early 2000s. The next step was to guarantee decent public hospital treatment of women with complications resulting from illegal abortions.[32] Feminist influence on abortion policies regarding illegal abortions could be seen in both 1998 and again in 2004/5, when the Ministry of Health issued technical norms to secure respectable treatment, implementation was inadequate (Adesse, 2005: 155). A further stage was to expand the exemptions to the law, which in the period 2003-2006 focussed on anencephaly. The idea was that, as more and more cases became the exemption, in the end there would be no cases where abortion was a criminal offence.

The proponents of the 'stages' strategy largely framed abortion as a public health issue, and increasingly linked this to human rights (Adesse, 2005: 155; Amaral, 2008; 1). Although women's right to self-determination was also present in their discourse, it was not their preferred frame in public debates. This is not to say that they had abandoned abortion as an issue of women's rights, but rather it was an answer to the failure of the latter framing to advance the debates. The main arguments in the health-based framing were that legalised abortion was justified because of the high risks women faced while undergoing illegal abortions. Arguments in relation to issues of public health, and especially in terms of the high rates of maternal mortality, did not only make sense in terms of facts, but were also strategically beneficial when fighting against the anti-abortion movements. Additionally, this framing reflected international discourses on abortion, as abortion had been linked to public health at the 1994 UN Conference in Cairo (Amaral, 2008: 8). The issue of abortion, framed as a matter of health, was potentially easier to introduce into the public arena, as it was less confrontational and contentious than the women's rights discourse, and it had international backing. It also created an opportunity to gain allies within the health based social movements, government institutions and health professionals. Furthermore, this framing was in convergence with Governmental positions on the issue.[33]

In 2003-2006, the past, and current, limited activism and de-radicalisation of the abortion mobilisation were a great concern for the movements.[34] This concern gave way to a feminist

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[32] Interview with Leila Adesse, IPAS, Rio de Janeiro, 16/02/05.

[33] As mentioned in chapter two, the PT had made use of the public health frame while in local government to justify its actions to secure women's access to legal abortions.

[34] Seminar presentation by Baião, Marta, Seminario 30 anos de feminismo no Brasil: Balanco e perspectivas, São Paulo, 07/05/05; Seminar presentation by Moreno, Rachel, Seminario 30 anos de feminismo no Brasil: Balanco e

initiative to change the abortion legislation. This initiative was to have an immense impact on feminist mobilisation and abortion debates in 2003-2006.

5.6 The abortion debate

Initiating the debate

The background of the feminists' massive attack on the abortion legislation lies in two overlapping events. The first was the escalation of debates about abortion inside the movements, which concluded with the suggestion of the need for a change of tactics (Fernandes, 2007). The second important factor was the launch of the SPM's plans for the CNPM, which occurred at the same time. This resulted in the creation of a feminist conjunctural alliance in February 2004, called Jornadas pelo Direito ao Aborto Legal e Seguro – Jornadas (the Allies for the Right to Legal and Secure Abortion).

Jornadas's objective was to stimulate and organise the mobilisation for the right to legal and secure abortion, to help the PLs dealing with increasing the exemptions to the abortion law, to stand against anti-abortion laws and to increase support for decriminalization/legalisation of abortion (Jornadas pelo Direito ao Aborto Legal e Seguro, 2005). It was composed of key feminist individuals, networks and NGOs, as well as lawyers and medical professionals.[35] Their work included "a range of public actions: training participants in building strong arguments, talking to the media, enlarging constituencies, and joining forces with colleagues across Latin American to strengthen the campaign around the 28 September" (Sardenberg, 2007).[36]

Jornadas saw the CNPM as an important opportunity to voice their demands. Their aim was to generate enough support to include the revision of the abortion legislation in the National Plan

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perspectives, São Paulo 07/05/05; Seminar presentation by Gonzaga, Terezinha, Seminario 30 anos de feminismo no Brasil: Balanco e perspectives, São Paulo, 21/05/05; Seminar presentation by Pereira, Flavia, Seminario 30 anos de feminismo no Brasil: Balanco e perspectives, São Paulo, 21/05/07; Interview with Tania Lago, CEBRAP, São Paulo, 30/05/05.

[35] There were 13 individuals in the political coordination of the Jornadas, 19 networks, 42 organisations, 8 individual members, 5 partner organisations and 6 Latin American partners (Jornadas, 2005). Its political board was made up of Articulação de Mulheres Brasileiras/AMB, Articulação Nacional de ONGs de Mulheres Negras, Católicas pelo Direito de Decidir-Brasil, Cfemea, Comissão de Cidadania e Reprodução/CCR, Cunhã _ Coletivo Feminista, Instituto Patrícia Galvão, Plataforma DhESC-Brasil, Rede Feminista de Saúde, SOS Corpo Instituto para a Democracia and Themis- Assessoria Jurídica e Estudos de Gênero (Rede Saude, 2004).

[36] Since 1990, Latin American feminist movements have made the day '28th September' the day for the struggle to legalise abortion. In Brazil, the campaign was headed by Cunhã Coletiva Feminista, which held the secretariat position in the Jornadas during its initial stages.

for Public Policies for Women (PNPM). The first part of their strategy was to work as insiders through the CNDM. The CNDM took part in the preparation for the CNPM alongside the SPM, which put it in a position to include its demands in the preparatory documents for the conference. However, in the final version of these documents, this proposal was missing.[37] Prior to the CNPM, the SPM did not openly support decriminalization. Through its withdrawal of the CNDM's proposition, the SPM signalled that the government was not willing to take part in such a debate. The CNDM's weak status in relation to the executive meant that feminists were unable to make use of this space to gain access to policy on a controversial issue.

The second part of the Jornadas' strategy was to secure the support of the women and women's organisations participating in the local and national conferences. In this, Jornadas was successful, as proposals for legislation came from 26 of the 27 regional conferences (Maia and Luz, 2005).[38] The third part of the strategy was to make sure that the SPM Minister, Nilcéa Freire, was on their side.[39] In this, they were also successful, as Freire proved throughout the public debate that followed.

When proposals for the revision of the abortion legislation came as an autonomous demand from the women participating at the CNPM, the SPM reversed its position and allowed the proposal to be included in the PNPM. The SPM did not facilitate this impact on policy for the members of Jornadas inside the CNDM, but allowed their influence over policy when they organised from an outsider position. This was despite the fact that Jornadas, the feminist NGOs and women's movements participating at the conference, were mostly comprised of the same organisations represented in the CNDM, and the demand was the same.

It can thus be argued that the SPM's increased support for this policy was legitimised by civil society's consensus on the matter and by their visible, and autonomous mobilisation around the issue. As Zanotta explained, without the CNPM and the resolution to revise the abortion legislation, the SPM's and Freire's support for legalisation could not be justified: hence

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[37] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.

[38] The state of Minas Gerais did not present this demand. Interview with Dulce Xavier, Catolicas pelo Direito de Decidir, São Paulo, 11/05/05.

[39] Interview with Leonora Menecucci, University of São Paulo and part of the coordination board of the Jornadas, São Paulo, 27/05/05.

Zanotta's view that "she needs us, we need her".[40] This indicates the importance of having a WPA and a government open to civil society participation, the need for feminists or feminist sympathisers to be inside the WPA, and also the importance of outsider activists. Although the insiders were unable to put forward the demand themselves, they worked to secure the SPM's acceptance of the outsider feminists' proposal.

Because the SPM had been unwilling to initiate or engage in abortion debates prior to the CNPM, feminists saw the inclusion of the legislation revision as a victory 'against the government'.[41] This highlights the importance of having autonomous feminists outside the government whilst trying to secure an impact on policy. During the CNPM, maintaining ideological autonomy was a critical factor for success. As the leader of Marcha, Nalu Faria, argued, the feminist movements had matured in the process of the Conference, so they were able to engage in critical debate with the government without perceiving it as an act of opposition (Faria, 2004: 27). The development of a 'positively critical stance', as Lebon (2004a: 6) called it, was thus an important aspect of feminists' abilities to influence the abortion debate which followed.

Initiating the Commission to revise the abortion legislation
It can be argued that the abortion debate was initiated at the CNPM, but that this was mostly a debate between feminists and the government. This changed in December 2004 when Freire went on national television to announce that the SPM was to establish a Commission to assess the restrictive and punitive issues relating to interrupting pregnancies (Maia and Luz, 2005). This was in accordance with the priority number 3.6 in the PNPM, which was to revise the punitive legislation treating voluntary interruptions of pregnancy (SPM, 2004: 71). The creation of such a Commission was seen as an historical moment in Brazilian abortion debates, as it was the first time that the government adhered to its international commitments to revise its abortion legislation (Emmerick, 2008:4).

More importantly for the focus of this thesis, this was the first time a government was willing to engage in such a debate, and to promote a stance in favour of decriminalization. Although the state had already committed to revise its legislation by the signing of the Cairo platform in

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[40] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.
[41] Interview with Leonora Menecucci, University of São Paulo and part of the coordination board of the Jornadas, São Paulo, 27/05/05.

1994 (Emmerick, 2008: 4), it took ten years before a Brazilian government was actively engaged in, and promoted decriminalization of abortion. Without feminist pressure, it is unlikely that this would have happened. Thus, even before the Commission's outset, the SPM, through the CNPM, had facilitated feminist access to a policymaking arena, which enabled feminists to push for a debate on the abortion legislation. The SPM furthered the debate by establishing the Commission.

The SPM went even further in its support for the feminist movements, because, from the outset of the Commission, it was clearly favourable to decriminalization. Godinho, a senior SPM employee, supported this point when she argued that, although the SPM did not openly express its opinion in relation to abortion, its willingness to establish the Commission was proof enough on its own.[42] This was a significant factor in the Commission's nature: it was a priori in favour of decriminalization (Suwwan, 2005a; da Cunha, 2008: 6). According to da Cunha (2006: 2), this type of collective agreement was uncommon in government institutions. It can be argued that the nature of the PT, with its tradition of standing by the party line, and Lula's appointment of PT members in the relevant Ministries, helped secure this unity.

The Commission's work was to conclude in a PL, which, according to the SPM vice-secretary, Sales Pinheiro, would not punish a woman for her decision to abort (Sales Pinheiro, in IPAS, 2005), or if this was not possible to achieve, to increase the instances where abortion was legal (da Cunha, 2006:1). However, she presented this statement as a feminist in a feminist arena.[43] In spaces outside feminist domains, the SPM was initially less supportive of decriminalization. For example, Freire (in Chagas, 2004), argued that the Commission was to consider making more exemptions to the law, such as in cases of anencephaly, rather than to propose full legalisation. She further stated that she, as government, had to present a position linked to the Constitution as it stood.

Although Freire's official position undermined some of the legitimacy the SPM could have offered to the demand for decriminalization, her personal stance made up for this. Although she was not from the feminist movements, she presented a discourse similar to the feminist framing of abortion. She argued that she was in favour of women's autonomy and women's

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[42] Interview with Tatau Godinho, SPM sub-secretary for monitoring and thematic issues, Brasilia, 10/03/05.
[43] The statement comes from an interview with Sales Pinheiro, made by the feminist organisation IPAS, which focuses on women's health and reproductive rights.

right to control their own bodies (Freire, in Suwwan, 2004). Freire's position thus signalled that she was a feminist ally. This was important for feminists' impact on the policy debates. Freire created opportunities for feminists to press for policy influence through the SPM because she was unlikely to hinder their attempts and she would side with the feminists in the Commission's work.

During nine meetings between April 6th and July 9th, the Commission debated whether, or alternatively, how far, abortion should be decriminalised. Initially, the group was to be an inter-ministerial working group.[44] This would have served to increase debates inside the government, but it would not have the representative nature that the government was eager to promote.[45] In addition, according to Zanotta, Freire wanted feminists to be in the Commission so they could backup her stance for legalisation.[46] Hence, Freire announced that it would be a Commission made up of three parts, consisting of six representatives each from the government, the legislature and civil society. In this way, she secured feminist access to the key policymaking arenas dealing with abortion, legitimised their access through an invitation to participate in an official policymaking arena, and thus facilitated feminist impact on the policy debate. Before the representatives from civil society are discussed further, a discussion of the other Commission members will be given.

Government representatives came from the SPM, the Ministries of Health and Justice, SEPPIR, the Secretariat for Human Rights, and the President's Secretariat. According to Suwwan (2005b), the majority of these were in favour of decriminalization. This, however, contrasted with the standpoint of those representing the Chamber of Deputies. The newly elected President of the Chamber, Severino Cavalcante, chose Deputies with anti-abortion sentiments to be on the Commission. This action indicated the fierce opposition a legalisation proposal would meet in the Commission, but also hinted at the hostility to such a demand from many parts of the Chamber.

Although the Bancada Feminina selected the three Senators to be on the Commission, whose selection was based on their support for women's rights, only one of these were openly in

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[44] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.
[45] As examined in the next chapter, a similar working group was initiated in the case of VAW.
[46] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.

favour of decriminalization. The other two refused to make their opinions known on the subject, even to the other Commission members.[47] As a tactic to keep the Catholic electorate happy, this worked well. However, both the Senators' and Deputies' absence in meetings, and the outspokenness against decriminalization from the Deputies, hindered the work and the legitimacy of the Commission. This hinted at the SPM's limited political influence, because a government-initiated Commission should have enjoyed a higher degree of respect from the legislatures' representatives.

The SPM's significance was also tested in the process of selecting civil society representatives. Freire had signalled that she only wanted CNDM members in the Commission, as this would have provided undisputed support for decriminalization of abortion from civil society.[48] Additionally, although no sources can confirm this, the presence of CNDM members alone would have granted the SPM more influence over the debate's outcome, as the SPM's position vis-à-vis the CNDM, and the close relationship between many of the CNDM's members and the PT, meant that it was less likely that they would have challenged the government's position. However, Freire's superior did not grant her wish, and decided that two members must come from civil society organisations outside the CNDM.

It can be argued that the SPM's inability to prevent the inclusion of non-feminists in the Commission was a significant obstacle to its facilitation of feminist influence over the outcome.[29] However, the question of which organisations these two representatives should come from, stirred much debate within the feminist movements, the government, the Churches and the media (Maia and Luz, 2005). The controversy over who these should represent resulted in a public debate, not only about the Commission and its representatives, but also about abortion and legalisation. Feminist participation in the Commission, and in the debate, was taken for granted, but other civil society organisations had to convince the SPM, and the government, of the legitimacy of their participation.

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[47] When I approached Senator Eduardo Suplicy, one of the Commission's representatives, on the matter, he refused to make his stance known. This was similar to the other two, who did not even make their stance known within the Commission. Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.

[48] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05. Interview with Albertina Costa, Fundação Carlos Chagas and CNDM representative, São Paulo, 20/05/05.

[29] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.

The controversy that stirred the heated debate in society was the role of a religious organisation in the Commission. Feminists, and at times the SPM, argued that religion had no place in a Commission created by a government representing a secular state. However, the Catholic Church's influential position in politics, in society and in the PT, countered this. The very influential Conferência Nacional dos Bispos do Brasil National- CNBB (National Conference of Brazilian Bishops) demanded inclusion, but was denied access. According to Freire, this was because the Commission was meant to function as a public consultation and the CNBB only represented one aspect of the Christian faith (Freire, in Lage, 2005). However, the explanation lying under the surface was that the SPM wished to prevent the Commission from becoming anti-abortion in outlook.

Although it was able to avoid the CNBB, the SPM could not stand against the pressure for religious inclusion altogether. According to an SPM official, they were pressured to include Church entities because the Church was an important segment of civil society.[49] By not including a Christian organisation, the SPM would have excluded an entity representing a large part of Brazilian civil society. At the same time however, adhering to the principle of a secular state, would mean to avoid Church entities. But as in many other political acts in Brazil, practice did not follow principle, and the SPM invited a Church entity.

The SPM's decision fell on O Conselho Nacional de Igrejas Cristãs do Brasil- CONIC (The National Council of Christian Churches), in which the Catholic Church was present, though less powerful as only one of six entities (Freire, in Lage, 2005). As including an organisation with a religious characteristic was a controversial issue, which contrasted feminist positions in particular, the SPM wanted CNDM backing for the inclusion of CONIC, and secured this by consulting potential allies prior to suggesting CONIC to the CNDM plenary. Hence, when the invitation for a religious entity came up at the following CNDM meeting, this came as a surprise to some CNDM members, though not to others.[50]

The invitation for CONIC to join the Commission highlights four issues related to the feminists' abilities to have an impact on the abortion debate. Firstly, it signalled that the SPM was not strong enough to stand against governmental forces that wanted to include religion in

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[49] Interview with Suely de Oliveira, SPM sub secretary of institutional relations, Brasilia, 10/03/05.
[50] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.

the debate. Secondly, it pointed to the influence the Catholic Church had, and was allowed to have, on politics in a secular state. Thirdly, CONIC's invitation indicated that the SPM and the feminists had lost their hegemony over the faming of the abortion debate, as CONIC's presence legitimised a moral framing of the issues and further justified religious influence in abortion debates. Hence, even before the Commission began, feminists had lost an important battle over the framing of the policy debates. Zanotta, who represented Rede Saude in the CNDM and in the Commission, highlighted this:

> "For me it is not a question of time [when to include the Church in the discussion], it is a question of marking the character of the committee. By inviting CONIC, the SPM legitimised a religious discussion on abortion, that it was a discussion about life."[51]

The feminist ally, Federação Brasileira das Sociedades de Ginecologia e Obstetrícia-FEBRASGO (The Brazilian Federation of Gynaecology and Obstetrics), which backed the feminists' health based-framing of the debate, acted as the counterbalance to the religious influence.[52] FEBRASGO was an important ally for the feminist movement, as it was in favour of more exemptions to the current abortion legislation based on medical arguments. However, this was not enough to oppose the more influential moral framing.

Fourthly, the debate over the Church's role in the Commission highlights the problems feminists met in relation to their close links with the party in power. Feminists in the SPM felt pressured from other government structures and they had to justify taking a position that was contrary to their feminist consciousness (Lebon, 2004a: 4-5). This happened in the debate over representatives. Autonomous feminists in the CNDM voted against the invitation of CONIC, whereas Governmental members voted in favour.[53] Because most of the civil society representatives in the CNDM were linked to the government party, this put a constrain on their ability to act autonomously. Hence, the civil society members closest to the PT, voted in favour of the SPM's position. The selection of CONIC thus served to split the feminist movement's unity over the rejection of the role of religion in abortion debates. Menecucci described the situation as such:

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[51] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.
[52] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.
[53] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.

"When you are a party militant, you have a very hybrid position between defending party lines and the banners of the movement. Sometimes the party is right, other times it is wrong. In the Commission, I did not agree with the petistas [members of the PT] who were in civil society. ... I think that it is very difficult to do social control in an organ like the council, which is only representing one party".[54]

Menecucci suggested that the double militancy hindered feminist's ideological autonomy in the CNDM, and that the PT was able to make use of its close links with the feminists to gain acceptance for its inclusion of CONIC. Albertina Costa had similar ideas, and suggested that constrains were felt by the councillors when situations raised where they had to make a stance as either in favour or against the government's position.[55]

Defining the strategies

According to Cunha (2006: 2), because legalisation was the preferred outcome from the start, the Commission was not so much about whether to decriminalise abortion, as which strategies to use to make it happen. These had to counter the negative forces in the policy environment, such as the religious influence on the Chamber of Deputies. Three aspects were considered: the political validity of the project, the language of the text itself, and the framing of the debate (Cunha, 2006: 2).

The first part of the strategy was to secure validity. Validity was justified through defining the role of the state, claiming that it was legitimate to regulate women's bodies, and that legalised abortion increased women's life chances (Cunha, 2006: 2). The power of this argument was rooted in the fact that the state had already taken several steps to regulate reproductive rights.

The second part of the strategy was the language used. Feminists had experienced the strategic advantage of using language that was more 'palatable' in gender policy debates (Scavone, 2008: 678). The success of such a strategy was highlighted by the anencephaly debate in the previous year. Hence, 'voluntary interruption of pregnancy' replaced the word 'abortion', as an attempt to gain acceptance for the PL. Although the medical and technical members of the Commission did not approve of the avoidance of the term which was standard in medicine, feminists won this argument (Cunha, 2006: 2).

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[54] Interview with Leonora Menecucci, University of São Paulo and part of the coordination board of the Jornadas, São Paulo, 27/05/05.
[55] Interview with Albertina Costa, CNDM representative, Fundação Perseu Abramo, São Paulo, 20/05/05.

The third, and maybe the most crucial, decision to make was how to frame the debate. Three discourses influenced the writing of the PL: women's right to choose, the secular state, and the public health frame. It was the latter which was considered the most suitable for the policy environment (Suwwan, 2005b; Cunha, 2006: 5). As the SPM vice-secretary Sales Pinheiro (in IPAS, 2005) explained:

> "the issue of women's health occupied an important time in the group's discussion. The representatives of the group thought that it is only with a knowledge of the real impact of clandestine abortions on women's health, that there will be an understanding of the negative consequences a clandestine abortion has on women's sexual and reproductive health"

Thus, the Commission moved the debates from being centred on 'ideological' arguments, to being based on empirical reality: this was called a medical-scientific framing (Cunha, 2006: 6; Gomes and Menezes, 2007: 86). These notions mirrored Htun's (2003) concepts of technical and moral issues, which are based on an argument that policy framings that avoid the clash of ideologies, in particular of religious and feminist ideologies, create more opportunities for policy acceptance. By placing the policy debates within a medical-scientific framing, the Commission brought non-ideological actors to the forefront. The backing from members of the medical profession gave extra weight to the justifications for legislation change. Although the debates and justifications were placed in the medical-scientific framing, the feminist framing of the abortion debate was still present, and the arguments followed the previous and current government's focus on the link between abortion and maternal mortality.

Securing Lula's support?

Meetings with the President and the affected ministries ensured that the SPM was able to initiate such a controversial act as creating the Commission.[56] Hence, initially Lula backed decriminalization of abortion (Friedman, 2009: 428).This indicated that the SPM had political clout within the government and that it was able to influence the government's power centre. Furthermore, the fact that it was the SPM and not the Ministry of Health, for example, which was given the task to lead the debate, indicated that the Lula government wanted an abortion debate which was centred on women's rights and that the SPM was in charge of 'speaking for the government' on this issue. As Godinho, the SPM sub-secretary argued:

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[56] Interview with Parecida Gonçalves, SPM sub-secretary for Action and thematic issues (2006), Brasilia, 28/02/05.

> Organising a Commission like that is forcing people [Government officials] to shut up, those who are against. It gives the SPM the only voice of authority on the question. That is very important to us. We probably have all different positions inside the Government, and nobody has talked about, or you have not seen people express their opposite opinion. It was clear that she [Nilcéa Freire] is the authority on the question, and for this reason the Commission is very important.[57]

Hence, initiating an abortion debate also served to test the SPM's status and political clout inside the government. Independent analysis of the media coverage of the abortion debate indicated that the SPM's actions and viewpoints were considered government policy. The SPM thus had a high enough status to shape and present the government's position on abortion. However, an alternative argument can be presented.

With the exemptions of SEPPIR and the Ministry of Health, there were few other governmental organs or officials backing the SPM's position to legalise abortion. This led Melo to conclude that:

> The people who are in the most important positions are not with this [Commission on abortion]. It is the periphery that is dealing with these questions. The hard-core centre of Government is not supporting this project; it is a project of a small part of the Government who still thinks that it is possible to dispute positions.[58]

Melo's statement suggests that, although the SPM was linked to the President's office and Lula had given the 'go-ahead' for the Commission, he did not support the SPM's attempts to gain acceptance for decriminalization. This was later revealed, as is discussed below. This presents this research with a paradox: on the one hand, being at the periphery of the power centre enabled the SPM to facilitate feminist access to and influence over the policy debate on abortion. On the other hand, being at the margin meant that the SPM was unable to provide the political clout needed to persuade the power centre to allow feminists to affect the outcome of the policy discussions.

Stirring public debate and securing feminist access

Whether the feminists had the support of the President is not clear-cut. However, there was no doubt that the SPM had facilitated feminist access to and impact on the policy debate on abortion. Even before the Commission had started its work, the SPM had stirred public interest in an abortion debate. Because the SPM had put abortion on the public agenda, it had made a significant contribution to feminist prospects for influencing policy. The media's

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[57] Interview with Tatau Godinho, SPM sub-secretary for monitoring and thematic issues, Brasilia, 10/03/05.
[58] Interview with Jacira Melo, Instituto Patricia Galvão, São Paulo, 21/06/05.

interest in who should be in the Commission initiated a public debate, which continued throughout the Commission's work. Throughout February and March 2005, in particular, most of the major newspapers reported on the debates concerning who should be the civil society representatives in the Commission (Maia and Luz, 2005).

The newspaper Folha de São Paulo was the main follower of the developments in the abortion project, although other newspapers covered and participated in the debates. Folha de São Paulo was an important newspaper and opinion maker, and two women in the Folha, Suwwan and Collucci, made sure that the abortion Commission and its progress was present in the media. The Folha did not only report on the Commission in a favourable light, it also allowed feminists a say through its distribution of Rede Feminista's publication 'Abortion: preventable and avoidable deaths'. In addition, the Folha took an active role in the development of events by holding a debate in which Nilcéa Freire, the Health Minister, and other prominent figures in the abortion debates took part (Folha de São Paulo, 2005).

Hence, the feminists had allies in the media and this secured a public debate which lead to increased feminist influence over the events. Media analysts Maia and Luz (2005), who argued that the Church, which used to occupy a privileged space in the media, had to share this space, back this argument. The Church had to debate with the feminist movement, as well as with other entities in favour of women's right to choose, including medical professionals, and jurists. Through an analysis of the media's coverage of the abortion debate that unfolded in the first part of 2005, Maia and Luz identified a debate more sensitive than the feminist movement's arguments. The debates in the press went beyond dealing with the proposed legal changes and highlighted the serious social and public health problems that come with the criminalisation of abortion (Maia and Luz, 2005). In this way, the media had started to incorporate the feminist framing of abortion.

The SPM's actions managed to provoke not only the government, Church and media to participate in the debate, but, as Menecucci argued, "the whole society discussed it. Everyone had their position on the subject, it returned to be discussed by the judiciary, they had their position, so did the Church, the parties, and various sectors of society also had their say".[59] Similarly, when Soares (2007) analysed the abortion debates in the media, she highlighted the

[59] Interview with Leonora Menecucci, University of São Paulo and part of the coordination board of the Jornadas, São Paulo, 27/05/05.

links between the Commission and an improved debate in the media. This signals that the SPM was successful in initiating an abortion debate on a scale which feminists alone would have been unable to provoke. Towards the end of the debate, it can be argued that the SPM had provided feminists with both a high level of access to and impact on the abortion debate. This is based upon the analysis of the conclusion of the Commission's work, the following PL, and the process up until the presentation of the Commission's PL.

Presenting the PL to Congress

Despite the presence of anti-abortion advocates in the Commission, the majority were in favour of decriminalization (Emmerick, 2008: 5). As a result, the PL presented in the final report of the Commission on 1st August 2005, proposed to decriminalise abortion (Freitas, 2006). Initially, the PL was to be presented by the SPM to Congress in September 2005. In order to avoid an interfere with Lula's re-election campaign the following year, the PL was to have a high priority to ensure a speedy process through Congress.[60] Because the government had considerable powers in Congress, which had previously led to a high rate of approval of government initiated legislation , and the ability to speed up the PL's progression through Congress , the SPM's presentation of this PL would have given it a higher chance of success, and hence a high degree of feminist influence over policy.

Although the SPM had not received substantial backing in terms of the President's declaration of support for decriminalization, the SPM's mission to decriminalise abortion had not been rejected by Lula either. However, this was about to change. Because of the changes in the policy environment between the Commission's initiation and its conclusion, the government's power centre withdrew the SPM's autonomy over the PL. This was the consequence of the political crisis resulting from the corruption scandal, pressure coming from the anti-abortion lobby in Congress, and the Catholic Church's mobilisation against the PL. As a result, the President did not let the SPM present the PL to Congress, neither could he endorse decriminalization to the same degree that he had previously. In fact, Lula did everything he could to distance himself from the PL.

The Catholic Church had previously argued for Lula's excommunication if he backed the decriminalization of abortion (Collucci, 2005b). As the corruption crisis unfolded, Lula

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[60] Interview with Tatau Godinho, SPM sub-secretary for monitoring and thematic issues, Brasilia, 10/03/05.

needed support from influential segments of society. Hence, although the CNBB was outside the Commission, it was, nevertheless, to have an impact on the result. To gain support, Lula wrote an open letter to the CNBB confirming that his government would not create public policies that were against Christian principles and that he supported life in all its forms (Collucci, 2005b; Friedman, 2009: 428). This was a major blow for the SPM's chances of facilitating feminist impact on the outcome of this debate, as a project that contradicted both the Church and the President's wishes had little chance of approval.

The SPM tried to make Lula reconsider his position. Freire argued that the PL was the result of civil society participation and the CNPM; therefore, it could not be seen as government policy (Formenti, 2005), but rather as a response to participatory governance. Despite this line of reasoning, Lula refused to allow the SPM to take an autonomous stance over the PL. Although Freire was made to withdraw official support for the PL, she refused to abandon the project altogether. The feminists could still rely on the presence of the SPM in spaces where abortion was debated, and the SPM continued to present a discourse mirroring feminist framings and supporting demands for decriminalization. For example, in August 2005, the SPM and IPAS hosted an international seminar on legal reform to advance and protect sexual and reproductive rights, where the objective was to analyse other countries' experiences with reforming abortion legislations (Galli and Adesse, n.d: 2).

As the SPM could no longer present the PL to Congress, Freire sought alternatives. Because of the close links of both feminists and the SPM with the Bancada Feminina, there were critical actors available to take over the SPM's role. Thus, on October 4th 2005, Deputy Jandira Feghali presented the PL to the Commission on Social Security and the Family (CSSF). She incorporated the Commission's law proposal into PL 1.135/91, which had been in process in the CSSF since 1991 and, therefore, ensured that the project did not end up at the bottom of the CSSF's agenda (Colucci, 2005c).

The presentation of the PL sparked much opposition from the counter-movement and reactions to the PL were plain to see inside Congress. For example, when the Chamber of Deputies hosted a seminar opposing abortion, it attracted over 400 people (Emmerick, 2008. 6). The abortion rights movements were unable to mobilise such a high number of Congressional members. The effect the PL which proposed with the decriminalization of abortion had on the counter-movement was clearly seen in the nature of the abortion-related

PLs initiated since 2005. In 2005 and 2006, all the PLs dealing with abortion were against an increase in abortion rights, or in favour of a withdrawal of the rights already in law (Amaral, 2008: 4).[61]

Although there were initial attempts to have a vote on the PL towards the end of 2005, it was withdrawn by Feghali because of the political crisis (Emmerick, 2008: 5). It was not put to the vote in 2006 because it was considered too 'hot' in an electoral year (Sardenberg, 2007: 1; Machado, 2008: 24), a time where "the Church is able to scare a lot of Deputies".[62] It was clear that despite intense feminist, SPM and Bancada Feminina mobilisation, there was not enough public, government, or Congressional support for decriminalization. In the elections, three of the critical actors in the abortion debates, Jandira Feghali who was nicknamed 'the abortionist', Sandra Starling and Eduardo Jorge, the latter two had been the original presenters of the PL to decriminalise abortion in 1991, were not re-elected (Amaral, 2008: 6). Feghali's attempts to be elected Senator failed, mainly because of her connection with the attempts to decriminalise abortion (Gomes and Menses, 2008: 100). The PL was archived the following year.

5.7 Conclusion

What does this case study tell us about how much feminists were able to influence government policy through the SPM? On the one hand, the abortion debate in 2005 signalled that the SPM did not have enough political clout to win the President's support, especially with the change of policy environment half way through the Commission's work. These factors, combined with the strong influence of the Catholic Church, meant that the SPM was unable to facilitate a change of law.

On the other hand, it can be argued that the SPM had a significant ability to provide both opportunities and support for feminists trying to access and have an impact on the policy debate. The CNPM provided a rallying point for feminist activism on abortion, which prompted the creation of Jornadas. Secondly, the CNPM proved to be an important access point for feminists, allowing them to be present and influence the government's gender policy agenda. The fact that a revision of the abortion legislation was included in the PNPM hints at

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[61] Similarly, in 2007 and 2008, of the 12 abortion related PLs, only one was in favour of increasing abortion rights (Amaral, 2008. 4).
[62] Interview with Elisabeth. CFEMEA. São Paulo 19/05/05.

the high level of feminist impact on the process and on the influence they had over the writing of this plan.

Furthermore, the SPM was directly involved in providing feminists access to the abortion debate: feminists were invited to be part of the Commission, while impact on the proceedings was helped by the SPM's support of the feminist framing of the debates and the demands in the public debate that followed. The fact that the SPM and the majority of the Commission's members used the same framings of abortion as the feminists, legitimised feminist participation and influence in the debates.

In addition to securing access to the policy debating arena, the SPM provided the feminists with an important resource with the establishment of the Commission, which consequently stirred widespread debate. Although the proponents of decriminalization were unable to gain enough support to secure a change in law, the discussions in 2005 served to take the debate one step further. It was the first time that the government had been actively involved in a decriminalization proposal and the policy debate was characterised by the participation of more governmental and non-governmental actors than had previously engaged in such deliberations.

This case study has also highlighted the importance of feminist unity and mobilisation in the promotion of debates. Although the SPM became a key player in the debate, its actions were justified and legitimised by pressure from the autonomous feminists. Without outsider pressure, SPM engagement with the debate seems unlikely. The autonomous feminists were, in turn, helped to secure the influence of feminists or feminist allies inside the government and Congress. The availability of feminist allies in government was closely linked to the party in power.

Reproductive rights and abortion had been on the PT's agenda for decades and although decriminalization had not been on the party's platform for some time, there were many supporters of abortion rights within the PT. However, strong links with the feminist movements and the support of many feminist demands could not counter the influence of the Catholic Church and the anti-abortion movements. From this, it can be argued that, although the SPM did what it could to facilitate feminist impact on these debates, it was unable to counter the negative forces in the policy environment. However, in the second case study of

this thesis, the political context was more open for legal change. As we shall see in the following chapter, this facilitated a higher degree of feminist impact on policy decisions at the end of the debate.

Chapter Six: Preventing, Punishing and Combating Violence against Women

> "There is no doubt that the Maria da Penha Law represents an important achievement for the feminist and women's movements and represents a significant advance in Brazilian Legislation with regard to the struggle against domestic and family violence towards women." (Santos, 2005: 167)

6.1 Introduction

While feminists were unable to provoke policy change in the abortion debate, they were more successful in another policy debate, which happened around the same time. As with the abortion debate, the discussion about legislative change regarding Violence against Women (VAW) was also rooted in autonomous feminist organising.

In 2002, a feminist conjunctural alliance, with no official name, though frequently mentioned as um Consórcio das ONGs feministas (a consortium of feminist NGOs) initiated an internal debate on Violence against Women (VAW). This resulted in a project to create Brazil's first law to regulate approaches to prevent, punish and combat VAW. When the Secretaria Especial de Politicas para as Mulheres (SPM) was formed in the following year, feminists made use of the SPM's status and technical expertise to improve their chances of success in this policy area. Thus, while the abortion debate intensified, the feminist movements and the SPM were working on another Law Project (PL). In 2004, the SPM sent the VAW PL to Congress; however, feminists did not agree on the PL's content as it was outlined by the SPM. Consequently, throughout 2005, the feminist movements, with the Consórcio in forefront, together with Jandirah Feghali and the SPM, cooperated in the creation of another version. In late 2005, the feminist-influenced PL successfully passed the Chamber of Deputies, in 2006 it passed the Senate, and in August 2006 President Lula made the PL into law.

As was argued in the previous case study, this chapter also claims that the SPM facilitated both feminist access to and impact on the policy debate covered in this chapter. Moreover, this chapter asserts that, by engaging with the SPM, feminists achieved their demands. Reasons for this include the SPM's role in the debate, but more importantly, the nature of the policy issue varied considerably, and the policy environment in which the VAW debate took place, was significantly different.

This chapter begins with a mapping of the level and nature of VAW in Brazil, and provides an overview of how the legal system treated VAW prior to the new law came into force in August 2006. This indicates the scale of the problem and highlights the feminists' justification for legal change. The chapter then describes the VAW debates and policies up until 2003, arguing that, although implementation was still wanting, VAW had been subject to state intervention for 20 years. These previous feminist campaigns and the state's response to their demands were important because they paved the way for the debate that took place in 2003-2006. An exploration of the policy environment then follows. The main point of this section is to show that, in contrast to the abortion debate, there was little opposition to the proposed VAW law. The less controversial nature of the issue, and the more favourable international, regional and national policy environment, ensured that the SPM and the feminist movements had an influence over policy, both throughout the process, and also during the PL's passage through Congress. The following section presents the characteristics of the feminist movements that participated in the debate. The VAW movements, despite being comprised of the same entities as the abortion rights movements, enjoyed a higher degree of unity than was evident in the abortion debate. They were also mobilised and had a clearly defined set of priorities, enabling them to initiate the creation of a PL without the stimuli of the SPM or its actions. The methods the feminist movements utilised to facilitate this success is taken up in the subsequent section which discusses the VAW debate and the creation of Brazil's first VAW law. The chapter now turns to the background and justification for this law.

6.2 Legislation, facts and figures

Defining and finding the problem

The interpretation and the use of the terms 'VAW', 'gender violence', 'family violence', 'sexual violence' and 'domestic violence', sometimes overlap (Santos et al, 2005: 1). How these terms are applied, and the definitions that are attributed to them, varies according to the narrator. The research and data available on the subject reflects this variation and, therefore, increases the complexities of grasping the scope and nature of all types of VAW in Brazil. This difficulty is further compounded by the focus of most research on acts of violence in heterosexual relationships, thus failing to include acts of violence against lesbians and sex professionals (Santos, 2005: 84) against girls in schools; violence in the work place; and

violence by priests.[1] In addition, there is evidence to support that black women are more vulnerable to violence than their white counterparts; despite this, there is still a lack of understanding of how racism and VAW are connected (Rufino, N.d: 1; Santos, 2005: 84).[2] High levels of under-reporting, incomplete police record keeping and classification, lack of research, and the use of different definitions means that there are difficulties in obtaining sufficient data regarding the nature and scale of the problem.[3] Furthermore, most of the available statistics derive from city or state-based studies, rather than national statistics.

The scale and punishment of VAW in Brazil

Nevertheless, based on the available research findings, some facts are difficult to ignore. An estimated one in five women in Brazil have suffered from actual or attempted sexual or domestic violence (Fundação Perseu Abramo, 2001).[4] Other studies report that 14.6% of women have experienced physical domestic violence (Reichenheim et al, 2006: 431), and findings suggest that every 15 seconds, a woman is subjected to a violent attack, making the actual number of women experiencing violent attacks 2.1 million each year (Senado Federal, 2005).[5]

Despite this high number, there were only 14,208 reported rapes in Brazil in 2003 (SENASP, 2003), believed to be less than 10% of actual cases of sexual violence (Squinca, Diniz and Braga, 2004: 127).[6] The low number of reported cases of VAW contrasts starkly with the high rates of women admitted to public hospitals because of sexual and physical abuse, and the high number of women seeking advice on VAW in either public or Non-Governmental Organisation (NGO) based information centres. Research has revealed that in most cases, there was a past or present relationship between the aggressor and the victim (Blay, 2003:

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[1] Interview with Fernanda Grigolin, Jovens Feministas de São Paulo, São Paulo, 09/05/05. Interview with Dulce Xavier, Catolicas pelo Direito de Decidir, São Paulo, 30/05/05. Interview with Graziela Pevez, Director of Casa de Eliane de Grammont, São Paulo, 10/05/05.
[2] Interview with Graziela Pevez, Director of Casa de Eliane de Grammont, São Paulo, 10/05/05. Interview with Glaucia Matos, Executive Director of FALA PRETA! São Paulo, 16/05/05. Interview with Nilza Iraci, Director of Geledes and CNDM representative for Articulação de Mulheres Negras, São Paulo, 21/06/05.
[3] The most comprehensive research projects to date are by the Fundação Perseu Abramo (2001) and the World Health Organisation (2004). For a comprehensive bibliography of authors and edited works relating to sexual violence, see Braga and Nascimento (2004).
[4] More information can be found at http://www2.fpa.org.br/portal/modules/news/article.php?storyid=225 accessed 10/10/08.
[5] Diverging definitions are most likely to be the cause of the different numbers suggested by various studies, as opposed to a de facto reduction of instances of VAW in the years between the two studies.
[6] More information can be found at http://www.mj.gov.br/senasp/pesquisas_aplicadas/mapa/rel/b_delit_tab2003.htm accessed 10/10/08.

94).[7] The same research also revealed that very few female homicide cases led to the prosecution and punishment of the aggressor.[8]

The low prosecution figure revealed how the justice system treated violence within an intimate partnership. However, the Constitution provided no grounds for ignoring violence within the family. Article 226 § 8° declares that the state will secure assistance for each family member and create mechanisms to end violence in the family environment, clearly delineating the state's right and obligation to take responsibility in intra-family violence cases. Unfortunately, there was a general lack of guidelines for the state on how to do so and this was accompanied by a lack of funding allocated for such policies. Furthermore, problems arose from the workings of the Constitution itself, as "for a Constitutional principle to become legally binding it requires complementary legislation, otherwise it remains a dead letter" (Macaulay, 2000a: 153). Another part of the problem was that there was a large gap between the relatively progressive Constitution, and the penal and criminal laws dating from 1940.

The absence of a law targeting VAW prior to 2006 meant that such cases were treated under the penal and criminal codes that had no reference to VAW (Melo and Teles, 2002: 86). The definition of rape as a crime against custom implied that society, rather than the victim, was the offended party (Americas Watch, 1991). However, some reforms had taken place. For example, Law n.10.224, passed in 2001, made sexual assault punishable for up to two years, and in 2004, domestic violence was included as a specifically aggravated form of deliberate injury (Macaulay, 2005b: 105).

Despite their merits, these amendments were unable to secure implementation. By claiming to have acted in 'honour defence', the courts acquitted aggressors for their crimes. Although the legal discourse allowing men to act violently against, or even murder, adulterous wives in defence of their honour was abandoned in 1831, this justification was still applied by defence lawyers in the early 2000s (Teles, 2003: 132).[9] Hence, by 2003, feminists still had to mobilise over wife-murder cases (Santos, 2005: 3-4). As the low rate of prosecutions of aggressors of VAW suggest, there was little understanding of the grave nature of such violence. The

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[7] In her research on VAW in São Paulo, Blay found close links between the aggressor and victim in 7 out of 10 VAW cases.
[8] In Blay's study, only 14 % of the aggressors were punished for their crimes (Blay, 2003: 96).
[9] A study by Americas Watch (1991) revealed that using the honour defence argument was successful 80% of the time.

application of supposedly gender neutral legislation to deal with VAW, did not help to secure either punishment, or understanding of such violence. This chapter now turns to an elaboration upon this point.

Treating VAW under 9099/05

After 1995, and until 2006, most VAW cases were treated under law 9099/95. This law established special criminal courts to deal with minor offences imposing a maximum penalty of one-year imprisonment, which was later extended to up to two years. The specialised criminal courts decriminalised minor offences, and were designed to increase access to justice and to unburden the mainstream courts (Macaulay, 2005b: 106).[10] Although not intended to deal with VAW in particular, figures revealed that this was the case in 70% of the instances dealt with in these special courts (Barsted and Lavigne, 2002:8). Due to the absence of a legal definition of VAW, these courts defined such violence in terms of other crimes, such as sexual violence or corporal harm.

In September 1995, Law no. 9099/95 created special courts to deal with conciliation, processing, judging and implementing the law in cases considered as minor offences (Brazil, 1995: 1). The creation of 9099/95 mirrored a trend in Latin America, where new specialized juridical arenas were used to fast track minor social conflicts (Macaulay, 2005b: 103). These courts were part of the justice sector reforms, which promoted consensual or mediated justice, which had been advocated by international governmental and non-governmental finance and development organisations (Macaulay, 2005b: 103). However, because the courts were created to promote conciliation between victim and accused, and were based on masculine notions of man to man violence, staff were trained in reconciliation, rather than having any specific competency in VAW.

Due to the conciliatory nature of these courts, 90% of the VAW cases tried in the courts did not end with a penalty for the aggressor. In the few cases where he did, this was generally set as giving a contribution to a charity organisation (Barsted and Lavigne, 2002: 8). As this contribution usually came out of the household budget, if the woman was still living with the aggressor (which she did in most cases), the penalty equally punished the victim through the reduction of the family budget. Rather than contributing to penalise aggressors, the 9099/95

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[10] Cases treated in these courts include conflicts in the home or in the neighbourhood, or traffic accidents (Faisting, 2008:1).

reinforced the notion that it was 'cheap' to beat women, thus increasing the possibility of such violence persisting.[11]

Since its establishment, the unsuitability of 9099/95 to deal with VAW was a recurring argument coming from the feminist movements. Feminists were against treating domestic violence as a 'minor offence', which the application of 9099/95 to VAW cases signified. Treating domestic violence in the same courts as traffic accidents obscured the scope and severe nature of VAW.[12] Although, as Macaulay argues (2005b: 105), the specialized criminal courts made domestic violence more visible by moving the conciliation process from the police stations to a more public forum, they also served to decriminalise the acts by treating them as minor offences, rather than as deliberate acts of recurring violence.

Furthermore, the nature of the special courts obscured the unequal power relationship between the victim and aggressor in cases of VAW. The special courts "presumes one-off, non-recurrent conflicts between two parties that are equal in terms of their power relations and ability to negotiate" (Macaulay, 2005b: 110). Hence, they were incapable of dealing with gendered power relations, particularly in domestic violence cases. The nature of the courts and the proceedings further failed to address the victim's need to feel safe and secure, as many women found the process as intimidating and humiliating as the act of violence itself (Safiotti, 2002:334). These courts also failed to address the often-recurring cycles of VAW, and neglected the needs of women who had been subjected to violent attacks or sustained violence, and who consequently required protection within their own family environment. These criticisms were vitally important to the feminists' arguments for the creation of specific VAW legislation. Before embarking upon a discussion of this new legislation, this chapter now turns to a discusssion of the development of the national and international VAW debates.

6.3 Feminist campaigning on Violence against Women prior to 2003

The 1970s: VAW becomes a public issue

The earliest feminist activism on VAW dates back to the 1970s (Teles, 2003: 130) and was linked to social movement mobilisation against the public violence perpetrated by the authoritarian regime. The feminists found that, although women were courageous when denouncing acts of torture and human rights violations in the public sphere, they did not

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[11] Interview with Simone Silva, União de Mulheres, São Paulo, 17/05/05.
[12] Personal communication with Leticia Massula, AGENDE, June 2005.

report domestic violence (Teles, 2003: 131). Thus, feminists started to incorporate demands for the right to be free from violence in the home within the definitions of human rights and social justice, discourses which were being used to oppose the political violence.

In the late 1970s, feminists emphasised domestic violence and campaigned against wife murders in particular (Machado, 2008: 14). In 1976, the murder of the famous upper class woman, Angela Diniz, by her partner, Raul Doca Street, helped feminists to introduce the issue of wife murder into the public arena (Hautzinger, 2007: 185). In the first trial, Doca Street was acquitted of murder by using the 'honour defence' argument. However, the feminist movement campaigned for the judiciary to take action and were successful in getting him found guilty of murder in the second trial (Hautzinger, 2007. 185). The Diniz case served to give publicity to individual instances of wife murders, and highlighted the ways in which the police and the judiciary dealt with wife murder. Because of this case, the notion of VAW became a term used in the judiciary.[13]

Throughout the early 1980s, cases of wife murder received media attention and became mobilisation points for the feminist movement. In contrast to issues such as childcare and access to basic services, VAW was an issue that could unite all strands of women, crossing boundaries of race, class and feminist ideology (Santos, 2005: 86). During the early 1980s, women's groups were set up to give social, psychological and legal services to women victims of violence, and the feminist movement organised reflection groups on violence (Teles, 2003: 130; Santos, 2005: 86). At that time, VAW was generally defined in terms of domestic violence (Santos, 2005: 90-91) and was predominantly seen as a health issue, which was in accordance with the dominant international discourse of the time.[14]

The 1980s: the state acknowledges VAW

As democratization progressed, feminists used the openings in the policy environment to push for VAW policies (Aboim, 2004). The most specific policy dealing with VAW, was the establishment of women's police stations. Feminist campaigning, combined with the O Conselho Estadual da Condição Feminina- CECF (Feminine Council in São Paulo) prioritising of VAW, resulted in the São Paulo Governor, Franco Montoro, setting up the first Delegacia de Defensa da Mulher- DDM (Police Station in Defence of Women) in 1985 (Alvarez, 1990: 218). This policy "trickled up, down and sideways" to other municipalities

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[13] Interview with Lourdes Bandeira, University of Brasilia, Brasilia, 11/03/05.
[14] Interview with Albertina Costa, CNDM representative, Fundação Perseu Abramo, São Paulo, 20/05/05.

and States (Macaulay, 2006b: 1), though they were concentrated in the South and South East of the Country. By 2004, 339 women's police stations had been established, and they had been renamed Delegacias Especializadas de Atendimento às Mulheres – DEAMS (Special Police Stations for Attending Women) (Hautzinger, 2007: 186).[15]

As Santos (2005: 16) argues, although feminists supported the creation of the DEAMS, staffed only by women, they raised concerns about the essentialist nature of this policy. It was argued that although policewomen would be better than policemen, there was no guarantee that these women would understand the problem of gender violence (Santos, 2005: 16). Also, the state officials' claim that women's police stations would provide a less intimidating environment, where women victims of violence would be met with respect and understanding (Santos, 2005: 25), was subject to scrutiny from feminists (Santos, 2005: 31).

The establishment of the DEAMS was, nevertheless, of invaluable symbolic importance. They were a response to the women's campaigns to move the private sphere into the public realm, thereby making issues that occur in the private sphere a justifiable target for state intervention. DEAMS were a significant step towards the politicisation of VAW, and they were a practical measure to increase the number of women reporting violent crimes (Santos, 2005: 23-25). Although this policy was, in truth, based upon essentialist arguments, it was, nevertheless, a response to feminist complaints about the treatment of women by men in the regular police stations.

As studies of the practices of the DEAMS have highlighted, many female police officers were not sensitive to the issue of VAW, nor had they necessarily been more receptive than male police officers to the women reporting these crimes (Massuno, 2002). In many cases, the police in the DEAMS did not believe that the acts of violence that occurred, were of a nature that needed penalties. Often, blame was put on the women for encouraging the violence, blaming their choice of clothes, their choice to be out late at night, or denying their partners sex when they wanted it. This insensitivity was partly due to the lack of training and partly

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[15] Another, more recent development, was the creation of the first virtual DEAM, which was set up in the state of Para. This project was instituted in March 2006 and created a mechanism enabling women to report crimes online (Folha de São Paulo, 14/03/06). However, whether this will be another example of a policy successfully trickling up, before being adopted as a national policy, is yet to be seen.

because these women did not identify with the women they attended.[16] Rather, the women emphasised their identity as police officers, thus bringing with them the macho and sexist nature of the police that women faced in the mainstream police stations. In addition, the lack of both structural and human resources limited the positive effects the DEAMS could have.[17]

Though limited resources, training and receptivity resulted in DEAMS being unable to fulfil their mandate, Sorj and Moraes (2008: 127) argued that there was an additional explanation for the poor performance of the DEAMS. They argue that rather than using DEAMs to criminalise the aggressor, and to seek justice, some women used these police stations as an institution for the mediation of a private conflict (Sorj and Moraes, 2008: 127). This role was not intentional when the DEAMs were promoted, as such interventions from the police did not correspond with the normal role of the police.

The establishment of the first DEAM happened in a context of democratization, where violence and human rights violations were debated in society. This helped feminists to demand action from the Brazilian state prior to the international community's increased mobilisation and recommendations for policy action on the issue. As the country settled into democratic practices, feminist campaigning on VAW increased in scale and focus, and largely followed the international and regional developments on gender violence definitions and campaigning.

The 1990s: Regional and International organisations acknowledges VAW

International and regional developments clearly influenced Brazilian VAW debates and feminist campaigns from the 1990s (Santos, 2007: 171). Although the international feminist movements have had VAW on their agenda since the 1970s, due to disagreements over policy preferences and strategies, feminists were unable to promote a widespread international recognition of this issue until the early 1990s (Weldon, 2004b). Weldon (2004b; 2006) accredits this to the strong divisions between the feminist movements in the 1980s, where disagreements were visible over which subjects to pursue and what strategies to use in

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[16] Although the official police training included human rights and children's rights, no classes were given on women's rights or VAW (Massuno, 2002). Interview with Graziela Pevez, Director of Casa de Eliane de Grammont, São Paulo, 10/05/05.

[17] Massuno (2002), in her 1999 study on São Paulo, found that in 68 of 107 DEAMS there was either a complete lack of computers, or a lack of a network linking these computers to the internet. The majority of the DEAMS were without radio, and without human resources. Both the numbers of staff, and the qualifications of these staff were insufficient to deal with the nature, and numbers of VAW cases (Massuno, 2002; Minsterio de Justica, 2005).

international arenas. Macaulay (2000a), who argues that VAW was perceived as a Western feminist issue, and was perceived as a less pressing issue by the women 's movements in the South, offers similar arguments. Women in the South were rather concerned with more 'developmental' issues, such as access to basic services and poverty alleviation.

In the 1990s however, the international feminist movement was characterised by a much more united front, enabling them to take advantage of the political openings created by the end of the Cold War. Furthermore, the international attention given to wartime rape in places such as Bosnia and Rwanda in the early 1990s helped women to demonstrate the political nature of VAW (Joachim, 2003: 260).

VAW thus became a subject discussed at some of the UN Conferences during the early 1990s. For example, the 1993 UN Conference on Human Rights in Vienna was an important event for transforming discourses on VAW. Here, the international feminist movement successfully incorporated notions of women's rights and women's right to be free from violence, in human rights discourses.[18] Therefore, the framing of the debates on VAW moved from a women's health perspective to a human rights one. As a result, the Human Rights Conference ended in a Declaration on the Elimination of Violence against Women (DEVAW). During the 1990s, a series of UN documents on gender equity incorporated VAW, and the UN created a Special Rapporteur on VAW. Other documents, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), included recommendations that dealt with VAW, including the demand for domestic violence legislation.

For Brazilian feminists and their Latin American counterparts, the notion of women's rights as human rights proved to be of invaluable importance. After decades of authoritarian regimes, with many human rights violations, tying VAW to human rights legitimised feminist demands for state action. Hence, the notion of 'women's rights as human rights' was quickly adopted in the regional arena and was advocated for by the emerging regional networks on women's rights, such as the Latin American and Caribbean Network against VAW, created in 1992.

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[18] See Bunch (1990), for an exploration of the incorporation of women's rights in international human rights discourses.

Regional institutions have been equally as important as international organisations in exporting VAW norms (Friedman, 2006; Santos, 2007: 171). The most important of these regional developments was the 1994 Intra American Convention to prevent, punish and eradicate Violence against Women – "The Belém do Pará Convention". By 2008, 32 of the 34 member countries, including Brazil, which signed it in 1995, had ratified the Convention (Tananta, 2008: 3). It stated that VAW included physical, sexual and psychological violence, and that VAW was a violation of human rights (IACHR, 1994, article 2). Additionally, Belém do Pará stated that when the state had failed in its commitments to women's human rights, any group or individual could bring complaints to the Inter American Commission on Human Rights (CIDH).

The feminist movements in the region took up this opportunity. The first case against a member state for failure to protect women in cases of domestic violence was filed against the Uruguayan state in 1993.[19] Although this action failed, it "represented an important attempt to transform international conventions from symbolic state rhetoric into an instrument for change" (Johnson, 2002: 111). The Brazilian feminist movements have been more successful in using this mechanism, as they successfully filed a case against the state in 2001. The Brazilian state was found guilty for not protecting Maria da Penha from being murdered by her partner, as well as for failing to investigate the murder and prosecute the aggressor. Although her murderer was consequently tried and imprisoned for his crime, Brazil did not adhere to the other recommendations to the state made by CIDH in this regard.[20]

International developments also influenced the ways in which individual states treated VAW. This is most noticeable in the legal arena. In the late 1990s and early 2000s, there was a trend towards the creation of specific VAW legislation in Latin America. Brazil was the noticeable exception. Let us now turn to a discussion of how the policy environment in place 2003-2006 was able to facilitate legislative change in Brazil in 2006.

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[19] A Uruguayan feminist organization claimed that the state had failed to protect a woman from being killed by her ex-partner, despite her repeated reports to the police about him threatening her.
[20] The recommendations included the punishment of the aggressor in the murder of Maria de Penha, an investigation into the irregularities of the investigation which impeded a comprehensive enquiry into this crime, the securing of 'reparation' for the victim, and the creation of a series of measures to deal with the discriminatory ways in which domestic violence cases are handled (Piovesan and Feix, N.d - CLADEM).

6.4 The Policy environment 2003-2006

Opportunities for feminists to have an impact on VAW debates through the SPM were facilitated by several factors in the policy environment specific to this issue. Despite the absence of a specific law, the Brazilian state had a long history of dealing with VAW. Important state policies included shelters, DEAMS, information centres, and, although hardly implemented, the right to abortion in cases impregnation by rape. Hence, there was no need for feminists and the SPM to justify state intervention in VAW, as such involvement had been legitimised 20 years ago. Furthermore, the state had signed international agreements demanding the creation of specific legislation. The regional trend to create VAW legislation in the years leading up to 2003 similarly showed that the climate was favourable for legal change.

Whereas the abortion debate became a struggle over how to frame the argument, both outside and inside the government, feminists could rely on a more coherent and favourable VAW discourse from the government. While in local government, the party in power had gained experience of gender violence policies and proved its willingness to engage with these issues. In addition, VAW had been its key gender policy area, and it had started to promote several interconnected policies to approach the issue (Macaulay, 2003b: 24). The ideas of a transversal approach to gender and race promoted by the Lula government meant that gender policies such as VAW, were more coordinated than during previous administrations, where each government agency had worked on gender policies independently of each other (Cole and Phillips, 2008: 158). Hence, from 2003, there was an important shift in how the government dealt with gender violence (Portella, 2003; Cole and Phillips, 2008: 158).

Improvements in the ways in which VAW policies were dealt with, and perceived, was exemplified by the 2003 Plano Nacional de Segurança Pública – PNSP (National Plan for Public Security), which, for the first time, included a chapter focussing on women. Moreover, it made use of public security and public health framings of VAW (SENASP, 2003a: 60), which were the preferred feminist discourses.[21] Additionally, the language in the text was influenced by feminism; for example, it stated that 'the violence that mutilates women (physically and psychologically), degrading, submitting and destroying them, is prompted by men's desire to dominate and exert their power over them' (SENASP, 2003a: 60).

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[21] See section on VAW movements' characteristics for more details on the feminist framings of this debate.

This favourable discourse was carried forward by the SPM, which, up until 2004, had VAW as its main policy area. The SPM improved the numbers and quality of the services available to women who had been subjected to violence, and promoted a more integrated set of policies to deal with the issue. The policies promoted by the SPM were in tune with feminist ideas of how to tackle the issue. For example, in a strategy meeting held by the Patricia Galvão Institute in February 2005, the priorities of the feminist movements in relation to VAW were discussed, which included the need to establish more data, to create a mechanism to monitor the media, as well as to focus on the legislative arena (Instituto Patricia Galvão, 2005). The SPM's focus on this policy area prior to the feminists handing over of their law proposal indicated that the SPM would be inclined to engage in this project with the feminists.

Additionally, feminists knew that they could find allies for such a project in the legislature. The presence of about 40 PLs dealing with gender violence in the Chamber of Deputies highlighted this. The majority of these moved in the direction of improving women's rights and access to services. Of particular importance, was the presence of Jandirah Feghali in the Bancada Feminina. As for the abortion debate, she was to be vital in the feminist and SPM mobilisation for a VAW law.

In addition to favourable actors, discourses and policies within the state, feminists could rely on more support from the public. The uncontroversial nature of VAW, in comparison with abortion, meant that a PL on VAW would face less opposition from counter-movements, and more support from the public and the government. The media also presented a view of gender violence compatible with the feminist framing of the debate. Such violence appeared both in newspapers and on television around the time of Lula's first administration. More importantly, soap operas, which reached a much higher audience than Brazil's newspapers, portrayed cases of VAW in a way that supported the feminist's arguments. Although these series portrayed the problems related to VAW, at the same time, they romanticised such crimes by hinting that the victim was responsible for these crimes (Blay, 2003: 93). This nevertheless resulted in the development of the public's awareness of VAW as a problem.

Furthermore, the campaigns of feminists and the visibility of services targeting women victims of violence had encouraged women to question the violence they suffered. Sometimes, this led to their filing of a police report; however, many women withdrew the report afterwards due to partner, parent or neighbour pressure (Vaccari, 2002: 63; Sorj and

Moraes, 2008: 126). Although these women were still likely to remain in the violent relationship, by 2005, they were less likely to accept violence as part of their fate than in the past.[22] This signalled that feminists could rely on a higher degree of support from the public than they enjoyed in the abortion debate. The VAW movements were the same movements that were engaged in the abortion debate; despite this, when dealing with VAW, they exhibited organisational and strategic characteristics that were somewhat different when dealing with VAW.

6.5 The VAW movements, 2003-2006

Although there were divisions in the feminist movements over abortion, they were more coherent on VAW.[23] The issue had remained high on the feminist policy agenda and there was increased academic research on the matter. However, this is not to say that there were no internal divisions. For example, although there was a general agreement that the aggressor should be made more responsible for his crime, there was no real consensus on what type of punishment should be given (Macaulay, 2003b: 24). [24] Another dividing question was what type of violence to prioritise. The widening of the definition of VAW throughout 30 years of campaigning was partly responsible for this.

Whereas the feminists emphasised domestic and sexual violence in the 1980s, by 2003 they worked with a wider definition of VAW. This included physical, sexual and psychological violence; the latter referring to direct verbal abuse, as well as patrimonial and moral violence (Melo and Sanematsu, 2004: 26; Brazil, 2006).[25] As a response to the increase in black women's mobilisation, racism was included as an expression of VAW in feminist definitions of violence (Santos, 2005: 85).

The increased use of 'gender' as opposed to 'women' in academia, as discussed in Chapter Three, led feminists to explore the social construction of relationships between men and women, and how this affected VAW. This led to a move away from the essentialist notion of

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[22] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.
[23] Interview with Glaucia Matos, Executive Director of FALA PRETA! São Paulo, 16/05/05; Interview with Rosana dos Santos Alcântara, Executive coordinator of Advocaci, Rio de Janeiro, 17/02/05. Interview with Leonora Menecucci, University of São Paulo and part of the coordination board of the Jornadas, São Paulo, 27/05/05.
[24] See sections 6.2, 6.3 and 6.6 for more details on methods of punishment.
[25] Meaning actions meant to provoke fear, including destroying objects and hurting animals of personal value to the victim.

'women victims of violence', to using 'women in situations of violence' (Oliveira, 2003; Santos et al, 2005). This suggested that women are not born victims, but gendered social structures put them in situations of violence, and emphasises that women are not victims in all elements of life.[26] Nevertheless the more complex definition of VAW presented by feminist academics, and by shelters such as Casa Eliane de Grammont (The Eliane de Grammont House), the majority of feminist activists and government officials predominantly used 'victims of violence' throughout the period studied in this thesis.

In 2003-2006, the feminists used many varieties of discourses on VAW. A large majority used the public health frame, linked to human rights. This notion was accepted by public institutions (Correa, 2003), as women who had been subjected to violent attacks were frequent visitors of the public health system (Teles and Melo, 2003: 54). Framing the issue as a matter of public health enabled feminists to draw upon the Constitution, which stated the universal right to health. A health related framing of the VAW debate also had the support of international organisations, such as at the 1994 International Conference on Population and Development in Cairo, which linked the right to be free from violence to women's reproductive and sexual rights (Gernet, 2005: 12). Similar links between VAW and women's health were visible in feminist campaigns to increase women's access to legal abortions in cases of rape. By using health discourses, the movements were able to gain positive policy responses, such as creating a technical norm for medical staff in 1998, which made it compulsory to notify VAW to the police. In 2003, this came into law with the help from the Ministry of Health and the SPM.

However, feminist strategy moved towards incorporating VAW into a public security discourse (Correa, 2003; Barsted, 2005: 38; Instituto Patricia Galvão, 2005), although not all agreed on this.[27] It can be argued that this was a strategically sound move, as this discourse had already been adopted by the state. For example, by tapping into notions of security, Brazilian feminists could make use of the links between human rights and security on an international scale. Notions of human security had been key within the UN system since the 1990s and were further developed in the 2000s (Vlachova and Biason, 2003: 9). Security issues became even more prominent in the international arena post-September 11th 2001.

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[26] Interview with Graziela Pevez, Graziela discussed the difference in the terms 'ser' and 'estar' (to be), where 'ser' victim is seen as a permanent state, whereas 'estar' is used as a temporary and conditional condition.
[27] Interview with Simone Silva, União de Mulheres, São Paulo, 17/05/05.

Increased international attention to security thus opened up opportunities for feminists to gain increased awareness of gendered issues of security. This international emphasis on security paralleled the debates occurring in Brazil, where much attention was given to violence in society and how that affected security. Hence, tying VAW to security introduced the potential for more allies, such as human rights and public security movements, as well as social movement and Church based organisations that dealt with violence.

As VAW was a less contentious issue than abortion, feminists were able to create alliances with grassroots women's organisations linked to the Church, increasing the number of women's and civil society organisations arguing for policy change on VAW (Drogus and Stewart-Gambino, 2005: 155-158). One such example of links between professional feminists and grassroots women, was the project called 'popular legal assistants'. Since 1998, this project had enabled feminist NGOs such as União de Mulheres de São Paulo (The São Paulo Women' Union), and THEMIS- Assessoria Jurídica e Estudos de Gênero (THEMIS- Judicial Assistance and Gender Studies), to train community women to help women victims of violence in legal matters. Other allies in the fight against gender violence were present in the labour unions, such as the Central Única dos Trabalhadores- CUT (the Central Worker's Union), whose women's branches had VAW as one of their main areas. Hence, when dealing with VAW, in comparison to abortion, feminist could rely on a wider range of allies from both governmental and non-governmental actors. In fact, Brazilian feminists saw VAW as the issue that was able to unite women who were otherwise divided by race, region and income inequalities (Cole and Phillips, 2008: 161).

It is possible to classify the range of feminist actions in relation to VAW into their insider and outsider strategies (Chappell, 2002; Hochstetler, 2008). In terms of the former, by participating in the CNDM, and engaging with the SPM through projects, meetings and conferences, feminists were able to take part in policy debates on VAW.[28] Furthermore, the increased number of local and state Women's Policy Agencies (WPAs) in Lula's first presidential term, created opportunities for better access for feminists to local and state policy debates.

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[28] In 2005, around 15 NGOs got funding from the SPM for projects dealing with VAW. This included both national and regional campaigns, policy implementation, as well as research initiatives.

This insider strategy worked in conjunction with an outsider position which was partly linked to the state, in that feminist NGOs engaged with the state by providing services. For example, the feminist organisation CEPIA, trained police staff in Rio in matters of VAW, while União de Mulheres de São Paulo provided information about services to battered women.[29] In this regard, feminist NGOs followed the same path as many other NGOs, both nationally and internationally; this path involved NGOs picking up the pieces of the economic adjustment policies which had involved a 'rolling back of the state'.

Additionally, an array of autonomous feminist action represented feminist outsider tactics. Feminists arranged a wide range of awareness and educational campaigns, and provided information to both victims and public servants. Furthermore, in 2005 and 2006, there were mass campaigns and mobilisation around the issue of VAW on 8th March and 25th November: the latter 'the day' to fight VAW. Mass mobilisation also occurred in response to the high levels of female homicides that took place in the state of Pernambuco at the beginning of 2006. Part of this outsider strategy was based on lobbying activity, which was enabled by the good working relationship between feminists and the Bancada Feminina, as described in previous chapters. The Centro Feminista de Estudos e Assessoria- CFEMEA (Feminist Centre for Studies and Advisory Services) focused on lobbying in the area of preparing, debating and approval of new laws, and THEMIS, worked on the application of laws already in place.

The outsider strategy had led feminists to turn their attention to the criminal justice system, which led them to assess the application of the law and to analyse the workings of the police stations (Macaulay, 2000a: 156). This attention introduced work in the area of training police, judges and community women, and increased feminist focus on the justice system and the application of law 9099/95 in VAW cases. This development was the background of the creation of a specific law on VAW.

6.6 The VAW debate

Although feminists had focussed on the criminal justice system since the 1990s, they had worked on how to improve women's access to justice within the current legal framework, rather than improving the law itself. In 2002, this changed. A group of feminist lawyers, representing the most prominent feminist NGOs in the country, met in Rio de Janeiro in

[29] Conversation with Maria Elvira Viera de Mello, CEPIA, Rio de Janeiro 08/04/05. Interview with Amelinha Teles, União de Mulheres de São Paulo, São Paulo, 02/05/05.

August 2002 (Barsted and Levigne, 2002: 8).[30] Based on their evaluations of the contemporary legal context, with particular reference to 9099/95, and to the VAW PLs already in Congress, feminists realised that there was a need for a completely new law (Barsted and Levigne, 2002: 8). As a result, these women created a conjunctural alliance, the Consórcio, to write a new PL.

The Consórcio

In the Consórcio were representatives from CFEMEA, who brought with them their knowledge of the workings of legislature and their experience in the preparation, debate and approval of new laws. CFEMEA also brought with them their good relations with the Bancada Feminina and with the PT. In addition, the conjuntural alliance would be able to put weight behind their PL because of CFEMEA's legitimacy and high level of acceptance in Congress. Another Brasilia based NGO, Ações em Gênero Cidadania e Desenvolvimento-AGENDE (Actions in Gender, Citizenship and Development), brought with it similar expertise, in addition to providing the Consórcio with knowledge of international mechanisms to combat VAW. Silvia Pimentel from the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM) also provided international awareness. She was the writer of both the official and the feminist report on Brazil's adherence to CEDAW, and her participation in a regional movement meant that she could draw upon the experiences from other countries in the region.[31]

In addition to having feminist representatives with a vast knowledge of lobbying and advocating on a national and international level, the Consórcio brought together the experience of feminists working in the application of current laws. For example, the NGOs THEMIS, CEPIA and ADVOCACI, all had experience in accompanying women who have been subjected to violence, through the court system. Furthermore, the Consórcio increased the range of experiences the alliance could draw upon by including feminist NGOs that provided information and psychological services to women victims of violence, and by including members of the black feminist movement. In addition to representatives from NGOs, there were practitioners from the public defence sector and from academic circles.

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[30] In the first meeting of the Cónsorcio, were "Leila Linhares Barsted (CEPIA), Silvia Pimentel (CLADEM), Carmen Campos (THEMIS), Iáris Ramalho Cortês (CFEMEA), Elizabeth Garcez (AGENDE), Beatriz Galli (ADVOCACI), Rosana Alcântara (CEDIM), Ester Kosoviski (Universidade do Estado do Rio de Janeiro), Rosane Reis Lavigne (Defensoria Pública do Rio de Janeiro), Ela Wiecko de Castilho (Procuradoria da República)". Retrieved from http://www.contee.org.br/secretarias/etnia/materia_7.htm, accessed 10/04/09.

[31] Interview with Silvia Pimentel, CLADEM, São Paulo, 30/05/05.

The Consórcio thus joined organisations and individuals who had expertise on the area, and they defined their project as a technical-legislative matter (Barsted and levigne, 2002: 9). Abrar, Lovenduski and Margetts (2000: 257) have explored the benefits of having experts to further policy debates. They argued that if feminists were perceived as being experts in a policy area, it increased their ability to get a gendered policy response. This view is similar to Htun (2003: 5), who suggests that technical issues are more likely to get a positive policy response than those framed as moral issues. By initiating the project through a coalition of lawyers, the feminist movements framed the issue of VAW as a technical issue, justifying their demands through interpretations of national and international law. The vast and wide range of experiences of the members of this coalition thus served to increase the legitimacy of the law project.

Their preliminary law proposal had these main points: the creation of a national plan to combat VAW; that VAW should be perceived in accordance with the definition stated in the Bélem do Pará; protective and preventive measures for the victims; the creation of multidisciplinary public services; the creation of a civil and penal court with competence in VAW; free legal assistance to victims; and that law 9099/95 should not apply to VAW cases (CFEMEA, 2005).

The SPM's role in the debate

Despite being a project initiated by an autonomous feminist group, the Consórcio saw the advantage of having SPM and government backing. In November 2003, a seminar on domestic violence was held in the Chamber of Deputies, where the Consórcio, the Bancada Feminina and the SPM discussed the feminist project. It was decided that the SPM should take over the project in order to put its executive weight behind the PL (Contee, 2007). This happened in 2004, when Freire had become minister. As explained in Chapter Two, the executive dominated lawmaking, both in terms of the timing and content of the legislative agenda, and because few of the executive's PLs were rejected. In terms of the process through the legislature, having the government on board would be an advantage (CFEMEA, 2005). Furthermore, including the SPM in the PL meant that the feminist group could improve the project by drawing upon the competence of the SPM as an executive branch.[30] In addition, engaging the SPM could stir a larger policy debate on VAW, as the SPM's involvement

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[30] Interview with Ana Paula Gonçalves, Ouvidoria, SPM. Brasilia, 15/06/05.

would increase debates amongst the executive, the legislature and civil society (CFEMEA, 2005). Hence, the SPM created a window of opportunity for the feminist movements to have their proposal presented to the legislature: a strategy that was perceived to be more effective than engaging with the Bancada Feminina alone.[31]

So why did the SPM support this project? According to Pimentel and Santos (2007: 171), we can find reasons for the government's commitment in the pressure by feminist campaigning on the international arena.[32] As already mentioned, the feminist movements had filed a case against the Brazilian state for its failure to protect Maria da Penha from violence. The Cardoso administration did not adhere to the recommendations presented by CIDH in 2001, though in 2002 the Secretaria de Estado dos Direitos da Mulher - SEDIM (State Secretariat for Women's Rights) took part in a motion towards the Supreme Court to review the case (Santos, 2007: 172). A year later, the feminist movements, in their alternative report on Brazil's adherence to CEDAW, criticised the government's failure to take action in the Maria da Penha case (Santos, 2007: 172). Accepting the Cónsorcio's proposal, was thus a response to pressure from international institutions, which feminists had advocated for.

Furthermore, taking part in the creation of a new law fitted in with the SPM's mandate, which involved proposing legislative measures. However, the SPM had not been in office long when the Cónsorcio introduced their project.[33] Hence, the SPM had therefore, not had time to take any steps to introduce issues of VAW to the legislative arena. The provision of a PL from mobilised autonomous feminists outside the state gave the SPM legitimacy for taking legislative action in this area. Furthermore, due to the government's emphasis on participatory politics, engaging with such a project would serve as a response to participatory demands. Outsider feminist activism was thus important for the SPM's acceptance of the Cónsorcio's project.[34]

When feminists outside the government presented the project, the SPM was already working on VAW, as had the CNDM and SEDIM (Santos, 2007: 172). Thus there was institutional memory, and acceptance of working on legal matters regarding VAW. There was also

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[31] Interview with Ana Paula Gonçalves, Ouvidoria, SPM. Brasilia, 15/06/05.
[32] Interview with Silvia Pimentel, CLADEM, São Paulo, 30/05/05.
[33] Conversation with Maria Elvira Viera de Mello, CEPIA, Rio de Janeiro 08/04/05.
[34] Conversation with Maria Elvira Viera de Mello, CEPIA, Rio de Janeiro 08/04/05. Interview with Regina Célia Sant'Anna Adami Santos, SPM parliamentary assistant, Brasilia, 15/06/05.

widespread support for the need of such a law amongst members of the Bancada Feminina, which increased the probability that the law would be passed by Congress.[35] In addition, the non-controversial nature of this law and Brazil's 20 years of history of accepting the notion that women had the right to be free from violence, made it easier for the SPM to engage in such a project than in comparison to action on issues such as reproductive health matters.

As a response to the feminist law project, and to international pressure, in 2004 the SPM created an inter-ministerial working group to increase the effectiveness of this project (CFEMEA, 2005; Santos, 2007: 172). This working group included members of the feminist Cónsorcio, various governmental Ministries and Secretariats, as well as members of the committee for 'the women's year' in the Chamber of Deputies and in the Senate (CFEMEA, 2005).[38] As with the abortion law project, the SPM treated the creation of the VAW law as a technical issue, inviting people seen as experts to influence the debate on the project. This contrasted the Abortion Commission discussed in Chapter Five, as this group's members were chosen more for their 'representativeness', than because of their professional knowledge on the subject. From the start of the VAW policy debate, it was treated as a matter in need of technical expertise, by both the feminist movements and by the SPM. Policy success was more likely than in the case of abortion, which, despite attempts to frame the debate as a matter of health, was still predominantly seen as a moral issue. Let us now consider the framing of the PL more in detail.

The feminists framing of VAW

Because feminists initiated the project, they were in control of the framing of the PL from the beginning. An important part of the PL was how to define VAW, because there was no such definition in the current legislation. Feminists looked at the regional developments, particularly relying on the Belém do Pará Convention for guidance (Barsted and Levigne, 2002: 9; CFEMEA, 2005). The State had already acknowledged this convention and made it law, therefore, this framing reduced the chances of conflicts arising from individuals and groups approaching the debates with different standpoints and perceptions of the issues surrounding VAW.

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[35] Interview with Senator Serys Slhessarenko. Brasilia. 15/03/05.
[38] There were representatives from the Casa Civil (the general office), Ministries for Health and Justice, SEPPIR, Secretariat for Human Rights and SENASP

The Cónsorcio's working title was 'to create mechanisms to stop domestic and family Violence against Women'. The feminists made use of Belém do Pará's definition, which declared that domestic violence encompassed any domestic unit or interpersonal relationship where the aggressor may have shared a home with the victim (Macaulay, 2000a: 147). VAW was defined as physical, sexual and psychological violence; the latter including direct verbal abuse, patrimonial, and moral violence (Melo and Sanematsu, 2004; Brazil, 2006). This wide definition was significant on two accounts: on the one hand, it educated victim, aggressor, the courts and the public in the nature of gender violence; on the other hand, it made sure that physical violence was not the only punishable act.

The PL was the result of a process similar to what Merry (2006: 3) calls "translating international law into local justice". Merry uses this term to describe a process in which activists frame international human rights ideas, such as on gender violence, in a way which corresponds with to notions understand by the national and local community. The Brazilian feminist alliance framed their law in terms of the family, following the regional trend to adapt international discourses to Latin American realities (Friedman, 2006: 11; Friedman, 2009: 417). It could be argued that linking violence into notions of the family was not only a way to make the public understand the violence, but also to ensure that the public would accept the policy framing and change. Although the Brazilian coalition used the notion of the family, they were bolder than most of their counterparts in the region, as they explicitly stated the law should protect the women in the family. Notions linked to protecting the family unit were more likely to gain support than those clearly linked to feminism, hence de-radicalising the proposal made strategic sense. A PL based on the notion of women needing the protection of the state, decreased possibilities of opposition and increased opportunities to gain allies in those who read this law as an attempt to protect 'the sanctuary of the family'.

The wording of the PL was thus role-based, rather than rights based, as it avoided challenging existing gender roles (Blofield and Haas, 2005). Blofield and Haas (2005: 63) argue that role-based laws such as these have better chances of success; hence it was strategically wise to frame the PL in this way. The wording was thus a move by feminists to manoeuvre their way past the conservative nature of Brazilian politics and public opinion.

The emphasis on the family enabled the feminist Cónsortio to draw upon another strategically important feature of Brazilian society: by framing this law in terms of protecting members of

the family, the feminists used the Constitution as their framework. The Constitution delineates the state's responsibility to create mechanisms to protect family members: an obligation which the passing of the feminist PL could fulfil. In contrast to the abortion case, where decriminalization would go against Constitutional principles, the VAW PL decreased its opposition by linking its arguments with the Constitution as it stood.

The SPM's framing of VAW

Although the SPM had kept most of the points from the Cónsorcio's proposal, the SPM's version, PL 4559/04, differed from the feminists original by maintaining VAW as an issue for the courts established by 9099/95 (CFEMEA, 2005). The SPM's decision to maintain the validity of 9099/95 was, according to SPM representatives, because the law project did not have punishment as its main focal point.[39] Instead, the focus was on women's wellbeing and making the aggressor responsible for his actions (Barsted, 2005).[40] This was in accordance with international and regional sentiments, as there was an agreement that punishment was not enough to combat VAW (Barsted, 2005). Furthermore, criminalisation of the action itself was already in the criminal code and there was no need to enhance this side of the issue further (Barsted, 2005).

The SPM's point of view was in concurrence with the Cónsorcio's sentiments about punishment. However, as the Constitution stated that crimes with a punishment of less than two years should be dealt with in the special criminal courts, a Constitutional change, rather than a new law, would need to be made.[41] Therefore, this was beyond the scope of the project. Regina Adami Santos, one of the SPM representatives working on this law argued that, in addition to the problems caused by the Constitution, some compromises took place with the other government bodies during the final design of the project. This meant that the final project could not be an exact reflection of the Cónsorcio's original plan.[42]

The Counter movement's framing of VAW

However, pressure to maintain VAW in the realm of the special criminal courts came from another force, which could equally be seen as experts on the issue. As already stated, the SPM consulted with representatives from the special courts. These courts had a strong lobby and

[39] Interview with Regina Célia Sant'Anna Adami Santos, SPM parliamentary assistant, Brasilia, 15/06/05
[40] Interview with Regina Célia Sant'Anna Adami Santos, SPM parliamentary assistant, Brasilia, 15/06/05;
[41] Interview with Regina Célia Sant'Anna Adami Santos, SPM parliamentary assistant, Brasilia, 15/06/05.
[42] Interview with Regina Célia Sant'Anna Adami Santos, SPM parliamentary assistant, Brasilia, 15/06/05.

were the most influential counter-movement in this policy debate. Although less verbal in its opposition during the initial stages, by the time the project had left the executive's hands for the legislature, some of the special court judges opposed PL 4559/04 (Romeiro, 2008: 1). In a request to the Supreme Court, a group of judges asked for cases of domestic violence to be kept in the special crime courts and asked the Supreme Court to reject the proposed law. Their major concerns, according to Romeiro (2008: 1), were financial and their doubts about the suitability of prison sentences.

An interesting characteristic of the judges' justifications for their position was that they made use of the same discourse as the feminist movements (Romeiro, 2008: 2-3). Both sides framed their arguments in terms of human rights. The judges argued that maintaining VAW within the special courts represented a legitimate way of exercising democracy: it was an efficient way to guarantee women's rights; it guaranteed the population's access to justice; and maintaining the special courts proved the equal treatment of women and men in the justice system (Romeiro, 2008: 2). Their human rights frame was based on citizens' individual rights, such as access to justice and the possibility of a fair trial. Feminists challenged the Judges more limited concept of human rights. They argued that in order to secure women's human rights by eradicating gender inequality and its effects, such as VAW, other punishments and other courts were needed (Romeiro, 2008: 2-5). Brazil's signing of International Conventions gave feminists a strong case for their argument.

The PL enters Congress

After eight months of intensive work, including consultations with the coalition, judges from the special courts and other parts of the executive, the SPM sent its final product, PL 4559/04, to hearing. Shortly after, on the International Day of VAW, 25th November 2004, the SPM sent the PL to Congress. The idea was that the project would take a year to be approved and, therefore, Lula could sanction the law on the same date the next year (Sucupira, 2005).

The SPM's final version of the PL was not sent to the CNDM for discussion or approval. It was argued that the law project was a federal government initiative and thus did not need the CNDM's consent.[43] Through this action, the SPM used its executive mandate and authority vis-à-vis the CNDM. By withholding the project from CNDM approval, the SPM was able to

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[43] Interview with Lia Zanotta, University of Brasilia, Rede Saude representative in the CNDM, and representative in the abortion Commission, Brasilia, 16/03/05.

by-pass criticisms of the project it had anticipated, thus speeding up the process of getting the proposal to Congress.

Based on its experiences of the abortion PL, the SPM felt the need to make sure the PL's progression through the legislature was swift. Drawing upon arguments made during the abortion debate, the SPM emphasised that there was a need to complete the project before the presidential elections in October 2006. This was because of the awareness that electoral periods make politicians more conservative, but also because they were worried that there could be a change in Government, hence there would be no ensuring that the project would remain active in Congress, as the process of passing PLs was so dependent on the executive.[44] Although some SPM members recognised the validity of the critique relating to the short time given to discuss the project, they argued that the SPM had to follow government time, which was different from that of the movement.[45] However, the SPM argued that any changes the feminist movement wanted to do with the law could be done whilst the PL was in the legislative arena (CFEMEA, 2005).

Feminists securing policy debate impact

As the project was not sent to the CNDM for commentary or approval, the CNDM was unable to serve as a mechanism to inform the SPM of any disagreements over content. Instead, the SPM relied on the outsider feminist's response to the final product. The Cónsorcio, with its competence in legal matters, in addition to having been part of the process, had the opportunity to give feedback. This opportunity was lost by other parts of the women's and feminist movements.[46] Due to a lack of the technical expertise needed to evaluate such a project, many were unable to make comments in a satisfactory manner due to the short time span given for feedback. The SPM actions thus served to favour one part of the women's and feminist movements, while alienating others.

A lack of ownership of the law was indicated by a representative from Sempreviva Organização Feminista (SOF), who argued that the SPM should have included the wider

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[44] Election periods tend to create a more conservative environment, thus decreasing the possibility of the approval of gender legislation. Although this is less so for VAW than for abortion, the need to complete the process before the election period was, nevertheless, felt by some members of the feminist movements (Avila, 2005).

[45] Interview with Tatau Godinho, SPM sub-secretary for monitoring and thematic issues, Brasilia, 10/03/05; Interview with Sonia Coelho, SOF, São Paulo, 22/06/05; Interview with Natalia Foutura, SPM, Brasilia, 03/03/05.

[46] Interview with Sonia Coelho, SOF, São Paulo, 22/06/05.

movement earlier than it did, as she believed that this would have increased the likelihood of a more positive outcome of the content of the SPM's law.[47] She also felt that some of the fault was that of the feminist coalition. A debate in society prior to the project being placed into the SPM's hands, would, she believed, have resulted in a law that was more responsive to what the movement wanted. Portella (2003), who argued that the highly professional NGOs, such as AGENDE and CFEMEA, were distant from the local feminist movements, identified this tendency towards a possible fragmentation of the movements.

After a short consultative period, on 25th November 2004, the SPM handed PL 4559/04 to Congress. Responding to the SPM's non-compliance with movement requirements regarding the removal of the link to 9099/95, the feminist coalition, in collaboration with Deputy Jandira Feghali, worked on changes to be made to the law project. In the latter part of 2005, Feghali initiated a series of public audiences relating to PL 4559/04. These were held in conjunction with the SPM, the Commission for Human Rights and the National Secretariat for Public Security (SENASP). According to Weldon, public consultations like these are important for WPAs, because they improve the representative function of that body "by keeping bureaucrats better informed about, and thus better equipped to articulate the goals and diversity of the movement" (Weldon, 2002a: 124). These audiences may also serve to give extra visibility to the movement's demands, therefore, strengthening the WPA's internal bargaining power when dealing with other state structures, because such visible mobilisations can be used to justify the need for action. The audiences hosted by Feghali and the SPM served to increase mobilisation for, and awareness of, the law project, but they also served to improve the network's and the SPM's understanding of how VAW was experienced in the country.[48] Because the audiences were held on State and Municipal levels, local feminist organisations were handed more bargaining power over government action on VAW, because of the visibility being given to the topic during these meetings.[49]

Because of the public audiences and the technical changes that had been made by the coalition and their allies (Barsted, 2005), the substitute version of PL 4559/04, presented by Jandira Feghali to the SPM, was accepted by both outsider feminists and the SPM. The outsider feminists' ability to present a revised PL to the SPM, and to pressure the SPM to accept the

revised version of the law came as a result of the wide consensus between women's movements, feminist movements and parliamentarians on this matter.[50] This consensus made it easier to presents a unified project to the SPM and all these entities placed significant pressure on the SPM to accept the proposal given to them. In August 2005, the SPM hosted a seminar on VAW to further increase debate, where the feminist movements, and especially the coalition, took an active role.

Feminists securing policy change

The final project was channelled through Jandira Feghali, member of the Partido Comunista do Brasil- PCdoB (Brasilian Communist Party), who became the presenter of PL 4559/04 to the Comissão de Seguridade Social e Família- CSSF (Commission on Social Security and the Family). A back-up plan was made for the project: if it was not approved in the CSSF, several other allies in other Commissions were available to present the law.[51] These alternative measures were available because of the collaboration between the SPM and the Chamber of Deputies' Commissions on Human Rights, Security, Finance, Constitution and Justice and Public Security. The SPM had initiated a debate on domestic and family violence in all these spaces prior to the vote on the project (Chamber of Deputies, 2005). Furthermore, VAW had been a theme that had received attention in the Chamber in the previous decades; the Chamber had not only been involved in debating legislation, but also in hosting and initiating seminars and conferences on the issue. Openings had thus been made in the legislature, which were increased by the members of the Bancada Feminina who presented the project in the various Commissions it had to pass through before the final vote in the plenary.[52]

Because PL 4559/04 did not create any extra expenses (Barsted, 2005), the vote in the Commission for Finances was in the feminists favour. In this way, the project's approval was in concurrence with Blofield and Haas (2005: 41) arguments that issues that do not demand a change in class privileges, such as increased cost to tax payers, have a higher chance of success. There was an agreement amongst the Deputies in relation to the content of the law and the feminists also had the backing of the new President of the Chamber, Aldo Rebelo.

[50] Interview with Glaucia Matos, Executive Director of FALA PRETA! São Paulo, 16/05/05.
[51] Interview with Glaucia Matos, Executive Director of FALA PRETA! São Paulo, 16/05/05. Alternatives were the Commission for Human Rights and the Commission for Public Security.
[52] In this regard, the Brazilian case differs from that of Chile, where the family violence bill was subject to fierce fighting between feminist deputies and the WPA- SERNAM. The case of Chile shows that the ownership of the bill was perceived as having immense importance for the executive and deputies alike, which in the case of VAW legislation, resulted in SERNAM co-opting the bill presented to them by two socialist deputies (Haas, 2004).

Rebelo was from the PCdoB, which was a member of Lula's government coalition; Jandira Feghali was also a member of the PCdoB, therefore, the feminists secured more influence in this sector (Sucupira, 2006). The PL was originally intended to be part of the extraordinary session of the Chamber; however, it was left out due to the full agenda (Sucupira, 2006). It was also delayed because of the political crisis that came as a result of the corruption scandal in 2005 (Sucupira, 2005). Although it had been delayed, when the project was voted on in the Chamber's other Commissions, and in the plenary, it passed with ease. Despite several delays in the Chamber of Deputies, the PL passed successfully at the beginning of 2006.

In March 2006, PL 4995/04 arrived in the Senate, where members of the Bancada Feminina were ready to offer their support. The Senate was prepared for the PL's arrival. In 2005, the Senate conducted a survey on family violence. This had the objective of increasing the perceptions on the role of legislation in relation to VAW, thus improving the debate in the Senate (Senado Federal, 2005).[53] From that research, it became clear that a specific legislation on VAW was welcome as 95% of the interviewees thought such a law was important or very important (Senado Federal, 2005). It is thus clear that the Senate had prepared itself for PL 4559/04, taking action not only to expand their knowledge about the issue to increase the debate, but also to listen to the public in this matter.

At the same time as the debates were taking place within the legislature, the feminist movements were mobilising as outsiders in various ways and arenas to increase support for both the law project and increased awareness of VAW in general. In addition to turning out in great numbers for the public audiences, the movements united in various spaces outside this arena. At the 8th March celebrations in 2006, VAW was the main issue (Mattar, 2006). Demonstrations in front of State Justice Tribunals, and a series of television and radio awareness campaigns, served to spread awareness and support for the PL. The law project, as well as VAW, was subject to news coverage during this period. In addition to increasing public awareness, feminists initiated signature and email campaigns directed at Congress members.

The well-coordinated feminist mobilisation, and their close working relationship with the SPM and the Bancada Feminina, paid off. In August 2006, President Lula sanctioned the law

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[53] The report is available online on http://www.cfemea.org.br/pdf/pesquisaviolenciadomestica_senadofederal.pdf (accessed 10/10/08).

that derived from PL 4995/04: law 11.340/06. This law became known as the 'Maria da Penha' Law, in remembrance of Maria da Penha, whose case was described above.

6.7 Conclusion

What does this case study tell us about the degree to which feminists were able to have an impact on policy debates through the SPM? This chapter has argued that in the case of VAW, feminists were able to achieve the highest level of policy impact- policy change, through engaging with the SPM. The benefits of the SPM's characteristics and activities to the feminist movements were evident throughout the debate.

In the initial stages of the debate, it can be argued that the SPM facilitated feminist's ability to have an impact on debates by funding NGO projects that dealt with VAW, thus increasing feminist mobilisation power. The feminists were organised, unified, and experienced enough to initiate the project. The feminist coalition had a long history of working on VAW; they were practiced in working in, and with, the justice system; their composition included a wide range of actors and experiences; and they were autonomous because they had initiated their work prior to the establishment of the SPM. Already at this early stage, feminists had established themselves as legitimate actors in the debate and the SPM acknowledged them as such. The feminist conjunctural alliance had enough political clout to persuade the SPM to adopt their law project. The SPM's acceptance indicates that the feminists would have access to the policymaking arena, hence facilitating possibilities for feminist influence on the debate.

The SPM increased feminist's access to the policymaking arenas by hosting a VAW seminar where feminists were key actors, thus ensuring that feminist viewpoints became part of the debate. More importantly, feminists became an integral part of the government group drafting the final PL. Government technical expertise in law writing ensured the feminist law proposal had a good chance of success, and made sure that the feminist proposal was legitimate and of a high standard. Furthermore, executive backing all the way through Congress served to push the PL forward and through the many stages of law making. To compliment the efforts of the executive, feminists mobilised to increase awareness and public support for the PL.

However, the successful adoption of the feminist PL can not be accredited to the SPM and feminist actions and characteristics alone. VAW had been a legitimate area of state

engagement and had been the key PT gender policy area. The SPM continued on this path because VAW was its major policy area. In this regard, it followed in its predecessors footsteps and could draw on a long history of institutional experience on the issue. Other government organs mirrored the SPM and the feminists in their framings of VAW as a public security issue. Thus, the SPM did not face resistance to its engagement with this project and could rely on the President's support. Although the PL had its challengers, its relatively uncontroversial nature meant that there was little public opposition and even more significantly, the Catholic Church sided with feminists in their framing of the VAW debate and their demands; nor was the Church the great oppositional force it had been in the abortion debate. There were already several VAW PLs in process, and together with the 2005 family violence survey and the coordinated action of the Bancada Feminina, this all ensured that Congress was open to the feminist PL.

In addition to a favourable national policy environment, feminists could rely on an international and regional political context which proactively encouraged the creation of a VAW law. By defining their PL according to international norms and recommendations, feminists and the SPM ensured the necessary backing for their project. The ways in which this case contrasts, as well as the similarities it shares with the abortion debate, is taken up in the conclusion.

Chapter Seven: Conclusion

Feminist impact through the SPM

In the conclusion, I return to the main question of this thesis: how far have the Brazilian feminist movements been able to have an impact on policy debates through the Secretaria Especial de Politicas para as Mulheres (SPM) 2003-2006? The evidence put forward in this dissertation suggests that these movements had a high level of influence on the debates on abortion and Violence against Women (VAW) covered in this study. Furthermore, the SPM provided the movements with invaluable resources and support in these debates, which further increased the impact feminists were able to have on these debates even further. And, in the case of VAW, feminists were successful in securing policy change: the introduction of a new VAW law in 2006. The SPM's involvement in this process significantly increased feminist abilities to push for this change.

We saw that the two case studies shared many of the same characteristics. Both policy issues were longstanding and important feminist causes, and had originally been brought into the public arena around the time of democratic transition. As such, these struggles had been closely linked to discourses of human and women's rights. In 2003-2006, feminist movements still placed a high priority on issues of abortion and VAW, and the same feminist movements were active in each of those debates. Therefore on the face of it, there were many similarities between them. The debates took place around the same time, with the same party in power, and both took place within the same institutional contexts. The SPM was actively involved in the feminist campaigns for abortion and VAW, and shared the feminist movements' framing of these issues. Finally, the same critical actor, Jandirah Feghali, the PCdoB deputy and long time feminist ally in the Bancada Feminina, took part in both these debates.

However, despite these similarities, the outcomes of the debates were significantly different. Whilst the PL to decriminalise abortion withered away in congressional committees, the VAW PL became law. My findings suggest that the policy issue and the specific nature of the policy environment are extremely important factors in determining whether feminists will be able to influence policy debates. The two contrasting case studies presented in this thesis provide illustrations of one instance where feminists were able to have a major impact on policy outcome and another example where feminist influence was less effective, despite intense feminist mobilisation and SPM support in both cases. This thesis highlights that

outcomes differ according to the particular nature of the policy in question. Issue distinctiveness can explain the tactics of the feminist movements, and of the opposition. This research also points to how the nature of the issue shaped the policy environment, which in turn influenced feminist opportunities. In both of these case studies, whether the Catholic Church took a stance against the feminist demands or was sympathetic to their campaigns significantly shaped the policy environment and the outcome of the policy debates.

To elaborate upon all of these themes in more detail, this chapter will focus on three areas. It will assess which characteristics of the feminist movements provided the biggest chance of success in securing an influence over policy debates; which SPM characteristics and activities facilitated feminist impact on policy debates; and which characteristics of the policy environment provided a favourable setting for the feminist movements. The discussion of all these points allows us to assess the level of feminist influence over policy debates in the two case studies, and in what ways and how far the SPM was responsible for facilitating the feminists' desired outcome.

The feminist movements

My findings suggest that several features of the movements helped them to have an impact on the policy debates on abortion and VAW. Firstly, the evidence suggests that, at the time leading up to, and during the debates, the movements were re-organising and strengthening their mobilisation capabilities. The Conferencia Nacional das Mulheres (The National Women's Conference) in 2002 enabled the feminist movements to debate key issues and come together around many policy demands, although this did not lead to a joint agreement on strategies. This, nevertheless, served as an important background for feminist mobilisation during Lula's first presidential term. A further indication of the increased strength of the movements was the creation of two conjunctural alliances. The Jornadas pelo Direito ao Aborto Legal e Seguro (the Jornadas) were important because they introduced the decriminalization of abortion onto the SPM's policy agenda. Similarly, the Cónsorcio of feminist lawyers who initiated the VAW debate, ensured that the SPM adopted the feminist framing and their law project. Hence, even though the feminist movements were less visible and less united than they had been during their heyday in the 1980s, by 2003, they were strong enough to unite and pressure the SPM to take up their cause.

The fact that feminists were able to display increased mobilisation and consensus in both cases indicates unity amongst the movements; this is considered an important characteristic of campaigns which prove successful in their attempts to influence policy debates (Weldon, 2002b: 1162; Squires, 2007: 62-3). Although the abortion case can be seen as demonstrating a lack of unity amongst parts of the movements, the Jornadas were a wide coalition, which presented a unanimous claim for decriminalization based on a coherent framing of the debate. All feminists shared the policy goal of decriminalised abortion, although a small group, for instance the Marcha Mundial das Mulheres, differed in the strategy they preferred to pursue in order to achieve that goal. In the VAW case, feminists centred on the same goal and strategy, and this contributed to the successful outcome of their campaign. The difference across these two cases thus points at the importance of unity in the policy demand and the framing of the debates, but also on the campaign strategies deployed by the movements and the methods used to progress towards the stated goals.

Both cases also suggest that the long history of feminist campaigning on the policy issues, and feminist participation in similar debates in the past, were important for legitimizing of feminist access to the policymaking arena and increasing their ability to demand an influence over the policy debates. Feminists had actively sought increased abortion rights in the legislature since 1983, and had advocated for a wide range of policies aimed at increasing women's right to legal abortion, as well as for the decriminalization of abortion. However, it can be argued that they had less success in this area than they had in the promotion of policies relating to VAW. Gender violence was arguably the first feminist issue introduced into the public arena in Brazil. As early as the late 1970s, feminists were campaigning against VAW and had successfully secured the state's acknowledgement of this issue by the early 1980s (Teles, 2003: 130; Machado, 2008: 14). Although it can be argued that abortion had also been recognised as an area for state intervention around the same time, this was not uncontroversial, nor could all the state interventions be labelled as positive in a feminist sense. Feminist access to the policymaking arena was nevertheless justified by their long history of working on the issue and was facilitated by their experiences of how to present these issues in public debates.

The framing of the policy issues was another important factor that helped to secure feminist access to policymaking arenas, and the ability to have an impact on the policy debates. Framing abortion as a public health issue corresponded with the state's approach to abortion,

and reflected framings dominant within international arenas such as the United Nations. Similarly, the framing of VAW as a public security issue also mirrored the government's discourse and was relevant to the national and international preoccupation with security issues. The strategic tactic of toning down the feminist framings of both policy issues proved advantageous. However, as Alvarez (2000: 19) informs us, framing policies in this way "may clash with their [feminists] principled quest to transform larger publics' cultural understandings of gender power relations". Framing abortion as a matter of public health served to make the demand seem less like a feminist issue, while the VAW Law Project (PL) was presented as an attempt to protect the women in the family, thus tying it to traditional notions of women's role in society. The strategic framings by feminists served to de-radicalise the issue in both cases. This was important for introducing feminist demands for decriminalization into the public arena. However, this act compromised the larger feminist struggle to transform society's perception of gender relations, because feminists had to tone down their ideology's radical nature.

The potential that feminists had to influence policy debates was also determined by the many access points feminists had to the policy debating and policymaking arena. Their presence in a wide range of locations ensured that they could rely upon support from feminists and other allies inside the government, in political parties, in the legislature and in the media. However this happened to a lesser degree in the debates dealing with abortion compared to those dealing with VAW. The difference in support can be explained by the nature of each of the policies. The relatively low level of controversy surrounding VAW, meant that more politicians were willing to support the VAW PL, as there was a low political cost connected to embracing such an initiative. Supporting decriminalization, on the other hand, could have devastating effect, as demonstrated by Feghali's failed attempt to be re-elected. A large part of society, including the most influential institutions shaping people's opinions - the Catholic Church and the media, were against decriminalization on moral grounds. However, the same institutions, and the general public, could support the VAW PL because there were few convincing arguments against the PL. Hence, the abortion debate and the VAW debate were examples of how absolutist and technical policies, render different types of politics, and chances of support.

In addition to the securing of more access points, particularly as a result of Lula's coming to power, feminists had the knowledge and experience of how to benefit from these openings.

The background for this was the NGOisation of the movements during the 1990s, as this had made feminist organisations more professional and enabled them to operate on a national and international scale. By 2003, feminists could reap the benefits of their international activities, presence, networking and mobilisation, as they could make use of international discourses and agreements to push for national policy change.

The close feminist connections with the party in power: the Partido dos Trabalhadores (PT) also played an important role in their ability to influence the policy debate. Feminist access to policy debating arenas, and their influence over policy in 2003-2006 was shaped by their historic and continued relationship with the PT (Friedman, 2009: 423). Their past mobilisation inside the PT had resulted in the party's acceptance of both abortion and VAW as legitimate areas for progressive state intervention. In fact, the PT had long been the leading party in promoting policies related to both policy issues. Therefore a high number of feminist in the PT, together with the PT's comparatively progressive gender agenda, meant that the PT coming to power increased the opportunities feminists had to have an impact on policy.

These close links between the feminists and the PT inevitably led to questions of divided loyalties. Nevertheless, the feminist movements were able to introduce policy demands that went against the official policy agenda of 'their own government'. This was seen in the inclusion of a revision of the abortion legislation in the Plano Nacional de Politicas para as Mulheres – CNPM (National Plan for Public Policies for Women) in 2004. And was also evident in their rejection of the SPM's first version of the VAW PL, which was presented in Congress towards the end of 2004. These findings thus highlight the importance of insider activism, though also points to the necessity of pressure on the state from the outside. The ability of many of the feminists to engage in both insider and outsider activities simultaneously partly lies in their definition of autonomy. Though autonomy was originally defined as not engaging with political parties, by 2003 questions of feminist autonomy were linked to personal autonomy, and how far they were able to maintain their feminist stance while engaging in 'directed mobilisations'.

By 2003, because feminist organising inside the state and in the PT in particular, PT members and leaders were accustomed to feminist demands for abortion rights, VAW policies, and for the establishment of Women's Policy Agencies (WPAs). Because feminists were present within the PT and had sufficient bargaining power inside the party, they were able to push for

the establishment of the SPM and ensure that it had a Ministerial position. However, they were not able to secure a significant budget. When the PT came to power, feminist members of the PT were able to enter other government institutions. Combined with the creation of the SPM, this proved to be an important inroad for feminists to secure a significant presence within government and to access policymaking arenas, which increased chances of having an impact on the policy debates.

The SPM

The presence and status of the women's policy agency, the SPM, was symbolically important, not only for feminists and their influence, but for women as a whole. The SPM legitimised a focus on women's rights and on the need for women's policies, as well as ensuring visibility of those policies already in place, and those under debate. The findings of this study suggest that the SPM facilitated feminist impact on policy debates by providing a wide range of resources to the movements. We can assess the support the SPM was able to provide to the feminist movement can be evaluated at each of the five stages of the policy debate: access, attention, government involvement, gendering the debates and policy change.

Although the feminist movements initiated the two policy debates in question, the SPM was important in all the five stages of the policy process. In terms of *access* to the policymaking process, the Conferencia Nacional de Politicas para as Mulheres- CNPM (National Conference for Women's Policies) in 2004 was an important opportunity for feminists to break into the policymaking arena, especially during the abortion debate. In both debates, the SPM initiated governmental working groups to discuss the policy issue in question and invited feminist representatives to participate in the proceedings. Similarly, the SPM hosted public audiences and seminars to discss VAW and abortion, and included feminists on the panels of these forums. In addition to providing ad hoc opportunities for feminists to gain access to policy debating and making arenas, the SPM helped feminists to penetrate the more institutionalised policymaking areas because feminists were present in the SPM and the Conselho Nacional de Direitos da Mulher- CNDM (National Council for Women's Rights). While the CNDM's role in policy debates was more peripheral, femocrats and feminist sympathisers in the SPM provided multiple access points to their own institution, as well as to other government agencies dealing with the policies in question.

The SPM also played an important role in directing public and government *attention* towards the policy debates. SPM engagement in the issues of abortion and VAW ensured increased discussions in government, in religious groupings, in NGOs and grassroots movements, in the media, in Congress, in the Courts and in society. VAW gained attention because of the SPM's pacts with local governments; its provision of resources for research; the establishment and improvements of the Delegacias Especializadas de Atendimento às Mulheres- DEAMS (Special Police Stations for Attending Women); women's movements' campaigns on VAW; the hosting of public audiences; and the seminars and working group dealing with the issue. However, there was limited media coverage of the debates surrounding the creation of the VAW law prior to its establishment. This clearly contrasted with the abortion debate. The CNPM was the important factor in drawing attention to the issue of abortion, because the SPM's campaign to revise the abortion legislation stirred much public and media interest. The attention was further increased when the membership of the Commission became controversial, and again during the Commission's work and conclusion.

The government, particularly the SPM, was highly involved in both debates. The feminists, therefore, had a high level of impact in terms of securing *government involvement*. Furthermore, the SPM used its executive expertise in law making and put its executive force behind both proposals. In both cases, the SPM initiated working groups on the policy issue in question, though they different in nature. The composition of the governmental Abortion Commission, reflected that abortion was, and that the government allowed it to be, a moral issue. In contrast, the governmental working group on the VAW law signalled the treatment of the issue as a technical matter. Government involvement was favourable to the feminist cause throughout the VAW debate. The SPM's initial involvement in the abortion debate was also favourable. However, due to top-down pressure, the SPM withdrew its support for legalising abortion towards the end of the process. Lula's move to deny the SPM the ability to back the feminists and his opposition to the abortion PL, conveyed through his statement that he would protect life in all its forms, hints at a feminist influence that was high enough to stir fear and intervention from the most powerful individual in the country. Lula's withdrawal of his support meant the loss of the executive's backing for decriminalization. However, in the contemporary policy environment, it is unlikely that the abortion PL would have been successful, even with Lula's backing.

In terms of *gendering the debates*, the SPM actively supported feminist discourses and framings. In the abortion debate, the SPM and its Minister used a language informed by feminist principles. For example, the notion of abortion was advocated for in terms of public health; this was clearly visible in the Commission's debates and conclusion. This mirrored the framing of the debates used by Jornadas and a large part of the feminist movements. Nevertheless, the SPM countered this by including a religious entity in the Commission and, therefore, legitimising religious perspectives in the policy debates and in government policymaking arenas. Although the SPM had government allies in the Ministry of Health and the Secretaria Especial de Políticas de Promoção da Igualdade Racial- SEPPIR (Special Secretariat for the Public Policies for the Promotion of Racial Equality), who were both in favour of decriminalising abortion, it was unable to promote a change in discourse. Lula's statement on protecting life in all forms and the PL's fate clearly illustrate this.

In contrast, there was less need to challenge existing discourses of VAW, as the government had already adopted the public security framing, which was the framing of the debate that the feminists were advocating. Nevertheless, there was a change in official definition, in terms of whether VAW should be treated as a serious crime or as a minor offence. Feminist impact on the policy was evident with the passing of the Maria da Penha law in 2006, which was based upon feminist definitions of VAW, on feminist ideas on how to punish perpetrators of VAW, and feminist recommendations on tactics to prevent VAW and help women who had been subjected to violence.

In terms of the final result of the policy debates, or the *policy change* which were secured, the two case studies in this thesis differed. The VAW PL became law, while abortion was still a crime by 2006. The SPM's backing and its close working relationship with the Bancada Feminina helped the feminists to achieve their goals in the case of VAW, while this cooperation ensured the presence of a substitute PL to take over the rejected abortion PL. The ability of the SPM to facilitate policy change in the VAW case, but not for abortion, lies in the nature of each case. More particularly, the distinctive characteristics of each case determined the level of influence of the Catholic Church in the debates. Related to this, the corruption charges in 2005 ensured that the political cost to Lula if he chose to back the decriminalization law would be too high. Although the SPM did not have enough political clout to ensure government backing of its own law proposal, there is little doubt that the SPM was a driving force in getting the law project as far as it got, given the political context. It was

thus the policy environment, rather than the SPM's activities and dedication, which was the determining factor in shaping the ability of feminists to affect policy change.

The policy environment

As we have seen, the other independent variable in this thesis was the policy environment. It was a determining factor for the outcome of each of the two debates. This will now be explored in more detail. However, there were several similarities in the policy environment across the two cases, and this section starts with a focus on how the political past had shaped the policy environment.

As we saw in Chapter Two, the democratizations process had left its mark on political activity in post transition Brazil. Both of the policy issues studied in this thesis had first been introduced to the policy arena in the time of political repression. This shaped how feminists defined both abortion and VAW in the 1970s and 1980s, and it continued to shape the policy frames that feminists used in post transition politics. Both policy issues were introduced in a time where socioeconomic and political rights were limited, resulting in demands for more inclusive citizenship rights, which was linked to human rights (Blacklock and Macdonald, 2000: 21). Hence, women's struggles for making the personal a political matter, were tied into notions of citizenship rights and human rights. VAW for example, was introduced in a political context where there were many instances of public violence. This meant that feminists could link private violence against women, with notions of human rights, as this frame was used in the mobilization against the violations done by the military regime. Therefore, even in 2003- 2006, linking the VAW law proposal with human rights was a successful tactic.

Another legacy from the democratic transition that had an impact on feminist policy influence between 2003-2006, was that the demands for inclusive citizenship had been recognised in the Constitution of 1988. Hence, social, political and economic integration was acknowledged in the legal frameworks regulating Brazilian society. For example, the right to health stated in the Constitution, meant that the feminist movements could link the health complications resulting from illegal abortions, to a violation of women's rights to health as stated in the Constitution. Similarly, in the case of VAW, women's rights to be free from violence could be linked to the Constitution's Article 226 § 8° declaring that the state will secure assistance for each family member and create mechanisms to end violence in the family environment.

A further legacy of the transition and its aftermath was that participatory governance was acknowledged in the Constitution. The state had recognised the importance of civil society's interaction and influence on public policies. The principle of participatory politics was thus an important characteristic of the new democratic era, and feminists had been able to reap the benefits of this recognition. The PT had been part of the movement for increased citizenship during democratization, and had taken part in the opportunities given, and had introduced new ways of participatory governance while in local office. This was developed further as the PT came to power in national government, and feminists gained access to some of these spaces for political participation. One example of this was feminist participation in the state and national council on women's rights. However, it appears that public officials had unevenly promoted the principle of participatory politics, and the impact civil society was able to enjoy in the spaces for participation was questionable in many instances.

Though the Constitution created openings for policy impact from civil society, there were other decisions made during the transition that limited these possibilities. The party system promoted during democratization resulted in the creation of new, small, and constantly changing political parties. Combined with the open-list, multi-member proportional representation electoral system, parties were less able to represent the policy demands from civil society. However, as we saw in Chapter Two and in Chapter Six, low levels of institutionalisation meant that feminists could find allies for their policy proposals across the political system. Because few parties had a coherent political platform, few parties had a consistent platform on gender policies. This opened up feminist opportunities to secure policy backing even from the political right. As long as the policy proposal did not result in increased public spending, individual politicians could be willing to support feminist policy demands.

However, individual politicians and political parties ability to promote women's and feminist interests was limited by these actors strength vis-à-vis the executive. Decisions made during the pacted transition meant that the executive's power remained strong after the transition, as it had been during authoritarian rule. This meant that it was strategically wise for the feminist movements to engage with the executive branch. To have the government present feminist proposals increased the likelihood of success, as relatively few of the governments' policy proposals were rejected in Congress.

When we consider the policy environment for abortion and VAW, we see that by 2003, the two issues had been considered legitimate areas for state intervention by previous governments, and continued to be seen as such by the governing party. There were a range of policies related to abortion and VAW already in place in 2003, the start of the timeframe covered in this thesis. This meant that both abortion and VAW was debated in a political context in which legislators, the bureaucracy and the party in power, had previously taken part in similar or related debates. Hence, because of their past mobilisation, feminists had ensured that the state operated with gendered policy frames in both issues. However, it is important to stress that there was a somewhat inconsistent adherence by parts of the government to the official framing of abortion as a public health issue. It is in the abortion case that the importance of the policy environment stands out, because it clearly affected the level of influence feminists could exercise and the SPM's ability to facilitate this. However, despite similarities in both debates, there were some key differences in the policy environment in the two cases studies in this dissertation.

First, if we assess the international political context, we see how international discourses provided opportunities for feminists to have an impact on policy debates in both cases. The signing of international agreements and the transcendence of international discourses of women's rights proved important tools for the feminists and the SPM when advocating for policy change. For the VAW debate, the Belém do Pará Convention and CIDH's ruling in the Maria da Penha case in particular, legitimised the feminist law project. Although Brazil had committed to similar Conventions dealing with abortion, the positive effect of this was countered by the influence of another discourse being promoted by the international community.

Second, Brazil in 2003-2006 was affected by the increasing influence of religiously motivated political actions and policies. Whereas this had no impact on feminists' ability to steer the VAW debate in a pro-feminist direction, the religious and conservative influence on the PT, the government and Congress, made sure that Brazil, by 2006 still considered abortion to be a crime. Whereas the political influence of the Catholic Church made sure that feminists remained without a significant number of allies in their campaign to promote policy change for abortion, there was no similar counter-movement in the VAW case. Although the Special Courts stirred some opposition to the new VAW law, they were not in a position to persuade the public and the media to support their views. In this case, feminists had the upper hand:

many national and international organisations and institutions supported their demands, and even Church-based organisations were in favour of changing the law on VAW. In sum, we see that the policy environment shaped the feminist movements' strategies, in that international conventions were used to secure legitimacy for feminist demands. Feminists could rely on the presence of a wide range of allies in the case of VAW, whilst the political context ensured that support for decriminalization of abortion remained low. It can be argued that the policy environment was a determining factor in why abortion remained a criminal offence in 2006, whilst VAW became criminalized.

Feminist ability to exercise influence through the SPM, revisited

So what impact did the feminists movements have on the policy debates on abortion and VAW, and how did the SPM facilitate the feminists in their campaigns during 2003-2006?

This thesis has demonstrated that the SPM was able to facilitate feminist influence in policymaking arenas, thus enabling feminists to have a significant impact on the policy debates. It provided a variety of different resources, backing and support for feminist policy demands in the area of abortion and VAW. The SPM ensured a wider debate inside and outside of government, and helped feminists with access to the debates and policymaking arenas. Through its involvement in the PLs discussed in this thesis, the SPM made sure that these had opportunities for success in Congress. This research, like similar research, proposes the importance of feminist activism inside and outside of the state, in facilitating feminist impact. Although feminist influence was much higher in the area of VAW, compared to their failure to secure the decriminalization of abortion, I, nevertheless, make a case for the SPM facilitating a high degree of feminist impact on both debates.

The wider implications of the research

Using RNGS in a Latin American context

Linking this research to the RNGS framework proved useful for this study, even though the framework is based upon research on the North. For example, as we have seen, the policy environment was distinctly different in the two cases. The absence of the Catholic Church in the VAW debate, contrasted this institution's high level of impact on the abortion debate. It proved useful to look at the environment in each case separately, rather than assessing the national political opportunities present at the time of the debates, as the POS frameworks

does. RNGS thus accommodates for issue distinctiveness (Htun, 2003; Blofield and Haas, 2006), which POS does not. This meant that I could single out the gendered opportunities, and hindrances, for policy influence, and also identify the variations in opportunities across the two cases.

The RNGS framework also highlights the importance of WPA characteristics and activities, while other approaches do not necessarily pay attention to civil society institutionalised in the state (Chappell, 2002: 8; Banaszak, 2005: 3; RNGS, 2005). As we have seen, the SPM was an important factor in increasing feminist opportunities for policy impact in both the abortion and VAW debates, and RNGS helped to single out the ways in which the WPA acted as a facilitator of feminist impact. Using RNGS facilitated looking at the differences in discourses and strategies within the feminist movements, as these did always not present a coherent strategy (RNGS, 2005: 6). Furthermore, the RNGS emphasis on feminist links with the left proved a valuable addition to this thesis. However, although the close links to the PT, while the PT was in power, proved a valuable resource for the feminist movements, this also had its limitations, as discussed above. This thesis thus show that frameworks based upon research on the North, also can be useful for studies in a Latin American context (Franceschet, 2003; Haas, 2006).

However, using RNGS in a Brazilian context meant some additional considerations. Though RNGS suggest the importance of feminist leadership, the negative connotations attached to feminism in Brazil, meant that for example Nilcea Freire, who was selected to be SPM Minister because if her political and administrative experience, enjoyed a higher level of political legitimacy than someone from the feminist movement would have. These findings are similar to those found by Friedman (2006) and Matear (1997) in the case of Venezuela and Chile, respectively, and by Valiente (2007) in her assessment of state feminism in the South. Another issue arising when using the RNGS framework, was how to distinguish between the insiders and outsiders in the debates. This thesis findings mirror Ewig's (1999) earlier observations in the rather different context of Nicaragua, as it was at times hard to differentiate between feminist movement actors, and state actors in the debate. This was because state actors were members of feminist organisations, and feminist movements were represented in the state through the CNDM and in the commission on abortion, for example. This was not just an analytical problem, rather, distinguishing between insiders and outsiders, and where their allegiance laid, was a difficult question for activists and state actors alike.

Furthermore, RNGS highlights the importance of a frame fit between the WPA and the feminist movement policy framings. However, RNGS looks at instances with a more coherent policy framing internally from the government, than that found in Chile (Wilmott, 2002: 127; Waylen, 2007: 157), and in this research on Brazil.

Linking with the literature on women and politics in Latin America

In this thesis, I have argued that the interaction between feminist movements and WPAs can result in significant feminist impact on policy debates and policy change. A well functioning WPA can strengthen the feminist movements and their influence on policy debates, while movements can provide legitimacy for the WPA's activities, policy demands and policy framings. These findings are not new, but reinforce studies of a wide range of issues and regions. For example, Weldon (2002: 141) points to the importance of an autonomous women's movement to press for government action on VAW, when these operated together with an effective WPA.

This research also mirrors similar findings in Latin America, in that the two contrasting cases explored in this thesis, suggest that chances of success are determined by the level of controversy surrounding the issues and the framings of debates, as well as by the distinct nature of the issue (Blofield and Haas, 2005; Htun, 2003). Mirroring other findings on abortion debates in Latin America (Belluchi, 1997: 104; Shepard, 2000; Lamas and Bissel, 2000; Htun, 2003: Friedman, 2006), the policy environment, and particularly the mobilisation of the Catholic Church, was a determining factor for the outcomes in these case studies. In addition, this dissertation hints at the significance of feminist mobilisation in autonomous spaces, as well as inside political institutions. This is of vital importance when pushing for an influence over policy. Again, this is not a new finding, but is highlighted by research on Latin America, as well as in other regions (Friedman, 2000; Chappell, 2002; Weldon, 2002; Waylen, 2007).

However, what has been less explored in research on state feminism are the ways in which a WPA's institutional closeness to the executive power is not the same as having political clout and influence over the President or their government's positions. This study argued that one should not have an a priori assumption that the government will back its WPA, despite having its own budget, high status, ministerial position and direct link to the president's office. Lula's unwillingness to support the feminists and his WPA in some cases, while not in others, can

not be explained by difference in party affiliation in the coalition government, as the WPA staff and the President were connected to the same party. In research where different gender ideologies within the government has been analysed, differences have been found to be present within the coalition government in Chile (Wilmott, 2002: 127; Waylen, 2007: 157), though not within the same party.

Although other studies suggest that WPAs and their ability to affect policy change can depend on 'presidential whim' (Barrig, 1999; Waylen, 2007: 201), this tends to be based upon the overall commitment to the government's gender agenda. What my study suggests is that it is not the overall agenda that necessarily matters. Issue distinctiveness matters also in these cases, hence it is rather the frame-fit between the President and the WPA in individual policy debates that matter, even when these represent the same party. My findings suggest that it is not a question of whether the feminist movements and the SPM shared similar policy goals and approaches to the framing of the debates, so much as whether the government and its own WPA shared policy goals and approaches to the framing of the debates.

Other scholars of WPAs in Latin America have explored the varying gender discourses within the government, though most of these have focussed on SERNAM (eg Wilmott, 2002; Haas and Blofield, 2005). However, the policy environments in Chile and Brazil were, and are, distinctly different. SERNAM has operated within a more conservative policy environment, and within a legal framework initially designed by the right-wing military rule. This context contrast with the more liberal Brazilian constitution, and with Brazil's progressive stance on reproductive rights. This policy environment opened up opportunities for the SPM to engage in the abortion debate, whilst SERNAM has been less willing to promote reproductive rights policies (Matear, 1997; Willmott, 2000: 124). Other differences include the institutionalisation of party politics in the two countries, and between the institutionalisation of the two WPAs. This thesis thus provides an analysis of a WPA that operated within a political environment that to date has not been explored in such detail.

This research also addresses the role of both women's movements and of feminist movements in policy debates. In much of the women and politics literature, notions of women's and feminist movements often overlap (Stetson, Mazur, Outshoorn and Lovenduski, 2003: 10). However, I question the link often made between women and feminist movements. This is not to say that the distinction between women's and feminist movements have not been explored

by earlier research. The difference, and growing gap, between the feminist movements and grassroots movements has been a reoccurring theme in research on Latin American women's movements. Molyneux (1985) and Alvarez (1990), for example, looks at how the different movements organise around either strategic/feminist or practical/feminine needs or interests, and Lebon (1997) looks at the growing gap between the feminists operating at a national and international level, and the women's organisations operating at the local levels. However, much of the scholarship on feminist movements use the notion of 'women's' rather than 'feminist' movements, even in cases where the research focus is on the movements that are clearly presenting a feminist discourse.

In contrast, this thesis has touched upon some of the reasons why equating women's movements with the promotion of feminist discourse, is problematic. This argument is based upon two characteristics of women's movements in Brazil. Firstly, many women's organisations refused to call themselves feminist, despite their use of feminist discourses of women's rights and their support of many of the feminists' demands. The stigma attached to feminism and feminist movements, and because many of the women in women's movements were of a different class and race to the "feminist activists", made them unwilling to identify themselves as feminist (Castro, 1999). Refusing the feminist label was thus a way to distinguish themselves from the white, middle class feminists in NGOs. However, they may not support all of the demands the feminists make, which bring us to the second point. Many women's organisations in Brazil were closely linked to religious entities; therefore, these were in favour of a moral framing of the abortion debate, and were, consequently, part of the counter-movement. Feminist organisations were clearly distinctly different from women's movements.

The two case studies have also shed light on our understanding of the gendering and framing of policy debates. Similar to Friedman's (2006; 2009) findings elsewhere in the region, Brazilian feminists opted for a strategic framing of policy issues that de-radicalised the issues. In countries where feminism has such a stigma attached to it, there are clear strategic advantages to making policy proposals seem less like feminist proposals. Instead, there are benefits in tying policy demands into traditional perceptions of gender and gender roles. Thus, the Brazilian VAW law, which drew on notions of women's role in the family, shared characteristics with similar laws in the region. Its success can be seen to be partly due to the ways in which it did not challenge existing definitions of gender roles, an aspect which

Blofield and Haas (2005) saw as an important determining factor in the success of gender legislation in Chile.

Also based upon research in Chile, Franceschet (2003; 2008) has stressed the ways in which WPAs can provide feminists with resources, despite the WPAs inability to fulfil its mandate. Guzman (2001; 2004) has also focussed on the ways in which WPAs can further gender policies and promote national gender agendas, though to varying degrees depending on budget, legitimacy and institutionalisation. This thesis has similar findings. However, this thesis also suggests that the institutionalisation of a WPA does not necessarily indicate its inability to facilitate significant impact. The Brazilian WPA had gone from the CNDM, to SEDIM to the SPM in a relatively short period of time. This was in addition to the frequent changes of leadership between 2001 and 2004. Low levels of institutionalisation, as these factors indicate, would normally indicate a weakening of the agency. On the contrary, all of these changes were positive for the feminist movements' ability, and willingness, to promote policy impact through the WPA.

Additionally, my findings indicate that it is not only a question of what the WPA can do for the movements, but what the movements can do for the WPA. For example, the autonomous mobilisation of feminist around legalising abortion, gave the SPM legitimacy to initiate a revision of the abortion legislation. Because abortion was not on the SPM agenda in its first year, autonomous feminist movements put the issue on the agenda, enabling femocrats to push for legalisation from inside the state. Furthermore, although VAW was the top priority issue for the SPM, it did not take any initiative to create new legislation. The feminist movements' autonomous ante-project, therefore, served to educate the SPM on the legislative side of VAW.

The SPM continued its activities during Lula's second presidential term; this raises interesting questions about how the WPA relationship with the feminist movements has evolved. As past studies have revealed the importance of presidential backing of the WPA, which my research has verified, this raise questions about how the SPM will fare as Lula's second presidential term ends. Although the SPM was able to provide a high level of resources to the feminist movements in the abortion and VAW debates in 2003-2006, which enabled significant feminist impact on those debates, it is not given that this would be the case on another issue, at another time, or in another policy environment.

In sum, the policy environment in place during the first three years of Lula's presidency did offer feminist movements some opportunities to further feminist influence on policy debates through the SPM. However as we have seen issue distinctiveness meant that policy success was greater in improving legislation on VAW than in decriminalizing abortion, pointing to the key role played by the specificity of the policy environment for particular issues as well as the actions of feminist movements and women's policy agencies.

Appendix I Map of Brazil
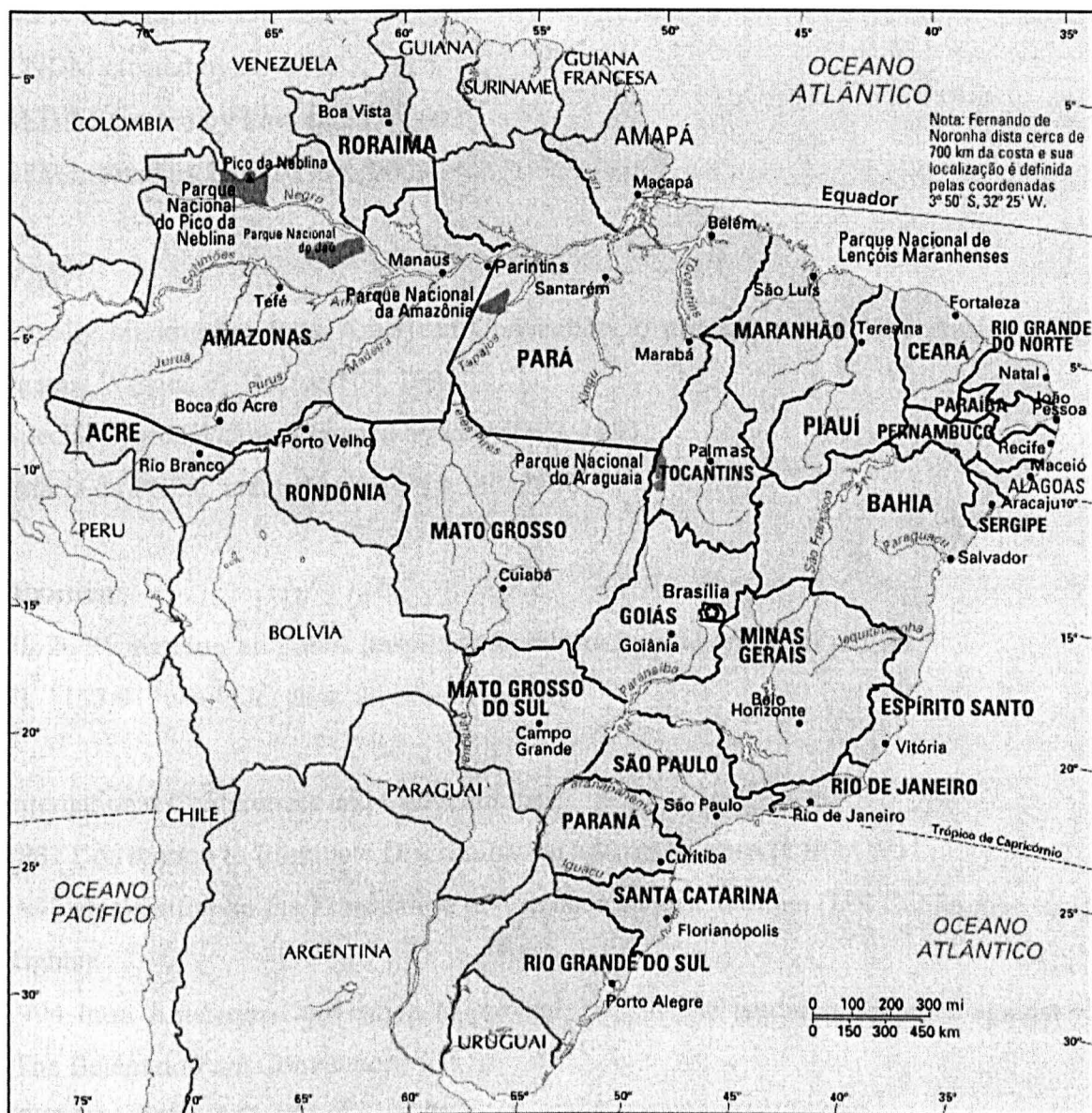
(Source:
http://www.guianet.com.br/brasil/mapapoli
tico.htm, accessed 28/10/08).

Appendix II Legislation and Conventions

WPA legislation:
CNDM created by Law 7353, 1985
SEDIM created by Law 10.539, 2002
SPM created by Law 10.678, 2003

VAW:
Legally binding the Intra American Convention to prevent, punish and eradicate Violence against Women by Decree 107, 1994
Special Criminal Courts created by Law 9099, 1995
'Maria da Penha' created by Law 11.340, 2006

Abortion:
PL 20/91, requires all public hospitals to perform legal abortions if passed
PL 1135/91, would legalise abortion if passed

International Conferences and Conventions:
1981 Convention to Eliminate Discrimination against Women (CEDAW)
1993 Declaration on the Elimination of Violence against Women (UN Conference on Human Rights)
1994 Intra American Convention to prevent, punish and eradicate violence against women (The Belém do Pará Convention)
1994 International Conference on Population and Development in Cairo
1995 Beijing Platform for Action (4th World Conference on Women, Beijing)

Appendix III SPM budget[1]

	2003[2]	2004	2005	2006
VAW	2741350	6.069.533,07	8.914.190,78	6.736.402,63
Research	206482			
Gender Mainstreaming		3.740.708,24	3.276.237,54	3.097.921,52
Work and Employment		1.933.019,10	2.568.142,35	3.319.299,83
Administrative Cost		4.509.130,40	4.780.219,70	5.109.522,24
Other	212363			
Events	502633			
WPAs (Municipal and state)	133283			
Total R$	3,796.113,4	R$16.252.390,81	9.538.790,37	18.263.146,22

Appendix IV List of CNDM Representatives (2003-2005)

Government:

1. The Special Secretariat for Women's Policies (SPM)
2. The Ministry of Budget Planning and Administration
3. The Ministry of Health
4. The Ministry of Education
5. The Ministry of Work and Employment
6. The Ministry of Justice
7. Ministry of Agrarian Development
8. The Ministry of Culture
9. The Ministry of Social Development and Fighting Hunger
1. The Special Secretariat for Policies for the promotion of Racial Equality (SEPPIR)
10. The Special Secretariat for Human Rights (SEDH)

Civil Society:

1. Articulação de Mulheres Brasileiras (AMB)
2. Articulação Nacional de Mulheres Trabalhadoras Rurais (ANMTR)
3. Articulação de ONGs de Mulheres Negras Brasileiras
4. Associação Brasileira de Mulheres de Carreira Jurídica
5. Conselho Nacional das Mulheres Indígenas (CONAMI)
6. Confederação Geral dos Trabalhadores (CGT)
7. Central Única dos Trabalhadores (CUT)
8. Confederação das Mulheres do Brasil (CMB)
9. Confederação Nacional dos Trabalhadores em Educação (CNTE)
10. Confederação Nacional dos Trabalhadores na Agricultura (CONTAG)
11. Federação das Associações de Mulheres de Negócios e Profissionais do Brasil
12. Federação Nacional das Trabalhadoras Domésticas (FENATRAD)
13. Fórum de Mulheres do Mercosul
14. Secretaria Nacional de Políticas para Mulheres da Força Sindical
15. Secretaria Nacional de Marcha Mundial das Mulheres

16. União Brasileira de Mulheres

17. Rede Nacional Feminista de Saúde, Direitos Sexuais e Direitos Reprodutivos

18. Movimento Articulando de Mulheres do Amazonas (MAMA)

Women with a renowned knowledge of women's issues:

1. Rose Marie Muraro

2. Clara Charf

3. Albertina de Oliveira Costa

Appendix V List of interviews:

Adesse, L. Country Director of IPAS Brazil. Rio de Janeiro, 16/02/05.

Adeve, A. R. Member of Rede Jovens Feministas, São Paulo, 09/05/05.

Alcantara, R. d. S. Chief Executive of Advocaci, Rio de Janeiro, 17/02/05

Bandeira, L. Director of the Department of Social Sciences of the University of Brasilia, 11/03/05

Blay, E. Coordinator of the Center for the Study of Women and Gender at University of São Paulo, NEMGE. São Paulo, 29/04/05

Brandt, M. E. A. Ministry of Education. Member of the planning board and team monitoring the implementation of the National Plan for Public Policies for Women. Brasilia, 15/03/05

Brea, M. Establishing member of the CNDM. Representative for the Ministry of Justice in CNDM, 2005. Brasilia, 04/03/05

Britto, E. Researcher and public servant in the Bahia State Secretariat for Public Security. Working in VIVER- Servico de Atenção a Pessoas em Sitação da Violencia Sexual (Service to attend people in situations of sexual violence). Salvador, 02/04/05

Cabral, S. CNDM Secretary. Brasilia, 03/03705

Calasans, M. Technical assistant in CFEMEA. Brasilia, 17/06/05

Cortes, C. Assistant. União das Mulheres. São Paulo, 02/05/05.

Cortes, G. Working at the Centro de Referencia da Mulher professora Helieth Saffoti (Women's reference Centre teacher/professor Helieth Saffoti). Araraquara, 05/05/05

Cortes, I. R. Founder of CFEMEA. Brasilia, 15/03/05

Costa, A. CNDM member; researcher at Fundação Carlos Chagas. São Paulo, 20/05/05

Cristina Volunteer in grassroots women's organisation. Boipeba, Salvador, 27/03/05

Cruz, N.M. Parliamentary technician in CFEMEA. Brasilia, 15/03/05.

Diniz, D. Researcher at the University of Brasila, and Researcher in ANIS (Institute of Bioethics, Human Rights, and Gender) Brasilia, 16/06/05

Saar, E. Legal advisor in CFEMEA. São Paulo, 19/05/05

Fernanda. Working at Casa Eliane de Grammot (Eliane de Grammont House)- service for women in situations of violence. São Paulo, 29/04/05

Foutura, N. Working in the subsecretariat for planning in the Secretaria Especial de Politicas para as Mulheres. Brasilia, 03/03/05

Godinho, T. Sub-secretary for monitoring and thematic issues in the Secretaria Especial de Politicas Publicas para as MulheresBrasilia, 10/03/05

Gonçalves, A.P. Working in the Ouvidoria, Secretaria Especial de Politicas para as Mulheres, 15/06/05

Gonçalves, M. P. Director of programs in the Sub Secretariat for monitoring and thematic issues in the Secretaria Especial de Politicas Publicas para as Mulheres. Brasilia, 28/02/05

Gragnani, A. Lawyer and working in NEMGE. São Paulo, 12/05/05.

Grigolin, F. Young feminist in Rede jovens Feministas. São Paulo, 09/05/05.

Ibarra, B. Young feminist in SOS CORPO. Recife, 08/06/05

Irene Medical professional. Rio de Janeiro, 12/04/05

Lang, L. Intern in Advocaci. Rio de Janeiro, 09/02/05

Leporace, M. Project manager in the Secretaria Especial de Politicas para as Mulheres. Brasilia, 03/03/05

Matos, G. Executive Director of FALA PRETA! São Paulo, 16/05/05

Mello, M.E. Working in CEPIA. Rio de Janeiro, 08/04/05

Nadia. Feminist in the women's movement the Grail. Porto Alegre, 30/01/05

Oliveira, M. P. P. d. Femocrat in the Ministry of Justice. Brasilia, 04/03/05

Oliveira, S. d. (2005). SPM sub secretary of institutional relations, Brasilia, 10/03/05

Pavez, A. G. Psycholigist and social assistant at the Casa Eliane de Grammont. São Paulo, 10/05/05

Pinheiro, M. L. S. SPM Vice-Minister, Brasilia, 03/03/05.

Pitanguy, J. Former CNDM president and Director of CEPIA, Rio de Janeiro, 04/04/05. Rocha, L. SPM project manager, Brasilia, 03/03/05

Rodrigues, A. Co-director of CFEMEA Brasilia, 15/03/05

Saar, Elisabeth. Parliamentary technician. CFEMEA. São Paulo, 19/05/05

Saffioti, H. Sociologist, academic and historical feminist. São Paulo, 01/05/05

Santos, Regina Célia Sant'Anna Adami. Parliamentary Assistant in the Secretaria Especial de Politicas para as Mulheres. Brasilia, 15/06/05.

Schumaher, S. Executive coordinator of REDEH and CNDM representative for AMB, Rio de Janeiro, 14/02/05

Slhessarenko, S. PT Senator for Mato Grosso do Sul. Brasilia. 15/03/05

Soares, V. Part of Lula's transition committee and UNIFEM programme coordinator, Brasilia, 22/02/05

Suplicy, E. PT Senator for São Paulo. Brasilia, 09/03/05

Teles, M. A. d. A. Founder of União das mulheres de São Paulo. São Paulo, 02/05/05

Villanova, C. G. Working in SENASP- Ministry of Justice. Brasilia, 09/03/05

Xavier, D. Sociologist in Catolicas pelo Direito de Decidir. 11/05/05

Appendix VI List of interview topics:[1]

Themes discussed and questions asked feminists linked to feminist and women's NGOs, professional organisations and academia:

1. Tell me about your organisation
2. How does your organisation relate to/ work with issues of abortion and VAW?
3. How would you describe the abortion debate taking place now?
4. What are your thoughts on the abortion commission?
5. How would you describe the VAW debate taking place now?
6. How do the actions of the counter movements influence these debates?
7. How does the SPM's involvement influence these debates?
8. Can you describe your organisation's relationship with the SPM?
9. How do you evaluate the SPM's actions and characteristics so far?
10. What impact did the CNPM have on the feminist movement and their policy actions and goals?
11. How would you describe the feminist movements today?
12. How does the links between the PT and many feminists influence policy debates and policy outcomes?

Additional topics discussed and asked feminists in the CNDM:

1. Can you describe your participation in the CNDM?
2. Can you explain the role and actions of the CNDM?
3. How would you describe the relationship between the SPM and CNDM?
4. How does/did the CNDM take part in the debates on abortion and VAW?
5. How does the links between the PT and many feminists influence the CNDM's work?

Topics discussed and questions asked women employed in the SPM:

1. What is your role/what do you do in the SPM?
2. Can you explain the relationship between the SPM and the CNDM?
3. What challenges does the SPM face when trying to further gender equality?
4. How does the SPM work with the issues of abortion and VAW?
5. What is the SPM's role in the policy debates on abortion and VAW taking place now?

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[1] These questions are guiding only. All topics were not covered in all interviews, due to the semi-structured nature of the interviews.

6. How do you think that the SPM can help the feminists in furthering their demands/ in the debates relating to abortion and VAW?

7. Do you have any links with the feminist movements?

8. What is the importance of these links?

9. How would you describe the feminist movements today?

Topics discussed and questions asked Senators:

1. Why do the feminist movements consider you as an ally?

2. What is your view on the abortion commission?

3. What is your view on the VAW law?

4. What is your evaluation of the SPM and its work?

5. What was the importance of the woman's year?

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