

Brazil



Women, Business and the Law 2024 (WBL 2024) identifies barriers for women's economic empowerment in three areas: women's legal rights, policy instruments designed to support the implementation of these rights, and how these rights are realized in practice. For that purpose, three new *Women, Business and the Law* 2.0 indexes are presented for ten indicators: (1) legal frameworks, (2) supportive frameworks, and (3) expert opinions. For the WBL 2.0 legal frameworks index, 40 questions are scored across the ten indicators for 190 economies. For the WBL 2.0 supportive frameworks index, 30 questions are scored across the ten indicators for 190 economies. Overall economy level legal and supportive frameworks scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. The WBL 2.0 expert opinions index is created for a total of 164 economies. Expert opinion scores are not available for 26 economies due to an insufficient number of responses received from those economies during data collection. Individual responses at the economy level for 15 expert opinions questions across the ten indicators are scored by taking the median value of all responses per question. The economy level expert opinions index is equal to the simple unweighted average of the ten indicator scores.

For Brazil, data refer to the legal frameworks, supportive frameworks, and expert opinions that are applicable to the main business city (São Paulo). The scores for Brazil are shown in the table below.

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WBL 2.0	Safety	Mobility	Workplace	Pay	Marriage	Parenthood	Childcare	Entrepren- eurship	Assets	Pension
Legal frameworks score	50.0	100.0	100.0	75.0	100.0	100.0	100.0	25.0	100.0	50.0
Supportive frameworks score	75.0	66.7	0.0	50.0	66.7	66.7	50.0	100.0	33.3	50.0
Expert opinions score	0.0	100.0	50.0	25.0	100.0	93.8	25.0	50.0	100.0	75.0

Women, Business and the Law 2024 2.0 indicator scores

In summary, the **WBL 2.0 legal frameworks score** for Brazil (80.0 out of 100.0) is higher than the global average (64.2) and higher than the Latin America & Caribbean regional average (69.1). When it comes to constraints on freedom of movement, laws affecting women's decisions to work, constraints related to marriage, laws affecting women's work after having children, laws affecting childcare and laws affecting women's property and inheritance, Brazil obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Brazil is on the indicator measuring constraints on women starting and running a business. To improve on the Entrepreneurship indicator, Brazil may wish to consider making access to credit easier for women by prohibiting gender-based discrimination in financial services, legally prescribing a gender quota on corporate boards and introducing in the law gender-sensitive procurement provisions for public procurement processes.

The **WBL 2.0 supportive frameworks score** for Brazil (55.8 out of 100.0) is higher than the global average (39.5) and higher than the Latin America & Caribbean regional average (38.6). When it comes to supportive frameworks related to





women starting and running a business, Brazil obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Brazil is on the indicator measuring supportive frameworks affecting women's decisions to work. To improve on the Workplace indicator, Brazil may wish to consider publishing guidelines on non-discrimination based on gender in recruitment, publishing guidelines on flexible work arrangements and establishing a specialized body that receives complaints about gender discrimination in employment.

The **WBL 2.0 expert opinions score** for Brazil (61.9 out of 100.0) is lower than the global average (65.7) and higher than the Latin America & Caribbean regional average (61.8). When it comes to expert opinions on freedom of movement, expert opinions on marriage and expert opinions on women's property and inheritance, Brazil obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Brazil is on the indicator measuring expert opinions on women's safety.

QUESTION	ANSWER	LEGAL BASIS
Safety		
Is there legislation on domestic violence?		Maria da Penha Law (Domestic Violence), Arts. 7(I)-(IV), 17-24, 43 and 44; Criminal Code, Arts. 61(f), 129(9), 213 and 226(II); Law 14550/2023, Art. 1
Is there legislation on femicide?	Yes	Criminal Code, Arts. 121 (IV), § 2º -A and § 7º
Is there comprehensive legislation on sexual harassment?	No	No applicable provisions could be located
Is there legislation on child marriage?	No	No applicable provisions could be located
Mobility		
Can a woman travel internationally in the same way as a man?	Yes	Decree No. 5.978/2006 Regulation of Travel Documents, Arts. 10 and 20
Can a woman choose where to live in the same way as a man?	Yes	Civil Code, Art. 1569
Can a woman travel outside her home in the same way as a man?	Yes	Civil Code, Art. 1569
Do women and men have equal rights to confer citizenship to their spouses and their children?	Yes	Law No 13.445, Arts. 63, 65 and 66(3); Constitution, Art. 12
Workplace		
Can a woman get a job in the same way as a man?	Yes	Civil Code, Art. 1642
Does the law prohibit discrimination in employment based on gender?	Yes	Consolidated Labor Laws, Art. 373A(II)
Does the law prohibit discrimination in recruitment based on marital status, parental status, and age?	Yes	Law No. 9029/1995, Art. 1; Consolidated Labor Laws, Art. 7(XXX)
Does the law allow employees to request flexible work?	Yes	Law No. 14457/2022, Arts. 1(II)(a)(f); 8(V) and 14
Pay		
Does the law mandate equal remuneration for work of equal value?	No	No applicable provisions could be located
Can a woman work at night in the same way as a man?	Yes	No restrictions could be located
Can a woman work in an industrial job in the same way as a man?	Yes	No restrictions could be located
Can a woman work in a job deemed dangerous in the same way as a man?	Yes	No restrictions could be located
Marriage		
Can a woman be "head of household" or "head of family" in the same way as a man?	Yes	Civil Code, Arts. 1567 and 1570
Is the law free of legal provisions that require a married woman to obey her husband?	Yes	Civil Code, Art. 1511
Can a woman obtain a judgment of divorce in the same way as a man?	Yes	Civil Code, Arts. 1571-1582
Does a woman have the same rights to remarry as a man?	Yes	Civil Code, Arts. 1571-1582
Parenthood		

WBL 2.0 legal frameworks data





Is paid leave of at least 14 weeks available to mothers?	Yes	Consolidated Labor Laws, Art. 392; Constitution of the Federal Republic of Brazil, Art. 7 (XVIII)
Are leave benefits for mothers paid solely by the government?	Yes	Decree No. 3048/1999, Art. 97; Law No. 8213/1991, Art. 71
Is there paid leave available to fathers?	Yes	Constitution of the Federal Republic of Brazil, Art. 7(XIX); Temporary Constitutional Provisions Act, Art. 10(II)(b)(1)
Is dismissal of pregnant workers prohibited?	Yes	Temporary Constitutional Provisions Act, Art. 10(II)(b)
Childcare		
Does the law establish provision of childcare services in center- based settings?	Yes	Law No. 9.394 of 20 December 1996, Arts. 4, 10, 18(II) and 19; Federal Constitution of Brazil from 1988, Art. 208(IV)
Does the law establish any form of support to families for childcare services?	Yes	Law No. 17,244 of 5 December 2019, Arts. 1-3; Official Website for Sao Paulo Municipality; Decree No. 9.580 of 22 November 2018, Art. 74(VI)
Does the law establish any form of support to non-state childcare providers?	Yes	Complementary Law No. 123 of 14 December 2006, Art. 18(5)(b)(I); Resolution CGSN No. 140 of 22 May 2018, Art. 25(1)(III)(a)
Does the law establish quality standards for the provision of childcare services in center-based settings?	Yes	Normative Instruction No. 29 of 9 September 2022, Art. 14; Law No. 9.394 of 20 December 1996, Arts. 61-62; Law No. 13.005 of 25 June 2014, Art. 11
Entrepreneurship		
Can a woman undertake entrepreneurial activities in the same way as a man?	Yes	Civil Code, Art. 1642
Does the law prohibit discrimination in access to credit based on gender?	No	No applicable provisions could be located
Does the law prescribe a gender quota on corporate boards?	No	No applicable provisions could be located
Does the law include gender-sensitive procurement provisions for public procurement processes?	No	No applicable provisions could be located
Assets		
Do men and women have equal administrative power and ownership rights to immovable property, including land?	Yes	Civil Code, Arts. 1642, 1647 and 1663; Constitution, Art. 189
Do sons and daughters have equal rights to inherit assets from their parents?	Yes	Civil Code, Arts. 1829 and 1845
Do male and female surviving spouses have equal rights to inherit assets?	Yes	Civil Code, Arts. 1829(3), 1830, 1831 and 1845
Does the law provide for the valuation of nonmonetary contributions?	Yes	Civil Code, Art. 1640
Pension		
Are the ages at which men and women can retire with full pension benefits equal?	No	Decree No. 3048/1999, Arts. 51(a) and 53; Constitutional Amendment No. 103, Art. 1
Are the ages at which men and women can retire with partial pension benefits equal?	Yes	No applicable provisions could be located
Is the mandatory retirement age for men and women equal?	No	Law No. 8213/1991, Art. 51
Are periods of absence due to childcare accounted for in pension benefits?	Yes	Decree No. 3048/1999, Art. 19-C, II

WBL 2.0 supportive frameworks data

QUESTION	ANSWER	SOURCE
Safety		
Has the government developed comprehensive mechanisms to address violence against women?	Yes	Centros de Atendimento para Mulheres Vítimas de Violência; Centro de Referência da Saúde da Mulher UBS (Basic Health Unit) or emergency room; Programa de pesquisa e capacitação continuada dos policiais civis do estado de São Paulo em feminicídio e a investigação sob a perspectiva de gênero
Are there special procedures for cases of sexual harassment?	No	Insufficient evidence located





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published? Second Participation Procedure to request Yes Official Government of São Paulo Municipality Website Is there a publicly available registry or database of childcare providers? Yes Official Government of São Paulo Municipality Website Is there a clearly outlined application procedure to request financial support from the government for childcare services by parents? Yes Official Website for São Paulo Municipality Is there a clearly outlined application procedure to request financial support from the government for childcare services by non-state childcare providers? No Insufficient evidence located Is there a clearly outlined application procedure to request financial support from the government for childcare services by non-state childcare providers? No Insufficient evidence located Is the government published any reports on quality of childcare services within the last 3 years? No Insufficient evidence located Is sex-disaggregated data on business activities, entrepreneurship, or women-owned businesses published on a regular basis? Yes Instituto Brasileiro de Geografia e Estatístic Are there government-led programs that provide support to female entrepreneurs such as access to finance or regarding agency and empowerment? Yes Brazil for Women - National Strategy for Women Entrepreneurship Is there a current national government plan or strategy with a Yes National Financial Education Strategy – ENEF	Are incentives in place to encourage fathers to take paternity leave on the birth of a child?	No	Insufficient evidence located
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	Are there government-led programs that provide support to female entrepreneurs such as access to finance or regarding agency and empowerment?	Yes	Brazil for Women - National Strategy for Women Entrepreneurship
	Is there a current national government plan or strategy with a focus on women's access to financial services?	Yes	National Financial Education Strategy – ENEF





Assets

Are there mechanisms or incentives to encourage women to register immovable property?		Civil Code, Arts. 1642, 1647 and 1714; Constitution, Art. 189; Law 14.620, Art. 10			
Are there awareness measures in place to improve women's access to information about marital and inheritance rights?		Insufficient evidence located			
Is anonymized sex-disaggregated data on property ownership published on a regular basis?	No	Insufficient evidence located			
Pension					
Are there incentives in place to increase women's retirement benefits?	No	Insufficient evidence located			
Is there a procedure in place for pension beneficiaries to challenge the decisions of the competent authority regarding their benefits?	Yes	National Institute of Social Security - INSS - Federal Government			





WBL 2.0 distribution of expert opinion responses

	Almost no women Some women About half of all women	Most women	Almost all we	omen ■(N	(No Response)	
	C	9%	100%			
Safety	In practice, are women free from gender-based violence?	57	.1%	35	.7% 7.1%	
Mobility	In practice, do women enjoy the same freedom of movement as men?	7.1 <mark>%</mark> 21.4%	7.1%	64.3%		
Workplace	In practice, do women enjoy the same opportunities to enter the workplace as men?	21.4% 14	.3% <mark>7.1%</mark>	35.7%	21.4%	
Work	In practice, do women enjoy the same opportunities to remain in the workplace as men?	14.3%	42.9%	14.3%	14.3% 14.3%	
ž	In practice, do women and men enjoy equal remuneration for work of equal value?	28.6%	42.9%	6	14.3% 14.3%	
Pay	In practice, do women and men have equal access to high paying jobs?	28.6%	42.9%	6	14.3% 7.1% <mark>7</mark> .1%	
Marriage	In practice, do women and men enjoy equal rights during marriage?	7.1% <mark>7.1%</mark> 28	.6%	57.19	%	
Mar	In practice, do women and men enjoy equal rights when getting a divorce?	7.1% <mark>7.1%</mark> 14.3%		71.4%		
Parenthood	In practice, do women have access to paid leave for the birth of a child?	7.1%7.1% 14.3%		71.4%		
Paren	In practice, do men have access to paid leave for the birth of a child?*	14.3% 14.3%	7.1% 14.3%	50	.0%	
Child- care	In practice, do women have access to affordable and quality childcare services?	21.4%	50.0%		28.6%	
Entrepreneurship	In practice, do women enjoy the same opportunities to start and run a business as men?	14.3%	42.9%	14.3% 7.	<mark>1%</mark> 21.4%	
Entrepre	In practice, do women and men have equal access to credit?	14.3% 21.4	<mark>% 7.1%</mark> 21.	4%	35.7%	
	In practice, do women and men enjoy equal rights to immovable property?	7.1% <mark>7</mark> .1%	٤	35.7%		
Pension Assets	In practice, do women and men enjoy equal pension benefits after retirement?	14.3% 28	.6% 21.	4%	35.7%	

*Note: The response options for the second Parenthood question above are formatted as almost no men, some men, about half of all men, most men, almost all men.

