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Beyond punishment: unpaid labor as a transformative axis in women's criminal justice¹*Para além da punição: o trabalho não remunerado como eixo transformador na justiça penal feminina**Más allá de la punición: el trabajo no remunerado como eje transformador en la justicia penal femenina*

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Abstract

This study investigates the implications of recognizing domestic work, carried out by incarcerated women, as a criterion for sentence reduction within the criminal justice system. Domestic work is understood, in this context, as the set of activities such as cleaning, food preparation, and daily maintenance which, although performed in an institutional environment, reproduce functions historically associated with care and the maintenance of life—tasks traditionally assigned to women in the domestic sphere. The guiding research question is: in what way can the consideration of domestic work as a form of sentence reduction contribute to the resocialization and social reintegration of incarcerated women? The hypothesis is that valuing these activities, often rendered invisible and devalued, can function as an instrument for personal empowerment, identity redefinition, and the reconstruction of family and community bonds, mitigating the effects of the stigma of incarceration. The investigation adopts a qualitative approach, based on a bibliographic review and critical analysis of current legislation. It is concluded that the inclusion of domestic work as a legitimized activity for the purpose of sentence reduction constitutes progress in valuing women's trajectories within the prison system, in addition to pointing to the need for the formulation of more inclusive penal policies that are sensitive to gender inequalities.

Keywords: incarceration; women; domestic labor; resocialization.

Resumo

Este estudo investiga as implicações do reconhecimento do trabalho doméstico, realizado por mulheres privadas de liberdade, como critério para a remição de pena no âmbito do sistema de justiça penal. Entende-se por trabalho doméstico, nesse contexto, o conjunto de atividades como limpeza, preparo de alimentos e manutenção cotidiana, que, embora desempenhadas em um ambiente institucional, reproduzem funções historicamente associadas ao cuidado e à manutenção da vida, tarefas tradicionalmente atribuídas às mulheres no espaço doméstico. A questão-problema é: de que maneira a consideração do trabalho doméstico como forma de remição de pena pode contribuir para a ressocialização e reintegração social de mulheres encarceradas? Parte-se da hipótese de que a valorização dessas atividades, frequentemente invisibilizadas e desvalorizadas, pode funcionar como um instrumento de fortalecimento pessoal, ressignificação da identidade e reconstrução de vínculos familiares e comunitários, mitigando os efeitos do estigma do encarceramento. A investigação adota uma abordagem qualitativa, fundamentada em revisão bibliográfica e análise crítica da legislação vigente. Conclui-se que a inclusão do trabalho doméstico como atividade legitimada para fins de remição de pena constitui um avanço na valorização das trajetórias femininas no sistema prisional, além de apontar para a necessidade de formulação de políticas penais mais inclusivas e sensíveis às desigualdades de gênero.

Palavras-chave: cárcere; mulheres; trabalho doméstico; ressocialização.

Resumen

Este estudio investiga las implicaciones del reconocimiento del trabajo doméstico, realizado por mujeres privadas de libertad, como criterio para la remisión de pena en el ámbito del sistema de justicia penal. Se entiende por trabajo doméstico, en este contexto, el conjunto de actividades como limpieza, preparación de alimentos y mantenimiento cotidiano que, aunque desempeñadas en un ambiente institucional, reproducen funciones históricamente asociadas al cuidado y a la mantención de la vida, tareas tradicionalmente asignadas a las mujeres en el espacio doméstico. La cuestión problema es: ¿de qué manera la consideración del trabajo doméstico como forma de remisión de pena puede contribuir a la resocialización y reintegración social de mujeres encarceradas? Se parte de la hipótesis de que la valorización de estas actividades, frecuentemente invisibilizadas y desvalorizadas, puede funcionar como un instrumento de fortalecimiento personal, resignificación de la identidad y reconstrucción de vínculos familiares y comunitarios, mitigando los efectos del estigma del encarcelamiento. La investigación adopta un enfoque cualitativo, fundamentado en revisión bibliográfica y análisis crítico de la legislación vigente. Se concluye que la inclusión del trabajo doméstico como actividad legitimada para fines de remisión de pena constituye un avance en la valorización de las trayectorias femeninas en el sistema penitenciario, además de señalar la necesidad de formular políticas penales más inclusivas y sensibles a las desigualdades de género.

Palabras clave: cárcel; mujeres; trabajo doméstico; resocialización.¹ Texto traduzido por Inteligência Artificial.

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1 Introduction

The intersection between the care economy² and criminal justice constitutes an increasingly relevant field of investigation, especially in light of contemporary transformations in forms of punishment and the conditions of female incarceration. Historically, unpaid labor—largely performed by women and associated with the domestic sphere—has been systematically devalued in legal and political debates, particularly with regard to its consideration for sentence reduction.

Women's economic contributions to the reproduction of family life are fundamental to the maintenance of the social structure. In addition to domestic labor—which is essential for daily survival and the care of children, the elderly, and other dependents—women are also engaged in long working hours, especially in the informal sector. Despite the centrality of these activities to the functioning of the economic and social systems, there is a long-standing invisibilization of women's work in classical theoretical traditions. Even when the importance of domestic labor in the reproduction of the workforce is acknowledged, such labor is commonly disregarded as productive and remains unpaid, which contributes to its economic devaluation (Carrasco, 1999).

In the prison context, tasks such as cleaning, food preparation, and daily maintenance, although carried out in a collective setting, reproduce functions traditionally assigned to women within the domestic space, reflecting structural gender norms. In this sense, feminist theory has expanded the understanding of labor reproduction, showing that it encompasses a range of diverse activities. The recognition of the relevance of reproductive labor performed by women for capitalist accumulation has led to a critical revision of traditional Marxist categories, resulting in the understanding that capitalism is not limited to formal, wage labor but also depends on forms of unfree labor, highlighting the close relationship between the devaluation of domestic work and the social marginalization of women (Federici, 2017).

These activities, often seen merely as “natural” extensions of the female role, can nevertheless assume a significant role in the resocialization process by providing not only an occupation but also a space for identity redefinition, personal empowerment, and the reconstruction of emotional and social bonds. In light of this scenario, the present study aims to analyze the implications of recognizing domestic labor performed by incarcerated women as a legitimate criterion for sentence reduction within the Brazilian criminal justice system.

The specific objectives are: to understand the meaning of domestic labor in prison from a gender perspective; to examine how criminal legislation addresses labor in the context of female incarceration; and to evaluate the possible impacts of this recognition on the social reintegration process of incarcerated women. The research question that guides this study is: in what ways can the recognition of domestic labor as a legitimate criterion for sentence reduction contribute to the resocialization and social reintegration of incarcerated women? The central hypothesis is that valuing traditionally invisible activities—such as domestic labor—can serve as an effective mechanism for subjective reconstruction and the mitigation of the stigma of incarceration, promoting personal empowerment and supporting the reconstruction of affective and community bonds, while also indicating paths for more just and inclusive penal policies.

The methodology adopted in this research is qualitative and exploratory in nature, aimed at critically understanding the implications of recognizing domestic labor as a criterion for sentence reduction in the context of female incarceration. Based on a critical-interpretive perspective, the methodology enables an articulation between theory and social practice, allowing for an in-depth analysis of the relationships among gender, labor, and criminal justice. Data collection and analysis will be carried out through bibliographic review and documentary analysis, focusing on relevant legislation, judicial decisions, and academic literature that address sentence reduction, prison labor, and the care economy. The investigation will be guided by theoretical frameworks from gender studies, critical criminology, and the sociology of labor, with the aim of promoting a critical reflection on the invisibility of care activities within the prison system and their implications for social reintegration policies aimed at incarcerated women.

² Feminist economics, also referred to as the care economy, initially sought to achieve recognition of domestic labor as a legitimate form of work, leading to significant political developments by challenging traditional Marxist theories. Capitalism has not fully met the needs of workers through production alone, as domestic labor constitutes an essential component in the reproduction and maintenance of the workforce. In this sense, care work—despite being fundamental to the sustenance of capital—has historically remained invisible. According to Carrasco (2018), this invisibility can be explained by two main factors: the first concerns patriarchal ideology, which assigns greater value to activities associated with male power, since the dominant group holds the prerogative to define social value; the second relates to the functioning of economic systems, which tend to present themselves as autonomous, thereby concealing the importance of care work—essential for production, the maintenance of the workforce, and the preservation of life. (Vicente & Zimmermann, 2021).

2 Women and the Sexual Division of Unpaid Labor

The social position of women throughout history presents specificities that vary according to historical and cultural contexts but retains prominent structural traits—among them, the almost unquestionable association between femininity and care work. Despite advances in the struggle for gender equality, certain spaces, such as the domestic sphere, remain predominantly feminine. This persistence is not due to a “natural” aptitude, but rather a social, economic, and cultural construction that, over time, has assigned women the responsibility for care and the reproduction of life.

As stated by Hirata and Kergoat (2002), the sexual division of labor defines what is considered “women’s work” and systematically devalues it. Federici (2017) reinforces that assigning care work to women was central to the development of capitalism by rendering their time and bodies invisible and exploitable in service of reproducing the labor force. Tronto (1993), in turn, argues that care became a moral expectation of women and, for that reason, was politically neglected, even though it is an essential activity for the maintenance of life in society. These perspectives show that the naturalization of care work as an intrinsic female responsibility is, in fact, the result of a historical logic that sustains structural inequalities.

Social reproduction work, largely carried out by women, transcends an epistemological issue and acquires a political character. Feminist movements have played a fundamental role in exposing that many of these tasks—often rendered invisible and naturalized—correspond to social impositions disguised as expressions of affection or maternal duty. (Pinto, 2003).

Although women have gained greater access to the labor market, responsibility for domestic and care work remains largely attributed to them. Catherine Hall (1994) argues that the sexual division of labor was sustained by the notion that men and women have distinct social functions—a differentiation legitimized by cultural and traditional norms.

Friedrich Engels (2019) characterized female subordination as a product of social relations and therefore susceptible to transformation. However, by conceiving the division of labor between the sexes as a natural phenomenon, he contributed to perpetuating the image of man as provider and woman as responsible for care and the maintenance of the home. History, however, shows that women have always performed paid labor in various historical contexts. Thus, although Engels criticized male domination, he reinforced a stereotype still present today. (Vicente & Zimmermann, 2021).

Philosophers such as Rousseau reinforced this naturalization by asserting that women were fragile beings whose existence should be confined to motherhood and the domestic sphere. He maintained that women should be educated to meet the needs of men and fulfill their maternal roles appropriately. Moreover, sexual seclusion was considered essential to ensure female chastity and legitimate paternity. Rousseau described women as naturally modest, tolerant of injustices, and cunning—traits that, according to him, justified their subordination to men. (Nye, 1939).

Within this framework, marriage became a central milestone in women’s lives, conceived as a guarantee of stability and social acceptance. Often, this choice did not arise from individual desire but from a need for belonging in a society governed by sexist norms. This model—linked to slavery and private property—consolidated a dynamic of oppression that persists to this day. Engels (2019) points out that the suppression of matrilineal rights represented a historical defeat for women, as men came to exercise control over the domestic sphere, reducing the female figure to an object of desire and an instrument of reproduction.

The overload of domestic work, combined with economic dependence, intensified women’s subordination within marriage. Deprived of full civil rights, they were compelled to obey their husbands, perpetuating a patriarchal structure that confined them to secondary roles. The man, as provider and protector, not only consolidated this dynamic but also benefited from the exploitation of female labor to maintain the household. (Saffioti, 1978).

The observed reality clearly exposes the exclusion of women from the labor market and the persistence of economic disparities. For centuries, women have been subjugated by patriarchy and exploited by the capitalist system. According to Matos (2008), although capitalism did not originate the patriarchal model, it benefits from gender inequalities, perpetuating female exploitation. Santos (2010) reinforces that this system places women in subordinate roles in the labor market, requiring them to constantly fight for social, political, and economic equality.

This demonstrates that the historical trajectory of women has been marked by silencing, exploitation, and invisibility. Even in the face of progress, female labor continues to occupy subordinate positions, with insufficient recognition. In this context, the capitalist system has shown an ability to adapt in order to continue benefiting from gender inequalities, perpetuating a logic of oppression that has become naturalized. Understanding these structures is a fundamental step toward their transformation and constitutes an urgent commitment within the realm of social and economic policies.

Saffioti (2014) highlights that the sexual division of labor generates unequal social relations, placing women in situations of vulnerability and rights violations. This structure, influenced by factors such as class and race, reflects systems of oppression and exploitation. Care work, for example—essential for the preservation of life—continues to be invisible and devalued. Barajas (2016) points out that this inequality directly affects women's opportunities to enter the labor market, limiting access to social benefits and formal education. Furthermore, the lack of recognition of domestic labor contributes to the perpetuation of poverty and social exclusion.

Carrasco (2018) identifies two fundamental factors behind this invisibility: first, the ideological nature of patriarchy, which devalues activities historically assigned to women; second, the structure of economic systems, which obscure the relevance of care work for the maintenance of the labor force. Vicente and Zimmermann (2016) argue that the unpaid labor performed by women has been historically neglected by both liberal and Marxist economists, despite its importance to the economy and social reproduction.

In the context of contemporary capitalism, the invisibility of domestic labor operates strategically, allowing the system to continue exploiting female labor without providing monetary compensation. These activities, which are fundamental to the reproduction of the labor force, ensure capital accumulation without additional costs to employers (Saffioti, 2014). The Institute for Applied Economic Research (Ipea, 2016) highlights that this division is based on two structural principles: separation, which assigns tasks to each gender, and hierarchy, which attributes greater value to male labor over female labor.

In addition to organizing social functions, this division contributes to the perpetuation of gender inequalities. The assignment of domestic work to women results in interruptions to their professional trajectories, concentration in lower-paid occupations, and increased social vulnerability (Biroli, 2013). As a result, women face difficulty accessing social security rights and are excluded from public and political spaces, limiting their participation in decision-making and in the development of policies that could promote gender equality and social justice.

Therefore, the sexual division of labor not only reinforces inequalities but also restricts the full exercise of female citizenship. The recognition and equitable redistribution of domestic labor emerge as fundamental conditions for promoting social justice and equal opportunities (Bernhard, 2024). As Ipea (2016, p. 69) points out, as long as women remain primarily responsible for reproductive labor, their participation in the public sphere will be compromised, perpetuating gender hierarchy and structural inequality.

3 Women in Prison: Perspectives and Challenges

The female condition has historically been marked by processes of discrimination that have restricted women's identity to the biological role of reproduction. This gender stereotype upholds the patriarchal structure and reinforces the subordination of women in various social spaces, perpetuating relations of domination. As a result, the invisibility of women's rights and the imposition of gender norms configure a hierarchical social organization in which exclusionary mechanisms legitimize their inferiority and deepen inequalities between men and women. (Costa & Bernhard, 2021).

Women's economic participation remains limited due to the sexual division of labor and economic crises, which compromise their autonomy and make them more vulnerable. As a result, the difficulty in entering the formal labor market pushes many women into informal work or even illicit activities, burdening them with multiple roles. Additionally, the weakening of social policies—especially since the 1990s—has intensified this vulnerability. While the State withdraws from the socioeconomic sphere, the punitive apparatus expands, resulting in the criminalization of the poorest segments of the population. (Germano et al., 2018).

In this context, the consequences of female vulnerability become evident in the Brazilian prison system, which is predominantly designed for men and lacks adequate structures for women's specific needs. This model reveals institutionalized androcentrism that not only renders the female prison population invisible but also subjects them to

an inappropriate regime, particularly when they are placed in mixed-gender facilities—constituting a serious violation of the principle of human dignity enshrined in the 1988 Federal Constitution. Moreover, this practice contradicts legislation that mandates the creation of exclusive spaces for women. (Costa & Bernhard, 2021).

The perpetuation of such inequality is intrinsically linked to gender-based violence, which persists in a context of structural inequality. In this regard, legal institutions play a fundamental role in reproducing patriarchal hegemony. These spaces—including the Judiciary itself—sustain power relations that naturalize hierarchies, restrict equitable access to decision-making spheres, and perpetuate male domination. Within this framework, Criminal Law adopts a male-centered model of the individual and, by disregarding gender perspectives, not only neglects women's specificities but also significantly hinders their access to justice. (Bechara, 2023).

It is important to highlight some key trends regarding incarcerated women in patriarchal society: the specific nature of the female experience within a predominantly male institution such as prison; the limited political interest in the rise of the female prison population; and, above all, the double disqualification suffered by these women—both as criminals and as mothers who have violated their socially expected role. (Sparemberger & Jardim, 2025).

Statistics illustrate the scale of the problem. According to the 4th edition of the World Female Imprisonment List (WFIL), published by the International Centre for Prison Studies in 2017, more than 714,000 women are incarcerated worldwide. The data show a 53% increase in the female prison population since 2000, with the fastest growth occurring in the Americas. Notably, the rate of female incarceration is growing faster than that of men (ICPS, 2017).

In Brazil, this phenomenon reflects structural inequalities and the socioeconomic vulnerability of women. The country ranks third in the world for the highest number of incarcerated women, behind only the United States and China. According to the "Relatório de Informações Penais" (Relipen, 2024), there were 28,770 women in physical detention and 12,013 under house arrest with electronic monitoring. Additionally, data from 2018 show that 62% of female inmates are Black and 66% did not complete high school. (Brazil, 2018). These statistics highlight the intersectionality of gender, race, and class in female incarceration.

As a result of this neglect, the Brazilian prison system—predominantly designed for male inmates—lacks appropriate infrastructure to meet women's specific needs. The current penal logic, by ignoring these differences, reinforces historical inequalities and prevents the implementation of effective public policies. This neglect is reflected in the precarious conditions of detention, which especially impact women with young children. Only 7% of Brazilian prison units are designated exclusively for female inmates (Brazil, 2018), making the prison environment a space of (survival) and the perpetuation of social exclusion. (Bernhard, 2024).

The precariousness of prison conditions also manifests in the shortage of essential resources. The National Council of Justice (CNJ) frequently receives complaints about the lack of basic products for female inmates, such as sanitary pads and gynecological care (Brazil, 2015). In many prisons, women receive only two packs of pads per month, an amount that is insufficient for many (Brazil, 2009). Moreover, while male inmates report issues like respiratory infections and wounds, female inmates face headaches, gynecological disorders, depression, and panic attacks—often without adequate medical attention. (Varela, 2017).

The structure of the penal system, by failing to consider gender-specific needs, transforms differences into inequalities, and the marginalization of female inmates reflects the low priority given to their needs in public policy. The discourse of legal equality, by failing to critically examine the practical effects of policies, perpetuates male domination. In this way, criminal justice not only reproduces but also legitimizes gender inequalities, reinforcing mechanisms of social exclusion and institutional violence. (Brazil, 2015).

Analyzing the precarious conditions faced by women in the prison system is both deeply disturbing and revealing. It becomes evident that something as fundamental as menstrual products is still denied to many inmates, as if their physiological needs were disregarded (Brazil, 2015, p. 25). According to the CNJ, many women receive only two packs per month, which is «insufficient for most» (Brazil, 2009). Even more serious is the lack of adequate gynecological and psychological care, while disorders such as "depression, panic attacks, and headaches" often go untreated. (Varela, 2017, p. 36).

It becomes clear that the penal system, supposedly designed from a neutral perspective, completely ignores the specificities of the female body. This omission is not neutral—it marginalizes, sickens, and renders women invisible. As the National Council of Justice itself emphasizes: "criminal justice not only reproduces but also legitimizes gender inequalities" (Brazil, 2015). Reflecting on this reality must serve as an urgent call for society to denounce and transform the structures that, under the guise of equality, perpetuate social exclusion and institutional violence against women.

4 Domestic Work as a Sentence Remission Mechanism

Work in the Brazilian penitentiary system was initially conceived as a strategy to correct behavioral deviations, aiming to reintegrate incarcerated women into the resocialization process while avoiding idleness. However, as argued by Angotti (2018), this practice often remained limited to activities traditionally associated with the feminine sphere, such as cooking and sewing, with the goal of preparing women for marital life. Thus, instead of promoting autonomy and social inclusion, prison labor often reinforced gender stereotypes, limiting opportunities for the personal and professional development of female inmates.

A significant example of this restrictive approach can be found in the 1942 internal regulations of the Women's Penitentiary of Bangu, in Rio de Janeiro. This regulation instructed inmates to perform tasks such as washing, starching, and ironing clothes to meet the institution's laundry needs. According to the established rules, these activities were deemed more effective in preparing women for life after prison than more complex professional training.

This focus reveals the limitations of the concept of labor in the female prison system, exposing a sexist perspective that relegated women to tasks with low social and economic value. (Angotti, 2018). Furthermore, analysis of documents from the period shows that sewing and crafts were mentioned both as leisure activities and as prison labor. This distinction reflects the prevailing idea that women's manual work was viewed more as a hobby than as legitimate labor.

The devaluation of these tasks, along with the underestimation of the effort involved, may have reinforced the notion that craftwork in prison was not genuine labor. Nevertheless, the main goal of this approach was to allow women to develop skills that could be useful in post-prison life, facilitating their social reintegration and entry into the labor market. (Angotti, 2018). This devaluation of women's labor in the prison system reflects a broader pattern in which women's work—especially in private or informal spheres—is often underestimated in comparison to male labor, traditionally viewed as more productive and economically valuable.

In this context, the ideology underlying such perceptions justifies assigning manual tasks to women in prison, framing them as formative or rehabilitative rather than recognizing them as legitimate work worthy of value. This subordinate treatment of female labor—especially in prisons—reveals a gendered logic that perpetuates the marginalization of women both in society and in the penal system, creating significant barriers to their recognition and social reintegration. (Bernhard, 2024).

Historically, the incarceration model focused exclusively on punishment prevailed in Brazil until the 20th century. Only with the enactment of the Penal Execution Law No. 7,210 of 1984 did the principles of resocialization and humanization of sentences formally enter the legal framework. This law, still in effect, defines sentence regimes and prison organization, recognizing labor as a right of persons deprived of liberty. It also assigns prison labor a social, educational, and productive role, valuing it as a tool for dignity and reintegration. (Brazil, 1984).

The legislation also introduced the possibility of sentence remission, allowing inmates in closed or semi-open regimes to reduce their sentences through work or study—the latter granted under Law No. 12,433 of 2011. Additionally, Law No. 10,792 of 2003 authorized government entities to enter into partnerships with private organizations to implement work programs within the prison system. (Vieira; Stadtlober, 2019).

Within this normative framework, Interministerial Ordinance No. 210 of 2014 stands out. It established the National Policy for the Care of Women in Situations of Deprivation of Liberty and Women Released from the Prison System (PNAMPE). This policy aimed to reform prison practices in Brazil to ensure the rights of incarcerated women—both Brazilian and foreign—through a more inclusive and gender-sensitive approach. Notably, the concept of labor is cited in the National Plan for Criminal and Penitentiary Policy as a strategy to reduce female incarceration. (Vieira; Stadtlober, 2019).

In 2014, a specific analysis of the situation of women in the prison system revealed how this population remained marginalized in debates surrounding criminal justice. The segregation of women in the prison system highlights structural inequality: while 74% of prison facilities are designated for men, only 7% are for women, and 17% operate under a mixed-gender regime with spatial separation. Additionally, the 2015 National Plan for Criminal and Penitentiary Policy emphasized labor as a strategy to reduce female incarceration and addressed the vulnerability of women in socioeconomic terms (Brazil, 2015).

In this context, 34.03% of women deprived of liberty are engaged in work, whether inside or outside prison facilities—an 8% increase compared to the previous semester. Among incarcerated women who perform labor,

89.3% work within the facilities. In the states of Acre, Ceará, Rio Grande do Norte, Piauí, Sergipe, and Paraná, all working female inmates are involved in internal prison labor. (Brazil, 2019).

Additionally, there is a greater presence of workshops in female-only facilities (58%) compared to male (38%) and mixed (29%) units (Brazil, 2019). Another issue is that, despite the Penal Execution Law determining compensation for incarcerated workers, 38.2% of working female inmates receive no pay, and 15.3% earn less than three-quarters of the monthly minimum wage, as required by law (Brazil, 2019).

The transformation of women's social roles and their relationship with criminal activity occurs within a predominantly male context, historically unprepared to accommodate a female presence. Although more workshops are available in women's prisons, Infopen reports on prison infrastructure and organization confirm structural difficulties—both in terms of facility layout and resource availability. (Cajueiro et al., 2021).

It is essential to highlight that the availability of adequate spaces for professional workshops and production directly affects the ability of incarcerated individuals to access the right to work, as established by the Penal Execution Law (Brazil, 2018). Consequently, spaces for living, socializing, and engaging in activities such as labor are often inadequate for the needs of female inmates.

The reality experienced by incarcerated women has sparked debate over recognizing domestic work as an activity eligible for sentence remission. In this context, the Penal Police of Paraná, through its Social Complex, signed a cooperation agreement with the State Court to allow sentence reduction for women in semi-open or home confinement who perform labor activities in their homes. Although unpaid, domestic work is widely recognized in Brazilian law as a form of labor, including for social security purposes by the Ministry of Social Security. (Chiapetti; Sell, 2023).

Legally, as Chiapetti and Sell (2023) demonstrate, the social devaluation of domestic work can pose a barrier to its acceptance as a ground for sentence remission. The lack of formal recognition may lead judges to reject such claims, arguing that these activities do not fall under Article 126 of the Penal Execution Law (LEP), which outlines the types of work eligible for remission.

Furthermore, the absence of «economic expression» in these activities may be used as justification to deny remission, since the legislation often associates the benefit with activities of declared economic value. This creates a challenge, particularly for women under home confinement, whose labor lacks the visibility and recognition of formal work.

One interpretive approach proposes that activities such as cleaning, cooking, and caregiving for family members—such as children and the elderly—should be considered “labor” under Article 126 of the LEP³. This interpretation would ensure that women under home confinement can benefit from sentence reduction based on their domestic labor, recognizing its social and legal relevance to reintegration. (Chiapetti; Sell, 2023).

This debate can be viewed from two perspectives. The first regards domestic work as a legitimate form of “labor,” even without formal economic value. Although the penal execution law is traditionally restrictive, a broad interpretation of Article 126 of the LEP would allow sentence remission for activities that, although unpaid, contribute to inmate reintegration and combat idleness—an essential factor in rehabilitation. (Chiapetti; Sell, 2023). The second perspective sees domestic work as a “social reintegration activity,” acknowledging that it plays an educational and socializing role—even if not economically classified—which aligns with the goals of penal execution.

Chiapetti and Sell (2023) note that this interpretation is consistent with CNJ Resolution N. 391/2021, which accepts non-school-based but socially relevant activities as valid for sentence remission. Thus, domestic work can be understood as an educational practice within a broader strategy of social reintegration, reflecting a more inclusive view of activities that should be legally recognized in the penal system. Chiapetti and Sell (2023) argue that applying

³ Article 126. A convict serving a sentence in closed or semi-open regime may reduce part of the sentence time through work or study. § 1. The time will be counted as follows: I – one (1) day of sentence for every twelve (12) hours of school attendance, divided into at least three (3) days; II – one (1) day of sentence for every three (3) days of work. § 2. A prisoner unable to continue working due to an accident shall continue to benefit from the sentence reduction. Study activities may be conducted either in person or remotely and must be certified by the competent educational authorities. § 3. The sentence reduction shall be declared by the execution judge, after hearing the Public Prosecutor's Office. For the purpose of accumulating cases of reduction, daily hours of work and study shall be defined so as to be compatible. § 4. A prisoner unable to continue working or studying due to an accident shall continue to benefit from the sentence reduction. § 5. The time to be reduced on account of study hours shall be increased by one-third (1/3) in the event of completion of elementary, secondary, or higher education during the execution of the sentence, provided it is certified by the competent authority. § 6. A convict serving a sentence in open or semi-open regime and one who enjoys conditional release may reduce part of the sentence time or probation period by attending a regular educational or professional training course. § 7. The provisions of this article apply to cases of preventive detention. § 8. The sentence reduction shall be declared by the execution judge, after hearing the Public Prosecutor's Office and the defense. (Brazil, 1984).

the principle of *in bonam partem* offers a legal pathway for including activities not explicitly listed in the law—such as domestic work—as valid for sentence remission.

This expansive interpretation of Article 126 of the LEP aims to ensure that convicted individuals—especially women—can benefit from opportunities that support their social reintegration, aligning with broader goals of criminal legislation. Case law has increasingly supported this understanding, emphasizing that applying analogy in favor of the defendant strengthens detainees' rights and contributes to a more just society by promoting human dignity and countering marginalization.

Moreover, recent studies indicate that sentence remission through domestic work could reduce sentence length by up to 30%. This measure has the potential to generate public savings by decreasing costs associated with equipment, personnel, and prison management. Such benefits make the inclusion of domestic work as a criterion for sentence remission not only economically viable but also a strategic action for reducing social and gender inequalities in the penal system.

This practice aligns with the guidelines of the National Council of Justice (CNJ) and international frameworks such as the Protocol for Judging with a Gender Perspective and the UN Sustainable Development Goals, promoting gender equality and social justice (Sell, 2023). In this sense, recognizing domestic work as a legitimate criterion for sentence remission goes beyond a mere legal or procedural change. It represents a symbolic and political act of valuing women's life trajectories, often marked by invisibility, poverty, and exclusion. Rethinking the prison system through the lens of care also invites a reassessment of the very foundations of justice—and, consequently, of how society perceives and treats women in conflict with the law.

5 Final Considerations

This research has shown that recognizing domestic work as a legitimate criterion for sentence reduction holds significant potential to contribute to the resocialization processes of incarcerated women. By validating these often-overlooked activities as legitimate forms of labor, it enhances the appreciation of women's life trajectories and strengthens social and emotional bonds—elements essential to social reintegration.

Despite conceptual progress, the implementation of this proposal still faces obstacles within the Brazilian penal system, which is marked by a punitive logic and by institutional and cultural resistance to the adoption of more inclusive practices. The effective implementation of this measure would require normative reforms, structural changes in prison routines, and the confrontation of historically entrenched gender stereotypes.

The analysis also revealed that the debate on domestic work as a means of sentence reduction goes beyond the legal field, requiring a redefinition of the role of women within the criminal justice system. An interinstitutional commitment is necessary to promote public policies guided by a gender perspective, taking into account the specificities, needs, and vulnerabilities of women in situations of incarceration.

It is therefore concluded that building a truly inclusive justice system requires articulation between the State and civil society. Centering women's experiences in discussions on penal policies is essential to overcoming structural inequalities and consolidating a justice system committed to equity, dignity, and social reparation.

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