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Women's political participation and the protection of personality rights in light of the principle of human dignity

A participação política das mulheres e a proteção dos direitos da personalidade à luz do princípio da dignidade humana

La participación política de las mujeres y la protección de los derechos de la personalidad a la luz del principio de la dignidad humana

Andressa Juliana Alexandre Pedrochi Alves Feitoza* <https://orcid.org/0009-0005-1313-4184>, Cesumar University Center, Maringá, Paraná, Brazil.

Andryelle Vanessa Camilo Pomin** <https://orcid.org/0000-0002-3421-3122>, Cesumar University Center, Maringá, Paraná, Brazil.

Dirceu Pereira Siqueira*** <https://orcid.org/0000-0001-9073-7759>, University Center, Bebedouro, São Paulo, Brazil.

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Editors-in-Chief

Katherinne de Macêdo Maciel Mihaliuc
University of Fortaleza, Fortaleza, Ceará,
Brazil
katherinne@unifor.br

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University of Fortaleza, Fortaleza, Ceará,
Brazil
sidney@unifor.br

Handling Editor

Sidney Soares Filho
University of Fortaleza, Fortaleza, Ceará,
Brazil
sidney@unifor.br

Authors

Andressa Juliana Alexandre Pedrochi
andressapedrochi@gmail.com
Contributions: study conceptualization,
methodology, data curation, writing –
original draft.

Andryelle Vanessa Camilo Pomin
andryellecamilo@gmail.com
Contributions: supervision, writing –
review & editing.

Dirceu Pereira Siqueira
dpsiqueira@uol.com.br
Contributions: supervision.

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Abstract

This study investigates women's political participation in Brazil from the perspective of the protection of personality rights and the principle of human dignity. The choice of this research topic is justified by its contemporary relevance, given both the normative advances achieved in promoting gender equality and the persistent barriers to the effective inclusion of women in positions of political power. The existing literature reveals a gap in the integration of personality rights theory with analyses of women's underrepresentation, particularly within the fields of political science and constitutional law. Accordingly, the study aims to examine how the expansion of women's political representation can be understood as a mechanism for promoting and safeguarding human dignity. Methodologically, the research adopts a qualitative approach and a deductive method, based on bibliographic and documentary research. The analysis encompasses specialized literature, legislation, reports issued by national and international organizations, recent statistical data, and relevant judicial decisions rendered by Brazil's higher courts. In addition, a literature review was conducted using databases such as EBSCOhost, Google Scholar, SSRN, SciELO, and the CAPES Portal. Preliminary findings indicate that, although women constitute more than half of the Brazilian electorate, their representation in elected office remains well below gender parity. This scenario may be interpreted as an indirect violation of personality rights and highlights the need for effective public policies aimed at ensuring respect for human dignity and promoting the full inclusion of women in the political sphere.

Keywords: political participation; personality rights; human dignity; women.

Resumo

A presente pesquisa investiga a participação política das mulheres no Brasil sob a perspectiva da proteção dos direitos da personalidade e do princípio da dignidade da pessoa humana. A escolha do objeto de estudo se justifica tanto pela relevância no contexto contemporâneo, em razão dos avanços normativos em prol da igualdade de gênero, quanto por persistentes obstáculos à efetiva inclusão feminina nos espaços de poder. A literatura aponta uma lacuna quanto à integração entre a teoria dos direitos da personalidade e a análise da sub-representação feminina, especialmente no campo da ciência política e do direito constitucional. Nesse sentido, o objetivo é compreender de que forma a ampliação da representatividade política das mulheres pode ser interpretada como instrumento de efetivação da dignidade humana. Metodologicamente, adota-se a abordagem qualitativa e o método dedutivo, mediante pesquisa bibliográfica e documental, que abrange obras especializadas, legislação, relatórios de órgãos nacionais e internacionais, dados estatísticos recentes e decisões judiciais relevantes dos tribunais superiores, além de revisão em bases como EBSCOhost, Google Acadêmico, SSRN, SciELO e o portal da CAPES. Os achados preliminares evidenciam que, embora as mulheres representem mais da metade do eleitorado brasileiro, sua presença em cargos eletivos permanece aquém da paridade de gênero, configurando violação indireta aos direitos da personalidade e demonstrando a necessidade de políticas públicas eficazes para assegurar a dignidade da pessoa humana e a plena inclusão feminina na esfera política.

Palavras-chave: participação política; direitos da personalidade; dignidade da pessoa humana; mulheres.

* Master's Student in Legal Sciences in the Graduate Program in Legal Sciences (PPGCJ) at UniCesumar, within the research line focused on mechanisms for the effective protection of personality rights. Recipient of a scholarship from the Program for the Support of Graduate Studies at Private Higher Education Institutions (PROSUP/CAPES). Member of the Research Group "Public Policies and Social Instruments for the Effective Protection of Personality Rights." Holds a Bachelor of Laws (LL.B.) degree from the Centro Universitário Cesumar de Maringá (UniCesumar).

** PhD in Law from UniCesumar. Permanent Faculty Member of the Stricto Sensu Graduate Program in Legal Sciences at UniCesumar. Research Productivity Scholarship Recipient of the ICETI Research Grant Program. Researcher affiliated with the National Council for Scientific and Technological Development (CNPq).

*** Postdoctoral Researcher in Law at the Faculty of Law of the University of Coimbra (Portugal). Holds both a PhD and a Master's degree in Constitutional Law from the Instituição Toledo de Ensino (ITE), Bauru, Brazil. Professor in the Undergraduate Law Program at Centro Universitário UNIFAFIBE. Visiting Professor in the Master's Program at Missouri State University, United States. Editor of the Journal of Social Rights and Public Policies (Qualis A2). Legal Consultant, Peer Reviewer, and Attorney-at-Law.



Resumen

La presente investigación analiza la participación política de las mujeres en Brasil desde la perspectiva de la protección de los derechos de la personalidad y del principio de la dignidad de la persona humana. La elección del objeto de estudio se justifica tanto por su relevancia en el contexto contemporáneo, debido a los avances normativos en favor de la igualdad de género, como por la persistencia de obstáculos para la inclusión femenina efectiva en los espacios de poder. La literatura especializada evidencia una laguna en cuanto a la integración entre la teoría de los derechos de la personalidad y el análisis de la subrepresentación femenina, especialmente en los campos de la ciencia política y del derecho constitucional. En este sentido, el objetivo es comprender de qué manera la ampliación de la representatividad política de las mujeres puede interpretarse como un instrumento para la realización efectiva de la dignidad humana. Metodológicamente, se adopta un enfoque cualitativo y el método deductivo, mediante investigación bibliográfica y documental, que abarca obras especializadas, legislación, informes de organismos nacionales e internacionales, datos estadísticos recientes y decisiones judiciales relevantes de los tribunales superiores, además de la revisión de fuentes en bases de datos como EBSCOhost, Google Académico, SSRN, SciELO y el Portal CAPES. Los hallazgos preliminares evidencian que, aunque las mujeres representan más de la mitad del electorado brasileño, su presencia en cargos de elección popular continúa estando por debajo de la paridad de género, lo que configura una vulneración indirecta de los derechos de la personalidad y pone de manifiesto la necesidad de políticas públicas eficaces para garantizar la dignidad de la persona humana y la plena inclusión de las mujeres en la esfera política.

Palabras clave: participación política; derechos de la personalidad; dignidad de la persona humana; mujeres.

1 Introduction

Women's political participation in Brazil constitutes a crucial field of inquiry for understanding the limits and possibilities of contemporary democracy. Although significant normative advances have been achieved since the recognition of women's suffrage in 1932 and the establishment of formal equality under the 1988 Federal Constitution, women remain substantially underrepresented in positions of political power. This reality undermines not only the consolidation of gender equality but also the effectiveness of the principle of human dignity, as the structural exclusion of women from the public sphere restricts the full exercise of citizenship and limits the enjoyment of personality rights.

The present study addresses the following research question: to what extent can the political underrepresentation of women in Brazil in the post-1988 constitutional period be understood as an indirect violation of personality rights, and how do contemporary legal mechanisms – particularly gender quota policies, electoral financing rules, and measures to combat gender-based political violence – contribute to the realization of the principle of human dignity?

To delimit its scope, this article focuses on women's political participation in Brazil following the enactment of the 1988 Federal Constitution, with particular emphasis on normative developments, affirmative action policies, and constitutional and electoral jurisprudence produced primarily since the 1990s. The study prioritizes the institutional dimensions of political participation, especially women's representation in elected positions within the Legislative and Executive branches, as well as the legal conditions affecting the competitiveness of female candidacies. Substantively, the analysis examines legal mechanisms designed to promote gender equality in politics, including electoral legislation, gender quota policies, campaign financing regulations, measures to combat quota fraud, and initiatives addressing gender-based political violence, all considered through the lens of personality rights and the principle of human dignity.

The primary objective of this study is to investigate how the expansion of women's political representation may be interpreted as a mechanism for advancing human dignity and personality rights. To achieve this objective, the analysis is organized around three main dimensions: i) human dignity as the constitutional foundation of personality rights; ii) the historical trajectory of women's political participation in Brazil; and iii) contemporary public policies aimed at increasing women's inclusion in positions of political power. In addition, recent empirical data from the Brazilian Superior Electoral Court (TSE) and reports issued by UN Women are examined.

Based on this framework, the study advances the hypothesis that women's political underrepresentation constitutes an indirect violation of personality rights because it limits women's access to decision-making arenas and restricts the recognition of their experiences and social demands. Conversely, increasing women's presence in political office may be understood as a strategy for realizing human dignity, strengthening participatory democracy, and promoting substantive equality in the exercise of citizenship.

From a methodological perspective, the research adopts a qualitative approach guided by the deductive method. The analysis begins with the constitutional foundations of human dignity and personality rights and subsequently examines their implications for women's political participation. The study is based on bibliographic and documentary research, encompassing national and international scholarship on fundamental rights, citizenship, and gender representation in politics, with priority given to publications produced between 2000 and 2025, while also incorporating classical authors essential to the theoretical development of the subject. Documentary sources

include constitutional, electoral, and international legal instruments aimed at promoting gender equality, with particular attention to affirmative action measures implemented after the 1988 Constitution, as well as institutional data published by the TSE, UN Women, and the Inter-Parliamentary Union. Jurisprudential analysis focuses on landmark decisions of the Federal Supreme Court (STF) and the TSE concerning affirmative action policies and women's political participation, including ADIs No. 6581 and 6582 (Brasil, 2022), ADI No. 5617 (Brasil, 2019), and electoral precedents addressing gender quota fraud, such as REspe No. 193-92.2016.6.18.0018/PI (Brasil, 2018b) and Consultation No. 0600252-18.2018.6.00.0000 (Brasil, 2018a), selected because of their normative and institutional significance. The collected material was examined through interpretive content analysis structured around three thematic axes: i) the constitutional foundations of personality rights; ii) the historical evolution of women's political participation; and iii) the assessment of contemporary public policies and judicial decisions.

Accordingly, this study seeks to provide a theoretical and empirical reflection on women's political participation as an instrument for promoting human dignity and personality rights, reaffirming the need to overcome structural barriers that continue to restrict the full exercise of citizenship. Through historical, normative, empirical, and jurisprudential analyses, the article aims to demonstrate that women's political representation constitutes an indispensable element in the construction of an inclusive and egalitarian democracy.

Therefore, this research intends to contribute to legal scholarship by establishing an integrative approach that connects personality rights theory with the analysis of women's political participation, an area that remains insufficiently explored in Brazilian academic literature. Unlike studies that address women's underrepresentation solely from the perspective of formal equality or democratic theory, this article examines women's political participation as an essential dimension of human dignity and personality rights protection, integrating constitutional foundations, historical analysis, empirical evidence, and recent jurisprudence. Furthermore, the study critically reflects on the effectiveness of public policies and judicial decisions designed to promote gender equality, thereby contributing to ongoing debates on substantive democracy, inclusive citizenship, and the effective protection of fundamental rights in contemporary Brazil.

2 Human dignity and personality rights

Human dignity has become established as a foundational principle of the Democratic Rule of Law and, consequently, as an interpretive benchmark for the entire legal system. By being elevated to the status of a fundamental constitutional value in the 1988 Federal Constitution, human dignity was transformed into a binding normative command rather than a mere ethical ideal. This centrality demonstrates that any reflection on citizenship and political inclusion must begin with an understanding of human dignity, as it provides the basis for the protection of personality rights, as argued by Sarlet (2004).

This principle possesses immediate normative effectiveness and cannot be reduced to a constitutional aspiration. The realization of human dignity therefore depends upon the implementation of measures that safeguard life, moral integrity, and personal identity. In this regard, Cantali (2009) emphasizes that violations of these attributes directly affect the existential condition of the individual, demonstrating that dignity constitutes the substantive foundation of personality rights.

Within this framework, personality rights may be understood as concrete manifestations of human dignity, insofar as they protect values such as honor, image, and privacy. This interpretation is highlighted by Fermentão and Vieira (2023), who argue that the protection of these attributes ensures the minimum conditions necessary for the affirmation of subjectivity while reaffirming the inalienable and non-waivable nature of such rights. Human dignity, therefore, extends beyond the theoretical realm and finds practical expression through the protection of personality rights.

Human dignity should also be understood as the axiological foundation of fundamental rights. Along these lines, Sarmento (2004) contends that the formal recognition of rights is insufficient in itself; material conditions for their effective exercise must also be established. Citizenship, from this perspective, encompasses not only protection against violations but also the adoption of policies that promote autonomy and equality. Human dignity thus emerges as an active criterion for justice and social inclusion.

The relationship between dignity and democracy becomes even more evident when examined through the lens of full citizenship. Chueiri and Godoy (2010) argue that political participation is legitimate only when personality rights are fully respected, since citizenship cannot be dissociated from moral integrity and individual identity. Democracy, in this sense, depends directly on the effective protection of personality rights.

The absence of such protection not only weakens the legal system but also undermines the legitimacy of democracy itself. Siqueira, Morais, and Moreira (2024) demonstrate that the active protection of personality rights promotes autonomy and civic participation, enabling individuals to move beyond merely formal status and become active participants in public life. When such protection fails, exclusion deepens and political institutions become less representative.

Within this context, substantive equality is equally indispensable to the consolidation of an inclusive democracy. Miguel (2014) observes that the historical exclusion of women from decision-making spaces violates human dignity and compromises the effectiveness of personality rights. Female representation should therefore be understood not as a mere normative concession but as a practical requirement of both dignity and democracy.

In institutional settings, women's vulnerability demonstrates that structural gender inequalities generate differentiated impacts on women. When combined with factors such as race, social class, and historical exclusion, these inequalities require specific public policies aimed at inclusion and protection (Danesi; Lima; Custódio, 2025).

This perspective is consistent with the capabilities approach developed by Nussbaum (2011), according to which human dignity requires the creation of genuine opportunities for individuals to develop their potential. From this standpoint, the absence of women from political life reflects the denial of one of the central dimensions of citizenship and diminishes the effectiveness of personality rights.

Arendt (2002) reinforces this understanding by arguing that the human condition is fully realized within the public sphere. For the author, dignity is intrinsically linked to the recognition of voice and action in collective life; consequently, the exclusion of social groups from decision-making processes amounts to a denial of their humanity. Women's political underrepresentation may therefore be understood as an affront to human dignity and to the core content of personality rights.

In light of these considerations, the analysis demonstrates that human dignity and personality rights constitute the protective core of the Democratic Rule of Law. Their effectiveness extends beyond the individual sphere and encompasses the guarantee of genuine conditions for citizenship. Recognizing human dignity as a structuring constitutional principle therefore leads to the conclusion that democracy can be fully realized only when it ensures equal access to the exercise of fundamental rights without distinction.

3 Historical trajectory of women's political participation in Brazil

Women's political participation in Brazil has historically been characterized by exclusion and unequal access to positions of power. During the Imperial period, prevailing social norms confined women to the domestic sphere and private life, while political functions were reserved exclusively for men. As Hahner (1981) observes, this patriarchal framework legitimized the notion of women's civil incapacity and consolidated their exclusion from public arenas, creating barriers whose effects persisted for decades. According to Scipioni and Ribeiro (2025), gender discrimination is sustained by patriarchal structures that, even under apparently neutral legal frameworks, continue to generate material inequalities and restrict women's full enjoyment of personality rights.

This structural legacy became even more evident during the early decades of the Republic, when exclusion was reinforced through legal mechanisms. The Civil Code of 1916 (Brazil, 1916) classified married women as relatively incapable, requiring their husbands' authorization for various civil acts. Beviláqua (1908) had already documented this hierarchical and patrimonial model, which placed women in a position of dependence upon fathers or husbands and prevented the full realization of their citizenship. Consequently, Brazilian legislation institutionalized gender inequality and perpetuated women's exclusion from political life.

Despite these restrictions, feminist movements began to emerge in the early 20th century, inspired by international experiences. Pinto (2003) notes that this first phase of Brazilian feminism was closely associated with the struggle for women's suffrage and was led by prominent figures such as Leolinda Daltro and Bertha Lutz. These activists created spaces for political mobilization, established organizations such as the Brazilian Federation for Women's Progress, and brought greater visibility to demands for political equality, despite strong resistance from conservative elites.

Women's suffrage was finally recognized in 1932 with the enactment of the Electoral Code. According to Cabral (1934), this milestone not only responded to longstanding feminist demands but also aligned with Getúlio Vargas's broader political project of modernizing state institutions and expanding political support. Although initially

restricted to literate women, the right to vote represented the first institutional achievement of women's political citizenship in Brazil.

Shortly thereafter, the Constitution of 1934 consolidated this achievement by establishing formal equality between men and women regarding voting rights. D'Alkmin and Amaral (2006) emphasize that the mobilization of female leaders was instrumental in securing this constitutional guarantee, although effective participation remained limited due to persistent cultural and institutional barriers. Thus, the formal equality enshrined in the Constitution coexisted with a political system that continued to reproduce patterns of exclusion.

The military regime represented a setback for political debate; however, the subsequent process of democratization brought feminist demands back to the forefront of public discourse. Perrot (1998) argues that women's struggle for citizenship has always been linked to their presence in the public sphere, a dynamic clearly illustrated during the 1987-1988 Constitutional Assembly. The so-called Women's Caucus played a decisive role in securing constitutional provisions related to gender equality, maternity protection, and the recognition of domestic labor. Pinto (2003) interprets this participation as a landmark in the advancement of women's citizenship, although parliamentary representation remained limited.

International comparisons further demonstrate that Brazil was relatively late in recognizing women's suffrage. Uruguay granted women voting rights in 1927, Ecuador in 1929, and the United States in 1920, while the United Kingdom had already extended voting rights to women in 1918, albeit with restrictions. In Latin America, Argentina granted women's suffrage only in 1947 but subsequently advanced rapidly in adopting parity policies, achieving levels of female representation that now significantly exceed those of Brazil. Hahner (1981) explains that, although Brazil participated in a broader global movement toward women's political inclusion, it was slower to implement political rights comprehensively.

Beyond historical comparisons, international pressure also played a crucial role in promoting change. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (United Nations, 1979), ratified by Brazil in 1984, established clear commitments regarding women's political participation. Likewise, the Beijing Declaration and Platform for Action (United Nations, 1995) reinforced the principle that gender equality is a prerequisite for a fully democratic society, influencing the development of national public policies. These international instruments extended the struggle for representation beyond national boundaries and strengthened the feminist agenda within Brazil.

Despite significant normative advances, recent data indicate the persistence of gender inequality in political representation. The report *Women in Politics: 2025* (Inter-Parliamentary Union; UN Women, 2025) shows that Brazil ranks 133rd among 183 countries in terms of women's parliamentary representation. While the average representation of women in the Americas is 35.4%, women occupy only 18.1% of seats in the Chamber of Deputies and 19.8% of seats in the Federal Senate, reflecting the country's longstanding difficulties in achieving meaningful political inclusion.

Statistics from the Superior Electoral Court (Brasil, 2024) reinforce this diagnosis. According to 2024 data, only 1% of mayoral candidates were self-identified Black women, while 4.7% were self-identified mixed-race women. These figures highlight the significance of intersectionality within Brazilian politics. The overlapping effects of gender, race, and socioeconomic inequalities further restrict women's access to positions of power, demonstrating that full citizenship remains far from being achieved.

In light of this historical trajectory, women's political participation in Brazil may be understood as a process marked by important achievements alongside persistent resistance. From the Civil Code of 1916 (Brasil, 1916) to the Constitution of 1988 and subsequent international commitments, women's citizenship has advanced gradually and incompletely. The current scenario demonstrates that political equality remains an ongoing project, requiring the dismantling of structural barriers and the consolidation of policies capable of promoting effective and substantive representation.

4 Public policies, challenges, and current perspectives

The adoption of public policies aimed at promoting gender equality represents a fundamental step toward addressing the historical underrepresentation of women in Brazilian politics. Since the 1990s, Brazil has implemented affirmative action measures intended to correct structural inequalities. The most significant of these was Law No. 9,504/1997 (Brasil, 1997), which established a minimum quota of 30% of candidacies for one sex. As Araujo

(2012) argues, this measure represented a departure from longstanding patterns of exclusion, although its initial implementation revealed important limitations.

The implementation of the quota system exposed the persistence of resistance mechanisms within the political system. Bambirra and Marques (2018) demonstrate that many political parties responded by registering fictitious female candidates, commonly referred to as *laranjas* (a Brazilian term for “ghost candidates”), solely to satisfy legal requirements. This issue was addressed by the Federal Supreme Court (STF) in ADI No. 5617 (Brasil, 2019), decided in 2018, in which the Court recognized that proportional allocation should apply not only to candidacy slots but also to public campaign funding and electoral advertising time. This decision became a landmark in the effectiveness of affirmative action policies, linking gender equality to genuine conditions of electoral competitiveness.

The Superior Electoral Court (TSE) reinforced this interpretation through Consultation No. 0600252-18.2018.6.00.0000, establishing that at least 30% of electoral fund resources must be allocated to female candidates (Brasil, 2018a). Krell (2017) argues that political equality cannot be reduced to numerical representation alone but must also encompass equitable access to the conditions necessary for electoral competition. This jurisprudential development strengthened the effectiveness of the quota system, although significant practical obstacles remain. According to TSE data, the number of women elected to the Chamber of Deputies increased after 2018; however, representation remains far below parity, indicating positive yet insufficient results.

Another significant development was the enactment of Law No. 14,192/2021 (Brasil, 2021), which established measures to prevent and combat gender-based political violence. Rezotto (2021) notes that this legislation recognizes violence directed at female candidates and elected officials as a threat not only to individual rights but also to democratic governance itself. During the 2022 elections, the 2022-2023 Report on Violence Against Women in Politics issued by the Observatory on Violence Against Women (Brasil, 2023) documented complaints involving harassment and online attacks against female candidates, including the dissemination of manipulated intimate images and coordinated defamation campaigns on social media platforms. These incidents demonstrate that gender-based political violence increasingly manifests through sophisticated digital mechanisms that require innovative institutional responses.

The intersectional dimension of political representation has also become increasingly prominent in judicial decision-making. In ADIs No. 6581 and 6582 (Brasil, 2022), the STF ruled that electoral fund resources should also be distributed proportionally to Black candidates. This decision expanded the logic of affirmative action by recognizing that racial and gender inequalities operate simultaneously to restrict access to political office. By extending protections beyond gender alone, the Court acknowledged that meaningful parity requires an intersectional approach capable of addressing multiple and overlapping forms of exclusion.

Electoral jurisprudence has likewise advanced efforts to combat fraud involving gender quotas. In 2022, the TSE upheld decisions annulling entire party slates due to the registration of fictitious female candidates, including the well-known Valença do Piauí case (REspe No. 193-92.2016.6.18.0018) (Brasil, 2018b). Such measures signal a more rigorous approach by the Electoral Justice system and represent a significant step toward addressing practices that undermine the effectiveness of quota legislation. By holding political parties and candidates accountable for fraudulent conduct, the judiciary strengthens the credibility of the electoral system and safeguards democratic integrity.

Despite these initiatives, empirical evidence demonstrates that Brazil remains far from achieving political parity. The report *Women in Politics: 2025* (Inter-Parliamentary Union; UN Women, 2025) ranks Brazil 133rd among 183 countries, with women occupying only 18.1% of seats in the Chamber of Deputies and 19.8% of seats in the Federal Senate, compared with a continental average of 35.4%. This gap becomes even more apparent when Brazil is compared with neighboring Latin American countries. Mexico achieved constitutional gender parity in 2019, Bolivia established legislative parity requirements as early as 2009, and Argentina adopted parity legislation in 2017, resulting in substantially more balanced legislative bodies.

European experiences further illustrate the effectiveness of institutional mechanisms designed to promote inclusion. Countries such as Sweden and Norway have adopted party-list systems requiring alternating male and female candidates, significantly increasing women’s representation. Combined with broader equality-oriented policies and deeply rooted cultures of gender inclusion, these measures have produced representation rates approaching or exceeding 45% (Inter-Parliamentary Union; UN Women, 2025). International comparisons therefore suggest that Brazil’s low levels of political inclusion do not stem from structural impossibility but rather from institutional and cultural choices that continue to delay progress.

The Brazilian challenge also requires the implementation of measures that fully incorporate an intersectional perspective. TSE data (Brazil, 2024) indicate that Black women remain substantially underrepresented, even after judicial decisions guaranteeing proportional access to electoral resources. Aquino (2014) argues that public policies can only achieve meaningful effectiveness when designed through an intersectional framework that simultaneously addresses gender, race, and socioeconomic inequalities. Such an approach is essential for overcoming the multiple barriers that continue to undermine women's citizenship.

From this perspective, critical feminist theory provides important insights into the persistence of these barriers. Melo (2017) argues that gender domination is not limited to formal exclusionary practices but is also expressed through symbolic mechanisms, including the delegitimization of women's voices in the public sphere. Saraceno (1995) further contends that women's citizenship has historically been constructed within structures of dependence and that overcoming these constraints requires profound cultural transformation. These reflections suggest that political underrepresentation is both an institutional and a symbolic phenomenon, involving not only legal rules but also deeply embedded social practices.

The protection of personality rights also resonates strongly within this debate. Fermentão and Vieira (2023) argue that political participation constitutes an expression of individual subjectivity, such that women's exclusion undermines the recognition of human dignity. Similarly, Siqueira, Morais, and Moreira (2024) maintain that democracy can be fully realized only when it guarantees concrete conditions for citizenship, ensuring women's voice and presence within decision-making arenas. These arguments reinforce the understanding that women's political representation should be viewed as a direct extension of personality rights and the principle of human dignity.

In light of the foregoing, it may be concluded that legislative and jurisprudential advances have been significant but remain insufficient. Brazil continues to face cultural resistance, institutional fraud, and structural inequalities that hinder the achievement of gender parity. Strengthening public policies, enhancing institutional oversight, and promoting cultural transformation are indispensable steps toward ensuring the full realization of women's citizenship and, consequently, the effective protection of personality rights and human dignity within the political sphere.

5 Intervention proposals and institutional improvements

The persistent underrepresentation of women in Brazilian politics demonstrates that normative and jurisprudential advances, although significant, have not yet been sufficient to promote substantive equality in access to positions of power. Contemporary constitutional scholarship recognizes that democracy can only be fully realized through the effective inclusion of historically marginalized groups, requiring institutional measures capable of overcoming both structural and symbolic inequalities (Sarlet, 2005; Sarmento, 2004).

Within this context, affirmative action policies may expand women's political participation and reduce structural inequalities in representation, highlighting the role of the State in promoting women's citizenship (Lopes, 2010). The consolidation of a substantively inclusive democracy therefore requires the development of institutional mechanisms capable of strengthening women's access to positions of power while addressing the intersection of gender, race, and social class, as well as protecting personality rights as an expression of human dignity.

A first measure involves strengthening oversight mechanisms related to gender quotas in party candidacies. Although Brazilian electoral legislation establishes minimum thresholds for female candidacies, practices aimed at merely formal compliance continue to undermine the effectiveness of affirmative action policies. Brazilian electoral jurisprudence has already recognized the need to ensure the substantive implementation of quota policies, particularly by requiring the proportional allocation of public funding and campaign advertising time to female candidates, thereby reaffirming that formal equality alone is insufficient to guarantee equitable political participation (Brasil, 2019; Brasil, 2018a). As an intervention strategy, this study proposes enhancing preventive auditing mechanisms conducted by the TSE and Regional Electoral Courts, with increased transparency regarding the financing and organizational structures of female candidacies. Institutional responsibility would primarily rest with the Electoral Justice system, in cooperation with the Electoral Public Prosecutor's Office and social oversight bodies. As a monitoring indicator, annual assessments of women's effective participation in electoral campaigns are recommended, including analyses of financial resource allocation, campaign advertising time, and electoral performance, thereby enabling evaluation of the implementation of substantive equality policies (Araujo, 2012).

A second proposal involves expanding public policies aimed at political education and leadership development for women, particularly among socially vulnerable groups. Research on political representation demonstrates that gender inequality arises not only from legal barriers but also from cultural and structural factors that restrict women's access to decision-making positions (Miguel, 2014; Melo, 2023). Accordingly, the implementation of permanent political training programs and initiatives encouraging women's participation through partnerships among political parties, universities, and civil society organizations is recommended. Responsibility for these policies could be shared among legislative institutions, party foundations, and agencies dedicated to promoting gender equality. Evaluation should focus on increases in the number of women running for and winning elective office, with an intersectional perspective capable of capturing advances among Black, Indigenous, and other historically marginalized women, recognizing that inclusive democracy depends upon representative diversity (Nussbaum, 2011).

Another important measure concerns addressing gender-based political violence, particularly in its digital and symbolic forms. Recent studies demonstrate that political violence constitutes a significant barrier to women's participation, affecting not only the exercise of political office but also women's willingness to enter electoral competition (Inter-Parliamentary Union; UN Women, 2025). Furthermore, digital technologies and algorithmic systems frequently reproduce historically entrenched discriminatory patterns, illustrating how online environments can intensify structural and symbolic inequalities affecting the political participation of marginalized groups (Menegaz; Pinto, 2025). To address these challenges, this study proposes strengthening legal accountability mechanisms related to political violence, including the creation of specialized protocols for the protection and support of female candidates and elected officials. Institutional responsibility would involve coordinated action among the Legislative and Judicial branches, public security agencies, digital platforms, and communications regulators. Monitoring should include systematic tracking of complaints involving gender-based political violence and evaluation of the effectiveness of protective measures, thereby reinforcing the understanding that political participation constitutes an essential dimension of personality rights and democratic citizenship (Fermentão; Vieira, 2023).

Finally, this study proposes encouraging political parties to adopt internal mechanisms promoting gender parity within decision-making bodies and electoral candidate lists. International experiences demonstrate that institutional parity policies contribute significantly to increasing women's representation and underscore the role of political organizations in advancing political equality (Inter-Parliamentary Union; UN Women, 2025). As an intervention strategy, political parties should establish internal regulations requiring gender-balanced leadership structures and alternating representation within proportional electoral lists, accompanied by institutional incentives linked to party financing. The implementation of such measures would depend primarily on political parties themselves, subject to oversight by the Electoral Justice system. Evaluation should focus on the representation of women within party leadership structures and electoral lists, as well as the impact of these measures on electoral outcomes.

Taken together, these proposals seek to contribute to the development of a substantively inclusive democracy in which women's political participation is recognized as an essential component of the effective realization of personality rights and human dignity. Ultimately, they reaffirm the constitutional commitment to equality and political pluralism.

6 Final considerations

The analysis conducted in this study demonstrates that women's political participation in Brazil constitutes a fundamental issue for both the consolidation of democracy and the effective protection of fundamental rights. The findings indicate that human dignity, the axiological cornerstone of the 1988 Federal Constitution, extends to the protection of personality rights, which can only be fully realized when linked to active citizenship. From this perspective, women's political underrepresentation may be understood as an indirect violation of these rights, insofar as it limits the recognition of women's subjectivity and restricts the exercise of full citizenship.

The historical analysis revealed that, from the Civil Code of 1916 (Brasil, 1916) to the recognition of women's suffrage in 1932 and the promulgation of the 1988 Constitution, women achieved important advances in their struggle for inclusion. Nevertheless, legal milestones alone were insufficient to eliminate structural barriers. As a result, formal equality continues to coexist with practical exclusion. International recognition of gender equality through instruments such as CEDAW and the Beijing Platform for Action also contributed to institutional change; however, Brazil's progress toward substantive equality has remained gradual, highlighting the incomplete nature of women's citizenship.

Furthermore, the examination of contemporary public policies and national jurisprudence demonstrated that, although gender quotas have played a crucial role in expanding opportunities for women's participation, they have not been sufficient to eliminate persistent inequalities. Decisions issued by the Federal Supreme Court (STF) and the Superior Electoral Court (TSE), which required the proportional allocation of public resources and imposed sanctions for fraudulent candidacies, represent significant advances. However, their effectiveness ultimately depends on rigorous enforcement and the ability to overcome entrenched cultural and institutional resistance. The continued occurrence of *laranja* candidacies and cases of gender-based political violence confirms that the normative framework must be accompanied by effective accountability mechanisms.

The empirical evidence analyzed in this study reinforces this conclusion. Although women constitute more than half of the Brazilian electorate, their representation in the Legislative Branch remains substantially below the regional average and far from gender parity. This scenario becomes even more concerning when examined through an intersectional lens, as Black, Indigenous, and socioeconomically marginalized women face additional barriers to political participation. These findings demonstrate that political exclusion is shaped by multiple and overlapping forms of inequality, underscoring the need for intersectoral policies capable of simultaneously addressing gender, race, and class disparities.

From a theoretical standpoint, the study confirms that women's political representation should be understood as an intrinsic requirement of both human dignity and personality rights. The absence of women from decision-making spaces is not merely a democratic deficit but also an affront to the principles of moral integrity and social recognition that underpin human dignity. Consequently, Brazilian democracy can only be considered genuinely inclusive when it guarantees women substantive equality in political participation, enabling their voices to effectively influence collective decision-making processes.

International experiences further demonstrate that achieving gender parity is possible when supported by political commitment, institutional engagement, and cultural transformation. Models adopted in several Latin American and European countries indicate that electoral systems incorporating gender alternation and parity requirements produce more balanced political institutions. In this regard, the contrast with the Brazilian experience reinforces the conclusion that the country's representational deficit does not result from structural impossibilities but rather from the absence of sufficiently robust policies and the persistence of resistance to dismantling historically entrenched patterns of exclusion.

In light of these findings, it may be concluded that strengthening women's citizenship requires both the improvement of existing legal frameworks and the adoption of structural measures aimed at fostering institutional and cultural transformation. The effective realization of human dignity and personality rights within the political sphere therefore depends on the consolidation of effective public policies, the rigorous enforcement of electoral regulations, and broader societal awareness regarding the importance of inclusion. Only through the convergence of these efforts will it be possible to overcome the unfinished character of women's citizenship and advance toward a truly egalitarian and democratic society.

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