

RELIGIOUS FUNDAMENTALISM AND INSTITUTIONAL VIOLENCE AGAINST RAPE VICTIMS IN BOLSONARO'S BRAZIL¹

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Resumo: A violência sexual contra mulheres e meninas, já endêmica em circunstâncias por assim dizer “normais”, aumentou significativamente no Brasil durante a pandemia de Covid 19, sem uma resposta adequada do Governo Federal. Em agosto de 2020, uma menina de 10 anos obteve autorização para realizar o aborto legal em estado diverso do da sua residência, porém, a pastora evangélica Damares Alves, Ministra do MMFDH e líder do movimento 'Brasil Sem Aborto' por muitos anos, repassou informações pessoais sobre a menina e a clínica que a atenderia a seguidores religiosos, que as divulgaram nas redes sociais. Quando a menina chegou à clínica, foi recebida por um grupo (incluindo membros eleitos da Câmara Municipal local) que chamaram de 'assassinos' a ela e ao médico assistente e, em seguida, invadiram a clínica na tentativa de impedir a intervenção. Esse foi um dos muitos casos em que a moral religiosa fundamentalista esteve em jogo contra o exercício dos direitos reprodutivos das mulheres. Neste artigo, propomos discutir essas questões, focando em como os ideais religiosos fundamentalistas que norteiam as (des)políticas sociais no Brasil de Bolsonaro se traduziram em violência institucional contra mulheres e meninas, particularmente vítimas de violência sexual.

Palavras-chave: Violência Sexual. Fundamentalismo Religioso. Violência Institucional. Governo Bolsonaro.

Abstract: Sexual violence against women and girls, already endemic under “normal” circumstances, increased significantly in Brazil during the Covid 19 pandemic, without an adequate response from the Federal Government. In August 2020, a 10-year-old girl obtained authorization to have a legal abortion in a state other than her home, however, the evangelical

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pastor Damares Alves, Minister of the MMFDH and leader of the 'Brasil Sem Aborto' (Brazil Without Abortion) movement for many years, passed on personal information about the girl and the clinic to her religious followers, who shared it on social media. When the girl arrived at the clinic, she was met by a group (including elected members of the local City Council) who called her and the attending physician 'murderers' and then stormed the clinic in an attempt to stop the intervention. This was one of many cases in which fundamentalist religious morals were at stake against the exercise of women's reproductive rights. In this article, we propose to discuss these issues, focusing on how the fundamentalist religious ideals that guided social (dis)policies in Bolsonaro's Brazil translated into institutional violence against women and girls, particularly victims of sexual violence.

Keywords: Sexual Violence. Religious Fundamentalism. Institutional Violence. Bolsonaro's Government.

INTRODUCTION

In 2016, Dilma Rousseff, of the Workers Party and first and only woman elected president of Brazil, was ousted through a falsely charged impeachment process, led by her vice-president, Michel Temer, with the support of the legislative and judiciary right as well as by mainstream media forces. Temer represented the old oligarchy, defending patriarchal values, neoliberal reforms; once inaugurated, he began the dismantling of workers' rights legislation and women's state machineries, defended and boosted during the Workers Party terms in government (2003-2016).

To continue the process in favor of a minimalist neoliberal state, those responsible for President Dilma's ousting then rendered their support to Jair Messias Bolsonaro, a former army captain who had been in Congress for nearly thirty years representing the extreme-right, and earned national projection by engaging the support of religious fundamentalist groups. His campaign was paved by inflamed pronouncements against a supposed "communist threat", as well as by fascist-toned defenses of "God, country and the family", openly thrashing women's, LGBTTQIs, indigenous populations and black people's rights. As he stated in his inaugural speech at the National Congress, in January 2019: "Let us unite the people, cherish the family, respect religions and our Judeo-Christian tradition, *combating gender ideology while preserving our values*. Brazil will once again be a country free of ideological bonds".⁶

One of his first acts as President was the merging of the former Ministry of Women, Racial Equality and Human Rights in what became the Women's, Family and Human's Rights Ministry, designating Damares Alves, a female evangelical pastor, to head it. Minister Damares not only espoused traditional gender distinctions right from the onset, but also set out to defend "the family", neglecting most of the existing programs to confront domestic violence against women, and leading the fight against women's "right to choose", as she had done as head of the "Brazil Without Abortion" campaign. Indeed, under Bolsonaro,

[...] the far-right has gained political clout and popularity. Brazil has seen a growth in religious fundamentalism that preaches a theology of authoritarianism and hatred against those regarded as enemies, an ideology identified as "Christofascism" (PY 2020). In economic terms, 'bolsonarismo' follows ultra-neoliberal

⁶ <https://www1.folha.uol.com.br/poder/2019/01/leia-a-integra-do-discurso-de-bolsonaro-na-cerimonia-de-posse-no-congresso.shtml>

ideals, advocating a minimum state and the dismantling of workers' rights. Yet, it sustains conservative morals, defending the 'traditional family' – that is, the patriarchal family as defined by fundamentalist evangelical sects as well as conservative and charismatic Catholics. Central to these morals is an anti-gender stance, manifested in speeches and actions contrary to the rights of women, lesbians, gays, bisexuals, transsexuals, transvestites, and transgenders (SARDENBERG; MANO; SACCHET, 2020, p.59-60).

The consequences of the dismantling of the state apparatus to protect women and girls against domestic violence, carried out under Minister Damares, became especially severe with the bursting of the pandemics of the new coronavirus, responsible for Covid-19, which led to social isolation as a protective measure. Indeed, sexual violence against women and girls, already endemic in so to speak "normal" circumstances, increased significantly in Brazil during the Covid 19 pandemic, without the needed response from the Bolsonaro Government to help them. In August 2020, the case of a pregnant 10-year-old girl – who was repeatedly raped by her paternal uncle from the age of six on and was denied a legal abortion in her home state – made headlines and became emblematic of the Bolsonaro government's policies towards rape victims.

The girl obtained legal authorization to carry out the intervention in another state, but Minister Damares Alves obtained personal information about the girl and the clinic that would care for her, passing it on to religious followers who shared them on social media. When the girl arrived at the clinic, she was met by a group of religious fundamentalists (including elected members of the local City Council), who called her and the attending physician 'murderers' and then stormed the clinic in an (unsuccessful) attempt to stop the intervention (REIS, 2021).

In June 2022, another such case generated revolt and national repercussions. In a recording obtained and published by *The Intercept Brazil* website, in partnership with Portal Catarinas (2022), another website, a judge and a prosecutor try to convince an 11-year-old girl to carry out a pregnancy resulting from rape of a vulnerable person, in a public hearing marked by asymmetry of power and cruel dialogues.

According to the child's mother, one day after the pregnancy was confirmed, she took her daughter to the University Hospital of the Federal University of Santa Catarina to have a legal abortion. However, this right was denied to the girl because, according to an internal protocol, the hospital only performs this procedure without judicial authorization until the 20th week of pregnancy. At the time, the child had been pregnant

for 22 weeks and two days. It is important to emphasize that, according to Brazilian legislation in effect since 1940, abortion has been allowed in cases of pregnancy resulting from sexual violence, without determining any limitation of weeks of gestation and without the need for judicial authorization.

Under the allegation of separating her from the possible rapist, the girl was taken from her home to live in a shelter, where she was kept for more than 40 days, and prevented from accessing a legal abortion. After the complaint and the broadcast of the video that showed how the hearing was conducted by the judge and prosecutor, the court authorized the return of the child to her home. Meanwhile, the Federal Public Prosecutor's Office launched an inquiry to investigate the reason for the University Hospital's refusal to perform the procedure, pronouncing itself in favor of the girl's right, enforcing article 128, item II, of the Penal Code.

The abortion was finally performed on June 22, 2022, and the Internal Affairs of the Court of Justice of Santa Catarina opened an investigation against the judge, while a representation against her was also filed with the National Council of Justice. However, this child's access to legal termination of pregnancy has yielded a series of developments and reactions from conservatives. As reported on Portal Catarinas (2022), Bolsonaroist State Representative Ana Campagnolo (Liberal Party) sent a request with 21 signatures of parliamentarians to the Legislative Assembly of Santa Catarina, asking that a "CPI on Abortion" – a Public Congressional Investigation - be established in order to ascertain whether the procedure was "[...] carried out illegally under the false communication of crime". In the National Congress, representatives Chris Tonietto (Liberal Party) and Diego Garcia (Republicans Party) – both belonging to parties who support President Bolsonaro - presented a Motion for Applause and Recognition to judge Joana Ribeiro Zimmer and prosecutor Mirela Dutra Alberton, involved in the case, "[...] for the courageous and exemplary defense of the right to life from conception [...]" (BRASIL, 2022).

These were two of the many cases in which fundamentalist religious morality was at stake against the exercise of women's and girls' reproductive rights and against sexual violence in the country. In this work, we propose to discuss these issues, focusing on how the fundamentalist religious ideals that guide social policies, admittedly 'neo-fascist' (SARDENBERG; MANO; SACCHET, 2020), in Bolsonaro's Brazil have translated into institutional violence against women and girls, particularly victims of sexual violence, as well as violence against the principles of secularism that govern our Magna Carta.

POLITICS AND RELIGION: SOME OBSERVATIONS

The secularity that guides the Brazilian State is foreseen in article 19, item I of the 1988 Federal Constitution of the Federative Republic of Brazil.⁷ By this legal provision, the best conceptualization is that, for our legal system, the State is secular when it does not maintain relationship of dependency or alliance with religious cults and churches. In other words, secularity presupposes the absence of an official religion. However, when the preamble of the 1988 Constitution says that it was enacted under the protection of God, even though this God has not been the object of further definitions, it is clear that our legal system is based on some level of religiosity.

A survey conducted by Datafolha (2017) in 2016 showed that 98% of adult Brazilians believed in God. An analysis of data from the 2000 census indicated that there had been a growth in percentage of the population claiming to be Protestant, Evangelicals in particular, to the detriment of those identified as Catholics (PIERUCCI, 2004). The 2010 census confirmed this trend: it revealed that 86.8% of the population residing in Brazil is Christian – 64.6% being Catholics and 22.2% Protestants, with emphasis on the evangelical sects (PESTANA, 2021). Similar general trends are also apparent in small-scale studies and research, as reported by Cecilia Sardenberg (2012, p.73) when comparing the religious composition of women in a suburb of Salvador in two different moments of research:

It should be noted that although the interval between our last two surveys was no more than three years, we were able to detect changes in the declared religion of the women interviewed: the proportion of those who declared themselves Catholic fell from 54.3% in 2005 to 45.3% in 2008, while, in the same period, the proportion of evangelicals (including Jehovah's Witnesses) rose from 30.3% to 31.7%, respectively. However, there was also a slight increase – from 12.0%, in 2005, to 13.6%, in 2008 – among those who declared themselves with “no religion.” Thus, although about 3 out of 10 women now profess religions in which women's obedience to their husbands is preached, and which impose even stricter morals than Catholics, the proportion of those who embrace more secularized ideologies, if not progressives, seems to be increasing at an even greater pace.

In a similar sense, Paula Gonzaga, Letícia Gonçalves and Claudia Mayorga (2021), analyzing the work developed by the Sexuality and Politics Observatory (SPW),

⁷ http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm

created in 2017, highlighted that in the last three decades there has been a change of conjuncture in the religious scenario, with an increase in people who recognize themselves as Pentecostals or Neo-Pentecostals - to the detriment of Catholic affiliation. For the authors, this religious dispute brings debates about sexuality and reproduction as an important core that reverberates in the political field.

Indeed, despite the strong presence of women in these sects, including assuming leadership as pastors (BANDINI, 2009; MACHADO, 2005; MARIZ; MACHADO, 1996), the strengthening of evangelical religions is shown to be especially relevant, as women who identify themselves as practitioners of this faith are those who present the exercise of sexuality in a more traditional way (SARDENBERG, 2012). The growth of Brazilian affiliation to a conservative religiosity underpins collective decision-making by political representatives, based on their subjective moral conceptions, conceptions permeated by the strong fundamentalist religiosity now established within our society.

The problem is to balance these interests in order to guarantee the democratic system, presupposed by the secular state. In this regard, Alain Touraine (1996, p. 22) proposed a distinction between individual conceptions of a good society and the concept of a democratic system. This means that a government should not turn to subjective aspects of valuation in order to try to impose them on other members of society. On the contrary, their efforts must be committed in such a way “[...] that everyone can assert their demands and opinions, be free and protected, so that the decisions taken by the representatives of the people take into account the greatest possible number of opinions”.

Thus, the right to religious freedom must be relativized, in the sense of religiosity being understood in a broad and plural way, not defined in terms of a single absolute truth. The opposite of this would mean trying to erase the existing pluralism in a society and, in another instance, imposing beliefs on the population. In the same sense, Norberto Bobbio (2004) brings a deep reflection on the existence of rights inherent to the human condition. The author exemplifies that, if rights were effectively absolute and not relative, there would be nothing to talk about in religious freedom or, on the contrary, in the field of religiosity, the issue would be restricted to the search for a single religion. Democratic, according to Alain Touraine (1996), does not have to mean consensual decisions, but presupposes respect for plurality and the guarantee of the free opinion of the entire citizen body.

Hans Kelsen (2000) begins the chapter “Democracy and religion” with a subtitle called “Democracy as a problem of justice”, in which the author reflects on the human

difficulty in assuming responsibility for decision-making, especially those that may cause impacts on their own well-being. The consequence of this would be the affiliation to religiosity in order to have in the divine entity the moral north and opportunity for the practices practiced. The author continues by stating that the idea of justice was separated from the metaphysical and superhuman idea with positivism in the twentieth century. Like Touraine, Kelsen also understands that the prevalence of one religion over the others and, in this scenario, a single divine law that affects everyone can prove to be anti-democratic as it opens up room for the establishment of totalitarian states based on the precepts of a divine and therefore absolute truth.

Kelsen (2000) also recognizes that sometimes democracy would not be the ideal form of government for Christian religions, because it would ignore the fact that in divine justice God is the only legislator. Thus, in the divine government, men have no share. Faced with this conflict, the conclusion reached by the author is that Christ's teaching is not positioned on any form of government. In practice, both the Catholic and Protestant churches support the proposed form of government, as they do not deal with its structure, whether democratic or autocratic. However, he emphasizes the predilection of these religions for autocratic governments, due to their greater similarities to the structure of Christianity and its faith in a single deity.

Even in the most classic literature on law, it is possible to verify the political importance of discussing religion, notably due to the intrinsic relationship between these two spheres of power. However, it does not account for the specificities of being a woman in a structurally and legally unequal society. In this vein, Feminist Constitutionalism proposes the inclusion of a woman's perspective in the analysis of Constitutional Law - which also includes the right to religion -, in an effectively transversal manner and not in the sense of creating a niche of constitutionalism and gender (BAINES, BRAK- EZER, KAHAN, 2012).

Starting from the fundamentals of Feminist Constitutionalism, with regard to the right to religion, we begin to point out how something that should be a guarantee of a personal practice reveals itself, at the same time, as an oppressive machine for girls and women in Brazil.

WHO DETERMINES WHAT IS RELIGIOUS?

Although the issue of abortion is socially understood as a practice contrary to the religious field, this stigma has been shown to be more of an oppressive manipulation than

a factual truth. Not by chance, Aline Santos, Josiane Wedig and Hieda Corona (2021), when analyzing the political trajectory of women farmers, highlighted the inclusion of relevant agendas to reproductive rights as one of the factors that caused the distancing of rural women from their churches, from the 1990s onwards, so that religious principles gave way to feminist guidelines.

Even in Brazil, where there is a predominance of the Catholic religion and an increase in the number of followers of Protestant religions, forming a Brazilian Catholic majority, there are women who are active in these religions, but in favor of female reproductive autonomy. Here we highlight the work of Catholics for the Right to Decide (“Católicas pelo Direito de Decidir”) - founded in 1993 - and the Evangelical Front for the Legalization of Abortion (“Frente Evangélica pela Legalização do Aborto”) - founded in 2017.

The apparent incompatibility between religious practice and feminist militancy is constantly revealed within our society, such as the already mentioned case of the 10-year-old girl in which feminist groups had to physically confront religious leaders, at the door of the hospital unit where the abortion would be performed (GONZAGA; GONÇALVEZ; MAYORGA, 2021). This attrition renders religious women who are openly defend for women's reproductive rights particularly vulnerable.

For example, in 2018, the “Associação Dom Bosco de Fé e Cultura”, a conservative Catholic association, filed a lawsuit with the Court of Justice of São Paulo claiming, in brief, that Catholics for the Right to Decide refrain from using the term “Católicas” in its name. The Dom Bosco Association understood that, in supporting the decriminalization of abortion, the action and purpose of Católicas was incompatible with the values defended by the Catholic Church. Further still, they alleged that, in defending the legalization of abortion, the practice of the Católicas violated morals and good customs.

At first instance, the process was extinguished without judgment on the merits. However, the 2nd Chamber of Private Law of the Court of Justice of São Paulo, was based on the catechism that classifies abortion as a crime against life and even cited the commandment that “thou shalt not kill”, among other arguments such as:

33. Thus, what stands out is that THE CATHOLIC CHURCH IS AGAINST ABORTION AND THE PLAINTIFF'S ASSOCIATION IS ALSO, WHILE THE DEFENDANT ADOPTS THINKING CONTRARY TO THE CHURCH.

34. It should be noted that **the appellee has the full right to say whatever she wants and to freely express her thoughts (which**

the Universal Declaration of Human Rights and the Federal Constitution guarantee her, without a doubt), but not with the name of the Church and to convey thoughts notoriously contrary to church doctrine, which hurts the author association (and, as is well known, other Catholics). (COURT OF JUSTICE OF THE STATE OF SÃO PAULO, 2020, not paginated) (emphasis added)

The appeal was upheld and Catholics for the Right to Decide was banned from using the term “Católicas”. Although the decision is still being appealed, it demonstrates that the judiciary is in the position of defining what may or may not be considered belonging to a religious order. This case provides indicators that the faith practiced by women is, to some extent, different from that of men and, as long as men are in power, reproductive rights remain a method of control.

In fact, just as observed in the Catholic organization cited above, so too Camila Mantovani, founder of the Evangelical Front for the Legalization of Abortion, had her activism openly disapproved by her religious peers. However, instead of facing the judicialization of her attitudes, Camila became the target of personal offenses, threats and persecution:

About two years ago, Mantovani founded the Evangelical Front for the Legalization of Abortion along with other religious activists who defend women's rights. Since then, Camila has received hate mail, but in September of last year, the persecution intensified.

After noticing that armed people were following her, Camila left the house and now has no fixed address. Still, the threats did not cease. With the imminent danger, a support network was formed with the aim of making it possible for Camila to leave the country to keep her safe. (SUDRÉ, 2019, not paginated).

The violence suffered by the founder of the Evangelical Front for the Legalization of Abortion is an example that religious women, even though they practice a predominant faith, do not have the broad freedom to reconcile their religiosity with the struggle to guarantee the rights of women, as women.

It should be noted here that the religiosity that spreads in our country has fundamentalist roots of neo-Pentecostal content. According to Brenda Carranza (2008, p.150), religious fundamentalism

[...] it is a univocal way of seeing and feeling the world from a certain way of understanding the experience of the sacred, of theology, of religion. The fundamentalist view divides the world in two: sacred-profane, good-evil, right-wrong, leading to physically and/or symbolically excluding anyone who threatens

this understanding or does not think and feel this way. It is the dualism that pervades the conception of life of the individual, the group and the fundamentalist movement, not accepting compromise or other forms of morality and tradition.

For women, however, the problem lies in the fact that, from the perspective of neo-Pentecostal fundamentalisms, which represent most of the evangelical sects in the country, feminism and the emancipation of women are arch-enemies of the faith and must be vigorously fought (SILVA, 2006, p.18). This is probably an example of what Manuel Castells (1999, p. 39) had in mind when he stated that “[...] fundamentalism is an ideological instrument for the reaffirmation of patriarchy”.

As noted earlier, under Bolsonaro, the far right has gained political influence and popularity, with the growth of a religious fundamentalism that preaches a theology of authoritarianism and hatred against those considered enemies, while upholding conservative morals and the "traditional family- that is, the patriarchal family defined by fundamentalist evangelical sects, as well as by conservative and charismatic Catholic groups (SARDENBERG; MANO; SACCHET, 2020). Central to this morality is an anti-gender stance, contained in the expression “gender ideology”, manifested in speeches and actions contrary to the rights of women and LGBTQIA+s (SANTOS, R. 2020). These values and movements emerged largely as a reaction to feminist gains and gains in sexual and reproductive rights, which advanced mainly during the period in which the Workers' Party (PT) was in government (2003 to 2016).

These countermoves strengthened the far-right campaign responsible for bringing Jair Bolsonaro to the presidency and evangelical fundamentalists to national, state, and municipal legislatures (SANTOS, 2019). Brazil today has an extremely conservative Congress, dominated by groups that defend Christian values, the army industry and agribusiness. These values had a negative impact on policies supporting women's rights and gender equality, including those aimed at combating gender violence against women, with emphasis on sexual violence and assistance to victims, policies that include access to legal abortion (SARDENBERG; MANO; SACCHET, 2020).

A GOVERNMENT OPPOSED TO THE LEGAL RIGHT TO ABORTION

It is nothing new that abortion is a public health issue. However, under Bolsonaro, women, girls, trans men and people who are pregnant are victims of a State that denies this fact and insists on claiming to be concerned with “life”. It is the duty of the

Government and the entire population (in its various spheres) to face this problem that plagues the lives of countless people. Data released by the Ministry of Health, in 2016, during a public hearing to debate issues pertaining to legal abortion, indicated that unsafe procedures for voluntary termination of pregnancy led to the hospitalization of more than 250,000 women per year, around 15,000 related complications and 5,000 very serious hospitalizations. In 2016, unsafe abortion caused the death of 203 women, which represents one death every two days (DINIZ, MEDEIROS, MADEIRO; 2017).

It is worth remembering here the case of the ten-year-old girl, pregnant as a result of the repeated rapes she suffered from her paternal uncle since she was six years old. In August 2020, she was denied a legal abortion in her home state – a fact that made headlines and became emblematic of the Bolsonaro government's policies towards rape victims. In the same month, the Ministry of Health issued Ordinance n. 2,282, which provides for the Procedures for Justification and Authorization for Termination of Pregnancy in cases provided for by law, to be followed within the Unified Health System – SUS. The referred ordinance brought determinations that made more difficult access to the service and was the target of many political and social demonstrations. In September of that year (2020), the Ministry of Health revoked the Ordinance, but issued a new one, n°. 2.561, bringing the same determinations, only changing the places of the articles.

A survey conducted during the pandemic period focusing on facilities in the public health system, supposed to offer legal abortion procedures, showed that there are several obstacles to accessing information about these procedures in Brazil. Furthermore, the subject is not usually treated in a welcoming manner by the attending professionals. These findings provided evidence for the researchers conducting the survey to conclude that the reproductive public policies in effect are not being effectively implemented (ALMEIDA; CARNEIRO; BRITO; RUIVO, 2020). This whole scenario of mounting irregularities being committed by the constituted powers, as in the case of the 11-year-old girl, against women's and girls' reproductive rights gets even worse. For example, in a recent text shared by Portal Catarinas (2022b), the Catholics for the Right to Decide (CDD) group draws attention to how a state representative – who flaunts rifles on social media – has used that same case to boost her career in Santa Catarina politics, as a proponent of a “CPI on Abortion”. The text also points to how political representatives, who hold public office, use their personal convictions to guide/decide on the lives of all people. According to the text of the CDD group, these so-called “Christian” parliamentarians, who say they are engaged in defending “life”, while armed with hatred and violence. Thus, for the

referred CDD group, it can be said that the so-called “Bible bench” (which they integrate) corrodes the very foundations of Christianity and the secularity of the State, in promoting their own interests, privileges and ideology.

The growing number of bills in the Chamber of Deputies and in the Federal Senate, against sexual and reproductive rights, proposed since 2019, is a factual example of this situation. When reporting on the right to abortion, the channel Other Words - “Outras Palavras”- (CFEMEA, 2022) carries out a report drawing attention to two bills that are being processed in the Senate: one aimed at the criminalization of women who have abortions (PL n.º 2.574/2019 and PL n. 556/2019) and another proposing the realization of national campaigns against abortion (PL 848/2019). The aforementioned report also reports the existence of similar projects in the Chamber: there are eight projects to criminalize women and medical and nursing staff (PL n.º 1.006/2019, PL n.º 1.007/2019, PL n.º 1.008 /2019, PL n.º 1.009/2019, PL n.º 1.945/2020, PL n.º 260/2019, PL n.º 2.893/2019, PL n.º 3.415/2019). Another ten bills that propose to defend the embryo and fetus against women's rights are still being discussed in the Chamber, informs the website.

The struggle to guarantee the right to health and dignity of women/girls/people who are pregnant/trans men, who need voluntary termination of pregnancy in the cases provided for by law, has been affected by the actions of a State that is in disagreement with current legislation and that hurts the autonomy of these personas. A development that deserves attention is the new “guidelines” booklet on the subject and the audience resulting from its disclosure. Entitled Technical Care for Prevention, Assessment and Conduct in Cases of Abortion (BRASIL, 2022), this Booklet was prepared by the Secretariat of Primary Health Care, Department of Programmatic and Strategic Actions of the Ministry of Health and is represented by Raphael Câmara Medeiros Parente,⁸ current Secretary of Primary Health Care - SAPS.

It is important to emphasize that the document is a reprint. The previous name was: Humanized Care for Abortion – Technical Standard (BRASIL, 2011). As can be seen, the current version removed the expression “humanized attention” from its title, something that directly reflects on the communication adopted by the governmental document. Throughout its content, expressions such as “there is no 'legal' abortion” and

⁸ Parente is the same as in the launch of the new booklet for pregnant women, he censored the use of the term obstetric violence; in addition to defending proscribed practices in labor assistance, such as the Kristeller maneuver, and disavowed the care provided by birth centers.

“all abortion is a crime” are present (BRASIL, 2011, p.14). The booklet prepared by the Bolsonaro government also says that the discussion on the subject [abortion] should not “be guided by ideological causes nor try to inflate numbers to subsidize political actions” (BRASIL, 2011, p.7).

It is not by chance, therefore, that the aforementioned “booklet” provoked a huge reaction on the part of feminist movements, the National Front against the Criminalization of Women and for the Legalization of Abortion, sectors of broader society and the National Congress. Understanding that the booklet, analyzed together with other actions taken by the Ministry of Health in promoting repeated violations, demonstrates an institutionalized political practice, the Brazilian Society of Bioethics (SBB), the Brazilian Association of Collective Health (Abrasco), the Brazilian Center for Health Studies (Cebes) and the Association of the Unida Network filed a “Claim of Non-compliance with a Fundamental Precept (ADPF) no. 989”, asking for the suspension of the aforementioned Technical Note, as well as any regulation that hinders access to abortion in legal cases, while affirming that the public power has failed to provide information about the procedure.

Recognizing the action, Justice Edson Fachin, of the Federal Supreme Court, ordered President Jair Bolsonaro and the Ministry of Health to be summoned in order to provide information regarding the statement that “every abortion is a crime,” as published in the booklet. Justice Fachin affirmed that it disseminates misinformation and establishes an illegal restriction on cases of legal abortion. In the initial petition filed with the Supreme Court, as reported by the UOL portal (ESTADÃO, 2022), a survey carried out by Marina Gasino Jacobs is cited, which indicated that, in June 2021, Brazil had only 102 Reference Services for Termination of Pregnancy in cases provided for by law.

Faced with the publication of such a controversial document and which generated several responses, the Ministry of Health held a public hearing on the booklet. Exactly, almost two weeks after publication, the event was said to be open to all people interested, organizations focused on the subject in particular. However, invitations to civil society organizations that defend women's reproductive rights were very restricted and only made after protests. Furthermore, these organizations denounced that, even though they were invited, they did not have access to the courtroom.

During the event, representatives of the Federal Government defended that abortion is not a major problem in public health, being applauded by those present. This could be expected since, as revealed by Portal G1 (GLOBO, 2022), the list of invited

people and entities present revealed most of the names of various representatives aligned with the government, and ideologically opposed to the right to abortion, such as, for example, Joana Ribeiro - the magistrate who prevented the legal abortion of the 11-year-old girl. Finally, the Ministry ended by saying that a new version of the booklet would be presented in the period of two months, including the 'suggestions presented' during the public hearing.

FINAL CONSIDERATIONS

Religious freedom, both as a fundamental right and an abstract norm, is fundamental for guaranteeing a democratic system. That is, state power cannot be a source of imposition of moral values on its citizen body. However, Feminist Constitutionalism provides tools to question whether even a fundamental right, guaranteed in the Constitution, can be universalized for women.

This work brought two examples of violations to which religious women were submitted. The first violence was institutional and operated with the support of the judiciary. This took for himself the power to decide what could be understood as “Catholic” and determined that Catholics for the Right to Decide could no longer publicly identify themselves as Catholics, due to defending the right to abortion. The second even prevented the founder of the Evangelical Front for the Legalization of Abortion from residing in her own country due to the various offenses, threats and persecution she had been suffering.

It should be noted: if for religious women it is difficult to reconcile their struggle, as women, with the practice of their faith due to fundamentalist extremism, the consequences of this fundamentalist religiosity in the wider society have been even more overwhelming. The first notorious case since the current federal government took office concerns a 10-year-old girl, a resident of the State of Espírito Santo who, even with the legal and legal support to carry out the abortion procedure, was persecuted by religious groups and people aligned with the federal government screaming “murderer”.

The response of the public authorities came through the Ministry of Health, which issued Ordinances and Regulations, making it difficult for women, girls, and other people with the capacity to conceive and who may need an interruption of pregnancy within the legal stipulations in Brazil. Thus, a structured and articulated policy of violation of reproductive rights was established. Because of these practices, the rights of Brazilian

girls continued to be violated, to the point where an 11-year-old child suffered institutional violence from the judiciary, which, in a hearing, tried to make her change her mind about abortion and “endure a little more”, until due date.

In the name of religion, religious women are forced to choose to exercise their faith or fight as a woman. In the name of religion, women, girls, and other people with a uterus are being persecuted and repeatedly having their reproductive rights violated. That is, the inviolable right to freedom of conscience and belief, in practice, has served as an instrument for maintaining the oppression that the State commits against minority groups, especially against women. In other words, religious fundamentalism has been used as a strong instrument of institutional gender violence against women in Bolsonaro's Brazil.

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