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THE IMPACTS OF THE LIMITATION OF VACANCIES FOR WOMEN IN POLICE PUBLIC EXAMS IN BRAZIL BETWEEN THE END OF 2022 AND THE BEGINNING OF 2025

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ABSTRACT

The general objective of this study is to analyze the limitation of vacancies for the female public in public tenders for police careers in Brazil, between the end of 2022 and the beginning of 2025. The central problem revolves around the following question: how does the limitation of vacancies for the female public in public examinations for police careers affect the entry of this public and what are the practical and legal impacts resulting from this restriction?. To this end, it was also sought to know the historical context of women's participation in police careers, to compare the distribution of vacancies between the sexes in the competitions held in this period and to analyze the practical and legal effects of this limitation. The methodology adopted was qualitative in nature, with a documentary approach, based on the analysis of seven public notices for the Military Police in different Brazilian states, in addition to national legislation, doctrine and jurisprudence. The results indicate that, in most of the exams analyzed, women have a significantly lower percentage of participation than men, often limited to only 10% or 15% of the vacancies. This practice directly violates the constitutional principles of equality, non-discrimination and universality of access to public service. The study concludes that these restrictions are unconstitutional, in addition to being harmful to democratization and representation in the security forces, reinforcing the urgent need for inclusive public policies.

Keywords: Public tender. Gender equality. Police careers. Discrimination. Fundamental rights.

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INTRODUCTION

Considering the current Brazilian legal and social scenario, it is essential to discuss the disparities between the sexes in access to public office, especially in police careers. The limitation of vacancies for the female public in public exams for these careers, observed between the end of 2022 and the beginning of 2025, has proven to be an obstacle not only to gender equality, but also to the effective democratization of public service. This reality reveals a contradiction between the normative discourse of isonomy and the administrative practice that still imposes barriers to the insertion of women in certain state functions.

From a constitutional point of view, article 5, item I, of the Federal Constitution of 1988, guarantees equal rights and duties between men and women, clearly covering this guarantee of broad and unrestricted access to public office. However, the notices of police competitions analyzed indicate a persistent inequality, with a significantly lower number of vacancies offered to the female public. Such a scenario suggests the need for a critical and in-depth study of the legal and social foundations of this practice, with a view to verifying its conformity with the constitutional principles of equality, legality and efficiency.

Based on this, this theme is based on analyzing and outlining the impacts of the limitation of vacancies for the female public in the public tender notices for police careers in Brazil between the end of 2022 and the beginning of 2025. That said, with the exponential growth in demand for police career competitions in Brazil, especially by the male public, it is understood that there is also growing interest on the part of the female public. However, it is notorious that, according to the published notices, the vacancies for women are still numerically lower than those for men.

Therefore, it is necessary to mention that such limitation entails discrimination between men and women, violating not only Article 5, I, of the Constitution, but also the Principle of Isonomy, which imposes equal treatment on all before the law. This restriction compromises the fundamental right to enter the public service and, by extension, access to the formal labor market. In addition, by reducing the female presence in police forces, efficiency in the provision of services is also compromised, especially in acting with a gender focus, as provided, for example, in article 249 of the Code of Criminal Procedure.

In this context, the following question arises: how does the limitation of vacancies for the female public present in the public notices for public examinations for police careers affect the entry of this public and what are the practical and legal impacts resulting from this restriction?

The present study aims to examine the impacts of the limitation of vacancies for the female public present in the public notices of public examinations for police careers in Brazil between the end of 2022 and the beginning of 2025. As specific objectives, it is proposed: to know the historical context of women's participation in police careers since 1988; to compare the distribution of vacancies between the sexes in the competitions held during this period; and, finally, to analyze the practical and legal effects resulting from the limitation of vacancies for women, both in the entry into the career and in the effectiveness of the functions performed by the security forces.

METHODOLOGY

The present study is characterized as a qualitative research, with a documentary approach, seeking to understand the central aspects related to the investigated theme. According to Deslauriers (2008, p. 23), in qualitative research, the student is simultaneously the subject and object of his investigation, actively participating in the process of knowledge construction.

To carry out the bibliographic and documentary survey, the public notices for public exams for police careers published between the end of 2022 and the beginning of 2025 were used as the main sources. In addition, legislation and doctrines relevant to the subject were analyzed, with the aim of providing a comprehensive and detailed understanding of the rules and requirements present in this context.

The process of document analysis followed a systematic strategy, involving the careful selection of relevant materials, the categorization of information according to the objectives of the study and the interpretation of the data in the light of adequate theoretical contributions. Thus, it was sought to ensure methodological rigor and depth in the approach to the investigated phenomenon.

RESULTS

Since the enactment of the Federal Constitution of 1988, the participation of women in police careers in Brazil has undergone significant transformations. The Magna Carta guaranteed equal rights and duties between men and women, fostering a favorable scenario for the insertion of women in professions predominantly exercised by men, such as the police career.

However, even with legislative progress and increased female participation, significant challenges still remain. The organizational culture of the security forces, traditionally exercised by the male public, imposes barriers to the full inclusion of women.

Many female police officers deal with bias, discriminatory practices, and significant obstacles to advancing their careers. In addition, the organizational structure of corporations is not always adapted to meet the specific needs of women, such as maternity leave, childcare for children, and adequate working conditions.

Statistics indicate that women represent approximately 13.5% of the Military Police in Brazil, a number even lower than the global average of 30%. The limitation in the occupation of leadership positions is also evident. In 2021, there was a 9.19% increase in the participation of women in command positions in the military police, military fire departments, and civil police. However, the number of women in command positions is still small, reflecting the need for greater incentives and policies aimed at promoting gender equality (FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA, 2021).

In view of this, from the analysis of seven public tender notices for entry into the state military career, specifically in the Military Police of the states of Tocantins, Ceará, Distrito Federal, Pará, Paraíba, Santa Catarina and São Paulo, it was evident the limitation of vacancies for the female public regarding entry into these positions.

The selected documents comprise competitions held between the end of 2022 and the beginning of 2025, which is the time frame of the sample. The selection criterion was the geographic representativeness of the Brazilian regions (North, Northeast, Midwest, Southeast and South), and the regularity in the official publication of the notices.

Starting with the most recent, namely the Military Police of the State of Tocantins (PMTO) competition, governed by Public Notice No. 001/CFO-2025, 60 vacancies were offered for the Officer Training Course, distributed over the years 2026 and 2027. Although there is a reservation of vacancies for blacks, indigenous and quilombolas, there was no distinction or mention of the reservation of vacancies by sex, implying the application of broad competition without provision for an affirmative policy for female admission.

In the Military Police of the State of Ceará (PMCE) competition, according to Public Notice No. 001/2022, 1,000 immediate vacancies were offered for the position of QPPM Soldier, 680 vacancies for men and only 120 for women, in addition to 170 male and 30 female vacancies for racial quotas. The notice expressly provided for a percentage of only 15% of vacancies for women, established in its own state legislation, evidencing the legal limitation of female participation in the contest.

In the Military Police of the Federal District (PMDF) competition, governed by Public Notice No. 04/2023, an even more unequal index was observed: of the 700 immediate total vacancies, 504 were intended for males and only 56 for females, with the rest of the vacancies reserved for racial quotas. This means that only 10% of the vacancies were

directed to women, which reveals a limiting criterion without adequate technical justification, in affront to the gender equality guaranteed by the constitution.

Figure 1. Number of vacancies available in the Military Police of the Federal District, in the year 2023.

TABELA 2.1

QUADRO DE PRAÇAS POLICIAIS MILITARES COMBATENTES QPPMC					
Código do Cargo	Cargo	Vagas Ampla Concorrência	Vagas Negros	Remuneração durante o CFP	Taxa de Inscrição
401	Soldado QPPMC - Masculino	504	126	R$ 5.336,96	R$ 85,00
402	Soldado QPPMC - Feminino	56	14	R$ 5.336,96	R$ 85,00

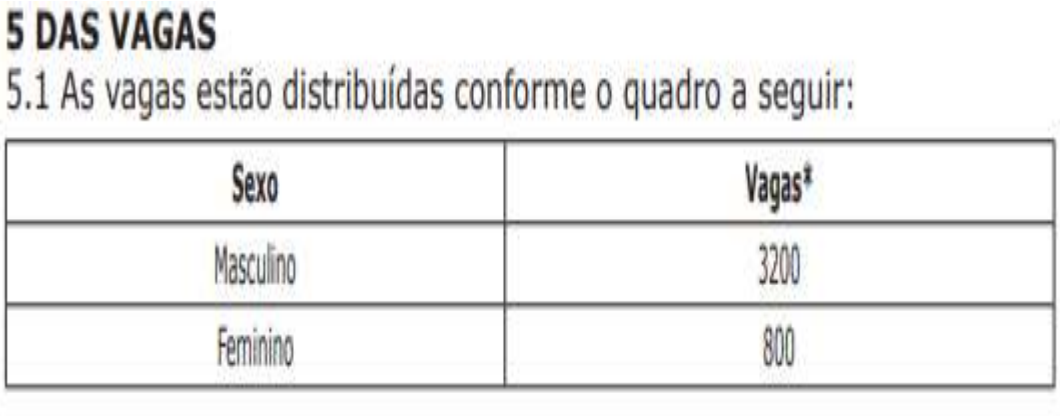
Source: Brazil (2023)

In Paraíba, the Military Police and Military Fire Department (PMPB/CBMPB) competition, governed by Public Notice No. 001/2023, was one of the most explicit in separation by sex. For the position of Military Police Soldier, 900 vacancies were made available, of which 810 were for men and only 90 for women, corresponding to a female participation rate of 10%. A similar situation was observed for the Fire Department, with 200 total vacancies, 180 for men and only 20 for women.

In Santa Catarina, Public Notice No. 002/CGCP/2023 of the State Military Police (PMSC) established the opening of 500 vacancies for the Military Training Course, distributed in 400 for male candidates and 100 for females, which represents a slightly higher percentage than the previous ones, of 20% of vacancies for women, even if it falls short of the desirable parity.

In Pará, the State Military Police (PMPA) competition, under Public Notice No. 1/2023, offered 4,000 vacancies for the Military Training Course, with 3,200 vacancies for the male public and only 800 vacancies for the female public, which once again, clearly violates the equality provided for and guaranteed by the Federal Constitution of 1988.

Figure 2. Number of vacancies available in the Military Police of the State of Pará competition in the year 2023.



5 DAS VAGAS

5.1 As vagas estão distribuídas conforme o quadro a seguir:

Sexo	Vagas*
Masculino	3200
Feminino	800

Source: Brazil (2023)

Finally, the Military Police of the State of São Paulo (PMSP) competition, governed by Public Notice No. DP-2/321/23, was the only one among those analyzed that did not impose explicit numerical limits by sex, at least in the text of the public notice. 2,700 vacancies were made available for the position of 2nd Class Military Police Soldier, with different height requirements between men (minimum of 1.60m) and women (minimum of 1.55m). Despite the absence of a formal limitation of vacancies by sex, the public notice also did not present any incentive or parity mechanism, leaving the occupation of female vacancies to the fate of competition in structural and physical inequality already previously recognized in constitutional doctrine and jurisprudence.

Therefore, analyzing the notices referenced above, it is undeniable that there is a persistent gender inequality in public exams for entry into the Brazilian Military Police. The explicit or implicit limitation of the number of vacancies for women evidences not only an administrative issue of the organization of the workforce, but also reveals an institutional model still stuck in historical paradigms of exclusion.

The adoption of fixed percentages – such as the 10% or 15% observed in several of the public notices – operates as a ceiling for the presence of women, instead of functioning as an instrument for promoting substantial equality. By previously limiting the number of women, the Brazilian State, through these corporations, restricts female access based on a biological criterion disguised as technical, often supported by arguments linked to supposed physical difference or "adequacy" for military service.

This practice, however, clashes head-on with the Federal Constitution of 1988, which enshrines equality as a fundamental principle (article 5, caput and item I), ensuring men and women the same rights and duties, including access to public office (article 37, I). Contemporary legal doctrine has been categorical in repudiating mechanisms that, even indirectly, result in gender discrimination.

DISCUSSION

The issue of limiting vacancies for women in public exams for police careers has generated heated debates and lawsuits. In its preamble, the Federal Constitution of 1988 highlights equality as a fundamental principle for the construction of a solidary, diverse and prejudice-free society, sustained by social harmony, also establishing as an objective the reduction of social and regional inequalities, and the guarantee of the well-being of all, without any form of discrimination (BRASIL, 1988).

In order to fulfill the fundamental objective of the Republic of building a just society, the public authorities must go beyond formal equality, actively seeking conditions that promote real and effective equality.

The materialization of the guarantee of accessibility to public services, a fundamental right of the citizen, requires the overcoming of gender inequalities by the Public Administration.

In addition, the principle of isonomy, according to article 5, item I, of the Federal Constitution, prohibits distinctions between the sexes, imposing equal treatment as a means of promoting equal opportunities and equitable access to services.

From this perspective, the restriction of vacancies for women in police competitions goes against constitutional principles, limiting women's access to public positions based on gender criteria, which constitutes discrimination.

The public tender is based on three fundamental principles: equality, which ensures equal conditions for all candidates to compete; morality, which requires ethical and impartial conduct from the Public Administration; and fair competition, which prohibits personal favoritism and persecution. Equality, in particular, is the basic principle of public tenders, ensuring that women and men are treated equally, since it is a prerequisite for the realization of other fundamental rights (SILVA, 2021).

In the meantime, the limitation of vacancies for women in police competitions generates several negative impacts, both for candidates and for society in general, since it restricts women's access to job opportunities and professional advancement, perpetuating gender inequality in the labor market (PIOVESAN, 2020).

Such a practice contradicts the constitutional principles of equality and non-discrimination, which guarantee everyone the right to run for public office on equal terms (SARLET; MARINONI; MITIDIERO, 2020;).

Historically, the Brazilian Military Police faced a negative image due to its repressive actions during the military regime. In this scenario, the admission of women to the Military Police was essential to humanize the corporation, since police officers, although firm, tend

to act with less violence, evidencing the importance of their performance (BRAZILIAN FORUM ON PUBLIC SECURITY, 2021).

The presence of women also boosted the adoption of new values in the institution, such as the ability to resolve conflicts, intelligence, and teamwork, which proved to be crucial in dealing with new social demands that required less violent and more sensitive approaches (COSTA; ALMEIDA, 2020).

In addition, gender diversity in police forces contributes to a more efficient and effective service, as women bring different perspectives and skills to police work. Studies show that the presence of women in police forces is associated with a lower incidence of police violence and greater trust of the population in police institutions (CAMPOS; MENDES, 2020).

On the other hand, the limitation reinforces gender stereotypes that associate strength and physical capacity with men, and fragility and sensitivity with women. This practice contributes to the perpetuation of prejudices that devalue the role of women in public security. In the personal sphere, the limitation of vacancies can generate feelings of frustration, demotivation and injustice in candidates, who feel discriminated against and prevented from achieving their professional dreams. This practice can affect women's self-esteem and confidence, harming their personal and professional development.

Thus, gender equality in police forces is essential to ensure a fairer, more efficient, and more representative police service of society. Female police officers tend to show greater empathy and sensitivity, which contributes to improving care for victims of domestic violence and other types of crimes.

The Supreme Court has played a crucial role in ensuring gender equality in police forces, declaring the unconstitutionality of laws and edicts that establish gender quotas in police competitions.

The court understands that the limitation of vacancies restricts women's access to public office and perpetuates gender inequality, contrary to the constitutional principles of equality and non-discrimination, as was done in the analysis of ADI 7488, with a judgment finalized on 09/21/2024. According to an excerpt from the ruling:

> SUMMARY OF A REFERENDUM ON A PRECAUTIONARY MEASURE IN A DIRECT ACTION OF UNCONSTITUTIONALITY. STATE STANDARDS. PUBLIC TENDERS FOR MILITARY CAREERS IN THE STATE OF MINAS GERAIS. NUMBER OF VACANCIES FORESEEN. DIFFERENTIATION ACCORDING TO GENDER. OFFENSE TO ISONOMY, TO THE PROTECTION OF THE LABOR MARKET FOR WOMEN, TO THE PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX AND TO THE UNIVERSALITY OF ACCESS TO PUBLIC OFFICE. [...]

2. The limitation of the number of female military personnel to up to 10% of the personnel provided for in the Officers, Privates and Complementary Officers of the PMMG, as well as the Officers and Privates of the CBMMG, violates the constitutional dictates related to equality and equality between men and women, the protection of the women's labor market, especially with regard to access to public office, and the prohibition of discrimination on the basis of sex.
2. By virtue of the principle of universality of access to public offices, jobs and functions (FC, art. 37, I), the differentiated requirements for admission to the public service when the nature of the position requires it must be provided for by law (FC, art. 39, § 3) and are only justified when the criteria of distinction are legitimate, reasonable in light of the constitutional precepts and the international commitments assumed by Brazil, and aimed at promoting the inclusion of disadvantaged or disadvantaged portions of the population.
3. It is the constitutional duty of the public authorities to act in favor of the reduction of inequalities, including through the adoption of incentives and specific policies, in order to mitigate and overcome systematic situations of marginalization.
4. The prohibition on the participation of women in the dispute for all vacancies offered in public competitions for the military career contributes to reinforce the historical exclusion of this group in the professional and educational environments (STF - ADI: 7488 MG, Rapporteur.: Min. NUNES MARQUES, Judgment Date: 03/25/2024, Full Court, Publication Date: ELECTRONIC PROCESS DJe-s/n DIVULG 04-09-2024 PUBLIC 04-10-2024,).

The central point of the discussion was the constitutionality of the laws in Minas Gerais that limited the participation of women to only 10% of the Military Police and the Military Fire Brigade. The STF, unanimously, understood that such restrictions violate several constitutional precepts, such as the principles of isonomy (article 5, caput), the prohibition of discrimination by sex (article 3, IV, and article 7, XXX) and universal access to public office (article 37, I). The decision recognises that any differentiation is permissible only if it is based on reasonable and proportionate criteria, which was not the case in the present case.

The Court reinforced the importance of the State's action in promoting gender equality, highlighting that the role of the public power should be to reduce structural inequalities, not reinforce them. The limitation of vacancies based on an alleged biological difference in physical strength, in addition to lacking robust technical support, reproduces stereotypes that have historically excluded women from professional spaces.

In the judgment of ADI 7491 and 7492, the Plenary of the Federal Supreme Court (STF) ruled out the limitation of vacancies for women in the Military Police (PM) competition of the States of Amazonas and Ceará. The decisions were made in the virtual session, in the judgment of two direct actions of unconstitutionality authored by the Attorney General's Office (PGR).

In this sense, the Court received the lawsuits proposed by the PGR against state laws that establish percentages for the entry of women into the PM and the Fire Department by public tender. The initiatives aimed to guarantee women the opportunity to compete for a

number of vacancies equivalent to that of men in public positions in military corporations. The decision recognized that:

> [...] - The police forces are responsible for the exercise of force, undertaken by the Military Police, which carries out ostensible policing in front of the population and, with this, represents the face of the State. The debate about its composition - and possible limits - therefore, cannot forget the importance of expanding the representation of women in the Corporation, since they make up the majority of the Brazilian population. II - The exegesis of art. 2, paragraph 2, of Law 3,498, of April 19, 2010, of the State of Amazonas, as amended by State Law 5,671, of November 8, 2021, which allows restriction of vacancies, even partial, for female candidates and/or exclusive vacancies for male candidates violates the rights to equality and equality between men and women (art. 5, caput and I, of the FC), non-discrimination on the basis of sex (art. 3, IV, of the FC), the protection of the women's labor market (art. 7, XX, of the FC), the non-adoption of discriminatory criteria on the basis of sex, when admitting to public occupations (art. 7, XXX, of the FC), access to public positions, jobs and functions to all who meet the legal requirements (art. 37, I, of the FC), in addition to reserving the law for the establishment of differentiating requirements in the admission of public servants, when required by the nature of the position (art. 39, § 3, of the FC). III - Equality is a fundamental and human right, as well as a principle that must underpin the elaboration, interpretation and application of all laws. It is a value that is inseparable from the protection of human dignity and intrinsic to the very notion of democracy and justice. In this line, the Federal Constitution expressly provides that women and men are equal in rights and obligations, which summarizes decades of women's struggles against discrimination. IV – There are no reasonable justifications capable of substantiating the unequal treatment for entry into the career of military police officer. According to the guidance of the Federal Supreme Court, the Constitutional Text can never be a basis for a discriminatory act. Previous. V - Direct Action of Unconstitutionality known and upheld to confer an interpretation in accordance with the Constitution to art. 2, paragraph 2, of Law 3,498, of April 19, 2010, of the State of Amazonas, as amended by State Law 5,671, of November 8, 2021, in order to remove any exegesis that admits restriction on the participation of female candidates in public competitions for combatants of the military corporation, they are assured the right to compete for all the vacancies offered in the contests, in addition to the reservation of 10% (ten percent) of exclusive vacancies, established by the provision that must be recognized as an affirmative action policy. (STF - ADI: 7492 AM, Rapporteur.: Min . CRISTIANO ZANIN, Judgment Date: 02/14/2024, Full Court, Publication Date: ELECTRONIC PROCESS DJe-s/n DIVULG 05-04-2024 PUBLIC 08-04-2024).

According to the Court's understanding, by limiting the vacancies for this public, the Principle of Isonomy, initially present in the Preamble of the Federal Constitution of 1988, which deals with the protection of the exercise of social and individual rights, with equality as a supreme value of a society considered fraternal, pluralistic and without prejudice of origin, is violated. race, color, sex, age and any other forms of discrimination (BRASIL, 1988).

Still on the Principle of Isonomy, in the words of Doroteu (2021, p. 66): "The Principle of Isonomy is consecrated as the greatest principle of Public Administration [...]". It is also listed in article 5, item I of the Federal Constitution of 1988, providing that there will be no distinction between the sexes, and men and women must be treated equally. In view of this, it can be seen that the 1988 Constitution values equality among all Brazilians.

However, it is notorious that Brazil is marked by several social ills involving inequalities, whether by color, race, sex, etc. And that as much as there is constitutional support dealing with equality among all, it is clear that this equality is still far from being applied, due to the lack of creation of truly effective means to combat these inequalities.

Furthermore, corroborating this reasoning, Moraes (2007, p. 65) understands that: "The public authorities must seek the means and instruments to promote conditions of real and effective equality and not just be satisfied with formal equality [...]", that is, the public authorities must really apply the equality provided for in the Constitution, in order to thus, perhaps, mitigate the inequalities present in the current Brazilian social web and make it fairer.

In addition, Law No. 9,029, of April 13, 1995, states in its article 1: "The adoption of any discriminatory and limiting practice for the purpose of access to an employment relationship, or its maintenance, on the basis of sex [...]" is prohibited (BRAZIL, 1995). This is yet another normative support on equality among all.

Therefore, it is understood that the public tender authorizes access to public positions and jobs in a democratic and broad way, thus applying equal opportunity to interested parties. Linked to this, in the words of Meirelles (1999, p. 387): "The competition is the technical means made available to the Public Administration to obtain morality, efficiency and improvement of the public service, at the same time to provide equal opportunity to all interested parties who meet the requirements of the law [...]".

That said, it is evident that entry into the public service through public examinations preserves fair competition among candidates, disputing vacancies under identical conditions for all.

To this end, it is essential that inclusive and equal public policies are implemented that encourage the participation of women in police forces, such as awareness campaigns on the importance of gender equality in police forces, which can help deconstruct stereotypes and prejudices; training programs for women interested in pursuing careers in public safety, which can help them develop the skills and knowledge needed to join law enforcement, among others.

Thus, the creation of safe and welcoming work environments for women police officers is essential to ensure their permanence and professional advancement in the police forces. Gender equality in police forces is a complex challenge, but it is fundamental to ensure a fairer, more efficient, and more representative police service of society. The work of the Supreme Court and the implementation of inclusive public policies are important

steps towards building a future in which men and women have the same opportunities to pursue careers in the area of public security.

CONCLUSION

The difference in the number of vacancies for men and women in the competitions for police careers in Brazil at the end of 2022 to the beginning of 2025, shows something that goes beyond the numbers, it demonstrates an unfair reality that is still very present in the country. Even though the Constitution says that everyone is equal in rights and duties, there are still barriers that limit women's access to public office, especially in areas such as security. This reveals a clear contradiction between what is in the law and what actually happens.

These restrictions, often justified by "technical" criteria or by a supposed physical difference between the sexes, end up sustaining old prejudices. The Federal Supreme Court has already made it clear that these limitations are not legally sustainable and reinforce historical inequalities. In other words, there is no excuse that justifies treating women unequally in public tenders.

In addition to being a matter of justice, allowing more women to enter the police also brings practical gains. Women contribute with different perspectives, more empathy and new ways of dealing with conflicts. The female presence has the power to transform the way the police act in society, making the work closer to the population and more sensitive to the realities that especially affect other women.

What can be seen in the notices, however, is that this exclusion does not happen by chance. There is a structure behind it that still resists change. When the State does not promote affirmative action, does not review unfair criteria or simply ignores inequality, it ends up feeding this system that alienates women – even though it has the level of preparation that men have to perform the function.

Therefore, fighting for equality in police career competitions is not just about opening more vacancies for women. It is about ensuring that all people have the chance to dream and build their future, without being barred by an unfair number in a public notice. It's about really enforcing what the Constitution promises. And mainly, it is about making public security fairer, more diverse, and more similar to the society it is supposed to protect.

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