



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Fifty-first session**

13 February – 2 March 2012

**List of issues and questions with regard to the consideration  
of periodic reports: Brazil**

**Addendum**

**Responses of Brazil to the list of issues to be taken up in connection  
with the consideration of its seventh periodic report  
(CEDAW/C/BRA/7) \***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## General

1. **The annex of the report contains limited statistical data disaggregated by sex on the situation of women in all areas covered by the Convention. Please provide information on the status of data collection and analysis in the country in general, and indicate to what extent data collection takes place on a disaggregated basis to illuminate the situation of women, based on factors such as their age, socio-economic status, urban/rural location, race, ethnicity and religion. Please describe how the Government intends to improve the collection of disaggregated data pertaining to the areas of the Convention.**

For more than fifteen years now, sex and race variables have been employed in the collection of Brazilian population data. Both the national census and household surveys performed by the country's official statistical agency, the Brazilian Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística – IBGE), incorporate this level of disaggregation in their data. As such, Brazil has a solid, reliable, and continuous base of disaggregated social indicators by sex and race.

Since its inception, the Secretariat for Women's Policies (Secretaria de Políticas para as Mulheres – SPM) has worked in close collaboration with the IBGE and the Brazilian Institute of Applied Economic Research (Instituto de Pesquisa Econômica Aplicada – IPEA) to enhance collection instruments by incorporating the gender perspective in surveys other than traditional population studies and compiling gender indicators drawn from existing data.

This partnership was consolidated and formalized in 2008 with the creation of the Committee on Gender Studies and Time Use (Comitê de Estudos de Gênero e Uso do Tempo), an entity composed of three bodies in which UN Women and the International Labour Organization (ILO) are represented as official observers.

A key outgrowth of this partnership and of the discussions carried on within the framework of the Economic Commission for Latin America and the Caribbean (ECLAC) was the launch of the Brazilian Observatory for Gender Equality (Observatório Brasil da Igualdade de Gênero) – [www.observatoriodegenero.gov.br](http://www.observatoriodegenero.gov.br) – in 2009. The Observatory's mission is to generate and track indicators and produce and disseminate information and content to assist in the formulation of women's and gender equality policies and enable enhanced public oversight of policy implementation.

Additionally, the administrative records collected by the Brazilian State in the fields of education, health, labor, welfare, public security, and social assistance take into account the sex variable. The Committee on Gender Studies and Time Use is in the process of conducting a comprehensive assessment of the collection instruments applied to these records, with a view to enhancing them and, in turn, expanding the quality and scope of the information generated.

More recently, the Superior Electoral Court (Tribunal Superior Eleitoral – TSE), which has primary responsibility for collecting and processing all electoral information (candidacies and final election tallies), incorporated the sex variable to its data systems.

There remains, however, one significant statistical gap in the official data, namely in regard to the phenomenon of violence against women. To this day, efforts on this front are marred by a scarcity of available data on which to plan and guide State action and a continuing lack of systematic and periodic official statistics and information. The most widely known and disseminated statistics for measuring – if only in a preliminary manner – the scope of the phenomenon derive from individual studies performed by non-governmental organizations

or local or state government research institutes. Yet, these studies fail to provide the broader data samples needed to undergird the activities of federal organizations.

However, it is important to note that the absence of official data of national reach is a product of Brazil's federal structure, an arrangement that entrusts individual states with the task of collecting and recording primary information of this nature. The Ministry of Justice (MJ) has endeavored, through the National Secretariat of Public Security (Secretaria Nacional de Segurança Pública – SENASP), to harmonize and provide comprehensive national indicators on violence, although, again, this effort necessarily relies on data submitted by individual states.

Nonetheless, a number of positive steps have been taken. With a view to responding to the need for official, systematic, and national data, the Brazilian Institute of Geography and Statistics (IBGE) executed a supplementary survey to the National Household Sample Survey (Pesquisa Nacional por Amostra de Domicílios) titled Characteristics of Victimization and Access to Justice in Brazil (Características da Vitimização e do Acesso à Justiça no Brasil), setting forth relevant information on domestic and family violence against women. To access the link, go to:

<http://biblioteca.ibge.gov.br/visualizacao/monografias/GEBIS%20-%20RJ/pnadvitimizacao.pdf>

Additionally, in 2006 the Ministry of Health (MS) introduced a new monitoring tool, the Violence and Accident Surveillance Database (Sistema de Vigilância de Violências e Acidentes – VIVA Contínuo), aimed at collecting information on cases of violence and accidents reported by registered hospitals. The database provides a valuable source of information on violence against women. However, because it has yet to be universalized throughout Brazil's public hospitals the official information furnished by the database on the question of violence does not encompass the entire country. Further information is available at:

[http://portal.saude.gov.br/portal/saude/profissional/visualizar\\_texto.cfm?idtxt=32642](http://portal.saude.gov.br/portal/saude/profissional/visualizar_texto.cfm?idtxt=32642)

Although these initiatives clearly do not wholly satisfy the need for sufficiently broad and reliable official data on the phenomenon of violence against women in Brazil, they do reveal a notable determination on the part of the Brazilian government to address the challenge. The issue has been discussed within MERCOSUR's Specialized Meeting on Women (Reunión Especializada de la Mujer), specifically in regard to developing and adopting a comparative information database on violence against women.

Further, in 2011 the Secretariat for Women's Policies launched the Brazilian Women's Almanac (Anuário das Mulheres Brasileiras) in partnership with the Inter-Trade Union Department of Statistics and Socioeconomic Studies (Departamento Intersindical de Estatística e Estudos Socioeconômicos – DIEESE). The Almanac consolidates and synthesizes the key available statistics and information on women by topic: Demographics and Family, Women's Work and Autonomy, Domestic Work, Social Infrastructure and Equipment, Education, Health, Spheres of Power, and Violence.

The Brazilian Women's Almanac is a valuable and essential contribution at this particular juncture in the country's political and social history, when the implementation of policies for women has emerged as a central cog of the effort to eliminate poverty, a key commitment of President Dilma Rousseff's administration. Read the full text of the Almanac at:

[http://www.sepm.gov.br/publicacoes-teste/publicacoes/2011/anuario\\_das\\_mulheres\\_2011.pdf](http://www.sepm.gov.br/publicacoes-teste/publicacoes/2011/anuario_das_mulheres_2011.pdf)

Another SPM partnership resulted in the publication of Profiles in Gender and Race Inequality (Retrato das Desigualdades de Gênero e Raça), currently in its 4<sup>th</sup> edition. Coordinated by the IPEA, in partnership with the SPM, UN Women, and SEPPIR, the publication lays out a series of disaggregated PNAD indicators by sex and race. It is composed of 12 blocks: population; heads of household; education; health, welfare and social assistance; labor market; paid domestic work; housing and sanitation; access to durable goods and digital exclusion; poverty, income distribution, and inequality; use of time; and victimization.

Also of note was the release of Synthesis of social indicators: an analysis of the conditions of life of the Brazilian population, 2010 (Síntese de indicadores sociais: uma análise das condições de vida da população brasileira 2010) by the IBGE. Intended to outline a broader picture of the country's social realities through presentation of socio-demographic data organized by subject matter, the study offers a significant contribution to the continued effort to produce and systematize relevant social statistics.

The respective indicators were based primarily on the 2009 National Sample Household Survey (PNAD) conducted throughout national territory. Other IBGE information sources were used as well, including the 2009 Basic Municipal Information Survey (Pesquisa de Informações Básicas Municipais – MUNIC) and the 2008-2009 Household Budget Survey (Pesquisa de Orçamentos Familiares – POF). In addition, 2009 information and statistics drawn from the database of the Anísio Teixeira National Institute for Educational Studies and Research (Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira – INEP), the Ministry of Education, and the Secretariat for Women's Policies were employed. For more, go to:

[http://www.ibge.gov.br/home/estatistica/populacao/condicaodevida/indicadoresminimos/sinteseindicsoais2010/SIS\\_2010.pdf](http://www.ibge.gov.br/home/estatistica/populacao/condicaodevida/indicadoresminimos/sinteseindicsoais2010/SIS_2010.pdf)

Another important advance in this area was the incorporation of the rural populations of the northern states of Rondônia, Acre, Amazonas, Roraima, Pará, and Amapá in the PNAD as of 2004, a move that served to bolster the reliability of the statistical data on women. Moreover, in 2010-2011 the Ministry of Agrarian Development (MDA) launched an updated edition of its Brazilian Rural Statistical Almanac (Anuário Estatísticas do Meio Rural) in partnership with DIEESE.

A series of other important steps have been taken, including direct funding by the Secretariat for Women's Policies of a specific section on women's policies as part of the Basic Municipal Information Survey coordinated by the IBGE.

<http://www.sepm.gov.br/publicacoes-teste/publicacoes/2009/munic-2009.pdf>

### **Constitutional and legislative framework**

**2. Please provide information on strategies used to disseminate the Convention and its Optional Protocol among the general public and provide legal literacy programs and assistance to women, especially in remote areas, as well as measures taken to ensure that the provisions of the Convention are applied in a consistent manner at all levels of the Federal Republic as recommended by the Committee in paragraphs 16 and 14 of its previous concluding observations (CEDAW/C/BRA/CO/6).**

In addition to the publications containing comprehensive information relating to the various women's human rights instruments to which Brazil is a signatory, dissemination of the Convention is accomplished through the linkage of women's policies to the international treaties ratified by Brazil in the field.

As an example, the 2<sup>nd</sup> National Plan for Women's Policies (II Plano Nacional de Políticas para as Mulheres) was reissued in December 2011 for distribution at the 3<sup>rd</sup> National Conference on Women's Policies (3<sup>a</sup> Conferência Nacional de Políticas para as Mulheres). One of the guidelines to fulfill the principles set out in the National Women's Policy is to "Ensure fulfillment of the international treaties, agreements, and conventions on women's human rights signed and ratified by the Brazilian State." Further, the various chapters of the 2<sup>nd</sup> National Plan for Women's Policies cite the recommendations of the Committee's review of Brazil's VI Periodic Report (pages: 34, 59, 79, 98, 99, 102, 142, 157, 180, 181, 187, and 190 of the II PNPM – Portuguese language version).

The National Policy to Confront Violence against Women (Política Nacional de Enfrentamento à Violência contra as Mulheres) represents yet another initiative directly associated to the implementation of international instruments, in particular the Belém do Pará Convention and the CEDAW Convention. A recent publication released by the SPM on the policy clearly establishes this connection in its introduction.

Feminist and women's organizations have undertaken leadership training projects, such as the Grassroots Legal Assistance (Promotoras Legais Populares) project. The initiative, consolidated in a number of countries, including Peru, Argentina, and Chile, was introduced and consolidated in Brazil over the past decade by the non-governmental organization Themis Assessoria Jurídica e Estudos de Gênero, which trains volunteers as Grassroots Legal Assistants. The volunteers travel to poor communities beset by high violence rates to disseminate knowledge and provide guidance to other women – both in regard to delivering preventive assistance and facilitating women's access to the Court system.

There are currently 24 entities that offer training courses in Grassroots Legal Assistance in twelve Brazilian states. In addition to their other activities, volunteers distribute informative materials on the Maria de Penha Law, which mandates increased penalties in cases of family and domestic violence against women. The Secretariat for Women's Policies has provided support to these activities.

Information on international instruments is also included in a variety of training programs. Yet another strategy is the dissemination of these instruments to government organizations engaged in women's policies and to women's rights councils.

**3. During the reporting period several laws have been passed and/or amended but there is a concern that there are gaps in the legislation regarding emerging issues affecting women, such as genetic developments, technological advances and sexual-orientation issues and while the judiciary is sensitive to the social emergence of new values, it reproduces social stereotypes with a predominately patriarchal attribution of social roles. Please indicate if in the process of legal reform these concerns are under active consideration and what measures are contemplated to address them.**

A number of issues remain highly contentious in Brazilian society. These include issues in connection with sexual and reproductive health and sexual and reproductive rights. Nonetheless, it is Brazil's view that important strides have been made, in particular through a range of decisions the judiciary, more specifically the Federal Supreme Court (Supremo Tribunal Federal – STF), has handed down in recent years, including in the 2011 case involving measures aimed at preventing legal recognition of stable same sex unions. The Court found unanimously in favor of same sex unions.

The case rapporteur, Minister Carlos Ayres Britto, **voted to confer on same sex unions the same rights and obligations applied to heterosexual couples. The Minister's opinion vested gay couples with the right to marry, adopt children and register adopted children in their name, inherit property and assets, and list their partners as dependents on income tax returns and health plans. Minister Britto's opinion goes on**

**to state that the Constitution's failure to explicitly provide for the union of same-sex couples was not intended to prevent gay couples from establishing unions. "There is nothing more intimate and private to individuals than the exercise of their sexuality."**

The Minister argued that if gay unions are not barred under Brazilian law, such unions are by definition permitted. Further, as gay unions are permitted, these are entitled to the same rights provided to stable heterosexual unions. Therefore, two gay persons could legally be treated as a family. "Our Constitution does not invest the noun 'family' with an orthodox definition," added the Minister. "There is no such thing as a second-class family or a more-or-less family."

As of today, same-sex couples may register their unions in municipal records offices, receive alimony and inheritance, and be included in their partner's health plans. Specifically, a total of 112 rights are now guaranteed. These include securing social security payments from the National Institute for Social Security (Instituto Nacional de Seguridade Social – INSS) or benefits from private pension plans in the event of a partner's death; filing joint income tax returns; equally dividing assets in the event of separation; and payment of spousal support.

However, there have been setbacks along the way due to pressures exerted by conservative and fundamentalist groups, including the indefinite suspension of the school kit to combat gay violence. Designated "School without Homophobia" ("Escola sem Homofobia"), the kit was intended to be sent to 6,000 public schools across the country, to be used by high school teachers and students (14-18 years old). The objective of the kit is to teach students to accept differences and reject violence and harassment directed at openly gay classmates.

The issue became a source of contention at National Congress after some deputies that were against the initiative labeled the material the "gay kit," arguing that it encouraged homosexuality among teenagers. In addition to five educational DVDs, the kit includes a folder setting out guidelines for teachers, a letter addressed to the respective school principal, posters for school bulletin boards, and primers for students. The objective of the material is to serve as a guide for classroom discussion on differences between the sexes, discrimination against women and gay persons, and the discovery of sexuality during adolescence.

On the issue of genetic research, Brazil enacted positive legislation, successfully overcoming the opposition of conservative forces that sought to prevent research of any kind based on, for example, the use of embryonic stem cells.

The Biosecurity Law (Lei de Biossegurança), passed by the National Congress in 2005, was targeted by a Direct Action of Unconstitutionality (Ação Direta de Inconstitucionalidade – ADIN) by the Prosecutor General of the Republic, who argued that the law violated the constitutional right to life and the dignity of the human person.

By a margin of 6 to 5 votes, the Federal Supreme Court (STF) ruled in late 2008 to uphold the legality of unrestricted embryonic stem cell research activities, as provided for in the Biosecurity Law.

As such, the Law will not be subject additional regulation, in the light of the Court's ruling to uphold article 5 of the instrument and decision to authorize research, in accordance with the limits set forth in the pertinent article. The Law mandates that research may only be conducted on embryos deemed unviable or which have been frozen for three or more years and bars the sale of biological material. It also requires the consent of the respective parents.

### National gender machinery

**4. The report indicates in paragraphs 1 and 2 changes on the status and structure of the institution in charge of developing policies related to women, now called Secretariat of Policies for Women (SPM). Please provide information on how these changes have impacted the capacity of the SPM to execute its mandate at federal, state and municipality levels, including the adequacy of its human and financial resources to support the mandate at all levels, as recommended by the Committee in its previous concluding observations (CEDAW/C/BRA/CO/6, para. 18). Please clarify what type of coordination exists among the gender mechanisms at different levels in the country and whether there is an entity with full capacity and authority to coordinate their actions.**

In shifting its designation from a “special” secretariat with ministerial status to an “essential body” of the Office of the President of the Republic (as per Provisional Measure No. 483/2010, subsequently converted into Law No. 10683/2003, pursuant to the text given by Law No. 12462/2011), the Secretariat for Women’s Policies (SPM) took a major step toward institutionalizing the National Women’s Policy at the federal level. Specifically, the change has had the effect of becoming the Secretariat on an equal footing with all other federal ministries, while, at the same, becoming an integral component of the Office of the President of the Republic (much like the Civil House, General Secretariat, Secretariat of Institutional Relations, and others).

The SPM’s enhanced institutional standing paves the way for increased human and budgetary resources, both essential for fulfilling the body’s mandate. In regard to human resource allocations, in December 2011 the SPM was staffed by 146 officials, including appointees to supervisory and management positions (cargos de direção e assessoramento superior – DAS); temporary hires selected through specific public exams aimed at admission to the SPM; public officials requisitioned from other organizations, and interns.

In 2010, the SPM’s operating budget totaled eighty-nine million seven hundred and fifteen thousand six hundred and thirty-six reais (R\$ 89,715,636.00), while in 2011 a budget of one hundred and nine million (R\$ 109,000,000.00) was approved, representing a significant increase in relation to the SPM’s 2003 budgetary allocation of twenty-four million one hundred and thirty-five thousand four hundred and forty reais (R\$ 24,135,440.00).

The SPM is the federal organization with primary responsibility for coordinating, integrating, monitoring, and evaluating Women’s Policies, launching, for this purpose, the 2<sup>nd</sup> National Plan for Women’s Policies (II Plano Nacional de Políticas para as Mulheres – II PNPM), which expired in December 2011.

Further, the SPM’s enhanced institutional position carries important implications for the states, municipalities, and Federal District. According to information submitted by the individual states and municipalities at the 3<sup>rd</sup> National Conference on Women’s Policies (3<sup>a</sup> Conferência Nacional de Políticas para as Mulheres) in 2011, currently there are nearly 400 municipal and 23 state and Federal District women’s policy bodies. The only states yet to set up an official women’s policy organization are São Paulo, Paraná, Roraima, and Tocantins. In addition, there remain five state capitals without a corresponding agency: Curitiba, Paraná, Maceió, Alagoas, Teresina, Piauí, Aracajú, Sergipe, and Cuiabá.

In the same period, 193 Municipal Women’s Policy Plans (Planos Municipais de Políticas para as Mulheres) and 17 state and Federal District Plans were adopted. Having that said, these organizations are marked by widely disparate institutional characteristics, ranging from single-issue women’s policy secretariats to subordinate units of other secretariats, among others.

Finally, all women's policy institutions are part of a consolidated network of information exchanges embodied in the National Forum of Women's Policy Organizations (Fórum Nacional de Organismos de Políticas para as Mulheres), which meets once a year.

Change requires resources, budgets, and broad policies developed through extensive dialogue with society. To this end, women's policy mechanisms with a strong institutional basis and structures and power consistent with the challenge of securing full equality between men and women and among women are of fundamental importance.

Ensuring the equal exercise of power and decision-making is essential to effect changes in our respective countries and the relations we forge in the international sphere capable of extending and deepening the democratic process.

**5. According to paragraph 170 of the report, a review and an assessment of the First National Plan of Policies for Women (I PNPM) was carried out during the Second National Conference on Women, in August 2007. Please provide further information on the results of this assessment and its impact on the elaboration of the Second National Plan of Policies for Women (II PNPM), approved in 2008 and indicate ways in which the axes of this Plan address obligations under the Convention. Please also provide information on whether the Coordination and Monitoring Committee of the PNPM has been established and also on its mandate and composition (CEDAW/C/BRA/7, para. 14).**

The 2<sup>nd</sup> National Plan for Policies for Women (II Plano Nacional de Políticas para as Mulheres – II PNPM) grew out of the 2<sup>nd</sup> National Conference on Women's Policies, held in August 2007 with the participation of 2,800 delegates and 200,000 women from across the country. Launched in March 2008 through Decree No. 6387, the 2<sup>nd</sup> PNPM includes 388 measures organized into 10 thematic axes and 2 management axes, specifically:

Chapter 1 – Economic autonomy and equality in the workplace with social inclusion.

Chapter 2 – Inclusive education without sexism, racism, homophobia, and lesbian-phobia.

Chapter 3 – Women's health, sexual rights, and reproductive rights.

Chapter 4 – Confronting all forms of violence against women.

Chapter 5 – Participation of women in the power and decision-making spheres.

Chapter 6 – Sustainable development in rural, urban, and forest areas with environmental justice, sovereignty, and food security.

Chapter 7 – Right to land, dignified housing, and social infrastructure in rural and urban areas, in accordance with the needs and specific characteristics of traditional communities.

Chapter 8 – Egalitarian, democratic, and non-discriminatory culture, communications, and media.

Chapter 9 – Confronting racism, sexism, and lesbian-phobia.

Chapter 10 – Confronting generational inequalities affecting women, with special attention to young people and the elderly.

Chapter 11 – Management and monitoring of the Plan.

Note that the obligations undertaken through the Convention permeate the axes and measures of the 2<sup>nd</sup> PNPM.

The Committee for Coordination and Monitoring of the 2<sup>nd</sup> PNPM (Comitê de Articulação e Monitoramento do II PNPM), established by Decree No. 5390/2005, under the direction of SPM, is composed of 18 government organizations, in addition to the National Council



on Women's Policies (Conselho Nacional de Política para as Mulheres) and representatives of state and municipal women's policy organizations.

The Committee is charged with periodic tracking and evaluations of the fulfillment of the targets, priorities, and measures agreed to within the framework of the 2<sup>nd</sup> PNPM. To this end, the Committee holds four meetings a year. The annual reports on implementation of the 2<sup>nd</sup> PNPM are released to the public and made available on SPM's site. For more information, go to:

<http://www.sepm.gov.br/pnpm/reunioes-do-comite-de-monitoramento>

**6. Please provide information on the mandate of the female caucus of the National Congress, mentioned in paragraphs 10 and 11 of the report and achievements made through this mechanism in the advancement of women's rights in the State party.**

The Women's Caucus of the Chamber of Deputies and the Senate have both played an important role in the promotion of discussion and the promotion of women's rights. A prime example was the debate on domestic violence and the ensuing passage of the Maria da Penha Law.

The Women's Caucus has also actively engaged in the political reform debate, advocating expanded political participation by women and a greater presence in positions of power and decision making. Women deputies and senators were critical in securing passage of a series of advances provided for in the "mini electoral reform" package approved in 2009. Further, the Caucus plays exercises a direct role in the Special Commission established by the Federal Chamber of Deputies in 2011 to consider political reform. In June 2011, during a session of the Special Committee on Electoral Reform (Comissão Especial da Reforma Política) women deputies submitted a manifesto calling for the adoption of mechanisms to ensure equal representation of women in the Brazilian National Congress.

The establishment of the Office of Special Advocate for Women (Procuradoria Especial da Mulher) in June 2009 represented the first time in the history of the Chamber of Deputies that a woman held a leadership position in the body. In addition to marking a significant achievement for the Women's Caucus, the Office of Advocate marked a significant step forward in the history of Brazilian law. The Office of Special Advocate for Women receives and refers complaints and concerns from the population to the pertinent organizations through the discussion and approval of legislative bills (Projetos de Lei – PL), proposed constitutional amendments (Projetos de Emenda à Constituição – PEC), and public policy discussions on protecting and ensuring existing rights.

Inspired by the Women's Caucus, today comprised by 45 lawmakers, or 10% of the Congress, the Office of Special Advocate for Women includes a Special Advocate, Deputy Elcione Barbalho (PMDB/PA), and three Deputy Advocates, Deputies Rosinha da ADEFAL (PTdoB/AL), Flávia Morais (PDT/GO), and Sandra Rosado (PSB/RN).

Shortly before the celebrations to mark the International Day of the Woman on March 8, 2011, the Chamber of Deputies took an unprecedented step, naming a woman to the Chamber's Governing Committee for the first time. In February 2011, the position of 1<sup>st</sup> Vice President of the Chamber was assumed by Deputy Rose de Freitas (PMDB-ES). Similarly, the office of the 1<sup>st</sup> Vice Presidency of the Senate was also entrusted to a woman, Senator Marta Suplicy (PT-SP). These strides follow on the heels of another equally groundbreaking advance, the election of a woman to the presidency of the republic. Notwithstanding this progress, the number of women in the Chamber of Deputies failed to rise in the most recent election cycle, while the proportion of women in the Brazilian Congress in comparison to other countries, including Latin American nations, remains low.

The Women's Caucus has forged a vibrant partnership with the Secretariat in formulating and implementing women's policies and strengthening discussion of the issue. Additional information on the Caucus' activities is available at:

<http://www2.camara.gov.br/a-camara/conheca/camara-destaca/mulheres-no-parlamento>

**7. Please clarify whether the structure in place to coordinate the implementation of the National Pact to Combat Violence against Women at the federal, state and municipal levels (CEDAW/C/BRA/7, paras. 63 to 68) is also replicated to the implementation of other national plans and policies aimed to advance women's rights, for example to the Integrated Plan to Combat the Feminization of the Epidemic of AIDS and other STDs CEDAW/C/BRA/7, para. 86) and the National Policy to Combat Human Trafficking (ibid., para. 95).**

SPM/PR coordinates the Pact, in conjunction with the Federal Technical Chamber for Management and Monitoring of the Pact (Câmara Técnica Federal de Gestão e Monitoramento do Pacto), composed of the representatives of federal organizations (Civil House, Ministry of Health, Ministry of Justice, Ministry of Social Development and Hunger Alleviation, Ministry of Labor, Ministry of Cities, Ministry of Education, Ministry of Tourism, Ministry of Culture, Ministry of Agrarian Development, Ministry of Planning, Budget, and Management, Ministry of Mines and Energy, Secretariat of Public Policies for and the Promotion of Racial Equality). At the state and municipal levels, the pertinent measures are implemented by the individual agencies, in accordance with the specific features of each territorial unit.

Pursuant to the guidelines adopted by SPM, implementation of the Pact at the state level involves fulfillment of four basic requirements: (a) formal adherence by the state government through a Federal Agreement; (b) development of a Comprehensive Basic Project (Projeto Básico Integral) and agreement on the relevant measures between the federal government and the state and/or municipal government; (c) establishment of the State Technical Chamber responsible for managing the Pact at the state level and in hub municipalities.<sup>1</sup> The Chambers are composed of the representatives of state and civil society organizations and are aimed at ensuring implementation, management, and monitoring of the Pact at the state level. Similar structures will be put in place in hub municipalities with the participation of representatives of municipal and civil society organizations tasked with monitoring and evaluating the measures implemented within municipalities and regional channels; and (d) network integration of existing services and actions to address and confront violence against women.

The Pact governs the full range of policies to confront violence against women applied at the state and municipal levels. Four years following the Pact's implementation, an evaluation of the policy structure adopted was conducted to consider the demands, limitations, and advances identified to that point. In response, the Pact was modified and the respective measures, priorities, and strategic axes redefined as part of a renegotiated agreement put into effect in September 2011. The Pact's new axes were outlined as follows: 1 – To ensure implementation of the Maria da Penha Law; 2 – To expand and strengthen services for women in situations of violence; 3 – To assure the safety and security of citizens and access to justice; and 5 – To guarantee the autonomy of women in situations of violence and expand their rights. Another feature of the new Agreement is the decision of the judiciary to join in this effort. In addition to the SPM and the state governments, the

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<sup>1</sup> Hub Municipalities are reference administrative regions that serve other municipalities lacking a particular service, such as a precinct, special court, Reference Center, etc.

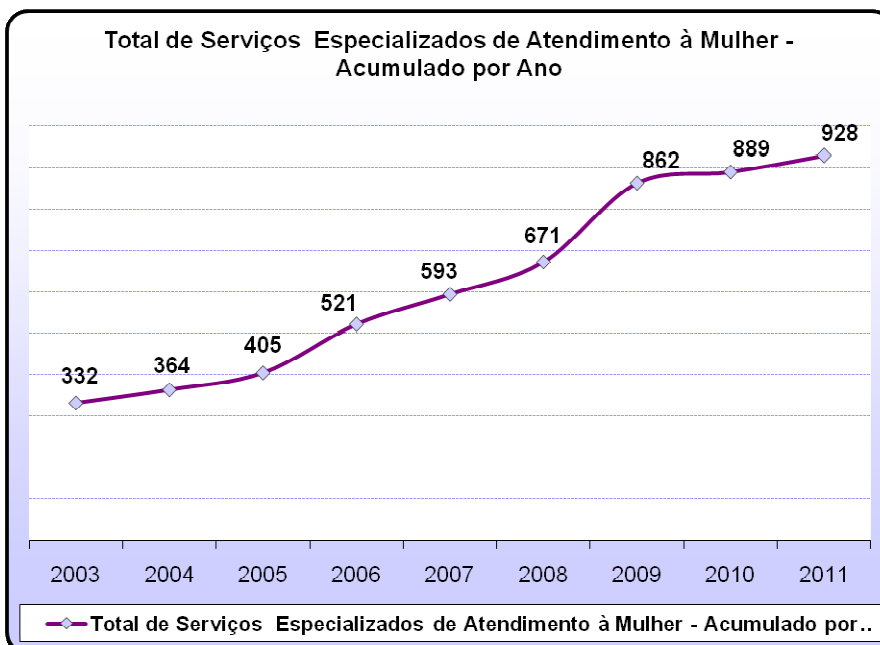
Public Prosecutor's Office, the Courts of Justice, and the Public Defender's Office in the individual participating states appear as signatories to the renegotiated agreement as well.

*Although the Pact represents a federal government policy, the SPM is tasked with incentivizing Brazilian states to join the initiative and evaluating, approving, and signing agreements at the three levels of the federation. As a consequence of the efforts undertaken to date, today all 27 states are signatories to the Pact. Of these, 23 have implemented Technical Chambers to manage the various initiatives undertaken to confront violence, while another 23 have State Women's Policy Organizations (Organismos Estaduais de Políticas para as Mulheres) in place.*

The increase in state and municipal women's policy organizations and the adherence of 100% of Brazil's states to the Federative Agreement has resulted in substantial growth in the network of specialized services provided to women, namely: Women's Assistance Centers (Reference Assistance Centers, Assistance Centers for Women in Situations of Violence, Integrated Women's Centers), Shelters, Temporary Shelters (Halfway Houses), Specialized Women's Assistance Precincts (Women's Police Posts and Sections), Women's Divisions within Public Defender's Offices, Specialized Prosecution Units, Special Women's Family and Domestic Violence Courts, Women's Assistance Hotline – Dial 180, Women's Ombudsman Units, Health Services to treat cases of sexual and domestic violence, Humane Assistance Posts in airports (aimed at the victims of human trafficking), and Women's Assistance Centers as a component of immigrant/migrant support services (see annex, graph 1).

#### Graph 1 – Specialized Women's Assistance Services

Total de Serviços Especializados de Atendimento à Mulher Acumulado por Ano =  
Specialized Women's Assistance Services – Total per Year

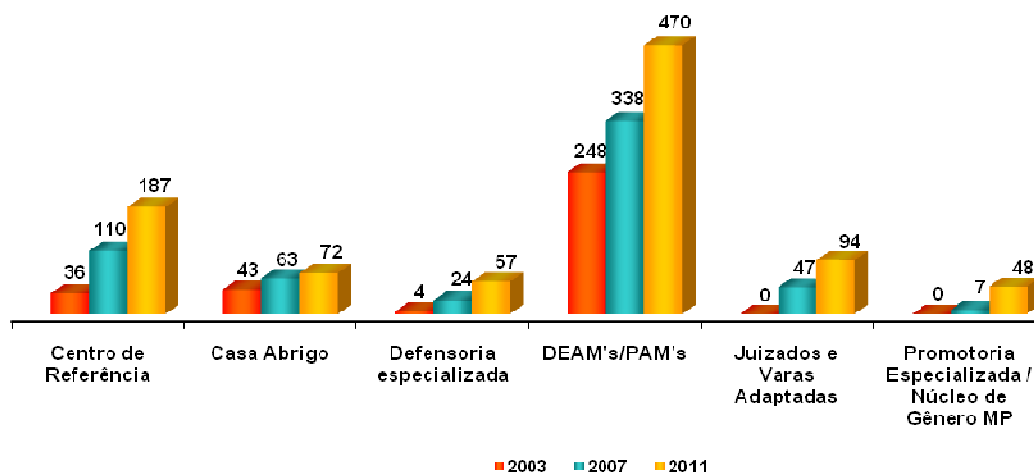


Total de Serviços Especializados de Atendimento à Mulher – Acumulado por.. =  
(Specialized Women's Assistance Services – Accumulated Total per Year). Data through September 20, 2011

From 2003 to September 20, 2011, the number of specialized services increased 161.75%. There are currently 928 specialized services in operation – 359 Specialized Women's

Assistance Precincts, 187 Women's Assistance Reference Centers, 72 Shelters, 57 Specialized Public Defender's Units, 48 Specialized Public Prosecution Units. In regard to the justice system, enactment of the Maria Penha Law 94 spurred the creation of specialized courts/tribunals devoted to cases of domestic and family violence. In addition to the specialized courts, substantial resources were channeled to re-equipping/renovating the Specialized Precincts, Women's Assistance Reference Centers, and Shelters (see annex, graph 2).

**Graph 2 – Growth in the assistance services network (2003, 2007, 2011)**



- Centro de Referência = Reference Centers
- Casa Abrigo = Shelters
- Defensoria Especializada = Specialized Public Defender's Units
- DEAMs/PAMs – Specialized Women's Assistance Precincts/Women's Assistance Posts
- Juizados e Varas Adaptadas = Special Courts and Tribunals
- Promotoria Especializada / Núcleo de Género MP = Specialized Public Prosecution Units/Gender Divisions, Public Prosecutor's Office

However, the active role of states and municipalities independently driving and managing this process is critical to ensure full implementation in their respective jurisdictions, to which end they must assume responsibility for coordinating and carrying out the measures provided for in the Pact while respecting individual local realities. For its part, the federal government is charged with establishing the guidelines and regulations to execute the pertinent measures and funding these, with the appropriate counterpart resources from states and municipalities. The states are responsible for monitoring and executing activities (in those cases involving the Courts and Public Security), while the municipalities are charged with implementing the pertinent measures in the fields of education, health, and social assistance. It is important to reiterate that the Women's Policy bodies are tasked with coordinating the Pact at the state level in conjunction with the pertinent sectors and municipalities.

The Pact also sets out the responsibilities and fields of activity for each federal unit and co-participant. In this light:

- 1) The Secretariat for Women's Policies has the duty

- a. To ensure the measures and goals established in the National Pact to Confront Violence against Women (Pacto Nacional pelo Enfrentamento da Violência contra as Mulheres) are fulfilled;
- b. To coordinate implementation of the measures set forth in the Pact with the participating federal government organizations;
- c. To develop work plans with the states, municipalities, and citizen territories detailing the measures in the Pact that are to be implemented and the respective implementation schedules;
- d. To monitor the measures mandated in the Pact at the state level, in conjunction with the Federal and State Technical Management Chambers.
- e. To follow up implementation of the measures arising from the agreement.

2) The state government has the duty

- a. To ensure, in coordination with the hub municipalities, implementation of the measures established in the National Pact to Confront Violence against Women and those agreed to with the SPM;
- b. To plan, draft, and execute policies to confront violence against women and account for the agreements signed by state institutions, jointly with the SPM and other participating ministries;
- c. To guarantee inter-sector implementation of the measures within the framework of the state and municipal governments, citizen territories, high crime areas (territories da paz), and hub municipalities;
- d. To implement the “State Technical Management Chamber” with the participation of representatives of the three (3) spheres of government, women’s policy bodies, Women’s Rights Councils, civil society, universities, the judiciary, the Public Prosecutor’s Office, the Public Defender’s Office, for the purpose, among other objectives, of promoting, based on the Integrated Basic Project setting forth the measures to be adopted and the respective implementation schedules, execution, monitoring, and evaluation of the measures provided for in the Pact at the state level; and submitting recommendations to enhance and disseminate the pertinent measures;
- e. To incentivize the establishment of public consortia to confront violence against women;
- f. To follow up implementation of the measures arising from the agreement;
- g. To contribute to mobilizing civil society for the purpose of confronting all forms of violence against women.

3) The municipalities have the duty

- a. To provide accountability, in conjunction with the SPM and participating ministries, for the agreements signed by municipal institutions;
- b. To ensure the sustainability of projects;
- c. To participate in the State Technical Management Chamber;
- d. To establish and strengthen the assistance network for women in situations of violence at the municipal and/or regional level through public consortia (where applicable);

- e. To contribute to the regional integration of measures to confront violence against women adopted in the state;
- f. To execute, as applicable, the Integrated Basic Project to Confront Violence against Women in the State;
- g. To contribute to mobilizing civil society for the purpose of confronting all forms of violence against women.

4) The State Public Prosecutor's Office has the duty

- h. To take part in the Pact's State Technical Management Chamber and to execute, as applicable, the Integrated Basic Project to Confront Violence against Women;
- i. To take steps to expedite criminal prosecution and the respective appeals and procedural issues in the State Courts of Justice for the purpose of ensuring application of the Maria da Penha Law and combating the impunity of perpetrators;
- j. To develop a protocol for integrated action in criminal prosecutions, appeals, and habeas corpus motions entered before the higher courts and to ensure the exchange of information on the matter;
- k. To develop effective legal arguments to ensure full application of the Lei Maria da Penha Law in legal proceedings heard before the higher courts and to guarantee women victims of family and domestic violence the appropriate protection;
- l. To expand the discussion on effective application of the Maria da Penha Law concerning the collection of data and training for legal professionals.

5) The State Courts of Justice have the duty

- m. To participate in the State Technical Management Chamber and to execute, as applicable, the Integrated Basic Project to Confront Violence against Women in the State;
- n. To prepare recommendations aimed at strengthening the judiciary with respect to combating and preventing domestic and family violence against women;
- o. To plan, supervise, and guide operation and rules of the independent and subordinate Women's Domestic and Family Violence Courts within the administrative sphere;
- p. To promote the policies provided for in Law No. 11340/2006 at the federal, state, and municipal levels, whether independently or in conjunction with the other branches of government, based on the strategic plan and timetables agreed to with the Administration of the State Courts of Justice;
- q. To promote the independent and subordinate Women's Domestic and Family Violence Courts internally and externally, jointly with other government and non-governmental organizations, working, as necessary, with the Public Prosecutor's Office and the Public Defender's Office and conducting network activities with entities dedicated to combating domestic and family violence against women;
- r. To contribute to continuous and specialized training of judges and public officials engaged in combating/preventing domestic and family violence against women;
- s. To provide periodic information to the National Justice Council (Conselho Nacional de Justiça) on all procedures undertaken in connection with Law No. 11340/2006, in accordance with the parameterization of information and Consolidated Tables of the Judicial Branch (Tabelas Unificadas do Poder

Judiciário), for the purpose of implementing all necessary modifications and adjustments to existing case control and information systems;

t. To operate in line with the guidelines of the National Justice Council when coordinating public policies in connection with domestic and family violence against women;

u. To contribute toward mobilizing civil society to the cause of combating domestic and family violence against women.

Further, the Pact guides the implementation of policies and plans aimed at confronting all forms of violence against women. Through the principle of inter-sector action, the Pact contributes to the implementation of the Integrated Plan to Confront the Feminization of AIDS and other Sexually Transmitted Diseases (Plano Integrado de Enfrentamento à Feminização da AIDS e outras Doenças Sexualmente Transmissíveis) launched by the Ministry of Health in 2007. The Pact provides for measures to ensure the effectiveness of measures to prevent and combat the phenomenon, including: (a) the expanded supply of reversible contraception and emergency contraception; (b) the implementation of Mandatory Reporting (Notificação Compulsória) by all health services; (c) guaranteed legal abortions; (d) the implementation of the Integrated Plan to Confront the Feminization of the AIDS Epidemic and Other STD; (d) implementation of rules, guidelines, and admission flows for women in situations of sexual and domestic violence.

The measures laid out in the Pact are also aimed at implementation of the National Policy to Confront Trafficking in Persons (Política Nacional de Enfrentamento ao Tráfico de Pessoas), incentivizing the delivery of assistance to women victims by the respective reference centers and supporting innovative projects to prevent and combat the trafficking of women. A variety of initiatives are adopted with a view to focusing particular attention on border areas. In addition to the specific measures outlined below in connection with the topic (see Human Trafficking and Sexual Exploitation), a number of strategies have been or will be put into effect through the Pact to combat violence against women in border areas, such as strengthening of and capacity building for service networks in the Oiapoque region of Amapá, located on the border with French Guyana, through the planned establishment of a Migrant House in 2011 by the CNIg (MTE) and the MRE and the inauguration of the Migrant Women's Assistance Center in Pacaraima, Roraima, situated on the border with Venezuela, a direct outgrowth of the respective policy and a Cooperation Agreement signed with Venezuela in 2010. In this light, the SPM's strategy has centered on focusing special attention on border areas, within the framework of the National Pact to Confront Violence against Women and the National Policy to Confront the Trafficking of Persons. In 2009, the first immigrant/migrant women's assistance service was established in Foz do Iguaçu, in partnership with the Ministry of Labor and Employment (MTE), Ministry of Justice (MJ), Ministry of External Relations (MRE), the Foz do Iguaçu municipal government, and UNODC: the Women's Migrant Home Nucleus (Núcleo da Mulher da Casa do Migrante). The pioneering initiative served as inspiration for the development of partnership actions between the women's policy bodies of the Specialized MERCOUR Meeting on Women (Reunión Especializada de la Mujer del MERCOSUR – REM) to provide assistance services to women and as the foundation for similar initiatives in other regions.

Another SPM initiative closely connected to the Pact's role as a channel to confront all forms of violence against women has involved the effort to consolidate the Women's Assistance Hotline – Dial 180 across Brazil, which has been directly integrated with the Dial 180 Emergency Number by virtue of the growing number of reports received concerning cases of trafficking of women. In an effort to expand the service's reach, the Secretariat has extended the Hotline internationally to Portugal, Spain, and Italy, in partnership with the Ministry of External Relations (MRE) and the Ministry of Justice (MJ).

With a view to developing integrated alternatives and policies at the inter-ministerial level for all segments of women, new working groups will be established in 2012: one, coordinated by SPIR with the participation of various ministries, to discuss the Roma, specifically due to the fact that Roma women, similarly to women inhabitants of rural, forest, and indigenous communities, have specific traits and characteristics and must be ensured full access to women's policy initiatives; and another to systematically address the issue of young women, with a view to incorporating existing policies and measures for young women in the broader context of government measures and to promote expanded dialogue with young women active in social movements.

#### **Temporary special measures**

**8. Please provide information on the implementation of temporary special measures aimed at accelerating substantive equality between men and women, particularly in respect to rural women, women of African descent and indigenous women. Please also indicate to what extent the State party has promoted the adoption of temporary special measures in line with the Committee's general recommendation No. 25 (2004).**

The Brazilian government has taken measures which, in its view, are consistent with the concept of "temporary special measures" adopted by the CEDAW Committee and which have had a positive effect on the gender equality policies enacted in the country.

There are a number of examples of these:

**Brazil without Extreme Poverty Plan (Plano Brasil sem Miséria)** – aimed at overcoming extreme poverty, a phenomenon that affects nearly 16 million Brazilians. The PBSM is based on three primary axes: Guaranteed Income, Productive Inclusion, and Access to Policies. These measures are aimed at urban and rural households. In regard to rural households, overcoming poverty requires, in general, productive inclusion, specifically: a qualified technical assistance program and enhanced self-consumption and surplus production through access to water, financial resources, seeds, and support, in addition to market access. The measures also center on eliminating gender, race, and ethnic inequality.

Given that the rural areas targeted for implementation of priority measures of the Brazil without Extreme Poverty Plan primarily encompass small farming areas and agrarian reform settlements and that many of these municipalities include officially recognized *quilombo* communities, rural women, including *quilombo* and indigenous women, benefit directly from the related projects and measures. In this light, the Ministry of Agrarian Development (MDA) and the SPM, in partnership with the Ministry of Social Development and Hunger Alleviations (MDS), participated in the first capacity building initiatives for technicians and rural extension specialists selected to work with populations living in extreme poverty, specifically with a view to ensuring that women receive the same attention devoted to men in regard to the development of productive projects and access to goods and services with a direct impact on the productive inclusion of the target populations.

#### **Confronting violence in respect of women in rural and forest areas**

One of the fundamental challenges for effectively implementing public policies to confront violence against women living in rural and forest areas involves overcoming the obstacles imposed by territoriality, which results in unequal access to the Assistance Network for Women in Situations of Violence.

Confronting violence against women is one of the most pressing issues for social movements dedicated to women working in rural and forest areas. In its two previous



editions, the March of the Daisies (Marcha das Margaridas) (2000 and 2003) called for federal measures to confront sexist violence and punish aggressors. In response to these demands and to the need to develop specific policies tailored to this challenge, the federal government launched – through the Secretariat for Women’s Policies and in partnership with participating ministries – the Permanent National Forum to Confront Violence against Women in Rural and Forest Areas (Fórum Nacional Permanente de Enfrentamento à Violência contra as mulheres do Campo e da Floresta).

The Permanent National Forum to Confront Violence against Women in Rural and Forest Areas emerged as a powerful channel for shining a light on the demands and needs of these women. Indeed, to the extent the discussions on the difficulties faced by this segment and the lack of specific public policies developed, government and civil society realized the urgency of expanding and strengthening the Assistance Network for women in situations of violence residing in rural areas.

In this light, to meet their demands and provide an effective State response to assure the rights and protection of women in situations of violence in 2012 the Secretariat for Women’s Policies will implement ten mobile units across the country, with a view to extending the service to all of Brazil’s regions and expanding the access of women in rural and forest areas to the Assistance Network for women in situations of violence. The Secretariat for Women’s Policies selected the target Citizen Territories and municipalities based on a series of criteria, including priority demands for expanded access to the Assistance Network for Women in Situations of Violence, low HDI, the existence of Women’s Policy Bodies, specialized multi-disciplinary teams, implementation time, in addition to population size and density. In this context, the following Units were formed:

#### North Region

**Pará** – Lower Tocantins Territory – composed of 11 municipalities

Main Office: Igarapé-Miri, Pará

– Acre – Juruá Valley Territory – composed of 5 municipalities

Main Office: Cruzeiro do Sul, Acre

– Tocantins - Bico do Papagaio Territory – composed of 25 municipalities

Main Office: Augustinópolis, Tocantins

#### Northeast Region

– Bahia – Irecê Territory – composed of 20 municipalities

Main Office: Irecê, Bahia

– Ceará – Central Sertão Territory – composed of 12 municipalities

Main Office: Quixadá, Ceará

– Rio Grande do Norte – Seridó Territory – composed of 25 municipalities

Main Office: Santana dos Matos, Rio Grande do Norte

#### Center-West Region

– Goiás – Paranã Valley Territory – composed of 12 municipalities

Main Office: Posse, Goiás

#### Southeast Region

– Espírito Santo – North Territory – composed of 17 municipalities

Main Office: São Mateus, Espírito Santo

- São Paulo – Ribeira Valley Territory – composed of 25 municipalities

Main Office: Registro São Paulo

South Region

- Rio Grande do Sul – Southern State Territory – composed of 25 municipalities

Main Office: São Lourenço do Sul, Rio Grande do Sul

The objective of the initiative is to implement a multi-disciplinary assistance model composed of professionals in the social services, psychological, legal assistance, and public security fields, in order to enable effective interaction between the various services, appropriate and humane guidance, and, above all, access for women in rural and forest areas to the Assistance Network for Women in Situations of Violence.

Another important initiative for indigenous women were the Preparatory Workshops for the 3<sup>rd</sup> National Conference on Women's Policies (3<sup>a</sup> Conferência Nacional de Política para as Mulheres). A total of three (3) meetings were held with the National Indian Foundation (Fundação Nacional do Índio – FUNAI) and the Ministry of Justice (MJ), while contacts were made with indigenous Brazilians from every region in the country. On December 11, 2011, the preparatory workshop for the 3<sup>rd</sup> National Conference on Women's Policies was organized in partnership with UNDP and UN Women. Among the 35 attendees at the Conference were indigenous women, who were certified delegates, and another 15 participants invited by FUNAI and members of the institution's Regional Committees. The idea is to give continuity to the activities undertaken with indigenous women, with a view to tracking the public policies set out at the 3<sup>rd</sup> Conference and, most important, confronting violence, based on the ongoing discussions within indigenous communities regarding application of the Lei Maria da Penha Law. The workshop generated the following outcomes:

- To expand and deepen the dialogue with indigenous women, state conference delegates, and representatives of the FUNAI Regional Committees on the priorities of the 3<sup>rd</sup> National Conference on Women's Policies;
- To bring women from different indigenous communities together for the purpose of developing a common platform in connection with the demands and claims of indigenous women;
- To contribute toward ensuring indigenous women are capable of collectively defending the proposals raised at the state level and toward identifying the priorities determined at the 3<sup>rd</sup> National Conference on Women's Policies;
- To forge a permanent discussion space, in conjunction with FUNAI/MJ and, subsequently, other ministries to consider indigenous women's policies, assuring, in this way, the representation and diversity of indigenous peoples.

**Violence against women**

**9. According to paragraphs 12 and 35 of the report, the Maria da Penha Law of 6 August 2006 provides for the creation of Special Courts for Domestic Violence and Family Violence against Women. It is also mentioned, in paragraph 74, that 147 specialized courts have been established throughout the country. Please provide detailed information on complaints lodged by women before these Special Courts, the type of violence they were victims of, prosecutions and sentences imposed on perpetrators. Please provide information on whether the Observatory for Monitoring**

**the Implementation and Enforcement of the Maria da Penha law has been established (CEDAW/C/BRA/7, para. 42) and, if so, what the findings to date have been.**

As part of its strategy to support and incentivize implementation of the Maria da Penha Law, the Secretariat of Women's Policies of the Office of President of the Republic established a partnership with the National Justice Council (CNJ) to develop a Discussion Session on Law No. 11340/2006 – Maria da Penha Law. The objective of the Session is to provide a forum for debate and clarification in regard to the principles set out in Law No. 11340/2006, in addition to encouraging discussion within the justice system capable of contributing to the adoption of new positions and paradigms by the judiciary capable of ensuring effective implementation of the Law. A total of 5 annual Sessions on the Maria da Penha Law have been held since 2006. The 5<sup>th</sup> Session in 2011 led to the creation of state coordination committees on women in situations of domestic and family violence within the state and Federal District courts, pursuant to CNJ Resolution No. 128 of March 17, 2011.<sup>2</sup>

At the Session, the National Justice Council (CNJ) presented consolidated figures through July 2010 on prosecutions and sentences under the Maria da Penha law, an effort which has had a direct impact in the effort to confront domestic violence against women:

- 331,796 cases filed;
- 110,998 convictions;
- 120,999 hearings designated;
- 9,715 arrests in flagrante delicto;
- 1,577 preventive detentions;
- 70,000 emergency orders of protection.

The judiciary has made substantial strides. Figures reveal that since 2006, 70,574 women were granted orders of protection by the courts and at least 76,000 convictions were secured in cases involving violence against women. Further, approximately 2,000 preventive detentions have been ordered and another 8,000 arrests made in flagrante delicto in connection with cases of domestic and family violence against women.<sup>3</sup>

On March 16, 2011, the SPM signed a Cooperation Agreement with the Ministry of Justice (MJ), through the Secretariat of Judicial Reform (Secretaria de Reforma do Judiciário), the National Council of the Public Prosecutor's Office, and the National Council of State Prosecutors General to adopt integrated measures for the purpose of strengthening the protections provided to women in cases of family and domestic violence and assuring punishment of all individuals in violation of the Constitution and the Maria da Penha Law. Among its duties, the Federal Public Prosecutor's Office is tasked with expediting criminal prosecutions and the respective appeals and procedural matters pertaining to application of the Law brought before the Superior Court of Justice and the Federal Supreme Court, for the purpose of preventing the impunity of perpetrators. On April 5, the Public Prosecutor's Office submitted information on pending cases before the Federal Supreme Court. According to the data, in April 2011 there were 333 pending cases involving the Maria da Penha Law for which the Public Prosecutor's Office had drafted opinions; decisions were

<sup>2</sup> CNJ Resolution No. 128 of March 17, 2011. Provides for the creation of State Coordinating Committees on Women in Situations of Domestic and Family Violence within the State and Federal District Courts. (Published in Judicial Gazette DJ-e No. 50/2011, March 21, 2011, page. 2; Erratum in DJ-e No. 97/201, May 30, 2011, pages 4-5)

<sup>3</sup> GM-MJ Communication No. 0259 of March 17, 2011, signed by Flávio Croce Caetano.

rendered in 278 of these, while the remaining cases are still awaiting final judgment. The majority of cases involve Habeas Corpus (HC) motions and Special Appeals that have been submitted to the respective case rapporteurs and are pending a final decision.

In 2012, the Secretariat for Confronting Violence against Women (Secretaria de Enfrentamento à Violência contra as Mulheres) will join forces to combat the phenomenon of impunity in Brazil. On this front, in November 2011 a Technical Cooperation Agreement was signed by the representatives of the National Justice Council, Court of Justice, Permanent Board of Presidents of the Courts of Justice, National Committee of Prosecutors General for Justice, National Council of Public Defenders General, and the Secretariat, through which the signatories undertake to take coordinated and joint action in an effort to eliminate impunity and violence against women. The related measures, which will be implemented in 2012 and guided by the **Commitment and determination to confront impunity and violence against women (Compromisso e atitude no enfrentamento à impunidade e a violência contra as mulheres)**, will mobilize the justice system, public security, and legal professionals to address impunity and bring the perpetrators of violence against and murder of women to account.

In regard to the Observatory, on February 15, 2007, the Secretariat for Women's Policies (SPM) published Public Notice No. 1 in the Government Gazette (Diário Oficial da União), for the purpose of selecting a consortium to establish and implement an observatory to monitor the Maria da Penha Law, pursuant to the recommendations of the 1<sup>st</sup> National Conference on Women's Policies organized by the SPM in June 2004, which gave rise to the 1<sup>st</sup> National Plan for Women's Policies (I Plano Nacional de Políticas Públicas para as Mulheres), and the National Council for Women's Rights (Conselho Nacional dos Direitos da Mulher – CNDM).

The winning Consortium, **Observe**, includes 12 civil society organizations, among them research centers and non-governmental organizations, representing the five regions of Brazil. The participating entities are: the Center for Interdisciplinary Studies on Women (Núcleo de Estudos Interdisciplinares sobre a Mulher – NEIM/UFBA); the Eneida de Moraes Women's and Gender Relations Research and Studies Group (Grupo de Estudos e Pesquisas Eneida de Moraes sobre Mulher e Relações de Gênero – GEPEM/UFPA); Gender, Citizen, and Development Action (Ações em Gênero Cidadania e Desenvolvimento – AGENDE); the Center for Women's Research and Studies (Núcleo de Estudos e Pesquisas sobre a Mulher – NEPeM/UnB); Citizenship, Studies, Research, Information, and Action (Cidadania, Estudo, Pesquisa, Informação e Ação – CEPIA ); the Center for Human Rights Policy Studies (Núcleo de Estudos de Políticas Públicas em Direitos Humanos – NEPP-DH/UFRJ ); Plural Women's Collective (Coletivo Feminino Plural); Legal Assistance and Gender Studies (Assessoria Jurídica e Estudos de Gênero – Themis); and the Center for Interdisciplinary Women's and Gender Studies (Núcleo Interdisciplinar de Estudos sobre a Mulher e Gênero – NIEM/UFRGS). In addition to these institutions, the Consortium launched a partnership with the National Feminist Health, Sexual Rights, and Reproductive Rights Network (Rede Nacional Feminista de Saúde, Direitos Sexuais e Direitos Reprodutivos – Rede Feminista de Saúde); the North and Northeast Region Network for Women's and Gender Relations Studies (Rede Regional Norte e Nordeste de Estudos sobre a Mulher e Relações de Gênero – REDOR); and the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM/Brazil).

**Observe** began its activities in September 2007, with the objective of developing joint measures to track the implementation and application of the Maria da Penha Law and identify the progress and obstacles to effective and full application of the Law, generating practical information for women's movements and public institutions with primary responsibility for combating domestic and family violence against women. The preliminary

and final reports of the research conducted in 2009 and 2010 as well as the specific results identified in the North, Northeast, South, and Southeast Regions and the Federal District are available through the Secretariat's Web site at: <http://www.sepm.gov.br/subsecretaria-de-enfrentamento-a-violencia-contras-mulheres/lei-maria-da-penha/9-1-observatorio-de-monitoramento-da-implementacao-e-aplicacao-da-lei-11-340-2006>

**10. According to table 1.2 of the report (see annex) there has been a considerable increase in the number of reports on violence against women received by the Women's Call Centre (number 180) between 2006 and 2009, from 12,664 to 40,857. Please provide information on the type of violence reported and the type of assistance provided to the victims. Please also provide information on the criteria established to recruit the staff who service the call centre and the type of training on violence against women they receive, besides sensitization related to women victims of trafficking (CEDAW/C/BRA/7, para. 122 (d)).**

The Women's Assistance Hotline – Dial 180 (Central de Atendimento à Mulher – Ligue 180) is operated by the Secretariat for Women's Policy of the Office of President of the Republic (SPM/PR) for the purpose of providing the Brazilian public with a channel to submit reports of gender violence in all of its forms.

The Hotline, a nationwide public emergency service, can be accessed by dialing the toll free number 180 at any time of the day, 7 days a week, including Sundays and holidays, from any mobile or land line. At the time of its implementation, the Women's Assistance Hotline did not include a specified protocol. Rather, the respective protocols were developed over time in response to the reports and contributions of the public.

As demand increases or the focus of calls in to the service shifts, the SPM executes the pertinent adjustments to ensure continuous and quality service. Among the numerous factors underlying rising use of the service are the growing awareness of women of their rights; enactment of the Maria da Penha Law, which has driven demand for the service; and consolidation and expansion of the public policies fostered and executed by the Secretariat for Women's Policy.

The calls received by the Hotline are spontaneous. With each passing year, a gradual increase in demand for the service has been registered, revealing pent-up demand among the Brazilian population for an effective mechanism through which to enter complaints on gender violence. Indeed, all that was needed for the population to take full ownership of the issue of women in situations of violence was the establishment of a dedicated channel. Today, 99% of all calls are placed by women, the vast majority involving reported incidents of domestic and family violence.

Since its launch, the Women's Assistance Hotline has steadily become a critical emergency service for the Brazilian public. **Dial 180 serves an average of 65,000 women every month.** For many of these women, the Hotline represents a first step in breaking the cycle of violence and ensuring a dignified life and the full exercise of their rights.

Dial – 180 operators receive training in gender questions, legislation, federal government policies for women, information on confronting violence against women and, above all, providing women with assistance and guidance on a case-by-case basis on the procedures for locating the appropriate service.

The services offered by the Hotline are distributed as follows: information, referrals to other services, and public submissions, which may include complaints, recommendations, praise/complements, and reports of violence, classified, in turn, as physical, moral, property, psychological, and sexual, in addition to reports of trafficking of women and false imprisonment.

Through December 2011, the Hotline received **more than two million (2,000,000) calls**, a volume that poses a continuous challenge in terms of improving the quality of the assistance provided and, to this end, depends on the contributions of the support services for women in situations of violence to ensure the effectiveness and success of the referrals and guidance provided.

Based on the reports of violence submitted to the Hotline, a general profile of the violence to which reporting women are subject can be offered:

- The vast majority of the victims of violence continue to be women, 99%.
- The majority have primary school educations (48.8% in 2011). However, there has been an increase in the proportion of callers with some high school education (40.1% in 2010 to 43.8% in 2011).
- In regard to age, the adult/reproductive stages of women's lives continues to be the period of greatest risk. Women 20-39 years of age constitute more than 65% of all victims in both stages.
- A plurality of reporting women identified themselves as mulatto, specifically 47.4% in 2010 and 46.6%, in 2011.
- 93.3% of all calls in both periods involved cases of domestic and family violence. In more than 80% of cases, the victim herself reported the incident.
- Intimate/sexual relations continue to represent primary type of relationship between victims and their aggressors. In 2010, partners, spouses, or lovers made up 54.8% of all aggressors, while former husbands or lovers represented 13.6% of the perpetrators of violence. In 2011, the percentages of partners, spouses, or lovers and of former husbands or lovers responsible for acts of violence against their partners, wives, and lovers rose even further, reaching 84.1% and 16.4%, respectively.
- In the period considered, the notification of cases of violence in gay relationships fell. In 2010, these represented 15.8% of all cases and in 2011, a mere 0.1%.
- With respect to the time of the victim's relationship with her aggressor, in 2010 a full 28.4% had been together with their aggressor more than 10 years, a figure that climbed to 39.6% in 2011. The data in respect of the duration of the violence remained essentially stable as well. In 2010, a total of 39.6% of victims reported that the violence had been ongoing since the relationship's beginning and another 28.9% that the violence had extended for 2 or more years. In 2011, the figures were 36.2% since the relationship's beginning and 30.8% ongoing for 2 or more years.
- In relation to the frequency of the violence, the percentages remained stable. A majority of reporting women continued to be the targets of violence on a daily basis (57.4% in 2010 and 58.9% in 2011). Similarly, the risk of beatings (47.9% in 2010 and 44.9% in 2011) and death (50.3% in 2010 and 53.2% in 2011) reflect the continuing dangers posed by the phenomenon.
- In 2010, a full 30.3% of women who entered calls to the Hotline were financially dependent on the aggressor. In 2011, that number rose to 40.9%. A substantial percentage was also dependent on income transfer programs. In 2010, the total was 5.9% and in 2011 the proportion rose to 18.5%.
- The vast majority of women victims of violence had children who were forced to witness the violence and/or subjected to intra-family violence themselves. In 2010, fully 84.3% of children witnessed acts of aggression. In 2011, the percentage climbed to 85.3%.

- With respect to aggressors, the data remained fairly stable. In 2010, a total of 94% of all aggressors were men, 62.7% of whom had completed their primary education and 60.1% of whom ranged from 20-39 years of age. In 2011, 94.2% of all aggressors were men, of whom 60.8% had completed their primary education and 60.1% fell within the same age range. Similarly to the victims of violence, the majority of aggressors, according to the information provided by reporting individuals, identified themselves as mulatto, specifically 43.4% in 2010 and 42.7% in 2011.
- In regard to aggression committed under the influence of chemical substances, data from the first half of the year indicated that 22.16% (6,801 calls) of cases always involved alcohol or drug use, 21.54% occasionally involved alcohol or another drug, 10% never occurred under the effects of alcohol or drugs, while 46% of callers made no mention of the issue. In other words, the proportion of aggressors always under the influence of a chemical substance was 22.54%, thus refuting the theory of intra-family violence as a phenomenon invariably tied to the use of psychoactive agents and, by extension, a justification for acts of aggression.
- Finally, the overwhelming percentage of reports flowed from urban areas, 91.3% of all calls in 2010 and 92.5%, in 2011. This fact raises questions about the access of rural populations to the Hotline and other potential services, information, reporting, and violence prevention channels in rural areas.

In November 2011, Dial 180 was extended to Brazilian women in situations of violence in Spain, Portugal, and Italy. The service is being implemented on an experimental basis for the purpose of examining the pertinent cases and situations and identifying a pattern capable of contributing to and enhancing the service. Formally instituted through an agreement between the Secretariat for Women's Policies, the Ministry of External Relations (MRE), and the Ministry of Justice (MJ), in conjunction with the National Justice Secretariat and the Brazilian Federal Police Department, the international arm of the service was launched on November 25, 2011, on the International Day for the Elimination of Violence against Women – Dial 180. Ultimately, the effort poses yet an additional challenge, given that it represents an untested and unprecedented effort in the Brazilian context.

### **Trafficking and exploitation of prostitution**

**11. Please provide detailed information on the achievements of the Working Group on human trafficking and related crimes legislation, mentioned in paragraph 120 of the report, including on the status of the proposed amendments to the national legislation and on steps taken to establish the National System for Prevention and Combat of Human Trafficking. Please also clarify whether the State party is considering adopting a comprehensive anti-trafficking legislation, as recommended by the Committee in its previous concluding observations (CEDAW/C/BRA/CO/6, para. 24) as well as strategies for dismantling trafficking networks and filing complaints.**

The Secretariat for Women's Policies has pursued partnerships with the leading destination countries for Brazilian women victims of human trafficking, with a view to preventing their vulnerability, exploiting opportunities to dismantle criminal networks, and providing women victims assistance adapted to their needs as well as improved conditions of life.

To this end, the SPM participated actively in the “Brazilians in the World” (“Brasileiros no Mundo”) Conferences organized by the Ministry of External Relations (MRE) in 2009 and 2010 – through which valuable contacts were forged, capable of contributing to the development of measures to confront violence against Brazilian women throughout the world. By virtue of the Secretariat's participation in the event, a series of measures were

approved to design a plan of action directed to Brazilians abroad, in particular Brazilian women.

Subsequently, the SPM began to take part in missions to European countries identified as destinations for women victims of human trafficking, including Spain, Portugal, Switzerland, the Netherlands, organized by the Ministry of External Relations (MRE) and spurred by the demand for assistance services for women victims of domestic violence and human trafficking submitted to the Brazilian Consulates in those countries.

Undertaken in 2010, the objective of the missions was to collect in-depth information on the situation of Brazilian women victims of violence and their living conditions; to learn directly, based on the statements of Brazilian women, about the major challenges confronting those in situations of violence, with respect to securing assistance services appropriated adapted to the Service Network abroad; to develop ways of promoting the social inclusion of Brazilian women and men returning to the country; to connect the community abroad to consular services, in order to ensure that approximation contributes to assistance for Brazilian women and fosters their active participation as multipliers of Brazilian principles and policies aimed at promoting citizenship; to establish a channel for dialogue with Brazilian communities in the respective countries. The missions were also aimed at securing bilateral cooperation to promote comprehensive assistance for women in situations of violence; to provide capacity building to Brazilian consular officers in the delivery of appropriate assistance; to refer women to specialized services in the countries in question, as negotiated with the respective governments, or upon their return to Brazil, including comprehensive follow-up, if so desired by the target women.

The mission resulted in publication of a primer, *“Guide for citizens returning to Brazil”* (*“Guia de retorno ao Brasil”*), laying out information on the Assistance Network and Brazilian social inclusion programs. Distributed by Brazilian consular services and immigration authorities in partner countries to individuals returning to Brazil, whether voluntarily or following deportation, the primer is the product of a partnership between the Ministry of External Relations (MRE), the SPM, and the Ministry of Justice (MJ) and was launched in Portugal and Spain.

As a member of the MERCOSUR Specialized Meeting on Women (Reunión Especializada de la Mujer del MERCOSUR – REM), the SPM takes part in the *“Strengthening Institutionalility and the Gender Perspective in MERCOSUR”* (*Fortalecimiento de la institucionalidad y la perspectiva de género en el MERCOSUR*) project. The initiative was approved within the framework of the Memorandum of Understanding signed by the Common Market Group (Grupo Mercado Común – GMC) and the Spanish Agency for International Development Cooperation (Agencia Española de Cooperación Internacional para el Desarrollo – AECID) in 2008.

The general objective of the REM Project, cited in the last Brazilian report to CEDAW, is to implement regional measures to strengthen the gender perspective within MERCOSUR, with a view to promoting democratization of the regional integration process. One of its four components centers on confronting the trafficking of women for the purpose of commercial sexual exploitation and provides for the implementation of a protocol to assist women victims of human trafficking within the MERCOSUR countries, in addition to the organization of a regional campaign to prevent this form of violence.

With regard to the development of a proposed protocol, in 2011 national consultations were held in each of the four REM member countries to conduct a diagnostic review of the trafficking of women for the purpose of commercial sexual exploitation to serve as input for a wider regional diagnostic study. Based on the review, a proposed protocol was prepared and is currently under discussion and analysis in the respective countries. The document is intended as an instrument for coordinating the actions of the member women’s



policy mechanisms of the REM, with a view to establishing a regional assistance network for women in situations of violence.

To give visibility to the work undertaken and stimulate adoption of the proposed protocol, the 26th REM requested the inclusion of the goal to approve and implement a protocol of actions on the trafficking of women for the purpose of commercial sexual exploitation in axis II of the MERCOSUR Strategic Social Action Plan (Plan Estratégico de Acción Social del MERCOSUR – PEAS).

In November 2011, the REM held a seminar in Montevideo, Uruguay, titled “Trafficking of women within MERCOSUR. Toward a regional agreement on assisting women victims of human trafficking” (“La trata de mujeres en el MERCOSUR. Hacia un acuerdo regional de atención a mujeres víctimas de trata”). The members of various institutions engaged in confronting human trafficking within MERCOSUR took part, creating, in the process, a channel for dialogue, exchanges, and integration. Within the scope of this mechanism, REM submitted a proposed protocol, which has been completed and was received with enthusiasm by the partner entities. The Brazilian delegation included representatives of the SPM, the MERCOSUR Social Division of the Ministry of External Relations (MRE), the Human Rights Division of the Brazilian Federal Police Department, the Regional Project to Confront Trafficking of Children and Adolescents (Proyecto Estrategia Regional de Lucha Contra la Trata de Niños, Niñas y Adolescentes para Fines de Explotación Sexual en el Mercosur – PAIR MERCOSUR), the rapporteur of the Parliamentary Inquiry Commission (Comissão Parlamentar de Investigação – CPI) on human trafficking, Senator Marinor Brito, and UNODC Brazil. The seminar was formally included on the working agenda of the CPI on national and international human trafficking.

It is important to note the active participation of the Brazilian Federal Police Department (PF) in the seminar, serving to further strengthen relations between the SPM and the Department, specifically, which is engaged in fighting human trafficking, dismantling criminal organizations, and referring cases for criminal prosecution. Given their direct involvement in combating human trafficking, Federal Police agents often have direct access to women victims of human trafficking and sexual exploitation prior to their referral to the Women’s Assistance Network. As such, since approval of the National Policy to Confront Human Trafficking, the PF-SPM partnership has borne significant fruit, including human rights training for agents; enhanced routing of the overlapping demands of criminal investigations and assistance to victims; and, finally, the possibility of internalizing the Women’s Assistance Hotline – Dial 180, accomplished with the support of the PF and aimed at securing, in addition to broader assistance, a wider range of investigative avenues for the Department.

As in previous years, in 2011 the SPM participated in training workshops for the State Centers for Confronting Human Trafficking (Núcleos Estaduais de Enfrentamento ao Tráfico de Pessoas) and the Advanced Border Stations (Postos Avançados) in migrant/immigrant assistance services, with a view to incorporating the respective services through the National Pact to Confront Violence against Women (Pacto Nacional de Enfrentamento à Violência contra as Mulheres).

In the first half of 2011, the Federal Senate established a Parliamentary Inquiry Commission (CPI) to investigate cases of human trafficking. The SPM provided support to the CPI’s investigation, submitting information, data, and recommendations on public policies to confront the trafficking of women through an official government report prepared with the Ministry of Justice (MJ) and the Secretariat for Human Rights and through specific reports containing information on the individual regions in which CPI hearings were held. The inquiry, which is in the final stages of completion, will conclude with the submission of recommendations to the government on strategies to confront the offense of human trafficking.

In 2011, the SPM coordinated preparation of the 2<sup>nd</sup> National Plan to Confront Human Trafficking (II Plano Nacional de Enfrentamento ao Tráfico de Pessoas – II PNETP) with the National Justice Secretariat, the National Secretariat for Public Security, the Ministry of Justice (MJ), and the Secretariat for Human Rights. The initiative represented the second cycle of Brazilian policies aimed at addressing the various social, political, and economic manifestations of human trafficking.

The first cycle of policies was introduced in 2006 – when the National Policy was established – through a range of activities and initiatives aimed at fostering broad dialogue on the issue and concluded at the 1st National Meeting of the Anti Human Trafficking Network (I Encontro Nacional da Rede de Enfrentamento do Tráfico de Pessoas) held in Belo Horizonte in 2010. The event provided an opportunity to conduct a participatory review of the progress made and challenges remaining. The first cycle offered valuable lessons for strengthening the process, including recommended content for the 2nd National Plan.

The federal government established an Inter-Ministerial Working Group along the lines of the group formed in 2007 to prepare the 1<sup>st</sup> Plan. The group succeeded in incorporating the views of participating ministries and forging a unified approach to developing the 2<sup>nd</sup> PNETP within the current global context, in addition to closely tracking and drawing on the contributions of civil society. From July through November 2011, researchers, experts, leaders of social organizations, and public policy makers provided valuable input for preparation of the 2<sup>nd</sup> PNETP. The process was extended to various regions of Brazil and other countries through virtual discussion forums and the organization of open meetings. The public consultation was completed at the 2<sup>nd</sup> National Meeting of the Anti Human Trafficking Network held in Recife, November 7-9, 2011. The document arising from the 2<sup>nd</sup> National Meeting is now in the final stages of completion within the Inter-Ministerial Working Group. Submission of the recommendations for execution of the initiative by the more than 11 participating ministries is slated to begin in 2012.

One of the key issues the 2<sup>nd</sup> PNETP will address is a legislative review of human trafficking in Brasil. In 2009, amendments were approved with a view to strengthening current law. However, the modifications failed to meet the expectations of the Working Group created under the 1<sup>st</sup> PNETP with the purpose of drafting a new bill. The outcomes of the Working Group's efforts did not receive the desired congressional consideration, requiring a new legislative review within the framework of the 2<sup>nd</sup> II PNETP. However, there is today a closer working relationship between the executive and legislative branches – primarily by virtue of the CPI and a more uniform conceptual understanding of the distinctive and multi-dimensional aspects of the offense, capable of spurring the partner network to contribute to passage of a human trafficking law that is more consistent with the Palermo Protocol and the National Policy to Confront Human Trafficking.

Another important objective of the 2<sup>nd</sup> PNETP, following its approval by President Dilma Rousseff, involves the creation of a National Committee on Confronting Human Trafficking (Comitê Nacional de Enfrentamento ao Tráfico de Pessoas) to serve as a permanent forum for discussions on and monitoring of policy initiatives in this area. The Committee will be composed of government and non-governmental actors. To date, the only forums that have brought together all of the actors engaged in the various issues have been the periodic National Meetings held since 2010. The Committee's establishment will boost the number of available channels for social participation and comprehensive discussions of the subject. The Committee will more effectively guide the activities of the existing state committees as well as the integration and coordination of individual committees, public policy makers, and assistance networks engaged in serving the victims of trafficking, culminating, potentially, in a national system to confront human trafficking.

### Political participation and decision making

12. Please provide information on measures taken to overcome the persistence of patriarchal attitudes which impede women's participation in political and public life referred to in paragraphs 141 and 164 of the report. Please also provide updated information on the status of the bill which includes a proposal to reform the political and electoral system of the State party to increase women's political participation, mentioned in paragraph 159 of the report. Please also explain what has been the role of the National Forum of women of Political Parties in the discussions aimed at increasing women's participation in the politics, led by the Tripartite Committee (CEDAW/C/BRA/7, para. 155). What results have been achieved from implementation of the Second National Women's Policies Plan which included actions specifically directed to women's political participation and representation (*ibid.*, para. 170).

The shift away from conservative positions in regard to the roles of men and women in our societies has moved more slowly than might be desired. To encourage this shift, it is critically important to develop and implement different policies which, in combination, challenge and refute prejudiced and discriminatory views that place women at a disadvantage in relation to men. The Secretariat for Women's Policies has adopted a number of measures to this end, specifically:

1. Training for educators in gender, race, and sexuality through the Gender and School Diversity Program (Programa Gênero e Diversidade na Escola).
2. Incentives to the formulation and discussion of topics on confronting gender inequality through measures of the Women and Science Program (Programa Mulher e Ciência), in particular the Building Gender Equality Award (Prêmio Construindo a Igualdade de Gênero) - aimed at high school, undergraduate, master's, and doctoral students -, and the Public Call for Field Research in Gender, Women's, and Feminist Studies (Pesquisas no Campo dos Estudos de Gênero, Mulheres e Feminismos).
3. Intercession before the National Council on Self-Regulation (Conselho Nacional de Auto-regulamentação – CONAR) for the removal of discriminatory advertising and publicity.
4. Annual organization of the Women and Media Seminar (Seminário Mulher e Mídia) (eight editions of which have been held to date) aimed specifically at professionals in the communications and gender fields. The 2010 Seminar titled "The Media and Women in Power," centered on a review of the 2010 elections. The 2011 Seminar focused on "Racism and Sexism in the Media: An issue still on the agenda."
5. Publication of texts, including the 2010 Policy Training Guide for Women in Political Parties (Guia de Formação Política para as Mulheres de Partidos Políticos), intended to offer women theoretical resources on feminism and political, legal, and strategic recommendations for participating in political parties, elections, and Brazilian political life in general, in order to enhance their conditions to take active part in the power and decision-making spheres.

Additionally, it is important to note the various advertising campaigns launched in the media, such as campaigns to confront violence against women or the television ads developed to disseminate March 8, 2011. To view the media campaigns, go to:

<http://www.sepm.gov.br/videos/campanhas/campanha-8-3.2011/video-campanha-dia-internacional-das-mulheres/view>

Traditional points of resistance remain in evidence in the discussions on implementation of a broad reform of Brazil's political and electoral system. In 2011, renewed efforts were made to effectuate the reforms. A February 2011 Act of the Presidency of the Federal

Chamber of Deputies established a Special Commission to conduct a study and present proposals on a comprehensive political reform. Officially seated in March, the Commission held public hearings and ordinary meetings to discuss a range of issues, including public financing of election campaigns and political party, instruments to foster direct democracy, terms of and accession to office, party affiliation, and proposed amendments to the Law of Political Parties (Lei dos Partidos Políticos).

The Women's Caucus, various feminist and women's organizations, and the Secretariat for Women's Policies closely followed the issue and strove to engage in the debate, with a view to assuring broader participation for women. However, it is important to note that the draft bill incorporates only a portion of the demands of these entities.

The draft bill does preserve some of the progress achieved in Law No. 12034 of September 29, 2009, such as the application of the Political Party Fund (Fundo Partidário) "to the development and operation of programs to promote and disseminate formal political participation by women in accordance with the percentage established by the national committee of the respective party, which must correspond to a minimum participation of five percent (5%) of the total" (article 44, subsection V). The instrument goes on to mandate that "any party failing to comply with subsection V of the heading of this article shall allocate, in the following year, an additional 2.5% to the Political Party Fund for this purpose, which amount may not be applied toward other ends."

Further, the draft bill also preserves the provision of article 45 of the Law above, governing free political advertising, while setting forth an additional requirement in subsection IV, namely "to promote and disseminate formal political participation by women, ensuring them political advertising air time as established by the party's national committee, which must correspond to at least ten (10%) of the total."

In specifically addressing the presence of women in legislative bodies for the purpose of incentivizing their representation, the draft bill requires that pre-established party lists alternate between men and women after, at a minimum, every three positions. The demand for alternating lists is intended to ensure greater parity.

The Chamber of Deputies postponed the vote on the political reform proposal until 2012, due to the lack of consensus on a number of controversial subjects, including public campaign financing and closed party lists.

As part of the measures provided for in Chapter 5 of the National Plan for Women's Policies, in August 2008 the permanent "More Women in Power. I Assume This Commitment" ("Mais Mulheres no Poder: Eu Assumo Este Compromisso") campaign was launched ([www.maismulheresnoperbrasil.com.br](http://www.maismulheresnoperbrasil.com.br)) and dedicated in that first year to the upcoming municipal elections. The campaign is an initiative of the National Forum of the Women's Committees of Political Parties (Fórum Nacional de Instâncias de Mulheres dos Partidos Políticos) and the National Council on Women's Rights (Conselho Nacional dos Direitos da Mulher), supported by the Secretariat for Women's Policies.

Additionally, in 2008 the National Forum of the Women's Committees of Political Parties and the National Council on Women's Rights launched the Municipal Elections Platform within the framework of the National Plan for Women's Policies, with the support of the SPM, which recommended a series of policies drawn from the National Plan for incorporation in the platforms of candidates representing all political parties.

A key achievement toward implementation of the commitments undertaken on this front was the establishment of the Tripartite Commission for Review of the Electoral Law (Comissão Tripartite para a Revisão da Lei Eleitoral) (Directive No. 15, March 11, 2009). Composed of representatives of the Chamber of Deputies and the Senate, the executive branch, and civil society, the Commission was actively engaged in the discussions on the

“mini electoral reform,” securing, through its strong partnership with the Women’s Caucus and women’s social movements, approval of the measures below, all of which directly impact women:

- a. Article 10, paragraph 3, of Law No. 9504/1997 is amended to read as follows: “of the total number of slots arising from the rules provided for in this article, each party or coalition shall fill at least thirty percent (30%) and at most seventy percent (70%) of such slots with candidates of one of the sexes.”

Under the previous text, the term applied was “shall reserve.” With this change, party candidate lists are required to assure proportional representation of at least 30% and at most 70% for each sex.

- b. Subsections V and paragraph 5 are hereby added to article 44 of Law No. 9096/1995, governing the allocation of resources from the Political Party Fund:

“V – in the development and operation of programs to promote and disseminate formal political participation of women in accordance with the percentage established by the national committee of the respective party, which must correspond to a minimum participation of five percent (5%) of the total.” (Amended Text)

“Paragraph 5. Any party failing to comply with subsection V of the heading of this article shall allocate, in the following year, an additional 2.5% to the Political Party Fund for this purpose, which amount may not be applied toward other ends.”

- c. Subsection IV is hereby added to article 45 of Law No. 9096/1995, governing free political advertising and publicity:

“IV – to promote and disseminate formal political participation by women, ensuring them political advertising air time as established by the party’s national committee, which must correspond to at least ten (10%) of the total.”

The work of the Tripartite Commission concluded with the submission of a draft bill to expand the formal political participation of women. The proposal will be sent to the National Congress. Read the full text at:

<http://www.sepm.gov.br/publicacoes-teste/publicacoes/2009/relatorio-final-comissao-tripartite.pdf>

In March 2010, the Secretariat for Women’s Policies (SPM) published a public call for the submission of proposals on the execution of a research project regarding the participation of women in the 2010 elections. The study was conducted through a partnership with the SPM. The target audience of the public call included research centers and groups at Brazilian public universities, university research foundations, and/or research institutes organized into consortia and with demonstrated capacity and experience in gender analyses, especially in the area of political participation.

In 2010, the National Forum of the Women’s Committees of Political Parties and the National Council on Women’s Rights unveiled the 2010 Elections Platform in the framework of the permanent More Women in Power campaign and based on the National Plan for Women’s Policies, with the support of the SPM. View the full text of the Platform at:

[http://www.sepm.gov.br/publicacoes-teste/SPM\\_Plataforma2010.pdf](http://www.sepm.gov.br/publicacoes-teste/SPM_Plataforma2010.pdf)

The National Council on Women’s Rights and the National Forum of the Women’s Committees of Political Parties publicly congratulated the Plenary of the Superior Electoral Court (TSE) for its decision of August 12, 2010, requiring that political parties comply with the minimum (30%) and maximum (70%) required proportion of male and female representation on their official candidate lists.

The 7<sup>th</sup> edition of the Women and Media Seminar held in 2010 focused on the media's coverage of women's participation in the 2010 election. For its part, the 8<sup>th</sup> edition in 2011 centered on the issue of racism and sexism in the media.

The SPM has provided support over the years to projects and courses aimed at expanding the participation of women in power and decision-making spheres, including the Women and Democracy project (a network initiative intended to incentivize and support the candidacies and election of women in the Northeast), in addition to capacity building programs organized in Santa Catarina, Minas Gerais, São Paulo, Paraná, and other states.

### **Education**

13. Please provide information on measures taken to address the illiteracy rate of women in the State party in particular in the South and Southeast regions (CEDAW/C/BRA/7, para. 190). Please also provide information on steps taken to encourage women to enrol in higher education in non-traditional fields of study (ibid., para. 223).

According to data of the 2010 Demographic Census published in November 2011 by the Brazilian Institute of Geography and Statistics (IBGE), 9.6% of the population (13.9 million Brazilians over the age of 15 years) is illiterate. The figure reflects a reduction in the illiteracy rate in comparison to the 200 survey, when illiteracy affected 13.6% of the population. However, literacy education must still be extended to 9.7 million Brazilians to fulfill the target established in the National Education Plan (Plano Nacional de Educação) <<http://ultimosegundo.ig.com.br/educacao/conheca+a+avaliacao+das+20+metas+do+plano+nacional+da+educacao/n1237877255719.html>>, as agreed to with the UN, to reduce the illiteracy rate to 6.7% by 2015.

When children above the age of 10 years, the point at which individuals should be fully literate, are included in the sample, the illiteracy rate drops slightly to 9% of the population, or 14.6 million individuals without the ability to read or write. Of the 14.5 million illiterate individuals identified in the 2009 National Sample Household Survey, 7.4 million were women.

In 2010, illiteracy affected 671,000 among children 10-14 years of age, 3.9% of the total, while among young people 15-19 the illiteracy rate was 2.2%.

As with previous surveys on illiteracy in Brazil, the highest rates continued to be found among the elderly, Afro-Brazilians, rural inhabitants, and residents of the Northeast and North regions.

Among individuals 65 years of age or older, the illiteracy rate is 29.4%. In the period 2000-2010, the percentage of individuals 15 years or older who could not read or write fell from 10.2% to 7.3%, while in rural areas the figure stood at 23.2% (compared to 29.8% previously). The Northeast region registered an illiteracy level of 19.1%, followed by the North region, where illiteracy was 11.2%. As in Brazil as a whole, illiteracy in both regions has fallen: in 2000, the figures were 26.2% and 16.3%, respectively.

Illiteracy rates in the South, 5.1%, and Southeast, 5.4%, are within Brazil's 2015 target. When analyzed by state, the Federal District boasts the country's lowest illiteracy rate, 3.5%, while Alagoas has the country's highest level, 24.3%.

Income is another factor directly affecting illiteracy levels. Among individuals 10 years of age and above earning no income or up to one-fourth of a minimum monthly salary, illiteracy stands at 17.6%. By comparison, among those with a household income per person of 1 to 2 minimum monthly salaries, illiteracy drops to 3.5% and to 1.2% for individuals earning between 2 and 3 minimum monthly salaries. Finally, for those with incomes of more than 5 minimum monthly salaries, the illiteracy rate is negligible, 0.4%.

In regard to the measures adopted to address literacy education for women, the SPM has worked in partnership with the Ministry of Education (MEC) on two fronts: the Brazil Literacy Learning Program (Programa Brasil Alfabetizado – PBA) and the Thousand Women Program (Programa Mulheres Mil).

a. Through the Brazil Literacy Learning Program, the Secretariat for Women's Policies has supported government women's policy bodies at the state and municipal levels to assist local Program managers through the delivery of information, inputs, and materials in order to more effectively engage women. Similarly, the SPM has taken part in meetings with local managers in the individual regions, offering presentations on the situation of women in Brazilian society and recommending approaches that take into account:

- \* The active identification of those groups most affected by illiteracy, including Afro-Brazilian, indigenous, and rural women and those over 50 years of age.
- \* The potential for continued basic schooling through the Youth and Adult Education (Educação de Jovens e Adultos/as – EJA) program.
- \* Ensuring that gender and ethno-racial questions and those relating to sexuality and sexual orientation are in fact considered in the selection of textbooks, as well as the elimination of textbooks, which are not appropriately adapted to the gender question.
- \* Ensuring the use of inclusive language in textbooks that makes reference to both men and women.
- \* The use of complementary material that addresses gender issues.
- \* Capacity building for teachers in issues relating to gender, including cross-sectional analyses corresponding to ethnicity and race and sexual orientation.
- \* Providing daycare or playrooms at literacy learning and EJA facilities.
- \* Offering evening and weekend EJA classes.
- \* Expanding offerings in the prison system.
- \* Adjusting program schedules to planting and harvest seasons.

In the period 2008-2011, the Brazil Literacy Program reached 3,073,882 women, or 56% of all individuals served by the initiative, a proportion moderately above the target established in the 2<sup>nd</sup> National Plan for Women's Policies for the period 2006-2011. Of the total number of women encompassed under the effort, 374,419 identified themselves as Afro-Brazilians and another 1,958,383 as mulatto. Of the total number of women included in the PBA in the period in question, 15.1% were 15-30 years of age, 63.3% were 31-60 years of age, and 21.6% were above age 60.

In 2012, the Ministry of Education plans to expand literacy services to women, in particular socially vulnerable women, through strengthened inter-sector measures, with a view to creating positive learning environments and improving educational processes for women in literacy learning classes.

b. For its part, the Thousand Women Program, a component of the Brazilian government's overriding strategy to eliminate extreme poverty, is designed to provide access to education; reduce the social and economic inequality of women; promote social inclusion; advocate for gender equality; and combat violence against women. Implemented initially in 2007 as a pilot project in 13 states of the North and Northeast regions, in 2011 the initiative became a full-fledged program to incorporate 100,000 women in the employment market by 2014, through vocational and technological training courses delivered in conjunction with increased schooling for socially vulnerable women, capable, additionally, where necessary, of initiating the literacy process. The Program is coordinated by the Ministry of Education (MEC) and implemented by the Federal Institutes of Education, Science, and Technology (Institutos Federais de Educação, Ciência e Tecnologia). The Thousand Women Program includes the Secretariat for Women's

Policies, the Ministry of Social Development and Hunger Alleviation (MDS), and the Secretariat for Human Rights of the Office of President of the Republic (SDH/PR) as partner institutions.

With a view to incentivizing the access of women to non-traditional fields of study, a number of other measures, in addition to the Women and Science Program, have been implemented, including the initiatives launched within the framework of the Memorandum of Understanding on the Advancement of Women signed between the governments of Brazil and the United States of America in 2010, with the objective of promoting cooperation and information exchanges to eliminate discrimination against women and achieve gender equality in various fields, among them those relating to women and science. One of the measures provided for is the exchange of Brazilian and American women scientists.

In regard to Brazilian scientists, in 2011 a Brazilian delegation composed of six scientists, a representative of the National Council for Scientific and Technological Development (Conselho Nacional de Desenvolvimento Científico e Tecnológico – CNPq) and another from the Secretariat for Women's Policies, traveled to the United States. The Brazilian delegation's agenda was divided into two parts: from February 21-26, the delegation took part in the 55<sup>th</sup> Session of the Commission on the Status of Women (CSW) in New York and from February 28-March 4 in the Brazil-US Program Cooperation in Women and Science, in Washington D.C. and Boston.

The schedule included meetings with representatives of the American government and American experts and scientists in universities and research centers in Washington D.C. and Boston.

The 55<sup>th</sup> Session of the Commission on the Status of Women (CSW) was held at the headquarters of the United Nations in New York, February 21-March 4, 2011. The meeting's opening, which included remarks by SPM Minister Iriny Lopes, centered primarily on the access and participation of women and girls in education, training, science, and technology, in addition to the promotion of equal access by women to full employment and decent work.

Also in connection with the Brazil-US Program of Cooperation in Women and Sciences, on December 6-13, 2011, eight American scientists conducted visits to Brazilian research units and centers to learn more about their scientific facilities and activities, as well as the efforts of those institutions and their individual members to strengthen the participation of women in science. Visits were conducted to Northeast Center for Strategic Technologies (Centro de Tecnologias Estratégicas do Nordeste – CETENE) in Recife, the Emílio Goeldi Museum of Paraná (Museu Paraense Emílio Goeldi – MPEG) in Belém, the Brazilian Center for Research in Physics (Centro Brasileiro de Pesquisas Físicas – CBPF), the Afins Museum of Astronomy and Sciences (Museu de Astronomia e Ciências Afins – MAST), the National Observatory (Observatório Nacional – ON), and the Brazilian Academy of Sciences (Academia Brasileira de Ciência – ABC) in Rio de Janeiro.

The Americans then traveled to Brasília to participate in the inauguration of the Science Corner (Esquina de Ciência), an initiative organized within the framework of a Cooperation Program between the CNPq and US, followed by a roundtable on Mentoring programs with three American and three Brazilian researchers to discuss the incorporation of young women in scientific work. In addition, the delegation attended a presentation on Brazilian research institutes offered by a representative of the Ministry of Science, Technology, and Innovation (MCTI), took part in the opening of the 3<sup>rd</sup> National Conference on Women's Policies, and held an official meeting at the Secretariat for Women's Policies (SPM).

Beyond the activities executed under the Women and Science Program, the SPM has promoted the implementation of programs for high school teachers and students, by



universities and research centers, with a view to drawing target audiences to the research and development activities conducted in Brazil. An example of this effort is the Future Scientist Selection Initiative (Edital Futuras Cientistas) launched in late 2011 by the Northeast Center for Strategic Technologies (CETENE).

Also of note in a broader context was the launch of the National Program on Access to Vocational Training and Employment (Programa Nacional de Acesso ao Ensino Técnico e Emprego – PRONATEC) on October 26, 2011, on the occasion of the formal approval of Law No. 12513/2011, (available at [http://pronatecportal.mec.gov.br/arquivos/lei\\_12513.pdf](http://pronatecportal.mec.gov.br/arquivos/lei_12513.pdf)) by President Dilma Rousseff. The primary goal of the initiative is to expand, internalize, and democratize Vocational and Technology Training (Educação Profissional e Tecnológica – EPT) programs for the Brazilian population. To this end, the Program provides for a series of technical and financial assistance sub-programs, projects, and actions aimed at achieving eight million job openings to Brazilian women and men of distinct profiles and backgrounds over the coming four years.

## **Employment**

**14. Please provide updated information on the status of the draft Employment Equality Act, mentioned in paragraph 249 of the report and on measures in place to reduce the wage gap between men and women. Please provide information on the achievements of the measures in place which seek to protect domestic workers, mentioned in paragraphs 253 and 254 of the report and also provide information on specific measures taken to address the discrimination in employment and social security benefits faced by women of African descent engaged in domestic work (CEDAW/C/BRA/7, para. 231). Please inform the Committee on steps taken to address the situation of girls as young as 10 years performing domestic work in the State party (ibid., para. 226).**

### Equality in the Workplace Law

To contribute to eliminating inequality in the employment market, the Federal Chamber of Deputies is currently considering Bill No. 6653/2009 (“Equality in the Workplace”), which would create mechanisms to prevent and prohibit discrimination against women in the workplace. The “Equality in the Workplace Bill” is aimed at providing safeguards and guarantees to ensure equal opportunities with respect to the access to work, job security, and wages and salaries in rural and urban areas alike.

### Domestic Work

The SPM made important strides in 2011 toward accomplishing the priority of promoting the value of domestic workers. On April 27 – National Day of the Domestic Worker (Dia Nacional da Trabalhadora Doméstica) – the tripartite Working Group released its final report on “The socioeconomic impacts of the proposed expansion of the rights guaranteed male and female domestic workers under the Federal Constitution,” implemented by the SPM in 2010.

International Labour Organization (ILO) Convention 189 and Recommendation 201 were approved at the 100<sup>th</sup> International Labour Conference of the ILO in Geneva, with Brazil assuming a leading role in securing support for the two instruments. The Brazilian delegation was composed by representatives of the SPM and other government agencies and Brazilian trade unions.

To promote the access of domestic workers to the full range of labor and social guarantees, the National Congress is currently considering Proposed Constitutional Amendment (Projeto de Emenda à Constituição) No. 478/2010. Once approved, the amendment, in

addition to rescinding the sole paragraph of article 7 of the Federal Constitution, establishing equal labor rights between domestic workers and urban and rural workers, will mark an important step toward ratification of ILO Convention 189. In this light, on September 21, 2011, a Special Commission was established to prepare an opinion on the proposed amendment (PEC 478/2010). The SPM has closely followed the body's meetings.

According to a recently published study (Profiles in Inequality – 4<sup>th</sup> edition)\*, in 2009 a significant gap existed between the incomes of domestic workers with formal employment cards and those without employment cards: while workers with employment cards earned on average R\$ 568.50 per month (above the minimum monthly salary at the time), those without employment cards earned R\$ 321.10 every month. Although the average wage of Brazilian domestic workers as a whole resides below the minimum monthly salary, the effect on incomes in the segment with a formal employment card is clear.

By the same token, the data reveal that the difference between the incomes of white domestic workers and Afro-Brazilian domestic workers has remained unchanged over the past 15 years. In 2009, the average monthly salary of Afro-Brazilian domestic workers was R\$ 354.80, whereas that of white domestic workers was R\$ 421.60. However, the disparity falls among workers with formal employment cards, indicating the need to continue pursuing measures to value formal paid domestic work and promote the minimum salary – strategic initiatives for overcoming racial inequality in the segment and poverty in general, as set forth in the study in question.

#### Domestic Child Labor

In Brazil, the effort against child labor is enshrined in Decree No. 6481 of June 12, 2008, approved on December 14, 1999, and formally enacted through Decree No. 3597 of September 12, 2008. The instrument regulates articles 3(d) and 4 of International Labour Convention (ILO) 182, prohibiting the worst forms of child labor and outlining immediate actions for its elimination.

Decree No. 6481/2008 includes the List of Worst Forms of Child Labor, among them Domestic Service, the occupational and health hazards of which are defined as follows:

- Possible Occupational Hazards: Intense physical labor, isolation; physical, psychological, and sexual abuse; long working hours; night work; heat; exposure to fire, anti-ergonomic positions, and repetitive movements; bending of the spine; over exertion, and muscle deterioration.
- Possible Effects on Health: Musculoskeletal disorders (bursitis, tendinitis, dorsodynia, synovitis, novites, tenosynovitis); contusions; fractures; injuries/wounds; burns; anxiety; disruption of family life; sleep-wake syndrome; WRMD/RSI; spinal deformities (lower back pain, scoliosis, kyphosis, lordosis); professional fatigue syndrome (burn-out) and professional neurosis; trauma; dizziness; and phobias.

Studies conducted in Brazil reveal a decline in the participation of girls and young women in paid domestic work in recent years, a conclusion backed by the figures for 2009 indicating that of the total number of domestic workers 2.5% were 10-15 years of age and another 2.6% were 16-17 years of age. In 1995, the respective percentages were 8.6% and 7.6%. However, in the period in question the disparity between the entry of White and Afro-Brazilian school-aged girls into the occupation remained unchanged, demonstrating the structural nature of racial inequality in the segment: in 2009, 4.1% of white girls 10-17 years old were engaged in domestic work against 5.6% of Afro-Brazilian girls of the same age.

\* IPEA, UN Women, SPM/PR, SEPP/PR – Profiles in Gender and Racial Inequality, 4<sup>th</sup> edition. Brasília, 2011

## Health

**15. Please inform the Committee on specific measures in place to address the issue of unsafe abortions in the State party (CEDAW/C/BRA/7, para. 266) and discrimination against women and adolescents who come to health centres with initiated abortions or are victims of violence because of conservative cultural patterns. Please also provide updated information on the Complaint of Breach of Fundamental Precept No. 54, on the decriminalization of abortion in cases of fetal malformations (ibid., para. 268).**

The country's health services are currently under expansion. In addition, an ongoing discussion on the topic of abortion continues. A selection of key data is provided below:

- Contracting of 1,000 health professionals (physicians and nurses) throughout the country with experience in urgent and emergency obstetric care;
- Expansion of the assistance network for women and teenage girls in situations of violence, from 138 reference services to 600 by 2011, in municipalities identified as epidemiological priorities;
- A 350% increase in the number of services to assist women and teenage girl victims of sexual violence, from 138 in 2007 to 442 in 2010, of which 60 provide the legal abortion services provided for by law;
- Editing of National Health Surveillance (Agência Nacional de Vigilância Sanitária – ANVISA) Directives, with a view to increasing Misoprostol use in Brazil;
- Establishment of the Abortion Study Group;
- Tracking of Bill No. 478/2008 – Statute of the Unborn (Estatuto do Nascituro).

## Abortion Study Group

The Abortion Study Group (Grupo de Estudo sobre o Aborto – GEA) was established in 2007, initially with the objective of creating a multi-disciplinary group to exchange experiences and information. However, with the Federal Supreme Court (STF)'s decision to reopen consideration of the Constitutional Action on the Violation of Fundamental Principles (Ação de Descumprimento de Preceito Fundamental – ADPF) challenging the legality of the termination of pregnancy in cases of anencephalic fetuses, the Group resolved to focus on this issue. GEA members sought meetings with STF ministers and many participated in Public Hearings organized by the STF in August and September 2008. As such, the Group became a laboratory for the arguments that would be put forth before the High Court.

The GEA identified as its priority raising awareness on the issue among physicians and jurists, sponsoring, to this end, the “Seminar on Anencephaly” in May 2009 in the Auditorium of the Federal Board of the Brazilian Bar Association (Conselho Federal da OAB) in Brasília. The event included the release of Road to Cairo+20: Commitments of the Brazilian Government to the Platform of the International Conference on Population and Development (Rumos para Cairo+20: compromissos do Governo Brasileiro com a plataforma da Conferência Internacional sobre População e Desenvolvimento).

In April 2009, the GEA held its monthly meeting in the Amauri de Medeiros Integrate Centers for Health (Centro Integrado de Saúde Amauri de Medeiros CISAM) in Recife. The meeting focused on the following objectives:

- i) to offer the Center's professional staff the Group's full solidarity in the light of CISAM's decision to approve an abortion procedure in the case of a 9-year-old girl

pregnant with twins as a consequence of sexual abuse suffered at the hands of her step father;

ii) to conduct meetings with the respective services in Paraíba and Bahia, in view of a case in Salvador similar to that of Recife involving a 13-year-old girl who had been impregnated by her father; and

iii) to analyze the local obstacles faced by Legal Abortion Services and develop responses to these challenges.

In September 2010, the Medical-Legal Forum on Anencephaly (Fórum Médico-Jurídico sobre Anencefalia) was held at the offices of the Federal Council on Medicine (Conselho Federal de Medicina) in Brasília. The SPM participated in the “Institutional perspective on anencephaly” (“O olhar institucional sobre a anencefalia”) roundtable, offering a presentation titled “A gender perspective on anencephaly” (“O olhar de gênero sobre a anencefalia”).

In November 2010, another edition of the Medical-Legal Forum was held in Recife, with a view to drawing physicians and legal professionals in the Northeast region into the discussion.

In 2011, the 3<sup>rd</sup> National Conference on Women’s Policies (3<sup>a</sup> Conferência Nacional de Políticas para as Mulheres) was convened to discuss the importance of the abortion question for the independence of Brazilian women and to approve a proposed review of the applicable legislation, with a view to decriminalizing and legalizing abortion.

Bill No. 478/2008 – Statute of the Unborn

The Statute of the Unborn (Estatuto do Nascituro) has been monitored directly by the SPM’s Legislative Affairs Office, as have a series of other proposals intended to curtail the rights of women in respect of abortion. Further, the Legislative Affairs Office has participated in negotiations on the subject with the National Congress and feminist movements.

The Statute of the Unborn is currently under consideration along with a number of other similar bills: Bill No. 489/2007, authored by Deputy Odair Cunha (PT/MG); Bill No. 1763, proposed by Deputy Jusmari Oliveira (PR/BA) and Deputy Henrique Afonso (PV/AC); and Bill No. 3748/2008, put forth by Deputy Sueli Vidigal (PDT/ES). Bill No. 478/2007 would deprive women victims of rape and at risk of death the right to an abortion (as currently ensured under the 1940 Brazilian Penal Code), and prohibit stem cell research. The Committee on Social Security and Family (Comissão de Seguridade Social e Família) of the Chamber of Deputies approved the Bill in May 2010, accompanied by a formal opinion, authored by Deputy Solange Almeida (DEM/RJ). The proposal is currently under analysis by the Tax and Finance Committee (Comissão de Tributação e Finanças) chaired by Deputy José Guimarães (PT/CE).

Securing the Bill’s failure poses a major challenge, as the composition of the Chamber of Deputies is projected to have a more conservative bent in the coming legislative session than it did in the previous Congress. Given the issue’s widespread repercussions in the 2010 elections and the demobilization of important advocacy movements, blocking enactment of the Bill now pending before Congress will be extremely difficult. As such, it is critical that the measure be rejected by the Constitution, Justice, and Citizenship Committee (Comissão de Constituição, Justiça e Cidadania – CCJC), to which end integrated action with the members of the CCJC will need to be pursued. Another effort centers on drawing the support of scientists engaged in stem cell research into the debate.

At the 3<sup>rd</sup> National Conference on Women’s Policies in December 2011, a crucial channel for civil society, in particular women’s and feminist movements, to engage in direct debate

with the government on their flagship issues, the resolution calling for the legalization of abortion and the decriminalization of women who opt to terminate pregnancy was once again approved.

Measures aimed at the LBT population

Measures intended for LBT persons have been executed in partnership with the Ministry of Education (MEC). The corresponding work programs are directed at the educational field. These include:

- · Gender and Diversity in School Program;
- · Public Policy Management Course in Gender and Race;
- · Building Gender Equality Award.

In addition to the respective educational measures, efforts have been pursued in regard to the delivery of capacity building for professionals in the health field, the execution of agreements, and tracking of the activities of the Special Women's Assistance Precincts (Delegacias Especiais de Atendimento à Mulher – DEAM).

- Capacity building for 41,980 professionals in the women's assistance network and 529,710 professionals in the public security field, including women's emergency hotlines, the Women's Emergency Hotline Service (Dial 180) and the specialized women's assistance precincts, Reference Centers, and other women's assistance services, with a view to ensuring non-discriminatory treatment of lesbian and bisexual women in application of the Maria da Penha Law;
- Support, through formal Agreements, to capacity building measures for women's and feminist movement leaders in the promotion of affirmative action policies and measures to confront racism, sexism, and lesbian phobia; and
- Regular capacity building, monitoring, evaluation, and dissemination of the activities of the Special Women's Assistance Precincts in respect of the services provided to lesbian, bisexual, and Afro-Brazilian women.

16. Please provide information on specific measures taken to combat the persistent growth in female HIV/AIDS infection, in particular among adolescents and married adult women in the State party (CEDAW/C/BRA/7, para. 285).

Actions adopted to combat the increase in HIV/AIDS infection rates among women:

- HIV/AIDS Prevention Campaign (Campanha de Prevenção do HIV/Aids) aimed at young women aged 15-24 in the C, D, and E socioeconomic classes (2011);
- Follow-up of the review and implementation of the Integrated State Plans to Confront the Feminization of the HIV/AIDS Epidemic and Other STD (Planos Estaduais Integrados de Enfrentamento da Feminização da Epidemia de HIV/AIDS e outras DST).

Integrated State Plans to Confront the Feminization of the HIV/AIDS Epidemic and Other STD was launched in 2007 and reviewed in 2009. The initiative is directed at the implementation of actions to promote sexual and reproductive health and rights at the federal, state, and municipal levels. To this end, a series of inter-sector strategies were established to expand the access of women across all of Brazil's regions to prevention, diagnostic, and treatment inputs and actions in connection with sexually transmitted diseases and AIDS.

17. Please provide information on what measures are contemplated to address cases of forced sterilisation of women mainly among poor and women of African descent.

Laws are in place in Brazil prohibiting the use of any type of population control measures and inducing or coercing women, whether individually or collectively, to undergo surgical sterilizations.

On January 12, 1996, the Brazilian Congress passed Law No. 9263 – Family Planning Law – which recognizes family planning as an inherent right of every Brazilian citizen and provides for sanctions against doctors who fail to report sterilizations or criminal inducement or coercion to the practice of surgical sterilization.

Family planning is defined as a component part of assistance measures for women, men, and couples, founded on a global and comprehensive approach to health, and as the set of fertility regulation measures intended to ensure the equal right to constitute, limit, or increase the number of offspring produced by women, men, or couples.

Also guaranteed are conception and contraception assistance services; prenatal services; child delivery, puerperium, and neo-natal assistance; control of sexually transmitted diseases; and control and prevention of cervical-uterine cancer, breast cancer, and penile cancer.

The submission of a certificate of sterilization or pregnancy test is prohibited in all cases.

### **Disadvantaged groups of women**

18. Please provide more information and data disaggregated by sex, on measures aimed at the improvement of rural women's access to land and ownership mentioned in paragraph 323 of the report. Please also describe other concrete actions taken and achievements made to guarantee rural women access to credit facilities and extension of services to improve their social and economic conditions. Please also provide further information on the number of women who have benefited from the Support Women's credit mentioned in paragraph 332 of the report.

To expand participation in and public oversight of women's policies, the Ministry of Agrarian Development has pursued, through the Directorate for Rural and Quilombo Women (Diretoria de Políticas para as Mulheres Rurais e Quilombolas – DPMRQ) a number of measures:

- To increase the number of women representatives and include a larger number of women's organizations in the National Council for Sustainable Rural Development (Conselho Nacional de Desenvolvimento Rural Sustentável – CONDRAF);
- To create, within the framework of CONDRAF, the Permanent Committee for the Promotion of Gender, Race, and Ethnic Equality (Comitê Permanente de Promoção da Igualdade de Gênero, Raça e Etnia) for the purpose of enhancing the debate and policy oversight actions in this field, in addition to proposing alternative funding sources for public policy implementation;
- To incentivize the social participation of rural women's worker organizations, through capacity building for state board council members, including the incorporation of a gender and sustainable rural development module;
- To approve, through civil society proposals within the National Plenary for Sustainable Rural Development (Plenária Nacional de Desenvolvimento Rural Sustentável), the equal representation of men and women in collective bodies, in addition to a series of guidelines aimed at promoting equality between the sexes;
- To develop the Strengthening Rural Women in Territorial Development (Fortalecimento das Mulheres Rurais no Desenvolvimento Territorial) project, with a view to developing and integrating measures to stimulate and expand the

participation and incorporation of rural women in social management processes relating to territorial development.

In 2011, the federal government adopted an important affirmative action measure to foster access by women and their financial organizations to the Food Purchase Program (Programa de Aquisição de Alimentos – PAA). Through Resolution No. 44 of August 16, 2011, the participation of women was established as a priority in the selection and execution of proposals in connection with all program modalities. The Ministry of Social Development and Hunger Alleviation (MDS) will set aside a minimum allocation of five percent (5%) of the PAA's annual budget for organizations composed in their entirety by women or mixed organizations in which women represent at least 70% of the entity. For their part, Direct Purchase with Simultaneous Donation (Compra Direta Local com Doação Simultânea) and the Incentive to Milk Production for Consumption (Incentivo à Produção e ao Consumo de Leite) modalities will require that women make up forty and thirty percent of the total number of participating suppliers, respectively.

The National Technical Assistance and Rural Extension Policy (Política Nacional de Assistência Técnica e Extensão Rural – PNATER) added a Sector Specific Technical Assistance and Rural Extension Policy for Women (Política Setorial de Assistência Técnica e Extensão Rural para As Mulheres – ATER) in 2004 aimed at women, coordinated by the Directorate for Rural Women's Policies (Diretoria de Políticas para as Mulheres Rurais – DPMR). The objective of the ATER policy for women is to strengthen the organization of productive processes, promote agro-ecology and ecologically based production, expand access to public policies, in particular those involving production, commercialization/sales, and strengthening of economic enterprises, and support the integration of male and female actors in the related policy networks. From 2004 through 2011, 104 projects valued at R\$ 18,654,886.99 were funded through the ATER sector policy for women, with direct benefits for 51,195 rural women.

Rural workers also benefit from the ATER policy for family units, which is executed by the Secretariat for Family Farming (Secretaria de Agricultura Familiar – SAF/MDA). In the period 2007-2010, a total of 132,588 women were served, corresponding to 30% of all program recipients. During the period in question, the Program served 442,275 people.

With respect to the access to credit, the goal of the PRONAF-Women is to finance investment in activities of interest to women farmers, irrespective of their marital status. The credit line is provided through the National Program to Strengthen Small Farming (Programa Nacional de Fortalecimento da Agricultura Familiar – PRONAF), which targets women engaged as small, resettled, tenant, elective, and sharecrop farmers, artisanal fishers, extractivists, and coconut breakers. For the 2003/2004 through 2010/2011 harvests, more than 38,000 credit lines were granted and more than R\$ 274 million in loans authorized. As for the 2010/2011 harvest, 789 credit agreements were executed, corresponding to investments of R\$ 8,662,000.00.

Additionally, the Support Women Credit Line was launched in 2008 within the framework of the More Food Program (Programa Mais Alimentos) to serve as a modality of the Start-Up Credit Line (Crédito Instalação), which provides for access to funds for investments and the purchase of equipment and technical training for resettled farmers. Women owning a plot of land are entitled to receive R\$ 3,000.00 paid in a single installment. According to data of the National Institute for Land Settlement and Agrarian Reform (Instituto Nacional de Colonização e Reforma Agrária – INCRA), a full 8,257 agreements were executed through the Women's Support Credit Line in the period 2009-2011.

In 2003, mandatory joint titling for married couples and men and women in stable partnerships was mandated through Directive No. 981 of October 3. In 2007, the Institute for Land Settlement and Agrarian Reform published a new norm (IN 38), providing for

changes to the procedures and instruments relating to the Classification System for Beneficiary Families of Agrarian Reform (Sistemática de Classificação das Famílias Beneficiárias da Reforma Agrária), including incorporation of the Applicant Woman (Mulher Candidata) form and requiring that access to land for women heads of households be pursued as a priority action. This guarantee is essential to ensure women receive income and economic and social benefits, thereby laying the groundwork for equality between women and men in agricultural settlements.

Also warranting note is the National Rural Worker Documentation Program (Programa Nacional de Documentação da Trabalhadora Rural – PNDTR), an innovative initiative sponsored by the Ministry of Agrarian Development since 2004, which involves raising awareness on the practical utility of civil and employment documentation, while, additionally, offering guidance on access to women’s policies in relation to agrarian reform efforts, family farming, and social security as well as providing the pertinent civil, employment, and registration documents required to secure social security benefits and inclusion within the formal banking system at no charge.

In the period 2004-2011, the federal government organized 3,147 traveling mutual-aid campaigns in 3,387 municipalities across Brazil, issuing more than 1,705,189 documents to over 792,419 rural women workers. The PNDTR operates 24 mobile units designated “Citizen Express Buses,” vehicles specially equipped to issue civil and employment documents, including Birth Certificates, Identity Cards, Employment and Social Security Cards, Fishing Licenses, Registration with the National Social Security Institute (Instituto Nacional do Seguro Social – INSS), and provide welfare benefit assistance.

In 2011, the PNDTR was incorporated under the Access to Services axis of the Brazil without Poverty Plan (Plano Brasil Sem Miséria) and today represents a gateway to policies on productive inclusion for rural women. The Brazil without Poverty Plan aims to lift 16.2 million Brazilian men and women from extreme poverty through measures ranging from income transfers to access to public services and productive inclusion. The initiative’s focus in the countryside, where 47% of the Plan’s target audience resides, is to implement productive inclusion strategies for families in rural areas. Priority is given to increasing the production of men and women farmers through technical guidance and follow-up, delivery of inputs, and water supplies. In Brazil, 604,000 small farming families live in extreme poverty. Women, who represent 47.6% of this total, control a mere 5% of the segment’s income.

Including women as the beneficiaries of rural settlement agreements and of subsequent titling or land grant agreements is ensured through internal INCRA directives. From 2008 to 2010, women represented, on average, 48.15% of the recipients of agrarian reform land titles.

In regard to the topics covered above, it is important to note that in 2011 the Brazilian government approved is Multi-Annual Plan of Investments 2012-2015 (Plano Plurianual de Investimentos – PPA 2012-2015), which sets out objectives, initiatives, and goals to guarantee the productive incorporation of rural women, including measures to expand their access to credit (in its various modalities), markets, and qualified technical assistance, among other initiatives aimed at supporting and guaranteeing the rights of women farmers. In addition, a number of tangible measures (with well-defined targets) are slated for implementation to train professionals in the delivery of more qualified assistance to rural women, including credit officers and technicians of the Technical Assistance and Rural Extension (Assistência Técnica e Extensão Rural – ATER) program engaged with small farmers, men and women alike.

In addition to the information above, the following measures warrant mention for contributing the stronger public policies for rural women:



a) Creation of the Working Group on Gender, Sovereignty, and Food and Nutritional Security (Grupo de Trabalho de Gênero, Soberania e Segurança Alimentar e Nutricional) – a component body of the National Council on Food and Nutritional Security (Conselho Nacional de Segurança Alimentar e Nutricional – CONSEA), for the purpose of strengthening the interface between these two areas of government action (Gender and Food Security), enabling, at once: a) progress on the consideration of women's leading role in food production and defense of food sovereignty; b) follow-up of the implementation of the National Food and Security Plan (Plano Nacional de Segurança Alimentar e Nutricional) and the priorities identified within the framework of women's policies, with a view to evaluation the productive incorporation of women in rural and forest areas as well as their status in regard to the consumptions of and access to adequate food (in particular, socially vulnerable women); c) contributions to expanded and improved data and indicators on the relationship between gender and food security.

b) Signing of the Cooperation Agreement (Termo de Cooperação) between the SPM, MDA, and Bahia State Secretariat for Women on November 12, 2011, with the objective of strengthening assistance policies for rural female workers in the state. More specifically, the Cooperation Agreement provides for actions in the following areas:

- a. Promoting citizenship among women through guaranteed measures on the issuance of civil and legal documentation;
- b. Stimulating greater economic autonomy for women, with due consideration for the pertinent ethnic, racial, and generational factors, while giving emphasis to socially and economically vulnerable women, through proposals to promote economic organization and reduce extreme poverty; and
- c. Confronting violence against women.

19. The report refers in paragraphs 299 to 315 to health-care initiatives which target different groups of disadvantaged women, including indigenous and women of African descent, women with disabilities, older women and lesbian, bisexual and transgender women. Please provide information on any other measures in place aiming at eliminating the discrimination against these groups of women. Please also provide further information on the National Plan for the Promotion of LGBT Citizenship and Human Rights referred to in paragraph 107 (c) of the report.

With respect to women with disabilities, Decree No. 7612 of November 17, 2011, instituted the National Plan for the Rights of Persons with Disabilities (Plano Nacional dos Direitos da Pessoa com Deficiência – the Living without Limits Plan (Plano viver sem Limites), with a view to promoting the full and equal exercise of rights by persons with disabilities through the integration and coordination of policies, programs, and actions, pursuant to the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, approved as a Constitutional amendment through Legislative Decree No. 186 of July 9, 2008, and enacted through Decree No. 6949 of August 25, 2009.

The Living without Limits Plan provides for the following guidelines: guaranteeing an inclusive educational system; ensuring all public educational equipment is accessible to persons with disabilities, including through appropriate transportation means; expanding the participation of persons with disabilities in the job market through capacity building and vocational training programs; increasing the access of persons with disabilities to social assistance and anti-poverty policies; preventing the causes of disabilities; expanding and training the health assistance system in the provision of specific services to persons with disabilities, in particular habilitation and rehabilitation initiatives; broadening the access of persons with disabilities to adapted housing equipped with appropriate accessibility resources; and promoting access to, development of, and innovation in assisted technology.

The Living without Limits Plan includes the following axes: access to education, health assistance, social inclusion, and accessibility.

In respect of women with disabilities, the issue is highlighted in the resolutions of the 3<sup>rd</sup> National Conference on Women's Policies.

### **Marriage and family relations**

**20. The report is silent regarding to measures in place to eliminate discrimination against women in all matters relating to marriage and family relations. Please provide information on steps taken by the State party to protect the rights of women in relation to obligations under article 16 of the Convention.**

Although Brazil's Constitution guarantees equal rights for men and women in all matters relating to marriage and family relations, conservative and fundamentalist views endure in Brazilian society. A number of measures have been adopted in a variety of fields to address this challenge. First, beyond assuring access to school the Brazilian government has invested in the quality of education in the country through the development of capacity building policies for male and female teachers in subjects rarely considered. An example is the Gender and Diversity in School Course (Curso Gênero e Diversidade na Escola).

A continuing effort pursued with print and electronic media professionals has involved the development of strategies to address a host of topics through the Women and Media Seminars (Seminários A Mulher e a Mídia), currently in its 8<sup>th</sup> edition.

Another measure that contributes to challenging traditional values and views of women is the systematic monitoring of publicity and advertising, including the referral of complaints received by the SPM's Ombudsman Unit concerning discriminatory ads to the appropriate authorities. Two significant examples of these actions were the removal of a Devassa beer commercial from the airwaves and the debate spawned by the effort to pull the Hope ad campaign from circulation.

On this same front, important strides have been made in the understanding that gay relationships should receive the same treatment and be entitled to the same rights as heterosexual unions. The recent unanimous decision of the Federal Supreme Court to recognize stable same-sex unions is illustrative of the progress made.

The Gender and Diversity in School teacher training program also includes valuable content on the question of conservative values in regard to sexuality and family relations.

The Secretariat for Women's Policies of the Office of the President of the Republic has received, through its Ombudsman Unit, countless complaints from Brazilian women concerning media advertising containing content that is either discriminatory or that is deemed to incite violence against women.

The Secretariat's Ombudsman Unit was established in 2003 to serve as a channel for dialogue and intermediation between Brazilian women and the public administration and to receive complaints in connection with all forms of discrimination and violence against women. As such, the Women's Ombudsman Unit does not take action on its own, but only when prompted. Following submission of the respective complaints, all cases are analyzed and referred to the competent organizations for the purpose of investigation, enforcement, or settlement. With respect to the reports of discriminatory advertising submitted to the Unit, the procedure adopted involves forwarding representations to the National Council for Self-Regulation in Advertising (Conselho Nacional de Autorregulamentação Publicitária – CONAR), which exercises ultimate authority to review and render decisions on publicity and advertising that are found to be in noncompliance with the provisions of the Brazilian Code for Self-Regulation in Advertising (Código Brasileiro de Autorregulamentação Publicitária).

Some examples of complaints received by the Ombudsman Unit include:

“Via Costeira Mechanic, Body, and Paint Shop. Do you ever need it” – Representation No. 123/04, in which the rapporteur recommended application of an injunction, in addition to a warning to the advertiser and his agency. The rapporteur concluded that the “Via Costeira” ad compares a woman to an object and suggests that her injured face could be repaired in an auto shop, offending those who are victims of violence and mistreatment: “It is unfortunate and sad that advertisements such as this one would be run by a newspaper in a civilized society,” argued the rapporteur. Her opinion was approved unanimously by the 6<sup>th</sup> Chamber of the Ethics Council.

“**Dodge Ram. A man’s car**”- Representation No. 53/05, in which the rapporteur concludes that the advertiser and his agency seem to believe that the only way to express manhood is to be boorish and violent.

Additional examples include Representations 125/06 and 039/10.

CONAR has taken steps to ensure Brazilian advertising and publicity to not exploit women’s bodies to sell products. The changes to beer advertising are an example deserving of praise. Indeed, the progress made to date in beer advertising is embodied in 32 specific rules and regulations adopted in 2000, 2004, and 2008 clearly laying out the ethical responsibilities of advertisers.

Yet another example of advertising that has been the target of complaints and denunciation involves the use of sensuality as a necessary instrument for women to be heard. This type of advertising suggests that to be heard women must remove their clothes. Indeed, in the conception of the advertising agency women only exercise powers of persuasion when they strip down to their underwear and bra. In this light, women are seen as sexual objects and are only worthy of respect if they behave and act in this way. Put another way, in the advertising agency’s view the power of women derives exclusively from the exploitation of their own bodies and sensuality.

In another judgment, CONAR rendered the following decision:

“NO images, language, or arguments may be used that suggest consumption of the product is a sign of maturity or contributes to greater personal courage, professional or social success, or provides the consumer with enhanced seductive power.”

The substantive body of CONAR jurisprudence indicates that there is space in society to question the exploitation of sensuality, to argue that the female body may NO longer be used as the primary content of Brazilian advertising. In addition, the Council states that advertising should not contain anything that could lead to violence (article 26). Finally, advertising and publicity pieces should refrain from imposing the notion that consumption of the product generates superiority or, in its absence, inferiority (article 37, d).

The Secretariat for Women’s Policies has submitted representations to CONAR (prompted by citizen complaints) in cases in which the advertising piece violates the following:

**Dignity:** human dignity requires full respect for the human condition. Advertising can offend the dignity of the human being for its content – the published material – and for the manner in which its publication is presented and the impact it has on the recipients of the message. The lack of social responsibility is evidenced in the disrespect for women, who are reduced to the status of mere objects of sexual satisfaction. When the media is allowed to diminish the dignity of women, transforming them into objects, discrimination against women becomes acceptable.

**Respectability:** One of the most widely used devices to devalue women and strip them of their dignity comes camouflaged in the form of humor. The amusing tone in which the subject is addressed serves to dismiss its importance. In this way, the symbolic violence of

an advertising piece permeated by a supposed “joke” can have perverse cultural effects, as often intolerance and physical violence are sustained on the basis of symbolic violence.

Therefore, continued forward movement must be secured to strengthen self-regulation standards in advertising and secure their spontaneous incorporation by advertising agencies, with a view to ensuring that advertising not be used to perpetuate gender inequality in Brazil

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