



CEDAW Secretariat
Office of the High Commissioner for Human Rights (OHCHR)
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By e-mail and post: cedaw@ohchr.org

25 January 2012

Re: Information on Brazil for consideration by the Committee on the Elimination of Discrimination against Women at its 51st Session

Dear Distinguished Committee Members,

Equality Now, the Coalition Against Trafficking in Women (CATW), and the Coalición Contra El Tráfico de Mujeres y Niñas en América Latina y El Caribe (CATW LAC), as non-governmental organizations with ECOSOC status that work to promote women's human rights globally and in Latin America, would like to submit this letter to supplement the seventh periodic report submitted by Brazil, scheduled for review by the Committee on the Elimination of Discrimination Against Women (the Committee) during its 51st session taking place 13 February – 2 March, 2012.

This letter focuses on Brazil's obligations to address sex trafficking and sexual exploitation of girls and women, including through the operation of sex tourism, under the Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW Convention). Trafficking of girls and women for the purpose of sexual exploitation violates the CEDAW Convention's core objective of non-discrimination on the basis of sex (e.g., Articles 1-2, 5). Sex trafficking supports the commercial sex industry which perpetuates gender inequality, where women and girls are treated as commodities that can be bought, sold and exploited. In addition, Article 6 of the CEDAW Convention explicitly requires Brazil, and all States parties, to take measures to suppress "all forms of traffic in women and exploitation of the prostitution of women." This Committee has further recognized sex trafficking, as well as "new forms of sexual exploitation, such as sex tourism," as "incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity" and putting women "at special risk of violence and abuse."¹ General Recommendation 19, issued by this Committee to guide States parties' compliance with the CEDAW Convention obligations, has affirmed that "commercial exploitation of women as sexual objects, rather than as individuals....contributes to gender-based violence"² and perpetuates gender-based discrimination and stereotypes. Finally, under the CEDAW Convention and per this Committee's instruction, Brazil must proactively work to prevent trafficking and sexual exploitation by taking "specific preventative and punitive measures... necessary to overcome trafficking and sexual exploitation."³

In its review of Brazil's 2007 report, the Committee called on Brazil to adopt comprehensive anti-trafficking legislation,⁴ which was reiterated in the preliminary consideration of Brazil's 2010 report to the Committee⁵ and continues to be an important need. Last year, following the lapse of the anti-trafficking plan put in place by the former administration, the Brazilian Senate launched an inquiry on human trafficking – the *Comissão Parlamentar de Inquérito do Tráfico Internacional de Pessoas* (the Commission) – to conduct hearings and investigations into the causes, consequences, routes and responsible parties relating to human trafficking in Brazil, and to propose legal reforms. Laudably, some of the hearings held by the Commission have highlighted Brazil's lack of a comprehensive anti-trafficking law. Currently, efforts to address sex trafficking must rely on a number of provisions scattered across the penal code that address prostitution and crimes against children. The inquiry sessions outlined a need for a more concerted, comprehensive approach to combating and preventing trafficking. However, an initial review of the Commission's discussions reveals that additional attention must be paid to systematically examine the links between the demand for prostitution and sex trafficking. Equality Now has submitted relevant information on these links and effective ways to curb sex trafficking to senators heading the Commission (see attached, Addendum 1: Memorandum submitted to Senators Grazziotin and Brito on December 21, 2011).

An effective approach to addressing sex trafficking including sex tourism requires addressing the sex and gender-based discrimination and violence at the heart of the commercial sex industry that fuels sex trafficking, including criminalizing the demand for prostitution - whether from foreign sex tourists or local sex buyers. This Committee, in its Concluding Observations to numerous States parties, has recognized that to effectively suppress trafficking and the exploitation of the prostitution of women, States parties must discourage the demand for prostitution.⁶ Likewise, the *U.N. Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children*, to which Brazil is a party, explicitly calls on States to “adopt or strengthen legislative or other measures...to discourage the demand that fosters all forms of exploitation of persons, especially women and girls.”⁷ Indeed, increasingly more countries – including the pioneering Sweden, Norway, and Iceland – have found that combating the demand for prostitution is an effective method to prevent further sexual exploitation and trafficking. Consistent with CEDAW's general guidance to States parties, these countries criminalized those who contribute to demand and exploit human beings in the sex trade, including traffickers, procurers, pimps, and “buyers” of commercial sex.

In its report to the Committee, the Brazilian government details a number of preventative measures, including awareness-raising campaigns about the crime of sexual exploitation of children and adolescents.⁸ However, while Brazil has outlined its efforts to curb the commercial sexual exploitation of children, it is unclear what actions the government has taken to prevent the sexual exploitation of adults. In addition, reported government initiatives seem nearly exclusively focused on fighting international (trans-border) sex trafficking, with little if any emphasis on domestic sex trafficking of adults. Lastly, the government report contains no plans to discourage the demand for prostitution.

While Brazil has taken some steps to address sex trafficking as outlined in the State party's periodic report to this Committee in paragraphs 129 – 139, serious gaps remain with regard to law enforcement and victim assistance. Despite the extent of domestic trafficking in Brazil,⁹ according to the most recent US Department of State's global report on trafficking in persons, there have been no reported prosecutions of internal sex trafficking cases in 2010 and in the few convictions for forced prostitution sentences were commuted to community service.¹⁰ In addition, while the government mentions assistance for trafficking victims in its report to the Committee in paragraphs 124 - 125 and

128, the information it provides is vague (for instance, it refers to “assistance” but does not detail what services are provided nor who is eligible for these services), and does not fulfill the government’s obligation to “describe the extent of all...rehabilitation measures that have been taken to protect women engaged in prostitution or subject to trafficking.”¹¹

In 2011, Equality Now helped file a civil case in a U.S. federal court on behalf of four Brazilian girls sexually exploited by a U.S. fishing tour company that ran sex tours in Amazonas.¹² Employees of the company are alleged to have lured minors from nearby communities onto the fishing tour boats, where the girls were subsequently raped by clients of the fishing tours. A parallel criminal case has been filed against this sex tour operator in Brazil. While the criminal investigation by Brazilian authorities was reportedly launched in August 2007, the defendants (including the owners of the fishing tour company as well as some employees of the company) were not formally charged until 2011 and the prosecution still appears to be suffering from significant delays. In an encouraging development, in July of 2011 the Secretariat of Human Rights of the Brazilian Ministry of Justice pledged to follow the case to ensure that it proceeds in a timely manner.

Equality Now, CATW and CATW LAC would respectfully urge the Committee to raise with the Brazilian government during its review the following questions with regard to the issue of sex trafficking:

1. As Brazil moves to reform its anti-trafficking laws, what legislative and other measures will the government undertake to address the demand for commercial sex with minors *and* adults that fuels sex trafficking, as well as to prevent all forms of trafficking and the exploitation of prostitution?
2. With Brazil playing host to the World Cup in 2014 and the Summer Olympics in 2016, what preparation has the government undertaken to address the anticipated influx of tourists and potential increase in demand for commercial sexual exploitation of girls and women? What alternative economic opportunities for women, if any, will the government be promoting in the lead up to these events, including in non-traditional sectors such as construction?
3. Noting that there were no internal sex trafficking prosecutions in 2010, what measures will the government be taking to address internal sex trafficking, including systemic efforts to prosecute and convict offenders?
4. What has the government done to ensure prompt and thorough sex trafficking investigations, prosecutions, convictions and proportionate punishments, including training of law enforcement and judicial staff to recognize and understand sex trafficking?
5. What measures has the government undertaken to specifically target and prevent the commercial sexual exploitation of particularly marginalized groups, including women of African descent, indigenous women, rural women and women living in poverty?
6. What specific actions has the government undertaken to create an enabling environment for trafficking victims to comfortably access assistance and services, and to ensure that trafficking victims are treated with respect and dignity and are provided with the services they require?

Based on past concluding observations related to sex trafficking issued by this Committee, Equality Now, CATW and CATW LAC urge the Committee to consider the following recommendations to the Brazilian government:

1. The government should pursue a comprehensive approach in addressing trafficking for sexual exploitation, including passing and implementing legislation, ensuring prompt investigations,

prosecutions, and convictions that target the buyers of commercial sex without penalizing the victims, coupled with laws, policies, and programs to empower women and girls, particularly those from marginalized communities, with educational, vocational, and economic alternatives to prostitution.¹³

2. To effectively decrease sex trafficking and sex tourism in Brazil, the government should address the link between sex tourism and trafficking, including the demand for prostitution, and implement measures aimed at combating sex tourism, including in cooperation with tourists' countries of origin.¹⁴
3. The government should ensure, without prejudice and discrimination, the right to sexual health information, education and services for all women and girls, including those who have been trafficked, even if they are not legally resident in the country.¹⁵

Thank you for your consideration. Please do not hesitate to contact us at the email, telephone number or address indicated below should you have any questions.

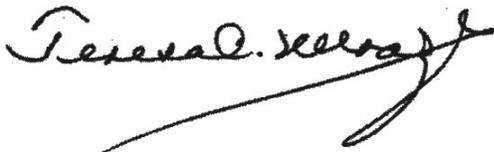
Sincerely,



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Submitting Organizations:

The Coalition Against Trafficking in Women

The Coalition Against Trafficking in Women works internationally to combat sexual exploitation in all its forms, and was the first global network organized on a cross-country level to combat trafficking, prostitution, sex tourism, mail order bride industries and the international sex industry. CATW has regional networks in Asia, Africa, Australia, Europe, Latin America and North America.

The Coalición Contra El Tráfico de Mujeres y Niñas en América Latina y El Caribe is the regional network of CATW for Latin America and the Caribbean, and has national coalitions in fifteen countries in the region.

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Equality Now

Equality Now is the oldest international women's rights organization focused on effecting institutional and legal changes that address the special circumstances and needs of adolescent girls and women from marginalized communities. Equality Now is one of the first international human rights organizations to highlight the issue of sex tourism and to work on ensuring that laws are used to punish those promoting sex tourism. As a legal advocacy organization, Equality Now has pushed for the enactment and reform of laws on trafficking that better protect victims and punish those responsible for their exploitation. We also work for better implementation of laws to ensure legal protections become a reality for some of the most vulnerable victims in the world.

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¹Committee on the Elimination of Discrimination against Women (CEDAW Committee), *General Recommendation No. 19: Violence against Women*, para. 14, U.N. Doc. A/47/38 (1992).

²*Id.* at para. 12.

³*Id.* at para. 24(g).

⁴ CEDAW Committee, *Concluding Comments: Brazil*, para. 24, U.N. Doc. CEDAW/C/BRA/CO/6 (2007).

⁵ CEDAW Committee, *List of issues and questions with regard to the consideration of periodic reports: Brazil*, para. 11, U.N. Doc. CEDAW/C/BRA/Q/7 (2011).

⁶ See e.g., CEDAW Committee, *Concluding Observations: Republic of Korea*, para. 23(f), U.N. Doc.

CEDAW/C/KOR/CO/7 (2011) (calling on the Republic of Korea to “[t]ake appropriate measures to suppress the exploitation of prostitution of women, including by discouraging the demand for prostitution”); CEDAW Committee, *Concluding Observations: Botswana*, para. 28, U.N. Doc. CEDAW/C/BOT/CO/3 (2010) (calling on Botswana to “take appropriate measures to suppress the exploitation of prostitution of women, including through the discouragement of the demand for prostitution”); CEDAW Committee, *Concluding Observations: Denmark*, para. 35, U.N. Doc. CEDAW/C/DEN/CO/7 (2009) (calling on Denmark to “strengthen measures aimed at addressing the exploitation of prostitution in the country and, in particular, the demand for prostitution”).

⁷United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, art. 9(5), U.N. Doc. A/53/383 (2000).

⁸Government of Brazil, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Seventh periodic report of States parties*, paras. 135 – 139, U.N. Doc. CEDAW/C/BRA/7 (2010).

⁹ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *Trafficking in Persons Report*, pg. 96 (2011). According to UNICEF, there are an estimated 250,000 children in prostitution in Brazil.

¹⁰*Id.* at page 97.

¹¹ *General Recommendation No. 19: Violence against Women*, *supra* note 1 at para. 24(h).

¹²Complaint, *Plaintiff A v. Schair*, No. 2:11-CV-145 (N.D. Ga. filed June 14, 2011). The U.S. civil case against the sex tour operator has been stayed pending the resolution of a U.S. criminal investigation into the defendant’s actions.

¹³Under the Committee’s General Recommendation 24, States have a particular obligation to address the needs of women belonging to vulnerable and disadvantaged groups, including women in prostitution and indigenous women. Committee on the Elimination of Discrimination against Women, *General Recommendation No. 24: Women and Health*, para 6, U.N. Doc. A/54/38 (1999). This suggested language is based on the CEDAW Committee’s *Concluding Comments: Mauritius*, para. 21, U.N. Doc. CEDAW/C/MAR/CO/5 (2006).

¹⁴Recommendation language is based on the *Concluding Comments: Mauritius*, *supra* note 11 at para. 21, and Committee on the Elimination of Discrimination against Women, *Concluding Comments: Kenya*, para. 30, U.N. Doc. CEDAW/C/KEN/CO/6 (2007).

¹⁵ Recommendation language is based on States parties’ obligations outlined in *General Recommendation No. 24: Women and Health*, *supra* note 11 at para. 18.