

# Committee on the Elimination of Discrimination against Women

## List of issues and questions prior to the submission of the combined eighth and ninth periodic reports of Brazil\*

### General

1. Please provide information and statistics, disaggregated by age, disability, ethnicity, nationality, location and socioeconomic background, on the current situation of women and girls in the State party to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's previous concluding observations (CEDAW/C/BRA/CO/7, para. 35)<sup>1</sup>, please indicate how the State party has enhanced the collection, analysis and dissemination of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality of women and men, including with regard to the specific areas covered in the present list of issues and questions.

1. Over the last few years Brazil has improved data collection on women's condition in the country. About demographic indicators, the Brazilian Institute for Geography and Statistics (IBGE) carries out the Continuous National Household Sample Survey (PNADC) every three months and the Demographic Census every ten years. Information is available to the general public through the SIDRA system (Automatic Recovery IBGE System) or the Women's Annual Social Economic Report, published online by the Ministry of Women, Family and Human Rights (MMFDH). By means of the PNADC it is possible to understand the social economic conditions of employed women, as well as their educational situation, health, and violence status, among others.
2. To illustrate, we provided tables with two indicators for each thematic area in the attached document.

### Impact of the pandemic on women's rights and gender equality

2. In line with the Committee's guidance note on the Convention on the Elimination of All Forms of Discrimination against Women and coronavirus disease (COVID-19) issued on 22 April 2020, please indicate measures implemented by the State party in the context of the COVID-19 pandemic to redress long-standing inequalities between women and men by placing women at the

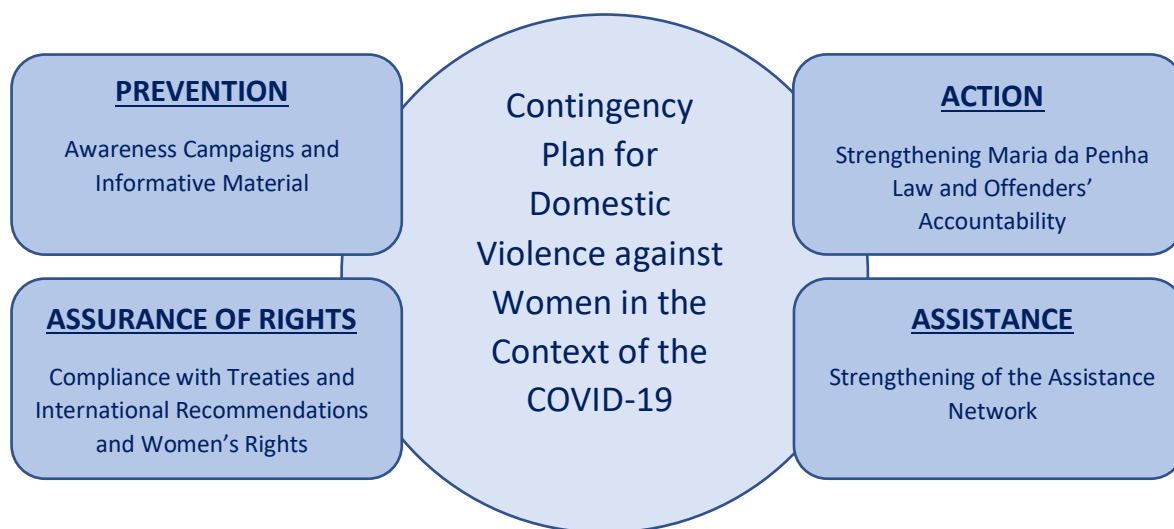
---

<sup>1</sup>Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.



centre of the recovery in order to uphold the rights of women and girls. Particular attention should be given to reporting on the differentiated impact on women belonging to ethnic or national minorities, including indigenous and Afro-descendent women. Please indicate the actions taken to ensure that sanitary measures and post-crisis recovery plans do not see women and girls relegated to stereotyped gender roles. Please indicate the actions taken to ensure that sanitary measures and post-crisis recovery plans do not see women and girls relegated to stereotyped gender roles. (a) address and are aimed at effectively preventing gender-based violence against women and girls; (b) guarantee that women and girls have equal participation in political and public life, in decision-making on the recovery, in their own economic empowerment and in service delivery; and (c) seek to ensure that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic do not limit access by women and girls, including those from disadvantaged and marginalized groups, to justice, protection from gender-based violence, education, employment and health care, including sexual and reproductive health services.

1. Regarding this question we highlight the formulation of the Contingency Plan for Domestic Violence against Women in the Context of the COVID-19 Pandemic, within the principles of safety, respect, confidentiality, cooperation, strengthening and cross-functional integration. The mentioned Plan was designed considering the need for social isolation and confinement, situations that may lead to a rise of violence cases against women.
2. The Plan is guided by 4 defining axes:



**Prevention Axis:**

3. Several reports, cards, campaigns and booklets about violence against women during the Covid-19 pandemic were published.
4. It should be particularly noted the publication of the booklet “Facing online violence against adolescents in the context of the COVID-19 pandemic”, with the main goal of bringing awareness to adolescents about violence in the virtual environment, including guidance for preventing violence in digital means, like websites, applications, and social media. The program also teaches how to proceed when the violence was already perpetrated, to defend the offended party’s privacy and protect their mental health.



5. Also, within the project's reach lies the marketing campaign #girlsforgirls, which intends to build up solidarity among women in the virtual environment, so that they may take care of one another and do not become agents of online violence amongst themselves.
6. Furthermore, the course "Domestic and Family Violence against Women during Social Isolation" was published, available in the online platform Edulivre, in association with the Court of Justice of the Federal District and Territories.
7. The online seminar "Fight against Domestic Violence in Times of Pandemic - The Role of the Digital Tools" was also carried out in partnership with the World Bank.
8. Partnered with Avon Institute, the National Secretary for Women's Policies (SNPM) and the National Human Rights Ombudsman (ONDH) deployed the Campaign "You Are Not Alone", a coordinated action plan aiming at mitigating the impacts of isolation through providing essential services for women and girls in situation of violence. The partnership consists in the promotion of the Call-180 as the main assistance and orientation channel for women in violence situations, through reports, complaints or information requests about the assistance network services, providing legal guidance to the victims and directing them to other support services, when needed.
9. Besides the promotion of Call-180, the resources allocated by the mentioned program cover donation of basic food baskets to women in high vulnerability situations, support for transportation during day or night, psychological and legal services offered by volunteers specialized in violence against women, and supplying resources for temporary shelters and halfway houses in the states of São Paulo, Amazonas, Paraíba, Rio de Janeiro, Minas Gerais, Bahia, Ceará and Pernambuco.
10. Another campaign in the Prevention axis was the "Hello Neighbor", with the main goal of alerting and raising awareness of condominiums' residents for domestic violence against women, seeking the promotion of community involvement in the identification and report of domestic and family violence in the neighborhood, through the promotion of the report channels, of safety guidance for women and exemplification of the violence acts set in Maria da Penha Law.
11. Another central action in the period was the integration of SNPM to the Red Signal Campaign, an initiative of the National Council of Justice and the Brazilian Magistrates Association (AMB), which is carried out through the inclusion of drugstores to a process of workers' awareness, so that they are able to recognize an 'X' marked in the palm of the hand as a request for help for the women presenting it in a balcony, being oriented to call for police authorities immediately.
12. The booklet "Red signal against domestic violence" is a product of this partnership, focusing on informing the population about the campaign the search for help with the proper authorities, when needed.
13. Promotion actions were intensified to the civil society, especially with the participation in the "Virada Feminina".

#### **Assistance Axis:**



**MINISTÉRIO DOS  
DIREITOS HUMANOS  
E DA CIDADANIA**



14. To better understand the actions related to this axis, it should be noted that the Brazilian public policy of fighting violence against women is carried out by various agents, institutions and government, non-government, and community services, which act combined to handle the complexity of the violence against women phenomenon.
15. Also, it bears noticing that, according to the federative organization the Brazilian State, it is the states, municipalities and Federal District's responsibility to define the best manner of use for the funds made available by the federal government, considering the reality and demands encountered in each territory.
16. In such a scenario, the National Secretary for Women's Policies (SNPM) summoned and carried out meetings with the managers of policies for women, by each region of the country, aiming to stimulate actions for fighting off violence against women, promoting exchange of experience among public managers and, mainly, consult with them about the most pressing demands arising from the pandemic. This process has identified the need for actions focusing on food safety and Personal Protection Equipment (PPEs) purchase.
17. As a result of this meeting, in joint effort with the National Supply Company (CONAB), 44,536 (forty-four thousand, five hundred and thirty-six) basic food baskets were acquired and distributed to women in situation of violence and social vulnerability from 16 Brazilian states.
18. In March 2020, recommendations related to actions of fighting off violence against girls and women in the context of the Covid-19 pandemic were forwarded, guided by diverse international tools, among which stands out the "Covid-19 in Latin America and the Caribbean: How to Incorporate Women and Gender Equality in the Management of the Crisis Response", published by UN Women.
19. Still, in relation to the victims' assistance and among the components of the Combating Violence against Women Network, Shelter Homes and Institutional Accommodation Units are services of utmost importance for women protection, especially in the Covid-19 context.
20. SNPM has drafted up guidelines and prevention measures from the coronavirus in the Shelter Homes, issued by MMFDH, to prevent the virus dissemination and promote protection to the user and professionals acting in these units, considering the infection risks in collective services environments.
21. Referring specifically to the joint work developed between MMFDH and the Ministry of Citizenship, we highlight Public Statement on the Coronavirus Preventive Measures at the Institutional Accommodation Units, from March 20<sup>th</sup>, 2020, through which the mentioned agencies strengthened the need to keep offering shelter services in the pandemic context, we highlight the importance of adopting measures to ensure the health of the women and workers from the services.
22. On the other hand, regarding the Institutional Accommodation Service, it should be noted the published decree by which the Social Assistance services are labeled as essential. Thus, the social assistance services must continue running during the pandemic, following the sanitary guidelines from the Ministry of Health (MS).
23. Referring specifically to the Accommodation Services for Women in Domestic Violence Situation, the Ministry of Citizenship published ordinance



approving general recommendations for the care for women in domestic and family violence situation in the social assistance network in the Unified Social Assistance System (SUAS), in the Covid-19 pandemic context.

24. It should be noted that these agencies must also adopt measures so that women in domestic and family situation may access the Emergency aid offered by the Brazilian state to people in social vulnerability situation in the pandemic context.
25. New kinds of service offering for women in situation of violence accommodation were detailed, which are: emergency implementation of institutional accommodation for small groups, accommodation in temporary homes and hotel network accommodation.
26. It should be noted that, though it is an emergency implementation of new kinds of accommodation, the organization of the physical space of the units where the services are offered must follow the same parameters set for the adjustments performed in the existent units in the fight against Covid-19 at the accommodation services.

#### **Assurance of Rights Axis:**

27. The main action in the axis took place by issuing the “Public Statement with Recommendations to the Network for Assisting Women in Situation of Violence in the Context of the Covid-19 Pandemic Services”, document directed to the Services of Network for Assisting Women in Situation of Violence in the Context of the Covid-19, characterized as a guidance tool to the Women Policies Agencies (OPMs) and to the Assisting Network, focusing in the continuity of the essential services of prevention of violence and protection of women in the context of the pandemic.
28. The Technical Note suggests that the OPMs draw up guidelines for their local services operations; encourage the specialized services of the Women Assistance Network - especially the Women’s Specialized Police Station (DEAM) - to include, in its assistance protocols, the “National Form of Risk Assessment (FRIDA); promote the development of new communication channels for the services; encourage creation and use of new remote communication channels between OPMs and the services; support and fund, as far as possible, new forms of articulation and network work for services follow-up; contribute to promote new and existing remote access channels (analogue and digital) for the working services; support and fund, whenever possible, services digitalization when remote assistance is possible, seeking help from the federal government when needed.
29. The National Secretary for Women’s Policies (SNPM) has issued, through this Technical Opinion, recommendations to health services administrators and health professional which provide health assistance services to women, recognizing as fundamental, in this period of social isolation, the following measures:
  - a) *Keep notifying the cases of violence against women, through Interpersonal/Self-inflicted Violence Notification Form to be entered in the Notifiable Diseases Information System (SINAN NET).*
  - b) *Conduct welcoming, orientation and support to women in situation of violence and continue with the follow-up in the protection and care intersectoral network (FIOCRUZ, 2020).*





*c) Inform themselves on the operation of the protection network for women in situation of violence during the pandemic, by performing the forwarding to the intersectoral network; to “not to prolong the vulnerability or expose even more those seeking care” (FIOCRUZ, 2020).*

*d) Respect the autonomy of women and its right to choose and follow Ministry of Health guidelines regarding assistance during the pandemic.*

*e) Assess signals and evidence of domestic and family violence and other violences, in every and any health assistance - even those in which the main complaint is not the violence.*

*f) Keep the mandatory, integral and multi-professional assistance to people in sexual violence situation, according to the provided for in Law n. 12,845/2013”.*

30. Still in the normative aspect, the Law n. 14,022 passed on July 7<sup>th</sup>, 2020, including assistance to women in domestic and family violence situation, under the terms of Law n. 11,439, from August 7<sup>th</sup>, 2006 (Maria da Penha Law), in the list of public services and activities defined as essential. Therefore, they must be kept running by the public power during the COVID-19 pandemic.
31. Law n. 14,022/2020 states that the procedural deadlines, deliberation, parties’ assistance and protective measure granting shall not be suspended in cases of violence against the aforementioned public and sets forth other assurances for protection and access to Justice, such as: electronic or phone record of the violence report, public power accountability for adopting sanitary and security measures needed for the on-site assistance, providing remote assistance channels, ensuring preferential execution of body examination and establishing mobile teams to assist sexual violence victims.

#### **Action Axis:**

32. In this axis, it is worth noting the important role played by the Call-180 while fighting violence against women in our country. In 2020 alone, Call-180 service registered a total of 105 thousand reports of domestic violence against women.
33. The complaints are forwarded to other protection agencies, like the Specialized Social Assistance Reference Centers (CREAS), rights councils, women police station, Public Prosecution Office, among other services that constitute the Violence Against Women Combating Network in Brazil.
34. In partnership with the National Council of Public Prosecution (CNMP), the National Human Rights Ombudsman’s Office (ONDH) has implemented the use of the Risk Form “FRIDA”, which consists in a set of questions made by the attendants from Call-180 to the women victims of domestic violence who get in touch with the call center to assess the level of risk in which they finds themselves in, informing promptly in the forwarding to the police station or the appropriate agency to verify the fact.
35. The Ministry of Women, Family and Human Rights (MMFDH) also released an online report channel to assist women suffering from violence. The complaints received through the Internet are processed and forwarded to the local authorities, women police station and accommodation centers.
36. Besides that, a phone application was introduced to facilitate reporting of human rights’ violations.



37. Regarding actions carried out by the Ministry of Justice and Public Security, another significant partner in combating violence against women has been the electronic record of police reports of domestic violence against women across the country.
38. As for the Judiciary Branch, the concession of protective measure by electronic means has been enabled as well as the sharing of the decisions through the WhatsApp application directly to the applicants.

**Other actions:**

39. Apart from the Contingency Plan, the National Council of Justice (CNJ), aware of the domestic violence upsurge caused by the social isolation, created a Work Group destined to formulate research and measures indicating emergency solutions focused on the priority, promptness and effectiveness in the assistance of Domestic and Family Violence Victims.
40. Another approach subject of the Work Group is the expansion and awareness-raising of the magistrates, through the Judicial Schools, on the importance of providing preferential and, above all, humanized assistance to women victims of domestic and family violence, avoiding, thus, the revictimization phenomena.
41. Finally, a good practice implemented by the Brazilian state should be highlighted: the payment, over a three-month period, as from the publishing of Law n. 13,982, from April 2<sup>nd</sup>, 2020, of an emergency aid in the amount of R\$600.00 (six hundred Brazilian reais) monthly to the worker who comply, cumulatively, with requirements set in its Article 2, which, in its third paragraph, allows for the provider women of a single-parent family to receive two shares of the aid, indicating a special concern of the legislator with the guarantee of protection for women in social vulnerability situation maximized by the Covid-19 pandemic.
42. The Emergency Aid held 68.2 million eligible citizens, with **55.75% of women**. As for the Emergency Aid paid to the public that also benefits from the Bolsa Familia Programme (PBF - Family Allowance Programme), in April 2020, 1,220,000 new families in poverty and extreme poverty situations throughout the country entered the program, making the total of beneficiary families amount to 14.27 million. From these, 13.56 million (95%) started receiving the Emergency Aid from that month, paid in five installments. That way, the Bolsa Familia Programme and the Emergency Aid ensured dignity and income to millions of Brazilian men and women during the crisis.
43. If the 14.27 million of families benefiting from the PBF had not been benefited by the Emergency Aid, they would receive, in average, R\$ 191 in benefits from the Programme, which was changed for, in average, R\$ 1.118 with the payment of the Emergency Aid. Families headed by women, which were always the majority of the PBF beneficiary public, were also most of the public reached by the Emergency Aid.
44. By the end of the five months, the need for maintaining the social protection of these beneficiaries was observed and, thus, the residual emergency aid was created, amounting up to R\$ 300.00 to be paid for more 4 months after the last installment of the emergency aid. So, after the end of 2020, the Emergency Aid and its extension reached more than 19.2 million people from the Family



Grant Program and added, together, a total of R\$ 106.2 billion passed on in benefits.

45. However, after the end of the mentioned payments, the Covid-19 pandemic still exists and causing effects, and for this reason the Public Administration deemed necessary to keep paying the emergency benefit. Thus, a new **Emergency Aid for 2021** was established. The new benefit is being paid in 4 (four) monthly installments and is made up by three kinds of different benefits: (i) basic benefit; (ii) benefit to single mothers; and (iii) benefits to single parents' families. The amounts are R\$ 250.00 in the basic system, **rising to R\$ 375.00 to single mothers** and reducing to R\$ 150.00 for single person families.
46. The fight against Covid-19 pandemic also strongly affected the requirements axis of PBF. The requirements are commitments agreed by the recipient families and by the public power to reinforce access to social basic rights of health, education, and social assistance and, with this, contribute to the disruption of the poverty cycle over the generations. It is worth noting that the monitoring of the health requirements was maintained flexibly, with a non-mandatory record in the system of monitoring information. The guidance of the Ministry of Health (MS) was that the record of health requirements from **pregnant recipients should be prioritized**, as far as possible, in order not to undermine the granting of the Variable Benefit to Pregnant Women (BVG).
47. As expected, the percentage of health requirements monitoring in the two semesters of 2020 dropped in relation to the previous year. Particularly in relation to women, 11.7 million women were monitored, which represents 67.85% of the 17.3 million women who were part of the public for monitoring. From the monitored women, 489,826 thousand were identified as pregnant, of which 99.95% were in prenatal care. **Even with the pandemic, the number of pregnant women identified remained stable compared with the previous years, showing the effort and important work carried out by the health network in the municipalities.**
48. Due to the Covid-19 pandemic, the National Secretariat of Drug Care and Prevention of the Ministry of Citizenship acted promptly and developed numerous actions of awareness-raising, standardization, and accommodation, such as:
  - Project for reception of people in street situation that present chemical dependency, by expanding in 1,456 openings in 287 Therapeutic Communities already hired;
  - Production of promotional video about the reception in Therapeutic Communities of people living in the streets that abuse drugs, presenting guidance for the Unified Social Assistance System (SUAS) and Therapeutic Communities actions in the assistance to homeless people users of psychoactive substances who manifest interest in starting treatment;
  - Publishing of Guidelines Booklet to the Therapeutic Communities about Covid-19, about adopting measures to avoid, or reduce contact with the coronavirus and suggestions of measures on how to proceed in new accommodations; and
  - Participation in the study on consumption patterns of psychoactive substances during the Covid-19 pandemic, in partnership with the Inter-American Drug Abuse Control Commission of the Organization of American States (CICAD OAS).





49. Social Assistance and assistance to the population in a vulnerable state were deemed essential services to address indispensable needs of the community, thus considered those which, if not provided, put in risk the survival, health, or security of the population.

### **Visibility of the Convention**

3. Please provide information on efforts to give visibility to the Convention, the communications and inquiry procedures provided for under the Optional Protocol and the Committee's general recommendations, so that they are made an integral part of the training of judges, lawyers, prosecutors, police officers and other law enforcement officials.

1. Regarding the promotion of visibility of the Convention on the Elimination of All Forms of Discrimination against Women, we inform that such International Treaty is used as a part of the legal framework in various guiding documents aimed at the Network for Fighting Violence against Women, comprised of specialized services (Police Station for Women Assistance/DEAM, Women Assistance Reference Centers/CRAM, Shelter-homes, Specialized Public Defender, Domestic and Family Violence against Women Court, Specialized Prosecution) and the partners from the non-specialized network (social-assistance network, health network, legal medicine agencies, among others).
2. As examples, we highlight the following documents:
  - Guidelines and Protocol of the House of Brazilian Women (2015);
  - National Contingency Plan for Domestic Violence against Women in the Context of the COVID-19 (2020);
  - Save a Woman Project (Ordinance n. 2,842/2019);
  - National Plan for Fighting against Femicide (2021).
3. Besides that, the Convention is used as guiding tool in the activities developed by the Brazilian State, being mentioned often by its technical staff, especially in monitoring tools of partnership and draft legislation towards fighting violence against women.
4. There is, still, the National Council of Justice (CNJ) initiative, which, in the year 2019, translated and published the General Recommendation n. 35, from the Committee on the Elimination of Discrimination against Women (CEDAW).

### **Constitutional and legislative framework**

4. With reference to the Committee's previous recommendations (paras. 13 and 27 (d)), please provide information, supported by statistical data, on the measures taken, including legislative measures, to give effect to the 2013 constitutional amendment to grant domestic workers the full range of labour rights and their impact on the elimination of multiple and intersecting forms of discrimination against women, in particular those belonging to ethnic minorities, including indigenous and Afro-descendent women. Please provide information on the corresponding legislative framework, including Law 12.964/2014 concerning fines for employers failing to formalize labour relations with domestic workers and Law 13.467/2017 aimed at guaranteeing the right to equal remuneration for equal work. Please report on Federal Supreme Court rulings on the constitutionality of laws concerning women's rights and gender equality for



the past four years. Please also indicate the legal remedies and compensation available to women who are subjected to any form of gender-based discrimination.

1. According to the National Household Sample Survey (PNAD) of 2018, from the Brazilian Institute for Geography and Statistics (IBGE), there are 6.3 million domestic workers in Brazil. Of this total, 1.5 million have a formal work (signed work card); 2.3 million are working informally; and 2.5 million work as day workers - i.e., up to two days a week for the same employer, without formal employment relationship. Other data about domestic work are highlighted in the Annex I of this Report.
2. It can be observed, in a study created by the Institute for Applied Economic Research (IPEA), that this category is going through a series of important changes which have been altering not only the composition of its workforce, but also the conditions in which this job is performed. In 2018, less than 1% of the domestic workers lived in the same residence they worked. The proportion of elderly women (over 60 years old) has grown much more intensely for the domestic workers than for employed women in general. On the other end, the weight of younger women reduces much more intensely. Thus, the aging process has been more intense in the domestic work.
3. One of the more important phenomena in this context refers to the growing number of day domestic workers, category which a formal employment is not mandatory. Data from 2018 show that around 30% of domestic workers work in more than one house.
4. One of the strongest aspects of the domestic work is in its informality and persistence of this informality. The proportion of formally employed domestic workers, which in 2013 crossed for the first time the 30%-mark, reduced between 2016 and 2018, after consecutive years of growth. In 2018, only 28.6% of the domestic workers accessed this right. In this scenario, the domestic worker is quite often responsible for their own social protection: the inclusion in the social security as individual contributor or the application as a individual microentrepreneur raise the domestic worker's social security coverage by 10%.
5. Even so, according to the Superior Labor Court (TST), the number of labor procedures involving domestic workers has diminished. In 2017, the topic "domestic services" was the 290<sup>th</sup> most recurring subject in first instance actions (labor courts), with 3,525 new cases. In 2018, domestic services were the 240<sup>th</sup> most recurring subject, with 2,549 new cases; and between January and February of 2019 it was the 205<sup>th</sup> most recurring subject, with 444 new cases.
6. Regarding the Constitutional Amendment 72/2013, which established that the domestic workers should have the same rights granted to all workers, it should be noted that it was regulated by the Supplementary Law n. 150, from June 1st, 2015, covering all domestic work contract and not applying to the day workers.
7. The mentioned law prohibit work for those under 18 years-old and defines domestic work as the one "that render services continuously, subordinated,



paid and personal and without seeking profits to the person or family, inside the familiar residence, for more than 2 (two) days per week”.

8. Some rights and innovations of the law involve the work hours; payment and extra hours counting; reasons for dismissal with just cause and indirect work contract termination; relief of rent payment for workers who live in the workplace; mandatory collection of the Severance Premium Reserve Fund (FGTS), recalling that the labor reform which took place in 2017 makes compulsory the formal register of the domestic worker and that the employer who doesn't comply, according to the Article 41 of the Consolidation of Labor Laws, is subject to fine amounting R\$ 3 thousand per non-registered worker; change in the compensations for loss of job without just cause or by the employer's fault, not applying the fine set in the legislation. However, this change does not alter the prescribed in Law n. 150/2015 which establishes, with the purpose of ensuring the payment of the fine, that the worker must collect monthly the amount of 3.2% over the payment owed to the worked and that they deposit it in a linked account, different from the one that holds the amount collected for the FGTS.
9. When the work contract of the domestic worker is terminated in a common agreement with the employer, as established in Article 484-A of the Consolidation of Labor Laws, the worked shall receive only half of the early notice; in the case of compensation over the FGTS account balance, the fine paid by the domestic worker is of 20%; the worker may withdraw only 80% of their FGTS; and they cannot apply for unemployment benefits.
10. The labor reform created the intermittent work, a new contract category, which may also be applied to the domestic worker and was not envisaged by Law n. 150/2015.
11. The Law n. 150/2015 sets forth a unified regime from tax payment, contributions, and other employer fees, named Simple Domestic - an electronic system whereby is made the employer registration, data recording and the collection of taxes and labor charges through a sole collection document.
12. Also, the 189 ILO Convention, which focus on decent work for the domestic worker was ratified on January 31<sup>st</sup>, 2018. In this way, the increase of protection for the domestic worker has led to relevant changes in this sector. For the purpose of displaying the inclusion of the Convention n. 189 in the national legal framework, we have provided a table of correspondence between the international and national regulations currently in force (available in the Annex I).
13. In 2021, the Regional Superintendency of Labor and Employment in Bahia has implemented the domestic work inspection, resulting in around 140 (one-hundred and forty), whereas, from these, 2 (two) led to the workers rescue, after confirming they were being submitted to conditions similar to slavery.
14. Still, in 2021, the immigrant domestic work inspection project was implemented by the Regional Superintendency of Labor and Employment in São Paulo.



15. Moreover, it is worth mentioning that throughout the national territory, between January 2018 and May 2021, 421 (four-hundred and twenty-one) domestic work legislation infringement were identified.
16. As for the recent decision from the Federal Supreme Court on the constitutionality of the laws regarding women's rights in the last four years, we have included in the Annex I some symbolic decisions, as examples.

### **Women's access to justice**

5. Please provide information on the achievements made and challenges encountered in ensuring women's access to justice in cases of gender-based discrimination, especially for women belonging to disadvantaged and marginalized groups. Please elaborate on the efforts undertaken to increase access for women and girls to free legal aid, shift the burden of proof in such cases and provide judicial remedies, and on measures taken to combat the fear of potential stigmatization and victimization for affected women. Please also provide information on the progress made in enabling women to invoke their rights to equality and non-discrimination, including to lodge legal complaints and seek remedies for violations of their rights. Please indicate the outcomes of such cases and whether the Convention has been invoked directly before the courts. Please provide data, disaggregated by sex, age, disability, ethnicity, nationality and sexual orientation (see resolutions No. 11 of 18 December 2014 and No. 12 of 16 January 2015 of the National Council on Anti Discrimination and Promotion of the Rights of Lesbians, Gays, Bisexuals, Transvestites and Transsexuals), on the number of cases of gender-based discrimination reported over the past four years and on cases in which compensation was awarded to victims.

1. The 1988 Federal Constitution envisions free legal assistance, by establishing in Article 134 that the Public Defender's Office is a permanent institution, essential to the judicial role of the State, responsible, as an expression and tool of the democratic regime, essentially, the legal guidance, human rights promotion, and the protection, in every level, judicially and extra-judicially, of individual and collective rights, fully and freely, to those who need it.
2. Particularly, with respect to violence against women, the paragraph 2 from Article 14-A of Law Maria da Penha establishes that the offended part has the option of bringing a divorce or dissolution of stable union action before the Domestic and Family Violence against Women Court, and also when the situation of domestic and family violence is initiated after starting the divorce or dissolution of stable union action, it has preference in whatever court it is being handled.
3. The Integrated Centers of Women Services (NUIAM) are relevant tools to ensure the access to justice for women victims of violence, being spaces operating inside the Civil Police Stations, whose actions focus on integrated and humanized service for women in violence situation. To do so, its professionals are trained and awareness-raised for this kind of service. Inside the NUIAM, the woman performs the police record and receives psycho-social and legal services.
4. Seeking to expand and refine the public services and strengthen the protection network for humanized service for women, aiming to ensure them the right to live without violence, in the last year the SNPM engaged budget funds destined



to equip the Integrated Centers of Women Service (NUIAMs), in the states of Goiás, Mato Grosso do Sul and Acre.

5. Moreover, the “Pact for the Implementation of Public Policies of Prevention and Combating Violence against Women” was signed on August 7<sup>th</sup>, 2019, initiative from the Ministry of Justice and Public Security, with the participation of the Ministry of Women, Family and Human Rights.
6. The goals of the “Pact for the Implementation of Public Policies of Prevention and Combating Violence against Women” are:
  - a) improvement of the normative framework for protection of women victims of violence;
  - b) proposing policies of income generation for women in vulnerability situation;
  - c) proposing preventive and mending measures of family peace;
  - d) developing educational and abuser rehabilitation programs;
  - e) developing educational programs for prevention of violence against women.
  - f) servicing, by the public power, of women victims of violence;
  - g) promotion of policies for combating women trafficking and service for women victims of violence abroad.
7. In December 2018, the National Form of Risk Assessment and Life Protection (FRIDA) was implemented through a cooperation agreement between the National Council of Public Prosecution, National Council of Justice, and the former Ministry of Human Rights (MDH).
8. This tool was created to prevent and fight off crimes committed in the context of domestic and family violence against women and in its contents, it presents a series of questions in which the answers indicate, objectively, the risk level faced by the woman at that moment. The form is divided in two parts. The first is comprised of a total 19 objective questions and on a risk assessment scale. The second part consists in a group of questions destined to assess the physical and emotional conditions of the assisted woman and the objective conditions for the prevention of the short-term escalation of the violence.
9. Beginning the implementation of FRIDA, training courses took place in the states of Ceará, Roraima, Minas Gerais, Paraíba and Piauí, with the aim of presenting the form, its instructions of use and implementation guidelines for the various representatives.
10. Moreover, it should be highlighted that, within the “Safe and Protected Women Program”, which will be detailed further below (gender-based violence against women), is the construction and equipment of the Houses of Brazilian Women, space which also aims to promote access to justice for women victims of violence, with a humanized and non-revictimization view.

#### **National human rights institution**

6. Please provide information on the progress achieved towards, and the timeline for, the establishment of an independent national human rights institution with a broad mandate to promote and protect women’s rights and gender equality, in line with the principles relating to the



MINISTÉRIO DOS  
DIREITOS HUMANOS  
E DA CIDADANIA





status of national institutions for the promotion and protection of human rights (the Paris Principles), adopted by the General Assembly in its resolution 48/134.

1. Initially, we would like to stress that the information about the establishment of an independent National Human Rights Institution were covered in previous reports presented by the Brazilian State, as in the Mid-term Report of the Universal Periodic Review and in the response to the List of Issues from the Committee on Enforced Disappearances.
2. In May 2020, the Public Defender's Office (DPU) has submitted the proposal letter to the Global Alliance of National Human Rights Institutions (GANHRI) for its accreditation as an NHRI. According to information from the own institution, the DPU has been implementing the website DPU Human Rights, to service accreditation-related demands and to give more visibility to that organization operation in favor of the promotion and protection of human rights, with focus in an operation in accordance with the NHRI.
3. It is worth mentioning the Brazil also relies on the existence of the National Council of Human Rights (CNDH), organization that states in its Internal Regulation (Resolution n. 1, from June 09<sup>th</sup>, 2015) to be similar to a National Human Rights Institution: "The CNDH shall perform its institutional mission guided by the Principles Relating to the Status of National Human Rights Institutions (Paris Principles) set by Resolution A/RES/48/134 from December 20<sup>th</sup>, 1993, during the United Nations General Assembly".
4. One of the main challenges of the CNDH is the lack of financial and administrative independence. When asked about the subject, CNDH reported that, according to its understanding, the most recent progresses took place in the administrative management, by applying for a personal legal register, call for request of civil servants to is Executive Office and the collection of budgetary funds specific to the council with the Federal Legislative Power. MMFDH has prioritized the consolidation of the administrative autonomy of the CNDH and aiming to advance on this subject, has created a own budgetary program specific to the collegiate, in order to afford the CNDH expenditure such as monthly meetings; missions and other Council events, researches and other inputs that enable CNDH communication.
5. Report drafted in 2027 by the UPR Legislative Observatory from the Chamber of Deputies assessed the CNDH operation and indicated it acts independently and with autonomy related to the contents of its declarations.
6. CNDH has in its operating structure a Permanent Commission for Monitoring and Action on the Implementation of the International Commitments in Human Rights, with responsibilities such as "encouraging the approval and ratification, or the adoption of international human rights tools, as well as monitoring the performance of the commitments arising from international treaties in which Brazil is a part". This is one of the spaces that come closer to the competences questioned in the guidelines.

#### **National machinery for the advancement of women**

7. Please elaborate on the creation of the Ministry of Women, Family and Human Rights and the dissolution of the Secretariat for Women's Policies and the Committee on the National Plan of Policies for Women and the impact of those institutions on achieving substantive gender equality, as well as on the system of monitoring and evaluating public policies for the



MINISTÉRIO DOS  
DIREITOS HUMANOS  
E DA CIDADANIA



advancement of women (para. 15) and its capacity to comply with Sustainable Development Goal 5 in the National Development Plan 2020–2023. Please also provide information on the Ministry’s budget, mandate and programmes.

1. We inform that, despite the changes in the regimental structure of this agency, as well as the administrative reforms that took place in 2019, there was no direct impact in the implementation of policies for women, neither has there been discontinuation of the Secretariat for Women’s Policies. In fact, both Decree n. 9,673, from January 2<sup>nd</sup>, 2019, and Decree n. 10,174, from December 3<sup>rd</sup> 2019, contemplates the National Secretary for Women’s Policies (SNPM) in the MMFDH structure.
2. Besides, the Ordinance n. 3,136, from December 26th, 2019, established the internal regulation of the MMFDH, including the SNPM responsibilities in Articles 111 to 132. Among them, we highlight article 111:
  - I - assist the Ministry of State in the formulation, coordination, articulation and definition of guidelines for women’s policies;
  - II - promote guidelines and defend the dignity of all women integrally, supporting them so that they are able to contribute for the common good, in solidarity and cooperation with the State;
  - III - formulate, coordinate and articulate public policies for women, including anti-discrimination activities in its social relations, of combating all forms of violence against women and integral focus on the woman’s dignity;
  - IV - implement, formulate, support, articulate and assess public policies for the promotion of women rights considering the family’s perspective, the strengthening of family bonds and intergenerational solidarity;
  - V - support the implementation of actions arising from the compliance of treaties, conventions and other similar tools signed by the country within the subject of women policies, according to the Ministry’s guidelines;
  - VI - support, articulate, promote, and implement cooperation with national and international organizations, public and private, destined to implement policies for women, in accordance with the Ministry’s guidelines.
  - VII - propose the adjustment and refinement of the legislation related to the subjects of its responsibilities;
  - VIII - follow, together with the National Council of Women’s Rights, the activities of women social movements; and
  - IX - provide administrative support to the National Council of Women’s rights operation.
3. The Sustainable Development Goal 5 is covered within Law 13,971/2019, which established the Brazilian Multiannual Plan for the 2020 -2023 period; Program 5034 (Protection to Life, Family Strengthening, Promotion and Preservation of Human Rights for All); in the Goal 1179 (expand access and



reach of rights' policies, focusing on the strengthening of the family, by improving the quality services of promotion and protection of life, since conception, of women, family and human rights for everyone).

### **Temporary special measures**

8. Please provide information about policies, programmes and plans for the development, implementation and monitoring of temporary special measures to achieve substantive equality of women and men, particularly with reference to the participation of women in political life and public decision-making, and to address women's underrepresentation in decision-making positions in private companies and in such areas as employment, education and access to economic support, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures (paras. 17 and 23). Please provide information, supported by statistical data disaggregated by urban or rural area and sector, on the groups of women targeted by temporary special measures, and on the budget and time frames for implementing such measures, in particular with regard to women with disabilities, older women, migrant, refugee and asylum-seeking women, indigenous women and women belonging to ethnic minorities, including Afro-descendent women.

1. To support the participation of women in the political life and public decisions, the project "More Women in Power" was developed in order to stimulate and strengthen the political, democratic and egalitarian participation of women in spaces of power and decision.
2. The "More Women in Power Project" also seeks to promote and strengthen the concept of participatory citizenship through the debate on the role of women in the political and leadership spaces, stimulating the expansion of women participation in power positions in the powers in the three levels of government, besides stimulating the expansion of women participation in the political parties and leadership positions within the representative institutions from the organized civil society movements.
3. Various actions were undertaken within the More Women in Power Project:
  - Formalization of Intentions Protocol between MMFDH and Political Parties, with the goal of combining efforts for the execution, sharing and synchronization of actions that aim including the woman in politics, targeting the election of, at least, 01 (one) woman in each Municipal Chamber in the 2020 Elections;
  - Signature of Technical Cooperation Agreement with the Chamber of Deputies and signature of Cooperation Agreement with Brazilian City Counselors Union - UVB and State Legislators and Legislatives Union - UNALE, aiming at establishing a mutual cooperation regiment among the participants, for the elaboration of a Booklet called "More Women in Politics", which purpose was to provide relevant information to women about the 2020 Elections and awaken in them the interest in participation in politics;
  - *Online Journey* with guiding content for pre-candidate women, affiliated to political parties, volunteers working in feminine campaigns and women interested in the subject, in order to render them more proactive in political activities;



- Implementation of virtual Workshops with the participation of guest specialized in the themes, as below:
    - o Campaign Planning;
    - o How to raise funds and accountability;
    - o Electoral marketing;
    - o Municipal Subjects and electoral crimes;
    - o Positioning and public image in the electoral campaign;
    - o Fighting political violence and Publishing of the Seal “No to Political Violence”;
    - o Emotional Intelligence - Woman, emotion and voting;
    - o Smart Campaign.
4. The More Women in Power Project has also addressed the topic political violence against women. Violence against women is one of the great forms of Human Rights violations throughout the world and reflects the absence in the development and implementation of public policies that consider feminine issues.
  5. The inclusion of women in politics is a fundamental step for the strengthening of the Brazilian democratic system. However, actions of political violence against women are an impeding factor of access to managing and elective jobs and a kind of discrimination against women. In this sense, the identification and report of political violence consists in an important progress in the fight against this kind of discrimination.
  6. To advance in this topic, SNPM has requested the inclusion in the call center “Call 180”, a channel specific to report women victims of political violence, in order to facilitate and speed up service and the communication of the report to the Electoral Public Prosecution Office, through the Women Ombudsman from the National Council of Public Prosecution (CNMP).
  7. Also, it has published an advertising seal, in partnership with UN Women, to stimulate the promotion of the report channel.
  8. Another initiative is the Pilot Project Qualified Woman, established in December 2020, with the purpose of stimulating actions to promote women’s autonomy contributing to the country’s economic and social development.
  9. The Pilot Project Qualified Women has as goals:
    - To promote actions that contribute to the acknowledgment and appreciation of the women’s rights and citizenship; and
    - To improve the employability of women in social vulnerability situation, through professional education and entrepreneurship, in order to insert them in the labor world acting in 03 (three) axis: qualification and professional training; entrepreneurship training; and path to employability.
  10. Through the Project Qualified Woman more than R\$ 19 million were invested in professional training activities, with decentralized resources to



various states, arising from Agreement Contracts, Stimulation Contracts and Decentralized Execution Contracts.

11. The initiative is focused, mainly, in women with monthly income of up until one and a half minimum wage, without education or with up until primary school education, and will benefit more than 27 thousand women in 13 states only in its first stage.
12. The Project Qualified Woman approaches women in social vulnerability situation, reaching those in violence situation, with urgent protective measures; immigrant women; nano and micro-entrepreneur women; incarcerated women and women leaving the system; rural women; indigenous women; women from quilombolas communities; extractivist communities women; women from traditional people and communities; urban women; young women; LGBT women; favela women; women in science, mathematics and engineering; women in industry; women in civil construction; black women; women with disabilities; women responsible for a person with disability; women living on the streets; river communities women; artisan women; women who are head of families; farmer women; single mothers; refugee women; settled women; among others.

### **Gender-based violence against women**

9. In the light of the Committee's previous concerns and recommendations (paras. 18 and 19), please provide information, supported by disaggregated statistical data, on: (a) progress made in the implementation of the national plan to combat violence against women, including on measures taken to combat the root causes of gender-based violence and change discriminatory stereotypes and social norms as a strategy for prevention, and the human, technical and financial resources allocated; and (b) the availability of adequate support services, including with regard to access to shelters and rehabilitation under the "House of Brazilian women" (Casa da Mulher Brasileira) programme, for women and girls who are subjected to gender-based violence, in particular women and girls from disadvantaged and marginalized groups, throughout the territory of the State party.

1. During the process of implementation of the National Policy for Fighting off Violence against Women, which includes the gradual strengthening and consolidation of the Violence Combating Network, various actions were taken aiming to overcome the challenge of articulation and integration of services in order to avoid revictimization, offering human and integral service and, above all, to provide definite implementation of Maria da Penha Law.
2. In this context, focusing on compliance with the established in Article 8 of Maria da Penha Law - Law 11,340/2006, and restructuring the program "Women Living without Violence", the "Safe and Protected Women Program" was created, a public policy comprised of a group of strategic action for training, humanization and promotion of the integration of various public services existing to service women in situation of violence, articulating them in the areas of social assistance, psychosocial, health, public security, justice and promotion of economic autonomy.



MINISTÉRIO DOS  
DIREITOS HUMANOS  
E DA CIDADANIA





3. The “Safe and Protected Women Program” proposes the strengthening and consolidation of the Integrated Network of Service to Women in Situation of Violence, engaging and articulating the various areas of assistance, protection and protection of women’s rights.
4. The Program carries five action strategies:
  - Implementation of the “House of Brazilian Women”;
  - Integration of the data systems from House of Brazilian Women units with the Women Service Central - Call 180.
  - Implementation of articulated action to organize, integrate and humanize the care for women victims of sexual violence and other vulnerability situations, considering the women’s family and social contexts;
  - Implementation of mobile units to service women victims of violence outside urban spaces; and
  - Implementation of continued actions and awareness-raising promotion campaigns destined to prevent violence against women.
5. The main action of the Program is the implementation of the House of Brazilian Women (CMB), public equipment which gathers, in the same physical space, different agents from the service network and combating violence, such as the specialized services in the service network (Women Specialized Police Station/DEAM, Reference Centers of Women Service/CRAM, Shelter-houses, Specialized Defender, Domestic and Family Violence against Women Court, Specializes Prosecution).
6. The internalization of the policy was one of concerns of the National Secretariat of Women’s Policies during the Program’s redesign process, and, to arrange the services in an adequate way considering the network’s service reality in places away from the big cities, other constructive types were developed, besides the original, facilitating, also, the service rendering, allowing them to take place in existing facilities that adjusted to pre-established standards, exempting, in these cases, the construction of a new space to offer the service.
7. Thus, these new models combine enough spaces to render services fully (Types I and II), or in standby (Types III and IV).
8. In the full services model the services rendered are:
  - Reception and Screening;
  - Multi-disciplinary Staff;
  - Women Specialized Police Station;
  - Domestic and Family Violence against Women Specialized Court;
  - Women Specialized Prosecution;
  - Women Specialized Public Defender;
  - Women Economic Autonomy Promotion Service;
  - Children care space - Playroom;
  - Passageway Housing;
  - Transportation Center.



9. In the standby service model, the services mentioned above must take turns using the facilities, keeping the shared managing mode for the administration and services, ensuring that the woman has the place as reference in her process of seeking help to guarantee her rights with appropriate reception. When needed, it acts jointly with the health network services, Legal Medicine Agencies and Social assistance services Network.
10. In the same way, in a reference and cross-reference logic, the House of Brazilian Women shall forward women, whenever needed, through the Transportation Center, to the health network, social assistance network, shelter services and to the Legal Medicine agencies, ensuring the integration to the already existing services of fighting violence against women.
11. Currently, 6 CMB units are in operation, with the Campo Grande/MS and Brasília/DF inaugurated in 2015; 2016 in Curitiba/PR; 2017 in São Luís/MA; 2018 in Boa Vista/RR and Fortaleza/CE and 2019 in São Paulo/SP. The unit in Brasília is closed at the moment due to structural issues, and the service is being moved to another place.
12. Despite the budgetary cuts caused by the fiscal crisis in the country, the implementation of the House of Brazilian Women was kept as one of the most important actions of the Ministry of Women, Family and Human Rights and, for the next years, 23 new units of various model in all Brazilian regions are expected, with Brazilian congressmen support.
13. In the years 2019/2020, R\$80,067,224.24 (eighty million sixty-seven thousand two hundred and twenty-four reais and twenty-four cents) were invested in the construction and implementation of new CMB units.
14. In 2019, the cities of Belo Horizonte/MG, Macapá/AP, Cariacica/ES and Tauá/CE signed transfer contracts for the construction.
15. This number rose considerably in 2020, with transfer contracts signed for the construction of CMBs in the following cities: Goiânia/GO, Manaus/AM, Salvador/BA, Ananindeua/PA, Palmas/TO, Teresina/PI, Cuiabá/MT, Mossoró/RN, Breves/PA, Cidade Ocidental/GO, Jataí/GO, Japeri/RJ, Tubarão/SC, São Raimundo Nonato/PI. Still, in the Federal District, contracts were signed for the construction of four CMBs. Still in 2020, the city of Uberaba, in the state of Minas Gerais, signed a contract for the implementation of a CMB in its territory.
16. In the year 2019, a total of 249,065 women were serviced by the six existing units. It is possible to observe a rise in this number in 2020, with a total of 284,594 women serviced by the mentioned public equipment.
17. Also, it should be highlighted that the document “General Guidelines and Service Protocols”, which regulates the operation of the House of Brazilian Women, guides the technical staff of this public equipment on the attention that must be paid to the children who accompany their mothers during the services offered.
18. Besides the woman’s well-being during her stay in its facilities, offered by professionals in the playroom, there is orientation such as the identification of indicative signs of violence and vulnerabilities suffered by children and the responsibility of referring these ones to the protection services set on the



Statute of the Child and Adolescent, as well as, according to the need detected, to the social assistance network closest to the woman's residence.

19. That way and considering from the playroom to the referral to the other network services, we inform that the total of children serviced by the six units in 2019 was of 5,218 and, in 2020, there was a total of 3,342 serviced.
20. As for future perspectives and data collection, systematization, and promotion of data on the Houses of Brazilian Women is the adoption, by all units implemented until this moment, of a unified system of information which links the information not covered by confidentiality. This will bring a new context for the assessment of this public policy and will be a vital tool for the improvement of services rendered to women victims of violence.
21. In another focus of the "Safe and Protected Women Program", an action is scheduled that involves the delivery of Mobile Units to the service of women in rural areas, and forest and water regions, action which was not originally part of any specific program and was integrated in the Program since its remodeling in 2019. Integral part of the Daisies' March agenda, the expansion of services of fighting violence against women in the rural and forest areas was attended by the action included in the Program for the acquirement and allocation of resources for Mobile Units maintenance.
22. The mobile units are buses adapted and equipped with two rooms for emergency services, with a multi-disciplinary staff trained for hearing women's report and provide the first service. They are equipped in order to enable circulation in all kinds of terrains, without restrictions, with the traction system and indicated heights for roads and pathways in difficult conditions of maintenance and access. They circulate in the most remote areas and far from the urban centers, enabling the access of women who live in these regions to the services of the Women in Violence Situation Service Network, with proper and humanized guidance.
23. Since the launch and setting-up of the action, in 2013, 59 vehicles were already acquired and delivered by governments of the Brazilian states and to some municipalities, however, the management of the equipment is local.
24. Still related to gender-based violence, the "Save a Woman Project" was released, aiming to fight violence against women, with specific focus of fighting sexual harassment in the workplace and domestic and family violence.
25. Constituting a "support strategy of awareness and prevention of violence against women", the project acts through the creation of the network of partner institutions, such as the civil society (in particular, beauty professionals and religious institutions), public and private companies, actors of the Network for Fight Violence Against Women (and alike networks, such as: Community Health Agents, Guardianship Councils).
26. The project develops in three main axes, namely: Axis I - Fighting off Domestic and Family Violence Against Women; Axis II - Fighting off Sexual Harassment in the Workplace; Axis III - Promotion of Respect and Equality Culture.



27. It should be highlighted that the “Save a Woman” Project contemplates the Recommendation 35 of the Committee on the Elimination of Discrimination against Women/CEDAW, which established the stimulation of the private sector engagement, including companies and transnational corporations, in the efforts to eradicate all forms of violence against women.
28. Finally, the following actions developed within the Ministry of Justice and Public Security should be highlighted:
- Institution, in 2020, of the Prevention of Domestic and Family Violence against Women Project (ProMulher), within the Secretariat of Public Security (Senasp);
  - Elaboration of the National Protocol of Investigation and Forensics in Femicide Crimes, which seeks to standardize the technical-procedural operation of the public security professionals responsible for the investigation and forensics in femicide crimes. The mentioned document is oriented in a sense that, in each and every violent death in which the victim is a woman, the femicide protocol is adopted, with specific procedures and cautions, since the registration of the police report until the finalization of the criminal forensics, being the police authority responsible, during the investigations, for confirming or excluding the qualifying condition due to gender issues;
  - Basic Course of the National Protocol of Investigation and Forensics in Femicide Crimes, for all professionals from the Single Public Security System - SUSP;
  - Course “Procedural Aspects of the National Protocol of Investigation and Forensics in Femicide Crimes”, aimed at professionals acting directly in criminal forensics and conducting investigations in cases of femicide crimes.
  - Course of Support to Women Victims of Violence;
  - Course of Fighting Harassment against Women, with a transversal approach in the public security institutions at the structuring stage;
  - Development of Technical Standards to the Specialized Women Service Police Stations (DEAMs), which were elaborated and edited, in order to improve the public policy of fight violence against women, with the standardization of structures and procedures from the DEAMs throughout the national territory;
  - Articulation for the creation the Technical Chamber within National Council of General Commanders (CNGG), for studies and actions for policing towards the service of women in violence situations;
  - Creation of Work Group within the Senasp for the drafting of National Guidelines for policing towards servicing women in situation of violence;
  - National Diagnosis of Policing Towards Servicing Women in Situation of Violence;
  - Signature of Technical Cooperation Agreement, signed between the National Secretariat of Public Security and the National Secretariat of Justice, Federal University of Ceará, Court of Justice of the Federal District and Territories, Federal District Civil Police and Public



Prosecution Office of the Federal District and Territories, in partnership with Maria da Penha Institute, to provide technical and institutional support for the development of the Research Project “Facing violence perpetrated by intimate partner”;

- National Course Maria da Penha Patrol, which aims at training Public Security professionals from Military Polices from all over Brazil, in the specialized service to women in violence situation;
- Website of the National Network of Women Protection and Defense, which will integrate all Institutions and agencies that already integrate the Network of Services to Women in violence situation;
- Training courses for Public Security agents, with the purpose of avoiding revictimization of women in violence situation, as well as the financial support to the states and Federal District, for equipment purchases;
- Awareness-raising printing and audiovisual campaigns for Public Security professionals about the National Guidelines for the Specialized Women Service Police Stations, to Maria da Penha Patrols/Guardians/Rounds and to society, guiding Booklets on the violence cycle, identification of violence types, report channels.

10. Please provide updated data on: (a) cases of gender-based violence against women, including femicide (see the Femicide Law No. 13.103/2015) and domestic violence (see the Maria da Penha Law No. 11.340/2006), for the past four years, disaggregated by age, disability, ethnicity, nationality, sexual orientation (see resolutions No. 11 of 18 December 2014 and No. 12 of 16 January 2015 of the National Council on Anti-Discrimination and Promotion of the Rights of Lesbians, Gays, Bisexuals, Transvestites and Transsexuals), and the relationship between the perpetrator and the victim; (b) the number of investigations, prosecutions, convictions and sanctions imposed, as well as the number of restraining orders issued; and (c) compensation awarded and the number of women victims of gender-based violence who have been provided with legal assistance and relevant support services. Please state the specific measures that have been adopted to address the low reporting and conviction rates for rape, including rape and sexual abuse of girls. Please inform the Committee of progress made in amending the Penal Code with a view to adopting a definition of rape based on lack of free consent.

1. Regarding data and statistics, the Brazilian State currently holds the Brazil Observatory for Equality Between Men and Women, which carries, among its main functions, the data and information management on the situation of women in the country.
2. Moreover, in reference to data on domestic violence cases, femicide and the number of files, sentences, among others, it should be noted that the National Council of Justice (CNJ) has a Monitoring Panel of the National Judiciary Policy for Fighting Off Violence Against Women Indicators, source of information by which it is possible to access diverse data on the work conducted by the Exclusive Courts and Judges for Domestic Violence against Women.
3. Brazil does not own a consolidated administrative record of violence against women. There are four national major administrative records, each of them covering a part of the violence phenomenon in intersection with the State services.



MINISTÉRIO DOS  
DIREITOS HUMANOS  
E DA CIDADANIA





4. The administrative hospital records (Sinan and SIM) are the most used, recording hospital treatments on women who suffered aggressions, as well as deaths caused by interpersonal violence. These ones have epidemiological purposes, thus, they do not record the reports according to criminal categories.
5. There is the administrative record of the National Council of Justice mentioned above, which gathers information on the domestic violence and femicide ongoing proceedings from all Brazilian courts.
6. There are the Call-180 records, destined to support women in situation of violence. This is a record of lesser reach than the others, with a smaller number of services, however, with a greater level of detail in the record, with more disaggregation.
7. And, finally, there is the National Public Security Information System (SINESP) records, from the Ministry of Justice and Public Security (MJSP), which collects information from public security secretaries from the whole country. This does not own a category for “femicide” or “gender violence”.
8. In the Annex I, we made available the most representative information from the Brazilian administrative records.

11. Please report on measures taken to ensure access to justice for all victims of gender-based violence and to strengthen the capacity of the police, prosecutors and judges at federal, state and local levels on the strict application of relevant criminal law provisions and gender-sensitive investigation methods in cases of gender-based violence, and on measures taken to implement gender training and capacity-building for judges in criminal cases involving gender-based violence.

1. Regarding the actions developed for the access to justice by the Judiciary Branch, we highlight that the National Council of Justice (CNJ) has initiated, in 2015, the National Program Justice for Peace at Home, which is promoted in partnership with state Courts, aiming at speeding up the proceedings of cases related to violence against women.
2. Also, it must be reported that CNJ carries out, once a year, since 2007, a great event called Maria da Penha Journey, a space of debate promotion, experience exchange, courses, orientation, and guidelines, towards the implementation of Maria da Penha Law within the Courts System.
3. We highlight that, still, the National Forum of Domestic and Family Violence Against Women Judges (Fonavid) was formed in the third Journey. Such agency has as main goals conducting, continuously, the judiciary debate concerning the subject, as well as promoting incentives to the harmonization of procedures in the Specialized Courts of Domestic and Family Violence against Women.
4. Moreover, in the year 2018, through CNJ Resolution n. 254, that Council has established the National Judiciary Policy of Fighting Violence against Women, set guidelines and actions of prevention and combating violence against women and ensuring proper conflict resolution which involves women in situation of physical, moral, property and institutional violence, under the terms of the national legislation in force and the international human rights regulation on the subject.



MINISTÉRIO DOS  
DIREITOS HUMANOS  
E DA CIDADANIA



5. Still, we inform that the “National Protocol of Investigation and Forensics in Femicide Crimes” was established in 2020, aiming for the standardization of the technical-procedural operation by the public security professional responsible for the investigation and the criminal forensics in femicide crimes.
6. The mentioned Protocol is a product of the work articulated among the various Federal Government agencies, police, and forensic specialists, with the participation of chiefs of police and agents, criminal forensic agents and Ministry of Justice and Public Security technicians.
7. The restricted nature of the protocol aims uniquely and exclusively at protecting the victims, and does not result in lack of inspection, since the police operation external control remains executed by the Public Prosecution Office, which is responsible for monitoring whether embezzlement, illegalities, abuses of power, excesses or bad use of regulations and protocols are taking place.
8. Throughout 2020, actions were implemented to enable the equipment of the public security operators and the implementation of direct actions to stave off domestic and family violence against women, such as those dealing with the operational integration of the Judiciary Branch and Public Prosecution Office with public security areas.
9. Stemming from the work performed in the Red Signal Campaign, an interministerial articulation process took place along with the National Secretariat of Public Security (SENASP/MJSP) which ended in the creation of a Technical Chamber of Prevention and Combating Domestic and Family Violence within the framework of the National Council of Military Police General Commanders and States and Federal District Fire Brigades (CNCG). Focusing on the prevention and fight against domestic and family violence, this collegiate from the mentioned Council is developed by the military polices from Brazil. The importance of the Chamber should be highlighted as a great integrated prevention measure, especially due to its capillarity and the institutional presence from the Military Police in all federative states.
10. After that, aimed at the elaboration of the National Guidelines for Policing Towards Servicing Women in Situation of Violence, a Work Group was created, in a partnership comprised of the National Secretariat for Women’s Policies from the MMFDH and the National Secretariat of Public Security of the MJSP, with the National Council of General Commanders from Military Police and Fire Departments (CNCG). Such action has the National Plan for Fighting against Femicide (PNEF) as baseline and aims at the immediate compliance with immediate goal 5 from the Plan: “Establishment of Protocols and Guidelines of Service and Investigation and Promotion Axis of Women’s Security and Protection”.
11. It should be emphasized that, in 2020, Agreements were signed for the purchase of police vehicles, tablets and the creation of the Monitoring Center in the Minas Gerais Military Police (PMMG), and for the creation of a Monitoring Center in the Santa Catarina Military Police (PMSC).



12. Also in 2020, an Agreement with Santa Catarina Military Police (PMSC) was signed for the implementation of the Protective Alert Project, which consists of digital fencing for facial recognition of domestic and family violence offenders in case of noncompliance with urgent protective measures.
13. Still regarding the structuring of the Fight Network, agreements were signed in 2020 aiming at the purchase of police vehicles for the implementation of the Maria da Penha Battalion in Goiânia, from Goiás Military Police (PMGO), with Goiás Secretariat of Public Security; for the Victims of Violence Support Group (GAV) from Ceará Military Police (PMCE), with the Secretariat of Public Security and Social Protection of the State of Ceará; for the Specialized Women Service Police Stations from the state of Rio Grande do Sul Civil Police, with the Secretariat of Public Security of the state of Rio Grande do Sul; and for the Specialized Women Service Division from the state of Espírito Santo Civil Police, with the Secretariat of Public Security and Social Protection of the state of Espírito Santo.
14. In another line of action, in an education perspective, in this same year the 1<sup>st</sup> National Online Seminar of Military Polices in service of Women Victims of Violence took place, called: “Engaging with service practices to women in domestic and family violence situation developed by the military polices in Brazil”.

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

12. With reference to the Committee’s previous recommendations (para. 21) and general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, please outline the steps taken towards the adoption of a comprehensive law against trafficking in persons, in particular women and girls, and a new national action plan to prevent and combat trafficking, and international, regional and bilateral cooperation in this regard. Please inform the Committee about steps taken towards the creation of a uniform national system for identifying and following up on women victims of trafficking, awareness-raising campaigns and training programmes on trafficking in women and girls, and assistance provided to them, including psychosocial support, crisis shelters, compensation and restitution. Please provide information, supported by statistical data, on the prosecution and adequate punishment of perpetrators of trafficking-related crimes. Please include data on studies and surveys conducted on the prevalence of exploitation of prostitution, in particular of girls, in the State party, including in areas where large-scale agro-industrial and development projects are being implemented (para. 20) and in the tourism industry. Please provide information on measures taken to address the root causes of sexual exploitation and trafficking and reduce the risk of women and girls being subjected to sexual exploitation and trafficking, including hotlines accessible throughout the entire territory of the State party. Please also provide information on the provision of educational and alternative income-generating opportunities for women and girls in prostitution, to make them less vulnerable to all forms of sexual exploitation and trafficking.

1. In 2004, Brazil has ratified the Palermo protocol through Decree n. 5,017, from March 12<sup>th</sup>. Since then, the international regulation came into force in the country, guiding the national legislation for the identification of this crime.
2. In the second cycle of the National Plan for Fighting against Trafficking in Persons, ended in 2016, the most important national landmark in the fight against human trafficking was achieved: the approval of Law 13,344/16.



MINISTÉRIO DOS  
DIREITOS HUMANOS  
E DA CIDADANIA



3. Before Law 13,344/16, trafficking in persons in Brazil tied to prostitution and sexual exploitation, as indicated by articles 231 and 231-A in Criminal Code (1940), both revoked by the aforementioned Law. The trafficking in persons Law brought about important changes to the Brazilian legal framework, in compliance with the already regulated in international treaties.
4. Organized in three axes (prevention, victim protection and prosecution), the new legal milestone, besides expanding the list of elements within the trafficking in persons crime, brought about another important progress related to the protection axis, with the creation of a comprehensive policy of the victims' support. The law envisages legal, social, work and job, and health assistance, accommodation and temporary shelter, prevention of the person's revictimization and humanized services.
5. According to the Law n.13,344/2016, the victim started to have a leading role in the fight against trafficking in persons, being treated as a subject of rights who must be heard and respected. In this sense, rights' protection and assurance to victims of trafficking are central, regardless of collaboration in the legal procedures.
6. This perspective of focus on the victim is established right in the beginning of the law which, in its 2<sup>nd</sup> article, presents as trafficking in persons combat principles the respect of human dignity, human rights promotion and assurance, non-discrimination, integral attention to the victims, integral protection of the Child and Adolescent, among others.
7. Regarding service and victim protection, the law understands it must be offered humanized service; accommodation and temporary shelter; legal, social work and health assistance; prevention of revictimization; legal and administrative information; and, in cases of Brazilian victims abroad the support will be a responsibility of the consular network regardless of the migratory status (article 6).
8. The assurance of access to attention services, as well as the residence possibility for an indefinite period, being not dependent from the collaboration with the Judiciary, answers to the acknowledgment of the victim as a subject of rights, distancing them from the perspective of a witness or a fundamental piece of a legal procedure.
9. Another aspect worth highlighting is the fact that the law reinforces the provisions already set in the Federal Constitution of 1988, in which the immigrant has the same rights dispensed to a Brazilian citizen.
10. Brazil has started its third cycle of public policies of fight against human trafficking, starting from the advancements level and challenges left by the II Plan.
11. The Third Plan originates from a broad collective construction. With challenges of a multi-disciplinary nature, it takes an important dimension of transversality and collaboration, both in its implementation and monitoring.
12. In this new cycle, the III Plan presents as an opportunity for further achievement in the fields of political management, information management, articulation and integration of programs. Equally important, this third cycle reinforces the needed continuity in actor training, awareness-raising of public



opinion, in trafficking in persons prevention, victims' protection and perpetrators' accountability. With the capabilities and commitments added up by all the government and non-governmental players involved in the fight against trafficking in persons.

13. There is no predetermined victim profile in trafficking in persons since it changes according to demand the market logic in which the exploitation takes place. The National Report about Trafficking in Persons of the National Secretariat of Justice in 2017 demonstrates that the age group from 10 to 19 amounted to 20% of the victims identified in Brazil.
14. The sexual exploitation seems to be the main modality in relation to children and teenager trafficking. In 2016, the Federal Police registered 75 victims of human trafficking for sexual exploitation, 42 of them were female. Women and girls are, proportionally, the largest victims identified as trafficked for sexual exploitation, according to the National Report of Human Trafficking, 75% of the victims identified in Brazil are women.
15. In relation to the creation of the national unified system to identify and monitor women victims of trafficking, awareness-raising campaigns and training programs about women and girls trafficking, and the support provided to them; the SNPM informs that, due to technical approval, in the Female Ministers and High Authorities from MERCOSUL Meeting (RMAAM) in 2016 and in 2017 of the "Operation Protocol of the MERCOSUL Network of attention from the Articulation Mechanism of service to women in international trafficking situation", is working in partnership with the Ministry of Justice and Public Security (MJSP) and international entities from the UN for the implementation of the mentioned protocol.
16. In this sense, the National Secretariat for Women's Policies (SNPM) has developed in the first semester of 2018, within the Global Plan of Action to Combat Trafficking in Persons and the Smuggling of Migrants (Glo.Act), with the United Nations Office on Drugs and Crimes (UNODC). One of the components of this project with the main goal of implementing an agreed protocol, initially in the MERCOSUL region to improve the identification, generation of data and flowchart of women's in international trafficking situation services.
17. The project component was implemented in 2018 and unfolded in three stages, which carried out articulation meeting among federal agencies involved in the fight against trafficking in persons, seminar with representatives from the service network for women in violence situations, Fight Against Trafficking in Persons Centers (NETP) and the Women's Policies Organizations (OPM), and an International Seminar about Shelter Houses and accommodation alternatives for women in trafficking situations.
18. As an outcome, the training matrix was developed towards services from the service network for women in international trafficking situations, proposal of notification workflow, information recording, external communication to agencies involved and service protocol for servicing women in trafficking situations, besides a version translated into Portuguese and commented by the SNPM from the Protocol of the Network operation.
19. The Project Embrace Marajó aims at improving HDI from the islands' cities with the worst rates and that have human rights issues related mainly to sexual exploitation, violence against children, adolescents, women, and





elderly people. The program is divided in 110 actions, structured in 4 axes, among which “Social Development”, that strives to reduce social vulnerability and expand social policies actions to the population from Marajó.

### **Participation in political and public life**

13. In the light of the Committee’s previous concluding observations (para. 23), and in view of the very low participation of women in political life, please provide information on the measures taken to increase the number of women in elected decision-making bodies at the federal and state levels and in appointed positions at the municipal level. Please elaborate on the implementation of resolution No. 23.568 of 2018 of the Superior Electoral Court, which stated that political parties should allocate 30 per cent of public electoral funds to the campaigns of women candidates, extended in 2020 to include Afro-descendent candidates Please also provide information on awareness-raising campaigns aimed at eliminating patriarchal attitudes and stereotypes and at highlighting the importance of women’s full and equal participation in political and public life, including through representation in decision-making positions.

1. For this question, please refer to the question 8 answer, more specifically the presentation of the More Women in Power Project.

### **Education**

14. With reference to the Committee’s previous recommendations (para. 25), please provide information on: (a) enrolment rates for women and girls in primary, secondary and tertiary education in urban and rural areas; (b) steps taken to overcome reported inequalities in access to education at all levels, in particular for women and girls with disabilities, migrant, refugee and asylum-seeking women and girls, indigenous women and girls, and women and girls belonging to ethnic minorities, including Afro descendent women and girls, as well as in access to vocational training for older women; (c) efforts made to promote non-traditional educational choices by girls and women in such fields as science, technology, engineering, mathematics and information and communications technology; (d) measures taken to address the reported high drop-out rates among girls, in particular in rural areas; and (e) the impact of the reported education expenditure cap for the next 20 years, pursuant to constitutional amendment No. 95.

1. The Brazilian State debates, strengthens and implement actions that promote conditions for decent work and opportunities for an economic and social projection for women, to achieve a fairer and more egalitarian society. Promoting women economic independence is to assure them their own income and free decision over its use, as fundamental factor for them to carry out their project and reach their intellectual social, emotional capabilities fully, among other, ensuring their livelihood and enabling, also, the departure from abuse and violence situations.
2. The need for a public policy focused on the equitable sizing among men and women within the work activities field is reachable through actions focused on training and female entrepreneurship, expanding not only their employability, but first and foremost their productive capacity and entrepreneurial self-sufficiency.



3. The partner network counts on agencies and entities from all levels of government, besides the non-profit private sector, for a larger national capillarity and decentralization of actions and goals. All actors combine efforts converging in a common interest, grounded on the understanding that the collaborative work improves and strengthens the expected results - here, the woman's autonomy collaborating with the economic and social development of each city, state, region and, surely, the country.
4. The relevant activities fields in women training are diverse and focus on the market sectors where the feminine presence is still minor. The Pilot Project Woman Qualified, therefore, encompass professional and entrepreneurial training for women in Science, Technology, Engineering and Mathematics (STEM) and Information and Communications Technology (ICT).
5. The Project "Girls in Sciences" should also be highlighted. Considering the low inclusion of women in the engineering, exact sciences and computer science, SNPM has built partnerships like with National Council for Scientific and Technological Development (CNPQ), for the implementation of the Girls in Exact Sciences, Engineering and Computer Science Program through Public Notice.
6. The goal of this initiative is to awaken student's vocations, as well as promoting an innovation culture since the Elementary School, awakening the girl's interest in the professions from the exact sciences, engineering, and computer science fields. The mentioned Program aims at fighting student's evasion among women in graduation courses in the exact science's areas, which takes places mainly in the first years.
7. With regard to the statistical data requested in the question about the enrollment rate of women and girls in the different educational levels, the information is provided in the table in Annex I. The concept of schooling rate was applied, which is the percentage of students in a particular age group from the total of people in the same age group, and the disaggregation by age was also used.

15. Please also provide information on measures taken to develop and introduce digital technologies in order to reach girls and ensure their continued education in all areas of the State party in the context of the COVID-19 pandemic. Please elaborate on the status of relevant legislation, policies and programmes for inclusive education as a right of girls with disabilities and on the human, technical and financial resources allocated to ensure reasonable accommodation for them to study in mainstream classes at mainstream schools. Please report on measures taken to increase the number of women in the highest positions in academic institutions, in order to promote substantive equality of women and men.

1. In October 2020, the "Research on the Usage of Internet by Children and Adolescents in Brazil"<sup>1</sup> was published, relative to year 2019, by the Regional Study Center for Development of the Information Society (Cetic.br) from Ponto BR Information and Coordination Center (NIC.br) in partnership with other public and private institutions and also in an international level, like The United Nations Educational, Scientific and Cultural Organization.



MINISTÉRIO DOS  
DIREITOS HUMANOS  
E DA CIDADANIA



2. Besides having highlighted information over the usage of web by young people considering characteristics such as age group and social-economic conditions, the document also raises data on the access to the network by girls, as quoted below:

In relation to gender, girls reported having been through risk situations in a most expressive manner than boys, with emphasis to contact with sensible and sexual content. The research addresses various kinds of sensible content children and adolescents may have access to. The difference between girls and boys reached double over the contact with sensible content: the proportion of girls who declared having come in contact with contents about forms of staying very thin was of 21% (with 10% for boys), about forms of committing suicide was of 22% (with 9% for boys) and about forms of hurting themselves, 18% (as for 7% for boys). The 2019 edition of TIC Kids Online Brazil investigated for the first time the contact with violence scenes. Also in this case, the proportion of girls who have come in contact with violent content (27%) was higher compared to boys (17%).

3. Stemming from these data, it confirms a need for special attention over the use of the Internet by young people in general and girls, particularly, in order to ensure the respect of dignity and risk prevention variables. In reference to its own responsibilities, the National Secretariat of Family reiterates the importance of the participation of the family during the process of digital inclusion, by raising awareness and training its members, so that they are able prevent abuse situations by technological means.
4. In relation to the inclusion of girls in the digital context, based on these recently collected data, the Cetic.br website shows no significant disparities on the frequency of Internet usage between girls and boys.
5. Besides that, the National Secretariat of Family seizes the opportunity to highlight the Reconnect Program, initiated by the department, aiming at educating for the adequate handling of technology and raise awareness over the importance of the family as a generator and protective element in the usage of new technologies. In this context, giving that the target audience are families and their children, the project may be employed in contexts covering only girls, depending only on the organization by the responsible institution for the project implementation to fulfill such intent.
6. As for measures taken to stimulate a higher number of women in high academic positions, in order to promote a substantive equality between women and men, we point out that there are research showing higher rate of women, in Brazil, with secondary or higher education when compared to the number of men. In fact, in the National Family Observatory website, a National Secretariat of Family project aiming at stimulating the development of studies and researches on the subject of family in order to support the public policies, the article “Professional Choices and Impacts in the Age Gap between Men and Women” is published, written by Regina Madalozzo and Rinaldo Artes, which enlightens that in cases of profession called “integrated occupations” or even in cases of traditionally male occupations, the



percentage of women with secondary school or higher education is of 70% (integrated) and of 47% (male), in contrast with the percentage of men, of 63% (integrated) and 39% (male). Only in the traditionally feminine professions, the percentage of men is slightly larger, but by a slight margin (60% of women and 62% of men with secondary or higher educational level).

### **Employment and social security**

16. In the light of the Committee's previous recommendations (para. 27), please provide information on the steps taken to address elimination of discrimination against women in employment, including: (a) the adoption and implementation of temporary special measures to reduce gender inequalities in the labour market in terms of both horizontal and vertical segregation, in relation to women belonging to ethnic minorities, including Afro-descendent women and indigenous women, in particular in areas where large-scale agro-industrial and development projects are being implemented; (b) the unemployment rate of women; (c) the gender pay gap and measures to ensure full respect for the principle of equal pay for work of equal value in both the public and private sectors; (d) gender disparities in pensions and social benefits, including pursuant to constitutional amendment No. 103 revising the social security scheme in the State party; (e) any disproportionately negative impact of austerity measures and tax policies on women; and (f) the integration of women working in the informal sector into the formal labour market, including those earning less than the minimum wage, in particular women domestic workers and rural women, following the ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). Please also provide information, supported by statistical data, on measures taken to eliminate all forms of discrimination and ensure equal integration of women in the labour market, including migrant women, refugee women and women with disabilities, in particular in traditionally male-dominated sectors.

1. Despite the relevant progress in actions and public policies for promoting equal opportunities in Brazil, integrating people in the job market is still affected by racial and gender differences, as demonstrated by various statistics, including within the Institute for Applied Economic Research (IPEA). Brazilian women, albeit having a higher educational level in relation to men, are less likely to be employed, earn less, and take up the worst job positions.
2. Considering the intersection of social markers of class, race and gender, a deterioration of women's situation is verifiable. According to the National Household Sample Survey carried out from 2012 to 2018, the average income of the black population (encompassing black and brown people) corresponded, on average, to 60% of the white (IBGE, 4th trimester 2012-2018). Still, white women as well as black women always get inferior paychecks than white and black men, respectively. Therefore, the wealth pyramid in the period was shaped by white men in the top, followed by white women, then black men and, at the base, black women.
3. According to the International Labour Organization (ILO), the inequalities of gender and race are structuring axes of the social inequality framework in Brazil that, in turn, is the root for the continuance and reproduction of poverty and social exclusion situations. Because of this, facing these inequalities means treating a structural feature of the Brazilian society, which transformation is indispensable to overcome deficits of decent work currently existing, as well as



- effective compliance with the Millennium Development Goals.
4. Aware of this reality, the Brazilian Government has been implementing public policies of fighting against discrimination in work relationships taking into account the inequalities between men and women, through actions such as the implementation of fiscal actions and the creation of a Work Group on Discrimination in 2019 in the Division of Child Work Inspection and Equal Opportunities (DTIOP), at the time associated to the Ministry of Work and Employment. In its new structure, now linked to the Ministry of Economy, the Undersecretary of Labor Inspection commenced in May 2021 the structuring of this topic inside DTIOP from the General Coordination of Inspection.
  5. In a national level, the Undersecretary of Labor Inspection, through the DTIOP, has created, in 2018, a work group focusing on fighting off work discrimination, with the goal of drafting up a national strategy proposal of Labor Inspection to Combat Discrimination. The work group gathered between the months of October and November 2018, and elaborated a questions and answers booklet about discrimination in the workplace.
  6. One of the values of the equality between women and men is the assurance of financial independence of the women. For this reason, the public policies of economic autonomy promotion must reflect in the workplace, seeking to develop new work relationships and eliminate all forms of discrimination in the job access, remuneration, ascension, and permanence. In this sense, a program like the Pro Equity Between Women and Men in the Workplace has a relevant role of awareness-raising for managers and employers on the need to minimize the obstacles to a larger participation of women in the formal work market, an essential factor to guarantee their rights.
  7. The Pro Equity Program was created in 2005, arising from a partnership between the National Secretary for Women's Policies (SNPM), UN Women and the International Labour Organization (ILO). The Pro Equity Program promotes equality among women and men in the workplace taking into account five principles: equal pay for jobs of same value; violence and harassment against women in the workplace; balanced journey among work and family and equal sharing of responsibilities; support to women positioned in works and management positions; and the development of the business future that is compatible with the woman's work. In this sense, all five principles represent the beacon of equality among women and men in the workplace, which implies that the lack of any of them represents a discrimination situation.
  8. Aimed at medium and large-sized organizations/companies, public or private, with personal legal personality, the participation in Pro Equity is voluntary and is conditioned to the submission of the Profile Form, instrument that allows for the elaboration of the organization diagnosis and, a Plan of Action - which represents the actions agreed between the organizations/companies and SNPM. Thus, it stimulates businesses to implement action of people management and organizational culture that promotes equality among Women and Men in the workplace.
  9. The company which operates successfully, during the program, will be tagged as a brand of efficient management - the Pro Equity among Women and Men in the Workplace Seal - which contributes to reach good economic, financial, and social environmental results and the national and international promotion over the commitment taken for the equality among women and men in the



MINISTÉRIO DOS  
DIREITOS HUMANOS  
E DA CIDADANIA





workplace.

10. To fulfill this task, the organization commits to one of the founding values of the Program: the pursuit of more equal work relationships. In this sense, one of the main focuses is to overcome income and managing positions disparity, where the pay and access to managing positions gap by women and men is still considerably large. In order to achieve equality inside the corporation, the companies must direct their actions to value and provide visibility to the work developed by women.
11. With respect to the statistical information requested in this question, we forward tables referring to this subject in the Annex I, attached to the present Report.

17. Please provide detailed information on the efforts undertaken to promote the equal sharing of household and parental responsibilities between women and men, including by reviewing labour and social security legislation. Please report on the status of the implementation of legislative and other measures to prevent, monitor and remedy sexual harassment and discrimination in the workplace, including steps taken to ratify and raise awareness of the ILO Violence and Harassment Convention, 2019 (No. 190).

1. According to articles 226, paragraph 5, and 229 of the Federal Constitution, “Paragraph 5 - The rights and duties related to the conjugal society are exercised equally by the men and women” and “The parents have the responsibility to assist, raise and educate the minor children, and the older children have the duty to help and support the parents at the old age, in need or in sickness”. This principle is specified by Law n. 8069/90, which establishes the Statute of the Child and Adolescent, according to which the parents are charged with support, guardianship, and education duties, being the family’s duties, as well as society and public power in general, the realization of rights referring to life, health, feeding, education, sport, leisure, professionalization, culture, dignity, respect, freedom and family and community interaction (article 4). The Statute also establishes that mother and father have equal rights and responsibilities shared in the care and education of the child:

Art. 22 The parents are charged with the responsibility for support, guardianship, and education of the minor children, falling on them also, in their interest, the duty of complying and enforcing legal determinations.

Single Paragraph. The mother and father, or the guardians, have equal rights and duties and shared responsibilities in the childcare and education, guarding the right of family transferring of beliefs and cultures, assuring the children rights established by this Law. [\(Included by Law n. 13,257, from 2016\)](#)

2. This egalitarian distribution of duties among fathers and mothers, men, and women, is finding gradual support inside the labor legislation. In the Consolidation of Labor Laws there is a section destined to the Maternity



Protection (Section V - Chapter III - On the Protection of Women's Work). The protection is granted through rules that prevent firing on account of pregnancy, ensure temporary work stability and maternity leave, the right to breach work contract commitments when there is risk to the pregnancy, removal from places and activities considered in predetermined situations, breastfeeding periods, temporary leave in cases of abortion. Still, in Section IV the obligation is established so that the establishments in which at least 30 (thirty) women over 16 (sixteen) years old work own proper facilities where the employers are able to keep their children under surveillance and assistance during the breastfeeding period (Article 389, paragraph 1 of the CLT).

### **Sexual harassment and discrimination in the workplace**

3. The enactment of the 1988 Federal Constitution was as fundamental normative instrument for the resistance and fighting against discrimination practices in work relationships, by providing, as one of its goals the promotion of well-being to everyone without prejudices of origin, race, sex, color, age, and any other form of discrimination. Also, it reaffirmed the formal equality between men and women and, therefore, the prohibition of wage gap, of duties performance and admission criteria due to gender, age, color or civil status, the protection of women's workplace and the worker with disabilities, ensuring to the latter a quota from public jobs and positions.
4. Despite all constitutional guidelines, workers' low wage and, especially, of female workers, maximize discriminatory practices in the workplace which has been demanding a special look from the legislator in order to avoid violation of the fundamental rights secured constitutionally. One of the consequences of this need was the publication of Law n. 9,029, from April 13th, 1995, which has banned the requirement of pregnancy and sterilization, and other discriminatory practices, for job admissions or permanence in the legal work relationship, due to sex, origin, race, color, civil status, family situation, disability, professional rehabilitation, age, among others.
5. Still in the search to achieve material equality (isonomy) between men and women, in 1999, through Law n. 9,799, the Article 373-A was added to the Consolidation of Labor Laws, in order to correct distortions that affect women access to the work market, prohibiting, among other practices, the refusal of work, promotion or motivate work dispensation due to reasons of sex, age, color, family situation of pregnancy status, the demand of attestation or exam, of any nature, to prove sterility or pregnancy, in the work admission or permanence and employment of gender, age, color of family situation as determining variables for reasons of remuneration, professional formation and opportunities of professional ascension.
6. The Subsecretariat of Labor Inspection acts in the fight against discrimination in a guiding way, as well as identifying and promoting, among the possible administrative measures adopted by the inspection, the regularization of the legislation infringement pertaining the subject.
7. As for sexual harassment, in 2001, the behavior was typified as a criminal practice, whereby a person is embarrassed or annoyed with the purpose of obtaining benefit or sexual favoring, the agent taking advantage of their condition as superior authority ascendancy associated to work, position or



function practice (Article 216-A of the Criminal Code, included by Law n. 10,224/2001).

8. The following actions developed by the Public Labor Prosecution Office should be noted within the topics discussed in this question:
  - a) Strategic Workshop for Trans Employability, held on January 27<sup>th</sup>, 2020, by the National Secretariat of Global Protection from the Ministry of Women, Family and Human Rights to draw on the Trans Visibility Week, with participation of various representative of agencies, including, the Public Labor Prosecution Office;
  - b) Seminar about Health, Work, Rights and Social Inclusion for Trans Population, that took place on January 29<sup>th</sup> and 30<sup>th</sup> 2020, celebrating the Trans Visibility Day (January 29<sup>th</sup>), by the United Nations (UN) and with the support from the Public Labor Prosecution Office, Federal Government and Australian Embassy in Brazil. On the occasion, several subjects were addressed, specially, how social vulnerability, prejudice and discrimination are still obstacles faced by trans people in the formal work market.
  - c) National online campaign “A woman’s place is wherever she wants” on the MPT social networks, during the whole month of March 2020, when it was possible to reflect upon women’s challenges in the work market on account of the social role of the sex differences in the Brazilian society.
  - d) Joint Technical Note 08/2020 PGT/COORDIGUALDADE/CONALIS for MPT operation in promoting measures of prevention and facing violence and harassment in work relationships in the face of the government measures to control the Covid-19 pandemic;
  - e) 2<sup>nd</sup> Institutional Online Seminar Diversity in Action: LGBTQI+ Discrimination and Citizenship in the workplace, held on June 8<sup>th</sup>, 2020, in the Public Labor Prosecution Office’s YouTube channel (TVMPT).
  - f) 3<sup>rd</sup> Institutional Online Seminar Diversity in Action: Domestic Work: respect and citizenship during the pandemic, held on June 26<sup>th</sup>, 2020, through the Public Labor Prosecution Office’s YouTube channel (TVMPT).
  - g) 5<sup>th</sup> Institutional Online Seminar Diversity in Action: Gender Violence at Work, held on August 7<sup>th</sup> 2020 through the Public Labor Prosecution Office channel on YouTube (TVMPT), in partnership with Valéska Maria Zanello de Loyola, Professor from the Department of Clinical Psychology of the University of Brasília;
  - h) 6<sup>th</sup> Institutional Online Seminar Diversity in Action: Women Discrimination at Work, held on August 21<sup>st</sup> 2020, with participation of Adriana Avelar, Master in Social and Legal Sciences from the Fluminense Federal University (UFF), and Mila Guedes, activist for the Rights of People with Disabilities;
  - I) Booklet “Mutual Care in Domestic Work in Times of Pandemic”, drawn up by the Public Labor Prosecution Office, with support from the National Federation of Domestic Workers (FENATRAD), and aims to value activities performed by domestic workers and present measures that may help health and life protection of workers and residents;



J) Booklet “Moral Harassment at Work: Questions and Answers”, developed by the Public Labor Prosecution Office, posing the main questions that come up about moral harassment in a didactic and objective way, contributing, thus, to the elimination of such abusive and violent practices;

k) Creation of GT (Work Group) Domestic Work, instituted by Ordinance n.1120/2020, with activities deadline of 10.30.2021, aiming at promoting the means of access to justice and awareness raising over fundamental and work rights of the category, besides fostering domestic work appreciation. As part of this initiative, the Booklet on the Rights of Domestic Workers was published through an online seminar in the TVMPT YouTube channel; as well as provide material (models for legal documents and decisions) to support the performance of MPT Members activities about the subject;

l) Public Labor Prosecution Office Comic Book about LGBTIQ+ People in work relationships published on September 25<sup>th</sup>, 2020;

M) Cooperation Agreement TRT4 n. 75/2017-04 between Themis - Gender, Justice and Human Rights, Regional Labor Court of the 4<sup>th</sup> Region, Public Labor Prosecution Office of Rio Grande do Sul, Rio Grande do Sul Labor Attorneys Association, Unified Workers Center of the state of Rio Grande do Sul, Labor Justice Forensic Experts Association of the state of Rio Grande do Sul, Conceptu Prototypes and Systems, National Council of Domestic Workers and Public Labor Prosecution Office, for the development and promotion of the app Laudelina to provide domestic workers knowledge over their rights.

n) Workshop “The Public Labor Prosecution Office and its actions as an agency in the assessment/investigation of reports about moral harassment”, a partnership between COORDIGUALDADE and the Chamber of Coordination and Review (CCR), held on October 14<sup>th</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> and November 5<sup>th</sup>, 2020. During the workshop challenges in the ministerial action on the subject were discussed, as well as the revisional action of the Chamber of Coordination and Review, and the need to build a reference for the Member’s actions, stemming from these discussions;

O) Creation of the GT (Work Group) Violence and Harassment, aiming at defining strategies for facing harassment and violence within the national companies; conduct studies and promote debates about the implementation of the 190 ILO Convention, in order to guide the MPT Members’ operation; identify ongoing or completed public civil actions, as well as the conduct adjustment declaration nationally.

p) LGBTIQ+ Course, held on November 12<sup>th</sup>, 18<sup>th</sup> and 23<sup>rd</sup> by the Public Labor Prosecution Office, which addressed public service that contemplates the respect of gender diversity for all, as well as the importance of the MPT operation in promotional activities, such as the Kitchen and Voice Project. Concepts were approached to deconstruct the ciscentered look and the bibliographical reference used was from black feminists intellectuals;

9. Within the Regional Public Labor Prosecution Office (PRTs), the COORDIGUALDADE/MPT participated/promoted the following highlighted actions:



MINISTÉRIO DOS  
DIREITOS HUMANOS  
E DA CIDADANIA



- a) Event “Gender: challenges and perspectives”, held between February 19<sup>th</sup> and 20<sup>th</sup>, in Foz do Iguaçu/PR, by the Regional Public Labor Prosecution Office of the 9<sup>th</sup> Region (MPT-RR);
- b) Event “PRT Encounters”, held on February 3<sup>rd</sup> 2020, Regional Public Labor Prosecution Office of the 10<sup>th</sup> Region (MPT-DF);
- c) Seminar “Challenges for Women in the XXI Century”, held between February 13<sup>th</sup> and 14<sup>th</sup> 2020, in which several subjects were debated, with emphasis on “Prerogatives of pregnant and breastfeeding women”; “Femicide: Death Foretold”; “Work market for young women attorneys and women attorneys in the better age”; “Women in the current Society and aging: a social judicial perspective”; among others;
- d) Formation of a new class from the employability Project “One more without pain”, in January 20<sup>th</sup> 2020, by the Regional Public Labor Prosecution Office of the 18<sup>th</sup> Region (MPT-GO) The graduation ceremony counted with the participation of 15 students in vulnerable situations - trans, transvestites and women whose children were victims of police violence, Industrial Sewing, Clothing Repair and Fashion Design courses. Besides the courses, workshops were promoted, as well as rounds of conversation, lectures, instructions for resume writing, medical and dental orientation, and poetry and feminine entrepreneurship workshops;
- e) Publishing of campaign “Your identity matters to us. No prejudice from others”, by the Regional Public Labor Prosecution Office of the 10<sup>th</sup> Region (MPT-DF) in celebration of the Trans Visibility Day on January 29<sup>th</sup>. The initiative seeks to raise awareness from the member of the 10<sup>th</sup> Region PRT about the use of bathrooms according to gender identity, considering the provided by Article 4, of PGT Ordinance n. 1,036, from December 1<sup>st</sup>, 2015.
- F) Seminar “Gender, Race and Diversity Perspectives and its Intersectionalities - Gender and Awareness Raising”, held by the Public Prosecution Office of the City of Palmas (PTM de Palmas - Regional Public Prosecution Office of the 10<sup>th</sup> Region);
- g) Conversation circle to celebrate the National Trans Visibility Day promoted by the Regional Public Labor Prosecution Office of the 17<sup>th</sup> Region (MPT-ES) on January 29<sup>th</sup> 2020, through the local Commission of Prevention and Facing Moral and Sexual Harassment and Discrimination (CAMSD);
- h) Marketing campaign of awareness-raising about violence against women through the Public Labor Prosecution Office social media, made possible by the Santa Maria Public Labor Prosecution Office (Regional Public Labor Prosecution Office of the 4<sup>th</sup> Region) on November 23<sup>rd</sup> 2020. The campaign is part of the MPT mobilizing in the “16 activism days for the end of violence against women”.

## Health

18. In the context of the COVID-19 pandemic, please provide information on the effects of the reported budget losses of the unified health system on access to health care for women and girls and on the measures taken to protect the lives and health of women health workers, who



MINISTÉRIO DOS  
DIREITOS HUMANOS  
E DA CIDADANIA





make up the majority of health workers. In the light of the Committee's previous recommendation (para. 29), please provide information on the root causes of the reported high maternal mortality rate, in particular for Afro descendant women and women in rural areas, as well as in the context of the pandemic; the high rates of infant mortality and early pregnancy; and the increase in sexually transmitted infections and cases of HIV/AIDS. Please also report on the contents and impact of the so-called abstinence policy for adolescents, including girls, adopted in 2019. Please provide information on the progress made towards the introduction of comprehensive, age-appropriate, evidence-based and scientifically accurate education on sexual and reproductive health and rights, responsible sexual behaviour, the prevention of early pregnancy and sexually transmitted infections, and HIV/AIDS, and report on the allocation of human, technical and financial resources for its implementation, including its incorporation in all school curricula. Please indicate the measures taken to prevent and combat the spread of the Zika virus, which is reported to disproportionately affect women and girls, in particular in rural areas, and to combat related stigmatization and discrimination. Please describe the health services available to women and girls with Hansen's disease (leprosy) and measures taken to combat stigmatization and discrimination.

1. Regarding the current context of the Covid-19 pandemic and its implications on the various policies toward women, please refer to question 2, in which this topic was answered comprehensively.
2. With respect to the mentioned "abstinence policy for adolescents, including girls, from 2019" and the related mentioned topics, like early pregnancy prevention, we point out that, briefly after the policy launch, the Covid-19 pandemic restrictions were declared, in March 2020, with the resulting closing of schools and the interruption of any new actions to be implemented in this subject, affected by adverse issues. It should be considered that the possible evidence resulting from this policy could only be assessed after a certain period of implementation in controlled conditions, according to the regulation related to the implementation of public policies, with the implementation and assessment of this measure being currently suspended.
3. Anyhow, we highlight that, on the occasion of the National Week of Teen Pregnancy Prevention, the Ministry of Women, Family and Human Rights promoted, in February 2021, a virtual seminar to debate how to face and prevent the incidence of teenage pregnancies. The attendees emphasized ethical issues about the importance of psychological maturity, still incomplete during the adolescence, to go through a pregnancy and acquire a balanced parental responsibility.
4. **HIV AND VIRAL HEPATITIS** - Since 1998, Brazil has adopted a universal health access model through the Single Health System (SUS), based on the doctrinal principles of universality, integrality, and equity. Since its establishment, the national response to HIV recognized that the epidemic strikes disproportionately certain groups. In line with the equity principle, the response of the Ministry of Health has always worked to mitigate the social determinants that increase HIV in these more vulnerable groups. Brazil has a concentrated HIV epidemic, with national HIV prevalence of 0.4%, being 0.3% among women, and much higher prevalence rates among key populations.



5. In this context, our policy offers **prevention and care to HIV for all population**, however with **specific strategies to different population subgroups**, either to serve the **particular features from women life cycle**, or to serve the particular need from key populations. **All HIV services has particular features for women**, such as distribution of prevention supplies, access to timely diagnosis with quick and conventional testing, especially in maternities, and access to treatment and clinical follow-up. There are also specific features as for recommendations to prevent vertical HIV transmission and also for the health of the pregnant woman living with HIV, such as recommendations over the more adequate delivery type, prevention to the newborn child, as well as providing lactation inhibitor and milk formula until the child reaches six months old.
6. Relative to HIV combined prevention, the SUS offers a broad range of methods, that is: promotion of regular HIV testing, HIV post-exposure prophylaxis (PEP), prenatal care custom for pregnant women living with HIV, testing and treatment for other sexually transmitted infections, distribution of feminine and male preservatives, treatment for all people living with HIV and, most recently, the **HIV pre-exposure prophylaxis (PrEP)**.
7. An example of good practices in Brazil in HIV interventions based on gender is the implementation of PrEP, since 2018, focusing on preferential and highly vulnerable to HIV infection populations, such as transgender women, sex worker women, women with HIV-positive partners, as well as pregnant and recently given birth women under a higher risk for HIV.
8. In the Covid-19 context, we highlight the following initiatives, towards fighting and preventing HIV:
  - Extension of antiretroviral dispensation forms expiration for treatment, ensuring, today, more than 1 year of automatic expansion - to avoid return of patient to the services, only to renovate their prescriptions, and facilitate continuation and adherence to treatment.
  - Offer of HIV testing to patients hospitalized with respiratory syndrome;
  - Implementation of HIV focused testing strategy, focusing on the most vulnerable people, besides the expansion of self-testing usage.
  - Recommendation for the people living with HIV (PVHIV) who are stable and with undetectable viral load reduce frequency from follow-up appointments and exams to once a year (securing service in cases of complications), in order to reduce the circulation of people in health services and maintaining quality in the follow-up for PVHIV.
  - Offer of antiretroviral treatment for foreigners that, by any chance, were not able to return to their origin countries due to travel restrictions;
  - Extension of the expiration date of active forms for PrEP dispensation, which currently totals more than 1-year automatic extension.



- Close collaboration with all states, through contact and videoconferences, aiming at customizing the help needed, and provide support to maintain PVHIV care and prophylactics;
  - Expediting the national measures, already ongoing before the pandemic, to extend the dispensation period of drugs for HIV treatment;
  - New routine of monthly monitoring of strategic indicators to assess the impact of the pandemic in the care for PVHIV. Published in <http://www.aids.gov.br/pt-br/painelcovidHIV>;
  - Inclusion of Persons Living with HIV/AIDS from 18 to 59 years old in the preferential group for the immunization against Covid-19.
  - Publishing of Informative Note on the recommendation of the drug Raltegravir 100mg (RAL) granulate for oral suspension in the treatment of children exposed or living with HIV, the diagnose of HIV infection in children under 18 months old and about treatment for children living with HIV, and includes guidance on handling children exposed to HIV preterm and/or low weight;
  - Expansion of the HPV vaccine age group for women with reduced immunity with up to 45 years old.
9. **HANSEN'S DISEASE (LEPROSY)** - Regarding hansen's disease, from a health surveillance perspective, global actions were implemented to fight off the stigma and discrimination, without a specific focus on gender and age group. Considering that the greater number of hansen's disease cases in Brazil are concentrated among male people over 40 years old, the challenges related to gender are more pronounced in the redefinition of care and health service access for male people.
10. By contrast, the diagnosed cases in people under the age of 15 years old has led to an expansion of the look and interventions focused on this public, specially linked to the Health in the School Program.
11. In relation to the fight against the stigma and discrimination, specific actions were developed in 2020 specifically towards people suffering from hansen's disease, with information about rights and report channels for discriminatory practices, as well as created two online seminars, in January and April 2021, focusing on the subject.
12. The following initiatives referring to Covid-19 are highlighted in this topic:
- Implementation of research using probabilistic links within a database, to assess Covid-19 impact in people affected by hansen's disease (ongoing);
  - Developing and online promoting of informative content about Covid-19 preventive measures for people affected by hansen's disease;
  - Recommendation for adapting health services for operation during the pandemic, in order to secure treatment continuity, respecting



social isolation regulations, reducing visits to health services periodicity;

13. **Zika virus** - Among the actions implemented by the Ministry of Health, withing health surveillance, are orientation and support to the implementation of surveillance policies in the prevention of arboviruses, here included Zika. The monitoring of urban cases of arboviruses caused by virus transmitted by the carrier mosquito (dengue fever, chikungunya and zika) is performed weekly. In view of the scenario observed by the monitoring, the State Health Secretariats are contacted to support their actions aiming at the reducing cases and assist health monitoring and assistance. Additionally, material is distributed to the state health secretariats to control the carrier.
14. Another strategy is the national campaign of fighting the Aedes, to prevent arboviruses, whereby information is spread in various medias and means of communication for the elimination of breeding grounds of the carrier mosquito, identification of the disease's symptoms and preventive measures, with emphasis to the pregnant women. In the priority regions due to risk assessment and/or rise in cases, the strategies for prevention and control are intensified.
15. **Other STIs:** In the effort of prevention and treatment of other STIs within the Covid-19 context, we highlight the following initiatives:
  - Training for health professionals and managers about the Clinical Protocol and Therapeutic Guidelines (PCDT) for Integral Attention to People with Sexually Transmitted Infections, carried out online in 2020;
  - Execution of online seminar in partnership with the Brazilian Society of Sexually Transmitted Diseases (SBDST), focusing on actions involving the primary health care network;
  - Assessment on the use of molecular biology tests to detect HPV infections with self-collection of the samples, aiming at early detection of cervical cancer within the SUS, in women living with HIV (MVHIV);
  - Continuity in national level of Sexually Transmitted Infections cases surveillance and control.
  - Development of the Certification Guide of Vertical HIV and Syphilis Transmission for the implementation of Projects on the “Good practices seal for the elimination of congenital syphilis”, project to support states in actions of fight against congenital syphilis.
  - Incorporation of the etonogestrel subdermal implant, conditioned to the creation of specific program, on the prevention of unplanned pregnancies for women in reproductive age: living in the streets; with HIV/AIDS using dolutegravir; in use of thalidomide; deprived of liberty; sex workers; and in tuberculosis treatment using aminoglycosides, within the Single Health System - SUS;
  - It should be noted that the Brazil has kept its efforts to ensure the population's access, especially for key and priority populations, to all combined HIV prevention strategies. In 2020, the Ministry of Health has distributed around 354 million male preservatives, 15 million



female preservatives, besides the distribution of nearly 9 million quick HIV tests, 8.5 million quick syphilis tests, 6.7 million quick hepatitis B tests, and 5.8 million hepatitis C tests.

19. Please provide information on measures taken to: (a) ensure continued access, in particular for girls, to legal and safe abortion throughout the entire State party; (b) ensure continued access to modern contraceptives for the prevention of unwanted pregnancies, in particular during the COVID-19 pandemic; (c) remove requirements for mandatory counselling, medically unnecessary waiting periods and third-party authorization for women and girls seeking an abortion; and (d) protect the safety and privacy of women and girls seeking a legal abortion, including in view of Ordinance No. 2.561/2020, which reportedly requires medical personnel to report to the police anyone seeking an abortion following rape, without the victim's consent or against the express will of the victim.

1. We inform that, according to the described in further details in questions 2 and 18 above, Brazil has rendered efforts to maintain all services already in operation by the Single Health System, including continued access to safe and legal abortion, within the legal limit established in our existing legislation and the provision of contraceptive methods to prevent unwanted pregnancies.

### **Women and girls in detention**

20. Please provide information, including statistical data for the past four years, disaggregated by age, disability, ethnicity and nationality, on the situation of women and girls in detention, in particular regarding their legal status, the reported high detention rates of women and girls, overcrowding of women prisons, deteriorated conditions of detention, and the number of pregnant women, mothers (including nursing mothers), women convicted for criminal offenses related to abortion, women infected with COVID-19 and deaths in detention due to COVID-19 (para. 33). Please also indicate the measures taken to ensure that women in detention, in particular girls, are protected against sexual violence and abuse and are guaranteed access to food, health services and family visits. Please also provide information, supported by statistical data, on the impact of legislation and recent Federal Supreme Court rulings mandating house arrest instead of pre-trial detention for women belonging to vulnerable groups, and on the implementation of recommendation No. 62 of the National Justice Council recommending the review of cases of prisoners at particular risk in the context of the pandemic. Please indicate whether all measures taken conform to the United Nations Rules for the Treatment of Women Prisoners and Non custodial Measures for Women Offenders (the Bangkok Rules).

1. Regarding this subject, it is worth highlighting the Corner Project, which aims at developing implementing training course remotely, having as main subject chemical dependency in women within the contexts of social accommodation deprivation of freedom, in order to humanize the execution of sentence of incarcerated women and in the treatment of sheltered women. The course has as target audience the professionals acting in the context of therapeutic communities and prison institutions, enabling them to handle women particularities.
2. The Corner Pilot Project will provide training, initially, to up to 5,000 (five thousand) professionals, 4,000 (four thousand) of the enrollments being destined to professionals from therapeutic communities and 1.000 (one thousand) enrollments for female penitentiary workers from all over the country.





3. Related to the statistical information requested in this question, the data from years 2017 and 2019 are available in Annex I of this Report.

### **Disadvantaged and marginalized groups of women**

21. Please provide comprehensive statistical data, disaggregated by age, ethnicity, nationality, geographical location and socioeconomic background, on the situation of women from disadvantaged or marginalized groups, such as indigenous women, rural women, women belonging to ethnic minorities, including Afro-descendent women, migrant, asylum-seeking and refugee women, older women, women affected by poverty, women with disabilities or women taking care of family members with disabilities or older family members, and other women facing multiple and intersecting forms of discrimination, in all areas covered by the Convention.

1. Data from the MMFDH Ombudsman panel (Call 100) registered that in 2020 87,929 reports were received pertaining older people, amounting 376,118 records of rights' violations, among them: physical violence, psychological violence, abandonment and money scam.
2. We highlight the 59,471 complaints related to older women from 60 years old, containing 260,227 rights' violations.
3. Among the 59,471 reports of rights' violations against women over 60 years old received by the MMFDH Ombudsman, we point out the ranking of the main reports against these women in 2020:
  - 1<sup>st</sup> Older women with ages between 70-74 years old = 10,466 reports;
  - 2<sup>nd</sup> Older women with ages between 60-64 years old = 10,049 reports;
  - 3<sup>rd</sup> Older women with ages between 65-69 years old = 9,222 reports;
4. Below follows the actions of promotion and defense of the rights of elderly people, developed the National Secretariat of Promotion and Defense of Elderly People Rights (SNDPI) of the Ministry of Women, Family and Human Rights:
  - Campaign of Facing Physic and Psychological Violence against Elderly People.
  - Campaign Affective Abandonment of Elderly People (Sympathize);
  - Campaign about Elderly People Over-Indebtedness (Financial Scams);
  - We emphasize that the action promoted in partnership between the Ministry of Women, Family and Human Rights (MMFDH) and the Ministry of Justice and Public Security (MMJSP), called Vetus Operation, initiated on December 4th 2020, as the biggest and most complex operation in the history of Public Security in the country. In the mentioned Operation, around 10 thousand civil polices from the 27 Federative units serviced the 13.9 thousand older people victims of violence in Brazil. We inform that the Vetus operation had 569 arrested people, 14,907 visits, 3,703 inquiries initiated, 2,801 detailed reports signed and 874 protective measures complied. 13,424 reports of violence against elderly were investigated throughout the country;



5. Also, we will inform on the situation of black and indigenous women. We stress that all above-mentioned tables and graphics are available in the Annex I of this Report.
6. According to IBGE data from 2019, there are 107,386,830 million women in Brazil, which represents 51% of the population. Table 1 brings the rates of female populations with racial perspective, made available by the 2010 census and IBGE population estimates.
7. Regarding occupation, we may observe a smaller rate of black women in the work market, specially, in the format work market, according to table 2. In table 3 it is demonstrated that the same phenomenon takes place with the indigenous women.
8. Consequently, black, and indigenous women have lower monthly income, relative to white women, as seen in table 5. Besides, 99.24% of the indigenous women registered in CadÚnico do not have stable income. The ones with income are in the average of 1.034 reais.
9. The proportion of black and indigenous women in informal jobs is a direct result of the low educational level within this group. According to IBGE, black women represent the highest percentage of illiteracy and the higher proportion of school evasion in order to work, as presented in graphics 1 and 2.
10. Still, it is worth noting that 99.24% of indigenous women registered in CadÚnico do not have any educational level. Of those who have already attended school, most of them did not complete elementary school.
11. The permanence of educational inequalities, in the sense of allowing equal opportunities, is still a challenge. For now, it is possible to notice a small rise of black women who completed Secondary School, according to Graphic 3, though a relevant difference still persists in relation to white women, almost 20%.
12. According to IBGE, the white women percentage with complete higher education (23.5%) is 2.3 times higher than the black women's percentage (10.4%). The income disparity is an objective element for determining racial inequality. Black women are concentrated among those with the lowest income, as shown in Table 6.
13. The data obtained by the MMFDH Ombudsman Panel accounted in 2020 the registration of 4,794 denunciations and 19,696 reports related to women with disabilities in violation of rights, among them: physical violence, psychological violence, neglect, mistreatment, and sexual exploitation.
14. Data from the Single Registration for Federal Government Social Programs in February 2021 indicated 2,373,337 women with disabilities registered. May register in the Single Register families with monthly income of up to half minimum wage per person and families with total monthly income of up to three minimum wages.
15. The data from 2010 Demographic Census account for 3,887,974 women with visual impairment (great difficulty or cannot see in any degree), 1,024,479 women with hearing impairment (great difficulty or cannot hear in any degree), 2,718,646 women with motor impairment (great difficulty or cannot hear in any degree) and 1,201,938 women with mental/intellectual impairment. Tables with information about the type of disability among



women, also disaggregated by color or race and federative units may be found in the mentioned Annex I.

### **Marriage and family relations**

22. Please describe the legal framework concerning marriage and family relations, in particular how it guarantees that women and men have equal rights and responsibilities during marriage, at its dissolution and in all family matters, including inheritance, property rights and child custody, including information on the application of the Parental Alienation Law No. 12.318/2010. Please provide information on monitoring mechanisms in place to ensure the effective enforcement of decisions concerning child maintenance payments and whether there are benefits available for single-parent families in the absence thereof. Please also elaborate on legislative steps taken to protect the economic rights of women in de facto unions, in line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution. Please provide information on steps taken to revise the Civil Code to abolish all exceptions to the minimum age of marriage at 18. Please describe any measures taken, in particular legislative measures, to give effect to the 2011 Federal Supreme Court ruling that recognized same-sex families and granted couples of the same sex the right to domestic partnerships, as well as to resolution No. 175/2013 of the National Justice Council, according to which notary offices may not refuse to hold civil same-sex weddings or convert domestic partnerships into marriages (HRI/CORE/BRA/2020, para. 244).

1. The Brazilian Federal Constitution establishes, in its Article 226, that “The family, foundation of society, has a special protection from the State” and, in its Paragraph 5, that “The rights and duties related to the marital society shall be carried out equally between man and woman”. Once this equality is established by our Magna Carta, every law must follow this premises and shall be deemed unconstitutional when contradicted. Regarding Law n. 12,318/2010, known as Parent Alienation Law, though being approved with the aim of protecting the child, concrete unfair situations were observed. By assessing the protection of the minor involved as the greatest good to be protected, this regulation is being revised, with new discussions within the National Congress.
2. The enactment of the 2002 Brazilian Civil Code brought updated regulations regarding marriage, property system and related subjects, asserting the equality in the conjugal society, according to constitutional provision. The main rules concerning the payment of alimonies are found in the Code Articles 1,694 and 1,710, with each case able to be examined by the Judiciary Branch, with possible assistance from the Public Defenders in cases of needy families. The single-parent families, in the event of not having basic support conditions, may earn aid from the social assistance actions, like the Family Allowance Program (Programa Bolsa Família). It is also worth noting the launch of the emergency aid by the Federal Government during the pandemic, which may also be granted to single mothers or families in need.
3. As for the minimum age for marriage, Law n. 13,811 was approved in March 2019, in the current Federal Government administration, which bans marriage for children under 16 years old, keeping the requirement of parents or guardians' authorization for those between 16 and 18 years old, once they did not reach civil majority yet.



4. In relation to the last topic of the question, we point out that the same-sex unions in Brazil were secured by the National Council of Justice (CNJ), through its Resolution n. 175, from May 14<sup>th</sup>, 2013, having as one of the grounds the Federal Supreme Court (STF) judgment in the Direct Unconstitutionality Action 4277 and the Request for Non-Compliance of Fundamental Principle 132. On occasion, the Supreme Court has recognized that the only compatible interpretation compatible with the constitutional text is one which does not exclude the concept of family entity, the acknowledgment of continued stable, public, and lasting union between same-sex people.
5. In the Legislative Power, it is important to record the following Proposed Bills, which wait assessment and approval:
  - Bill n. 3435/2020, addressing the right to family interaction and adoption of children and adolescents by same-sex couples and changes paragraph 2 of Article 42 from Law n. 8,069 of June 13<sup>th</sup>, 1990.
  - Bill n. 2927/2019, assuring to people in same-sex stable unions the right to register, as family entities, in the housing programs developed by the Federal Government and other provisions.

### **Climate change**

23. In the light of information about the impact and vulnerability of the State party to natural and man-made disasters, such as forest fires, please provide information on measures taken to ensure that climate change, agricultural, energy and environmental policies, including those related to large-scale agro-industrial and development projects, take into account the differentiated and disproportionate impact of climate change on women in order to better integrate a gender perspective into policies and programmes on climate change and to ensure the effective participation of women, including indigenous women and women belonging to ethnic minorities, such as Afro descendent women, in decision-making processes on climate change with the aim of establishing legal frameworks on climate change adaptation and disaster risk reduction that are responsive to gender equality and the rights of women, in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

1. The climate change issue is widely cross-sectional, as well as the equality between men and women. We inform that during the elaboration and execution of the various public policies within the Executive Branch, the issues related to considered priority groups are observed, such as, among other, the traditional communities, women, and young people.
2. We highlight in this item the "Life Agriculture Pilot Project", a policy to stimulate and train for the planting the consumption of food aiming the nutrition of pregnant and breastfeeding women, in order to reduce the birth of premature babies, as well as orient them on the most adequate nutrition during the pregnancy/breastfeeding stage.
3. The Project is being developed as a national action which, besides promoting pregnant women and breastfeeding nutrition, it will enable training of the small agricultural producer in practices of soil conservation, adequate handling of fertilizers and irrigation, precautions to avoid the plagues and pathogens resistance, among other important principles and, also, it will offer tools to



promote their economic and social autonomy, promoting entrepreneurship and seeking a new market niche.

### **Sustainable Development Goals**

24. Please provide information about measures taken to integrate a gender perspective into all efforts aimed at achieving the Sustainable Development Goals.

1. It is important to emphasize that in the development of public policies to women, especially in programs and projects developed by the National Secretary for Women's Policies, the achievement of the Sustainable Development Goals are always observed. We can highlight the following initiatives, already discussed in the previous questions:
  - Pilot Project Qualified Women.
  - Pro-Equity between Women and Men in the Workplace.
  - More Women in Power Project.
  - Women in Science Project.
  - Pilot Project Life Agriculture

### **Additional information**

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report in 2012. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party will be expected, during the dialog, to respond to additional questions relating to areas covered by the Convention.

1. The current report was placed for public consultation through an electronic form available in the Ministry of Women, Family and Human Rights (MMFDH) website for a 10 (ten) days period. The questions aimed at assessing the public's perception on the adequacy of the information presented in the current report. The form was promoted by official Ministry's website and with the help of the Brazilian OHCHR office, though a tendency can be observed of few responses to the assessment questions, as well as in the public consultation from previous reports.
2. In any case, six from the seven questions were unanimously evaluated as good and excellent, and only one of the examiners considered one question regular. There wasn't any assessment that the information contained in the report was insufficient.
3. Additionally, the Brazilian State would like to provide information on the projects conducted in the SNPM focusing on maternity. The projects are detailed below:
  - "Project Mothers United" - has the aim of offering relational support to the pregnant women or mothers of children with up to two years old,





through monitoring of voluntary mothers, as well as providing strengthening family bonds, health and citizenship of the women and children; The project aims at helping the pregnant women and mother to overcome pre or post-natal depression, in the initiation and continuity of breastfeeding, in the access to rights, services and benefits.

The project will service all pregnant women and mothers in situation of social vulnerability, having as priority audience pregnant teenagers and mothers; mothers and pregnant women recipient of Family Allowance Program and mothers and pregnant women of premature children, with syndrome or disability.

It is important to emphasize that the project was launched on March 13<sup>th</sup>, 2020, in partnership with 3 municipalities in the state of Goiás which will be part of the Pilot Project; Goiânia, Aparecida de Goiânia and Anápolis. Volunteer mothers completed the Training Course of Volunteers carried out in partnership with Goiás Federal Institute. The course was offered remotely to voluntary mothers that will act with pregnant and recent mother women.

- “Project Maternity Space” - aims at encouraging entrepreneurs and public administrators to offer public servants, employees, passers-by, and mothers with babies of up to 2 (two) years old, adequate place for breastfeeding and milking of maternal milk, for consumption and donation.

The Maternity Space Project has as guidelines: encourage breastfeeding; minimize early weaning; favor and strengthen attachment between mother and child; promote balance between work and family; raise awareness of public and private agencies over the importance of breastfeeding; and promote a safe and welcoming environment for the woman in the workplace, avoiding losses in the professional efficiency and in the mother’s and baby’s health.

4. “Project Good Gestation and Welcoming” - aims at implementing a positive experience during gestation, childbirth and puerperium and fight mother and child mortality, through a multi-disciplinary network of welcoming to the pregnant women and women during puerperal period. Furthermore, a partnership between SNPM and the Women Permanent Judiciary Center - NJM/TJDFT, in the Federal District, to promote the project developed by that Judiciary entity called “Maria da Penha goes to School”: educate and prevent and suppress violence against women”, with the main goal of training and sensitizing education professionals on the subject of domestic and family violence against women.
5. Maria da Penha goes to School is a project comprised of a set of actions to the systematic and continued formation aiming at promoting Maria da Penha Law at schools. Among the actions developed within the project, we highlight the implementation of rounds of courses and lectures with guidance counselors, managers, support staff and coordinators.
6. The project also sensitizes and trains teachers of all grades on women’s rights and domestic and family violence, so that they may become promoters of Maria da Penha Law at schools. Debates are also carried out aiming at sensitizing teacher to the possible identification of cases in their student classes.



7. Also, within the project, The promotion of debates with students of all genders about women's rights, domestic and family violence and healthy affective relationships.
8. Besides direct acting in each school community, Maria da Penha goes to School Project also count on a course developed by the Court of Justice of the Federal District and Territories, in partnership with the Public Prosecution Office of the Federal District and Territories (MPDFT) and Training Center for Education Professionals (EAPE) of the Secretariat of Education of Federal District (SEE-DF).
9. At last, it can also be noted that the Brazilian National Congress approved the following legislation, which expands and ensures women's rights, in line with the assumptions and articles of the Convention on the Elimination of All Forms of Discrimination against Women:
  - [Law 13,931 of 12.10.2019](#) - Changes Law n. 10,778, from November 24<sup>th</sup>, 2003, to provide over the compulsory notification of suspect cases of violence against women.
  - [Law 13,902 of 11.13.2019](#) - Addresses the development and support policy for women seafood workers' activities.
  - [Law 13,894 of 10.29.2019](#) - Changes Law n. 11,340, from August 7<sup>th</sup>, 2006 (Maria da Penha Law).
  - [Law 13,882 of 10.08.2019](#) - Changes Law n. 11,340, from August 7<sup>th</sup>, 2006 (Maria da Penha Law), to ensure the enrollment of the dependents of a woman victim of domestic and family violence in basic education institution closest to her home.
  - [Law 13,872 of 09.17.2019](#) - Establishes the right of women to breastfeed their children during the events of public contests in direct and indirect public administration on all State Powers.
  - [Law 13,871 of 09.17.2019](#) - Changes Law n. 11,340, from August 7<sup>th</sup> 2006 (Maria da Penha Law), to provide over the offender responsibility of cost compensation related to the health services rendered by the Single Health System (SUS) to the victims of domestic and family violence and to the security mechanisms used by them.
  - [Law 13,836 of 06.04.2019](#) - Adds disposition to Article 12 of Law n. 11,340, from August 7<sup>th</sup>, 2006 (Maria da Penha Law), to make notification compulsory over the condition of a women with disabilities victim of domestic or family assault.
  - [Law 13,827 of 05.13.2019](#) - Changes Law n. 11,340, from August 7<sup>th</sup>, 2006 (Maria da Penha Law), to authorize, in the hypothesis established, the execution of urgent protective measures, by the police and judicial authority, to women in domestic and family violence situation, or their dependents, and to determine the record of urgent protective measure in database kept by the National Council of Justice.
  - [Law 13,811 of 03.12.2019](#) - Grants new wording to Article 1,529 of Law n. 10,406, from January 10<sup>th</sup>, 2002 (Brazilian Civil Code), to remove the legal exceptions that were permissive to child marriage.
  - [Law 13,798 of 01.03.2019](#) - Adds Article 8-A to Law n. 8,069, from July 13<sup>th</sup>, 1990 (Statute of the Child and Adolescent), to institute the National Week of Teen Pregnancy Prevention.



- [Law 13,894 of 04.04.2020](#) - Changes Article 22 of Law n. 11,340, from August 7<sup>th</sup>, 2006 (Maria da Penha Law), to establish as urgent protective measures the offender attendance in education and rehabilitation center and psychosocial attention.
- [Law 13,982, 04.02.2020](#) - Women providing for the single parent family shall receive 2 (two) shares of the aid.
- [Law 13,980 of 03.11.2020](#) - Changes Law n. 11,664, from April 29<sup>th</sup>, 2008, which “addresses the implementation of health actions that secure the prevention, detection, treatment and follow-up of cervical and breast cancers, within the Single Health System - SUS”, to ensure the execution of breast ultrasonography.

