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**Committee on the Elimination of Discrimination  
against Women****Concluding observations on the combined eighth and ninth  
periodic reports of Brazil<sup>1\*</sup>**

1. The Committee considered the combined eighth and ninth periodic reports of Brazil (CEDAW/C/BRA/8-9), submitted under the simplified reporting procedure, at its 2075th and 2076th meetings (see CEDAW/C/SR.2075 and SR.2076), held on 23 May 2024.

**A. Introduction**

2. The Committee appreciates the submission by the State party of its combined eighth and ninth periodic reports, which were prepared in response to the list of issues and questions prior to reporting (CEDAW/C/BRA/QPR/8-9). It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/BRA/CO/7/Add.1). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by Her Excellency Ms. Aparecida Gonçalves, Minister of Women, and included representatives of the Ministry of Women, the Ministry of Indigenous Peoples, the Ministry of Human Rights and Citizenship, the Ministry of Racial Equality, the Ministry of Justice and Public Security, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Development and Social Assistance, Family and Fight against Hunger, the National Council of General Public Defenders, representatives of the Secretariat of Women of the States of Ceará and Bahia, as well as Her Excellency Ms. Cecilia Kiku Ishitani, Ambassador and Deputy Permanent Representative, and other representatives of the Permanent Mission of Brazil to the United Nations Office and other international organizations in Geneva.

**B. Positive aspects**

4. The Committee welcomes the progress achieved since the consideration in 2012 of the seventh periodic report (CEDAW/C/BRA/7) of the State party in undertaking legislative reforms, in particular the adoption of the following:

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<sup>1</sup> \* Adopted by the Committee at its eighty-eighth session (13 - 31 May 2024).

- (a) Law No. 14,611 on equal pay and remuneration for women and men, in 2023;
- (b) Law No. 14,232 creating a national policy on data and information related to violence against women, in 2021;
- (c) Law No. 14,192 on combating political violence against women, in 2021;
- (d) Law No. 14,132, which criminalizes harassment, in 2021;
- (e) Law No. 13,104 to consider femicide as an aggravating circumstance of the crime of homicide when committed against women because of their gender, in 2015;
- (f) Law No. 12,650 modifying the statute of limitations for crimes of sexual abuse against children and adolescents, in 2012;
- (g) Law No. 12,990 on quotas in the public service, in 2014.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

- (a) The Ministry of Women, the Ministry of Indigenous Peoples and the Ministry of Racial Equality, in 2023;
- (b) The "Pacto Nacional de Prevenção aos Feminicídios" by Decree No. 11.640, in 2023.

### **C. Sustainable Development Goals**

6. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of Brazil and to adopt relevant policies and strategies to that effect.**

### **D. Parliament**

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Congress, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

### **E. Principal areas of concern and recommendations**

#### **Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations**

8. The Committee notes that the Convention is referred to as part of the national legal framework in various guiding documents and tools. However, it notes with concern women's limited awareness of their human rights under the Convention and the remedies available to claim them, in particular among rural women, women living in poverty, women

with disabilities, indigenous women, Quilombola women, women of African descent, migrant women and lesbian, bisexual, transgender and intersex women.

9. **The Committee recommends that the State party intensify its efforts to widely disseminate and raise awareness of the Convention, the Optional Protocol thereto and the Committee's general recommendations in languages used in the State party, including indigenous languages, in particular among rural women, women living in poverty, women with disabilities, indigenous women, Quilombola women, women of African descent, migrant women and lesbian, bisexual, transgender and intersex women, and to educate women on their human rights under the Convention and the legal remedies available to claim those rights.**

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

10. The Committee notes the efforts of the State party to facilitate women's access to justice through targeted policies. However, the Committee notes with concern several obstacles in access to justice faced by rural women, indigenous women, Quilombola women, women of African descent, migrant women and women with disabilities, such as language barriers, limited accessibility of court structures for women with disabilities and in remote and underserved areas, legal and transportation costs and limited access to information on available remedies to complain about intersecting forms of discrimination, preventing victims from bringing complaints.

11. **The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party strengthen access to justice for rural women, indigenous women, Quilombola women, women of African descent, migrant women and women with disabilities, including by ensuring that courts are fully accessible to persons with disabilities, deploying mobile courts to remote areas, providing free legal aid, interpretation and reimbursement of transportation costs and disseminating information about the legal remedies available to claim their rights.**

#### **Women Peace and Security**

12. The Committee notes the adoption of a national plan for the implementation of Security Council resolution 1325 (2000) on women, peace and security that was adopted for the period of 2017-2019. It notes with concern, however, that the State Party has not renewed such plan, even in the context of the ongoing land conflicts, the environmental crisis, and the global climate emergency.

13. **The Committee recalls its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, and recommends that the State party, in cooperation with representatives of women's civil society organizations:**

(a) **Renew its national plan for the implementation of Security Council resolution 1325 (2000) on women, peace and security and ensure that it is gender-responsive and promotes the role of women in peace processes, taking into consideration the regional context, and allocate sufficient resources for the effective implementation of the plan;**

(b) **Ensure that the development, peace and security concerns of women are fully integrated into the national security architecture and development priorities, including the achievement of the Sustainable Development Goals;**

(c) **Reinforce its commitment to ensuring the equal and inclusive representation of women in the armed forces and in multilateral peace processes.**

**National machinery for the advancement of women and gender mainstreaming**

14. The Committee notes with appreciation that the Ministry of Women promotes the transversality of policies for the promotion of gender equality across all ministries. However, it remains concerned about the limited human, technical and financial resources allocated to the Ministry of Women to enable it to fulfil its broad mandate and inadequate governance and regulatory tools and instruments to effectively standardize service delivery, drive stakeholder accountability and fulfil its coordination and oversight functions.

15. **The Committee recommends that the State party allocate adequate human, technical and financial resources to the Ministry of Women and Gender desks across sectors in order to:**

(a) **Increase its effectiveness in formulating, coordinating and overseeing the preparation and implementation of gender responsive laws and policies at federal, state and municipal levels;**

(b) **Develop appropriate gender governance, regulatory tools and instruments to effectively standardize service delivery and fulfil its coordination and oversight functions;**

(c) **Utilize the CEDAW knowledge-hub as a tool to strengthen accountability of stakeholders and gender performance monitoring of all laws and policies especially in critical sectors to address gendered impact on all groups of women.**

**National human rights institution**

16. The Committee takes note of the existence of the National Council of Human Rights (CNDH) established by Law No. 12,986 in 2014. However, it remains concerned about the limited mandate and lack of financial and administrative independence of the National Council of Human Rights, which is not a national human rights institution.

17. **The Committee recommends that the State party expedite the establishment of an independent national human rights institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles (See General Assembly resolution 48/134 of 20 December 1993), with a strong mandate to protect and promote human rights, including women's rights, and provide it with adequate human, technical and financial resources to enable it to effectively discharge its mandate.**

**Temporary special measures**

18. The Committee takes note of the State party's efforts to introduce temporary special measures to increase the representation of women in political and public life. However, it notes with concern the limited use of temporary special measures in other areas where women, particularly rural women, women with disabilities, indigenous women, Quilombola women, women of African descent, and lesbian, bisexual, transgender and intersex women, are underrepresented and disadvantaged, including in political, public, social and economic life, education, employment, health care and social security. The Committee is also concerned about the limited assessment of the impact of existing temporary special measures on women's equal and inclusive representation to evaluate how effectively these measures have contributed to the acceleration of substantive equality of women and men.

19. **The Committee recommends that the State party expand the use of temporary special measures, including quotas, special scholarships, affirmative procurement and financial incentives for hiring women, and establish time-bound targets to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention where women, particularly rural women, women with disabilities, indigenous women, Quilombola women, women of African descent, and lesbian,**

**bisexual, transgender and intersex women, are underrepresented or disadvantaged, including in political, public, social and economic life, education, employment, health care and social security, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures.**

### **Stereotypes**

20. The Committee acknowledges the measures taken by the State party to address gender stereotypes, including the initiative "Brasil sem Misoginia", a call for the entire society to push back against hatred and all forms of violence and discrimination against women. However, the Committee notes with concern:

(a) The persistence of socio-cultural patterns marked by gender discrimination and deeply rooted in patriarchal structures;

(b) The prevalence of stereotypes about the roles and responsibilities of women and men in the family and in society, which exacerbate the high levels of gender-based violence against women and girls in the State party, including femicide, sexual and domestic violence and sexual harassment;

(c) The resurgence of religious fundamentalism and conservative narratives that discriminate against women and undermine gender equality and women's human rights.

**21. The Committee recommends that the State party continue implementing and strengthening measures, including education on gender equality at all levels of education, and awareness-raising campaigns to dismantle deep-rooted patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society, in cooperation with civil society organizations, community and religious leaders, school teachers, academics, the business sector and the media. It also recommends that the State party promote equal sharing of family and domestic responsibilities between women and men.**

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

22. The Committee recognizes the National Policy for Combating Violence against Women ("Política Nacional de Enfrentamento à Violência contra as Mulheres") and notes that the "Mulher Viver sem Violência" programme has been reinstated, prioritizing the restructuring of the hotline "Ligue 180" and the establishment of new units of the "Casa da Mulher Brasileira". It also notes that femicide has been defined as a form of qualified homicide. The Committee is, however, concerned about the high prevalence of gender-based violence against women and girls in the State party. In particular, it notes with concern:

(a) The sharp increase in femicides, cases of rape, assault and other sexual crimes, domestic violence, as well as disappearances of women and girls increasingly targeting Afro-Brazilian women and girls;

(b) The lack of adequate numbers of and resources for the "Unidades de Acolhimento" or shelters that receive women in situations of gender-based violence, who must leave their homes due to threats and risk of death, including those accompanied by their children;

(c) The lack of adequate resources to implement the "Programa Mulher Viver sem Violência" programme, with only eight operational "Casa da Mulher Brasileira" facilities offering comprehensive services to women survivors of gender-based violence across the State party, and the limited geographical coverage of the women's police stations, particularly outside urban centres;

(d) The escalation of killings of indigenous women and adolescent girls in Mato Grosso do Sul;

(e) The high level of gender-based violence, including killings, against lesbian, bisexual, transgender and intersex women, particularly women of African descent, and that the State party has the highest number of trans and queer persons murdered globally, as well as their stigmatization, lack of protection and the low prosecution and conviction rates in such cases.

**23. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 and target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, the Committee urges the State party to:**

(a) **Strengthen measures to prevent, prosecute and punish perpetrators in cases of gender-based violence against women;**

(b) **Allocate adequate human, technical and financial resources for the “Unidades de Acolhimento”, adopt a dedicated budget line to ensure their sustainable funding and increase the number of adequately funded units providing comprehensive victim support services across the State party, particularly outside urban centres;**

(c) **Allocate adequate resources to effectively implement the “Programa Mulher Viver sem Violência” programme, expand the number of “Casa da Mulher Brasileira” centres throughout the State party and extend the coverage of women's police stations, particularly in rural areas;**

(d) **Accelerate the establishment of “Casa da Mulher Indígena” with dedicated service provision and protocols to combat gender-based violence through informative materials, talks and workshops in indigenous languages, as well as training for professionals of the Women's Protection Network on cultural aspects and the rights of indigenous peoples, in all indigenous territories across the State party;**

(e) **Prevent, investigate, prosecute, and adequately punish perpetrators of hate crimes against lesbian, bisexual, transgender and intersex women and develop a system for the collection and analysis of disaggregated data on violence against LGBTI women**

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

24. The Committee notes the approval of Law 13,344 in 2016 changing the typification of the crime of trafficking in persons to be aligned with international standards and that the State party announced the launch of the 4<sup>th</sup> National Plan to Combat Trafficking in Persons in 2023. However, the Committee notes with concern:

(a) That women and girls are exploited for prostitution and forced labour in regions where large development projects are being implemented in tourist areas in the north-east of the country, resorts and coastal areas;

(b) The low prosecution and conviction rates in cases of trafficking in persons, in particular women and girls, for purposes of sexual exploitation and forced labour in the State party and that penalties are often administrative rather than criminal sentences;

(c) The heightened risk of sex trafficking and exploitation of prostitution for indigenous women, Afro descendent women, rural women, migrant women and transgender women;

(d) Cases where Brazilian women migrating to other countries do not fulfil the entry requirements and fall prey to smugglers, rape and abduction;

(e) The insufficient number of specialized long-term shelters for women and girls victims of trafficking in the State party, in particular in rural areas and the decrease in the funding for shelters.

25. **Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:**

- (a) **Strengthen efforts to combat trafficking in persons, in particular women and girls, by encouraging enhanced coordination between different agencies, collection of comprehensive data and allocation of adequate funds for the effective implementation of national action plans;**
- (b) **Reinforce measures to investigate all reported cases of trafficking, prosecute and adequately punish perpetrators, and provide adequate protection and temporary residence permits to women and girls victims of trafficking, irrespective of their ability or willingness to cooperate with the prosecution authorities;**
- (c) **Reinforce programmes and plans for alternative income and decent work with a specific focus on indigenous women, Afro descendent women, rural women, migrant women and transgender women who are otherwise at risk of trafficking and/or exploitation in prostitution;**
- (d) **Strengthen measures to combat smuggling and protect victims, especially women and girls, from abuse and exploitation during migration;**
- (e) **Allocate sufficient funding to ensure adequate support services for victims of trafficking, including increased numbers of specialized long-term shelters, particularly in rural areas.**

**Equal participation in political and public life**

26. The Committee takes note of the efforts of the State party aimed at increasing the participation of women in political and public life of women, including the “More Women in Power” (“Mais Mulheres no Poder”) project and the Multi-Year Plan (PPA) 2024-2027. However, the Committee notes with concern:

- (a) That despite constituting almost 52% of the population, women hold only approximately 17% of seats in the National Congress;
- (b) The prevalence of gender-based political violence and threats, including online violence and disinformation campaigns, against women political leaders or candidates and their family members, and the delay in developing and adopting a National Plan to Combat Political Violence against Women despite the creation of an Interministerial Working Group with the purpose of drafting the proposal in 2023;
- (c) The limited impact of existing temporary special measures to achieve substantive equality of women and men in political and public life, in particular those for rural, indigenous, Quilombola, Afro-descendant women, and LGBTI women and women with disabilities;
- (d) That only 20 out of 138 diplomatic missions of the State party are headed by women.

27. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party strengthen its efforts to promote women’s equal representation in the National Congress, government posts, the foreign service, the judiciary and in the public service at the national, state and local levels, by adopting targeted measures, including temporary special measures, such as gender parity quotas, preferential recruitment of women to the public service, in particular at decision-making levels, and by amending the relevant electoral laws to require gender parity in the structures of political parties and on electoral lists, providing for adequate sanctions in case of non-compliance, protecting women**

**candidates from political violence, including online, and prosecuting and adequately punishing perpetrators.**

#### **Women human rights defenders**

28. The Committee is deeply concerned at the targeted threats, attacks, harassment, intimidation, including online, and killings of women human rights defenders, women journalists, women environmental activists and women community leaders in favelas. It is particularly concerned about attacks against indigenous women, Quilombola women and Afro-descendant women in the context of land demarcation and titling.

29. **The Committee urges the State party to:**

(a) **Protect all women human rights defenders from any threats, attacks, harassment, intimidation, killings and criminalization of their legitimate work, and prosecute and adequately punish perpetrators of such violent acts, including public officials, with a particular focus on indigenous, Quilombola and Afro-descendant women in the context of land demarcation and titling;**

(b) **Strengthen the human rights defenders' protection programme, especially in rural areas, to ensure that women human rights defenders and activists can freely carry out their legitimate work and exercise their rights to freedom of expression, peaceful assembly and association;**

(c) **Adopt legislation to criminalize online violence, cyber-attacks and disinformation campaigns, with a particular focus on online gender-based violence.**

#### **Education**

30. The Committee takes note of the efforts of the State party to combat school dropout among girls, such as the Pé-de-Meia Programme, school meals programmes and other incentives. However, it notes with concern:

(a) The high dropout rates among school girls, particularly rural, indigenous, Quilombola and afro-descendant girls due to poverty, engagement in unpaid domestic work, early pregnancy, and child marriage;

(b) Persistent discrimination faced by girls and women with disabilities in educational institutions, particularly of Afro descendant and Quilombola girls and women with disabilities, who represent approximately 56% of the population with disabilities, despite the race and disability quotas in place for federal universities;

(c) Cases of misogynistic speech and gender-based violence in schools;

(d) Legislative proposals to explicitly prohibit teaching or dissemination of content related to gender and sexuality education, and to ban alleged "gender ideology" or "indoctrination" in municipal and state schools even though the laws and educational guidelines at federal and state levels require age-appropriate sexuality education and instruction on gender equality;

(e) That teachers belonging to minority groups are systematically underpaid compared to their peers, resulting in the low representation of teachers from diverse communities in the education system.

31. **Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and target 4.1 of the Sustainable Development Goals, to ensure by 2030 that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, the Committee recommends that the State party:**



(a) **Intensify efforts to increase the inclusion and effective retention and reinsertion of girls in school, in particular at the secondary level, with special attention to rural, indigenous, Quilombola and afro-descendant girls, including through scholarships;**

(b) **Ensure that all women and girls with disabilities have access to quality inclusive education, paying particular attention to afro descendant and Quilombola women and girls with disabilities, seeking not only their access to, but also their retention in schools, and adopt a national anti-bullying policy to provide safe and inclusive educational environments to women and girls, including women and girls with disabilities, free from discrimination, harassment and violence;**

(c) **Expedite efforts under the National Strategy to Combat Extreme Violence in Schools (“Estratégia Nacional de Enfrentamento à Violência Extrema nas Escolas”) to ensure that schools are free from gender-based violence and discrimination against women and girls;**

(d) **Ensure the implementation of mandatory instruction on gender equality and age-appropriate sexuality education, including education on responsible sexual behaviour, with special attention to the prevention of early pregnancy and sexually transmitted diseases;**

(e) **Ensure equal pay for teachers regardless of their ethnic background and provide targeted support and incentives to attract and retain teachers from diverse communities.**

### **Employment**

32. The Committee welcomes the ratification by the State party of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) as well as its National Strategy for Female Entrepreneurship (“Estratégia Nacional de Empreendedorismo Feminino”) and the adoption of the law on equal pay for equal work. However, it notes with concern:

(a) The high unemployment and self-employment rates among women and their concentration in the informal economy;

(b) That 70% of women domestic workers are employed in the informal economy without labour protection despite the Constitutional amendments guaranteeing equal labour rights to them;

(c) Women’s disproportionate share of unpaid domestic, care and support responsibilities, preventing their equal participation in the workforce and public life, as well as sufficient rest to maintain their well-being, in particular as regards to Afro-descendant and indigenous women;

(d) The gender pay gap of 21 percent on average and of 32 percent in female-dominated sectors (such as health, education and social services);

(e) The limited employment opportunities for women with disabilities, rural, indigenous women and Quilombola women, women of African descent and migrant women, as well as lesbian, bisexual, transgender and intersex women in the State party;

(f) The high rates of sexual harassment in the workplace and the absence of legislation criminalizing sexual harassment in the workplace;

(g) That the State party has not ratified the Violence and Harassment Convention, 2019 (No. 190), the Maternity Protection Convention 2000 (No. 183) and the Workers with Family Responsibilities Convention, 1981 (No. 156) of the International Labour Organization.

33. In line with Sustainable Development Goals target 8.5, which is to achieve full and productive employment and decent work for all women and men, including for young people and person with disabilities, and equal pay for work of equal value, the Committee recommends that the State party:

(a) Adopt targeted measures to promote access for women to formal employment, including in management positions, and higher-paid jobs in traditionally male-dominated professions and extend social protection schemes to women employed in the informal economy;

(b) Ensure that women domestic workers have access to labour protection and social protection, information on their labour rights and to confidential procedures for lodging complaints about exploitation and abuse, with protection from reprisals;

(c) Implement without delay the National Care Policy (“Política Nacional de Cuidados”) and ensure that it is gender, disability and age-responsive and addresses specific needs and rights of Afro-descendant and indigenous women, in consultation with them. Additionally, promote equal sharing of family and domestic responsibilities between women and men, including by introducing equal parental leave, flexible working arrangements and increase the availability of affordable, quality and human rights-based childcare services and support services for persons with disabilities and older persons;

(d) Effectively enforce the principle of equal pay for work of equal value in order to narrow and eventually close the gender pay gap, including by conducting regular labour inspections, applying gender-neutral analytical job classification and evaluation methods and conducting regular pay surveys;

(e) Increase its targeted measures to promote formal employment of women with disabilities, rural, indigenous and Quilombola women and women of African descent, migrant women, and lesbian, bisexual, transgender and intersex women;

(f) Enact and effectively enforce legislation criminalizing sexual harassment in the workplace;

(g) Ratify, without delay, the Violence and Harassment Convention, 2019 (No. 190), the Maternity Protection Convention 2000 (No. 183) and the Workers with Family Responsibilities Convention, 1981 (No. 156) of the International Labour Organization.

#### **Health**

34. The Committee notes the repeal of Decree 2,561 of 2020, which instructed health professionals to report cases of legal abortion to the police and the adoption of the “Dignidade Menstrual” programme in 2023. However, it notes with concern:

(a) The criminalization of abortion in the State party, except in cases of rape, foetal anencephaly, and threats to the life of the pregnant woman, that the approval of a doctor and of at least three members of a multidisciplinary team is required to access abortion and that women often face numerous additional barriers, such as inadequate abortion services, additional onerous requirements in practice that are not established by law, and conscientious objection by healthcare professionals;

(b) The sharp increase in the maternal mortality rate, disproportionately affecting Afro-descendant and indigenous women living in rural areas and in the northern and northeastern regions of the State party;

(c) That traditional and naturopathic health systems, ancestral knowledge, cosmology and indigenous practices are not recognized or integrated in the federal health care system, negatively impacting access to health care by indigenous women.

**35. In line with general recommendation No. 24 (1999) on women and health and targets 3.1 and 3.7 of the Sustainable Development Goals, to reduce global maternal mortality and ensure universal access to sexual and reproductive health-care services, the Committee recommends that the State party:**

(a) **Legalize abortion and decriminalize it in all cases and ensure that women and girls have adequate access to safe abortion and post-abortion services to ensure full realization of their rights, their equality and their economic and bodily autonomy to make free choices about their reproductive rights;**

(b) **Strengthen measures to counter the alarming rate of maternal mortality including by improving access to prenatal and postnatal care and emergency obstetric services provided by skilled birth attendants throughout the territory of the State party, and address its root causes such as obstetric complications, early pregnancy and unsafe abortions;**

(c) **In line with general recommendation No. 39 (2022) on the rights of indigenous women and girls, recognize and incorporate indigenous traditional and naturopathic health systems, ancestral knowledge, cosmology and practices into the health care system, recruit indigenous shamans, healers and midwives, and hire female doctors for gynecological care in indigenous areas.**

#### **Economic empowerment of women**

36. The Committee welcomes the measures taken by the State party to promote women's economic empowerment, including through the "Bolsa Família" programme. However, it notes with concern the disproportionately high poverty levels and limited access to economic and social benefits of disadvantaged groups of women, such as women with disabilities, rural, indigenous women and Quilombola women and women of African descent.

**37. The Committee recommends that the State party strengthen efforts to reduce poverty among women, with a particular focus on disadvantaged groups of women, promote their access to low-interest loans without collateral and their participation in entrepreneurial initiatives to empower them economically and provide them with opportunities to acquire the necessary skills to fully participate in economic life.**

#### **Rural women**

38. The Committee notes the State party's efforts to promote the economic empowerment of rural women, such as the "Programa de Aquisição de Alimentos" and the "Programa Nacional de Fortalecimento da Agricultura Familiar", which provides for special loans for rural women. However, it notes with concern that rural women have limited access to land ownership and use, agricultural technology, education and health services, including sexual and reproductive health services. It is also concerned about the limited representation of rural women in the adoption and implementation of environmental and rural development projects and that they rarely benefit from the economic benefits of such projects.

**39. In line with its general recommendation No. 34 (2016) on the rights of rural women and target 5.a of the Sustainable Development Goals, to undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and**

**natural resources, in accordance with national laws, the Committee recommends that the State party:**

(a) **Ensure that rural women have equal access as men to land ownership and use and conduct awareness-raising campaigns to dismantle patriarchal attitudes and gender stereotypes that are prevalent in rural areas;**

(b) **Ensure rural women's equal and inclusive representation in the adoption and implementation of environmental and rural development projects and in territorial governance structures, especially at decision-making levels, and that they equally benefit from the benefits of such projects;**

(c) **Ensure that rural women and girls have adequate access to agricultural technology, education, health services, including sexual and reproductive health services.**

#### **Disadvantaged groups of women**

##### *Indigenous women, Quilombola women and women of African descent*

40. The Committee notes with concern that indigenous and Quilombola women and women of African descent face intersecting forms of discrimination and are economically and socially disadvantaged. It is also notes with concern:

(a) That indigenous peoples and afro descendants, particularly indigenous and Quilombola women, lack titles to their lands and face forced removals from lands traditionally occupied or used by them and the exploitation of those lands by private, non-State actors such as extractive industries and infrastructure developers without consultation, their prior informed consent and adequate benefit sharing;

(b) The planned adoption of the "Marco Temporal" or temporal framework doctrine, which would limit the recognition of ancestral land of indigenous peoples only to lands they occupied on the day of promulgation of the constitution, the 5th of October of 1988. This doctrine has reportedly been used to nullify administrative demarcation processes of indigenous lands;

(c) The limited protection of Quilombola women as a disadvantaged group in the legal framework, excluding them from the Universal Health System, education and other social benefits and exposing them to political and other gender-based violence, including femicides;

(d) Racial discrimination against afro-descendant women and girls including their exposure to gender-based violence by criminal gangs as well as by the security forces, including in the context of the "War on Drugs," and "Anti Crime" measures, subjecting them to imprisonment, long term closure of schools, businesses and health clinics during police operations, increasing the burden of care and further reducing their employment opportunities;

(e) The problems of transnational crime and the effects on indigenous women in border areas, in particular in the Rio Negro area, in the border with Colombia and Venezuela;

(f) The threats to the mental health and physical integrity of indigenous, Quilombola women and women of African descent related to the increase in alcohol consumption and its harmful use in their communities.

41. **With reference to its general recommendation No. 39 (2022) on the rights of indigenous women and girls, the Committee recommends that the State party:**

(a) **Protect indigenous women, Quilombola women and women of African descent from illegal occupation of and forced evictions from lands traditionally**

occupied or used by them, strengthen procedural safeguards against forced evictions and reparations for victims, provide for adequate sanctions, and require the prior informed consent of their communities and adequate benefit-sharing for any economic activities on their traditional lands;

(b) Refrain from adopting any legislation to enact the “Marco Temporal” doctrine, and reject it in the jurisprudence, increase public awareness about its adverse effects on indigenous and quilombo women and girls, ensure the promotion and protection of their rights, in particular the demarcation of their ancestral territories without any temporal restrictions;

(c) Ensure that Quilombola women are explicitly recognized as a disadvantaged group in need of special protection in national legislation, provide them with the same rights as other such groups, including access to the Universal Health System, education, and other essential social services, remove any legal and bureaucratic barriers preventing them from accessing those services, and raise awareness among Quilombola women about their human rights and the remedies available to claim them;

(d) Take urgent measures to address the systematic racial discrimination against Afro-descendent women and girls by addressing the deep historical and underlying enabling structures, protect them from gender-based violence by criminal gangs and security forces, ensure that the war on drugs and anti-crime measures do not subject them to imprisonment or lose of services, and actively promote the meaningful participation of Afro-descendent women in decision-making in relation to security issues affecting their communities;

(e) Promote actions for territorial protection, oversight, strengthening of monitoring bodies and indigenous policy to combat organised crime and the international drug trafficking route within indigenous territories that are threatening the good life of indigenous communities, including indigenous women and girls;

(f) Ensure the provision of mental health services, including treatment for substance abuse and rehabilitation services in rural areas and indigenous communities.

*Refugee, asylum-seeking and migrant women*

42. The Committee notes that the State party is country of origin, transit, and destination for migrants, hosting over 2 million international migrants, approximately 40% of whom are women. It welcomes the progressive and human rights-based Migration Law (Law No. 13.445 of 2017) and the National Policy on Migration, Asylum, and Statelessness (“Política Nacional de Migrações, Refúgio e Apatridia”), which incorporates a gender perspective and a focus on combatting gender-based violence. However, the Committee notes with concern that:

(a) Refugee, asylum-seeking and migrant women and girls face intersecting forms of discrimination and disproportionate levels of gender-based violence and that undocumented migrant women are exposed to a high risk of sexual exploitation, forced labour and recruitment, including by human trafficking networks;

(b) Refugee, asylum-seeking and migrant women and girls face unequal access to social services, education and employment;

(c) In practice, refugee, asylum-seeking and migrant women, lack access to information on the relevant procedures to apply for residency or refugee status and face administrative challenges during the application process.

43. **In line with its general recommendations No. 26 (2008) on women migrant workers and No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) **Address intersecting forms of discrimination against refugee, asylum-seeking and migrant women, protect them from gender-based violence, and prosecute and adequately punish perpetrators;**

(b) **Promote the economic empowerment of migrant and refugee women and girls, by providing them with adequate equal access to education and employment as well as facilitate the social integration, education and employment of women and girls who face discrimination and xenophobia due to their nationality and/or undocumented status as migrants;**

(c) **Ensure the effective implementation of the Migration Law and the National Policy on Migration and incorporate a strong gender perspective in migration policies and practices and undertake awareness campaigns to increase knowledge among migrant, asylum-seeking and refugee women on how to apply for residency and refugee status.**

*Lesbian, bisexual, transgender and intersex women*

44. The Committee notes with concern the lack of measures in place to prevent, investigate, prosecute, and punish gender-based violence against lesbian, bisexual, transgender and intersex women, which is rampant in the State party. It is particularly concerned about the significant increase in killings of lesbian and transgender women, particularly in favelas and outlying areas.

45. **The Committee recommends that the State party take urgent measures to prevent and protect lesbian, bisexual, transgender and intersex women from gender-based violence and killings, including by adopting legislation to recognize such acts as hate crimes and criminalize acts of lesbo/transphobia, bringing perpetrators to justice and developing a comprehensive national LGBTIQ+ Public Policy in accordance with international standards.**

*Women with disabilities*

46. The Committee notes with concern that women and girls with disabilities, especially those belonging to indigenous, afro-descendant and Quilombola communities, face intersecting forms of discrimination in the State party. It notes with particular concern:

(a) The limited access to physical infrastructures, information and communication technologies, justice, education, employment and health services of women and girls with disabilities;

(b) That certain measures to protect women from gender-based violence, including the Maria da Penha Law and women's hotlines, are not accessible for women and girls with disabilities.

47. **The Committee recommends that the State party strengthen the legal protection of women with disabilities, provide them with adequate access to physical infrastructures, information and communication technologies, justice, education, employment and health, and ensure that safeguards under the Maria de Penha Law and other relevant laws and women's hotlines are accessible and effectively protect women and girls with disabilities from gender-based violence.**

*Women living on the streets*

48. The Committee notes with concern that women who are homeless represent around 15% of the total homeless population and face an aggravated risk of gender-based violence and that there is a lack of protection and social programs for women who are homeless and often heads of households, also affecting the children and elderly who are in their care.

49. **The Committee recommends that the State party urgently develop an action plan, in consultation with movements of the homeless population and civil society, aimed at the comprehensive protection, health and social services of women living on the streets, reaching their children and other dependents, and addressing their right to housing.**

**Climate change and disaster risk reduction**

50. The Committee notes with concern:

(a) That climate change has a deleterious impact on rural, indigenous and Quilombola women and women of African descent, who face natural disasters, such as landslides and flooding, and often lack the necessary conditions to increase their climate resilience, as it results in the loss of their ecosystems, community habitats, livelihoods, ancestral knowledge and the disruption of food and water supplies;

(b) That the State party has only signed but not ratified the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) of 2018.

51. **Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party review its climate change and disaster response strategies, taking into account the negative effects of climate change on the livelihoods of women, and ensure that women and men are equally represented in the development, adoption and implementation of legislation, policies and programmes on climate change, disaster response and disaster risk reduction, in particular by:**

(a) **Ensuring the participation of rural, indigenous, Quilombola and Afro-descendent women in decision-making related to extractive activities, economic initiatives, development, investment, tourism, climate mitigation and adaptation programmes, and conservation projects, and that any use of their territories is subject to consultation and their free, prior, and informed consent and adequate compensation;**

(b) **Expedite the ratification of the Escazú Agreement, as per its pledge in the context of the Human Rights at 75 Campaign.**

**Marriage and family relations**

52. The Committee notes that Law 14.713 (2023) establishes that the risk of domestic or family violence is a ground for preventing the exercise of shared custody and imposes a duty on the judge to investigate situations of domestic or family violence. However, it notes with concern:

(a) That Law No. 12,318 (2010), known as the Parental Alienation Law, has been used against women who denounce domestic violence by the father, resulting in stigmatization of these women and deprivation of custody of their children;

(b) The high prevalence of child marriage in the State party, despite the legal age of marriage of 18 years, as marriages can be contracted from 16 years of age with the approval of the parents or guardians, and that child marriages often lead to early and

repeated pregnancies and births, contributing to the high rates of maternal morbidity and mortality in the State party.

53. **In line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:**

(a) **Repeal Law No. 12,318 (2010), known as the Parental Alienation Law, eliminate judicial gender bias and ensure that domestic courts give due weight to situations of domestic and family violence and the best interest of the child when deciding on custody and visitation rights upon divorce;**

(b) **Amend article 1.517 of the Civil Code to remove the exception allowing for child marriage between 16 and 18 years of age subject to the parents' authorization, in line with article 16 (2) of the Convention and joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices.**

#### **Data collection and analysis**

54. **The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, geographical location and other relevant factors, and use measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention and the gender-related targets of the Sustainable Development Goals.**

#### **Beijing Declaration and Platform for Action**

55. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.**

#### **2030 Agenda for Sustainable Development**

56. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

#### **Dissemination**

57. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Congress and the judiciary, to enable their full implementation.**

#### **Technical assistance**

58. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avails itself of regional or international technical assistance in this respect.**

#### **Ratification of other treaties**

59. **The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>2</sup> would enhance the enjoyment by women of**

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The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women;



their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

**Follow-up to the concluding observations**

60. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 23 (c), 29 (c), 33 (c) and 41 (a) above.

**Preparation of the next report**

61. The Committee will establish and communicate the due date of the tenth periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

62. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).

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the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.