



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

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**Committee on the Elimination of Discrimination  
against Women**  
**Fifty-first session**

**Summary record of the 1026th meeting**

Held at the Palais des Nations, Geneva, on Friday, 17 February 2012, at 10 a.m.

*Chairperson:* Ms. Ameline (Vice-Chairperson)

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** (*continued*)

*Seventh periodic report of Brazil* (CEDAW/C/BRA/7, CEDAW/C/BRA/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Brazil took places at the Committee table.*
2. **Ms. Ameline** said that she would be presiding over the meeting since, in accordance with established practice, **Ms. Pimentel**, the expert from Brazil and Chairperson of the Committee, would not take part in the constructive dialogue.
3. **Ms. Menicucci de Oliveira** (Brazil), introducing the seventh periodic report of Brazil, said that the current meeting had special significance as it marked her country's first dialogue with the Committee since the election of Ms. Dilma Rousseff, Brazil's first female President. In her election-night speech, Ms. Rousseff had undertaken to ensure that the election of a woman, while previously unprecedented, should become a natural event that was repeated in companies, in civil institutions and throughout society. She had also expressed a clear intent to increase the number of female ministers, with the result that 10 ministries were now headed by women. In August 2011, the President had achieved a further milestone when she had become the first woman to deliver the opening address at the United Nations General Assembly. As a member of the Executive Board of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and Chair of the Regional Conference on Women in Latin America and the Caribbean, Brazil also played an important part in women's advancement at the supranational level.
4. Although a great deal more work was needed before Brazil achieved full equality between men and women, the creation of the Secretariat for Women's Policies and the Secretariat for the Promotion of Racial Equality was a testament to her Government's commitment to building a more equal and fairer society. During the Presidency of Luiz Inácio Lula da Silva, 28 million Brazilians had risen above the poverty threshold and 36 million had joined the middle classes. The new Government had made a commitment to rescue a further 16 million from extreme poverty through the Brazil Without Poverty (*Brasil sem Miséria*) Plan. Within six months of the Plan's launch, it had surpassed its full-year targets by paving the way for the identification of over 400,000 impoverished families who were eligible to receive benefits under the *Bolsa Família* family allowance scheme; around 325,000 of those families were already receiving those allowances. The Brazil Without Poverty Plan also provided practical assistance through schemes that fostered rural women's entry into production activities.
5. Other initiatives to enhance women's economic, social and political advancement included the Greater Brazil (*Brasil Maior*) Programme, which aimed to increase economic activity and competitiveness and thus create more jobs; a system of tax breaks and other incentives for microenterprises and small businesses, which were such a major provider of employment; and the expanded and enhanced National Microcredit Programme, renamed the Growth (*Crescer*) Plan, which offered easier access to credit and lower interest rates.
6. Key events in 2011 that would have a major impact on women's issues included the development and approval of a multi-year plan for 2012–2015 and the four-day National Conference for Women held in December, at which priorities for the National Policy Plan for Women had been discussed and approved. The Secretariat for Women's Policies had played a key part in the debate that had preceded the approval of the multi-year plan, and its contributions had ensured that women's rights and gender equality issues were a central component. The National Conference for Women had brought together close to 2,800

Brazilian women, including the President, and had established that promoting women's autonomy in the economic, social, personal, cultural and political spheres should be the priority of the Secretariat for Women's Policies in the years ahead. Although the budget for the Secretariat for Women's Policies that had been approved by Congress, at R\$ 107.2 billion for 2012, was marginally lower than in the previous year, the budget for the Secretariat that had been proposed by the executive branch had been 35 per cent higher than in 2011.

7. There had been a number of significant recent developments in relation to domestic violence. The constitutionality of articles 1, 33 and 44 of the Maria da Penha Law had been unanimously upheld in a Supreme Court decision that should ensure a uniform interpretation of that law's provisions in the future. The Supreme Court had also ruled that prosecutions could, and should, be brought under the Maria da Penha Law even if a victim of violence did not make a formal complaint against her aggressor or if she withdrew her complaint. To support implementation of the law, in March 2011 the National Council of Justice had issued a resolution stipulating that the courts of all states and those of the Federal District should establish coordinating offices for female victims of violence to provide guidance to presiding judges within six months.

8. The Secretariat for Women's Policies' 180 toll-free hotline was assisting around 65,000 women every month and, by the end of 2011, had received in excess of 2 million calls since its launch. Since 2011, the service had also been available to Brazilian victims of domestic violence who lived overseas in countries such as Spain, Portugal and Italy. At the end of that same year, Congress had set up an inquiry commission to consider how the law was being applied in cases of violence against women. The commission had six months to research and report on reported failures to correctly apply legislation intended to protect women.

9. Important advances in the field of women's health had included Cabinet Decrees Nos. 653/2003 and 1119/2008, which had introduced more stringent requirements for monitoring and reporting maternal deaths and had redefined the roles of the committees tasked with preventing maternal mortality at the state and municipal levels; the introduction of distance learning programmes to enhance the impact of the work being done by those committees; and the launch of the Stork Network (*Rede Cegonha*), a strategic programme of the Ministry of Health that aimed to guarantee safe, humane treatment during pregnancy and childbirth. Good practices encouraged under that programme included fewer unnecessary Caesarean deliveries, wider use of natural birthing, more extensive training for midwives, access to pain relief and greater freedom in the choice of delivery position.

10. A 20 per cent reduction in teenage pregnancies had been achieved between 2003 and 2009 as a result of the easier access to contraception afforded by the People's Pharmacies Programme. The Technical Unit for Women's Health had been running courses in emergency obstetric care for doctors and nurses in each of the country's 26 states and in the Federal District since 2009 and had trained more than 1,500 health-care professionals in the intervening period. Provisional Measure No. 557 establishing a new national system for the registration, supervision and follow-up of pregnancies and births had been published in the official gazette in December 2011. Its issuance had been a response to the need for legally binding provisions to regulate the quality of prenatal care. A working group composed of representatives of the National Health Council, the Ministry of Health, the Secretariat for Women's Policies and various women's groups had been established to discuss and resolve any weaknesses in the measure before it was submitted to Congress for approval.

11. Recent surveys indicated that around three quarters of Brazilian women of childbearing age used modern methods of contraception and that a similar percentage of that group accessed those methods through the Unified Health System (SUS). A wider range of contraceptive methods, including injections and inter-uterine devices, had been

made available, as well as the morning-after pill, thereby directly contributing to a reduction in the number of unsafe abortions.

12. Her Government had submitted its responses to the Committee's observations on the case of Alyne da Silva Pimentel, and she was pleased to report that the Governor of Rio de Janeiro State had personally undertaken to ensure that its recommendations would be implemented.

13. In June 2012, Brazil would be hosting the Rio+20 United Nations Conference on Sustainable Development. A re-examination of its priorities in anticipation of the Conference had led the Government to reaffirm women's important role in supporting sustainability and to draw attention to the fact that increasing organization among rural women was yielding significant benefits for their communities. Nonetheless, many categories of women, including indigenous women, domestic workers, fisherwomen, Roma women and women with disabilities, continued to be overlooked by public policymakers. The challenge for the future was to transform the ideas set out in the National Policy Plan for Women into reality.

#### *Articles 1 to 6*

14. **Ms. Bareiro-Bobadilla** said that, although the Constitution of Brazil provided protection against discrimination on grounds of origin, race, sex, colour and age and guaranteed equality between men and women in conformity with the Convention, it did not contain a definition of discrimination in line with article 1. Furthermore, unless she was mistaken, no such definition was included in any other Brazilian law. Since de jure equality was the first fundamental step towards ensuring non-discrimination, she would urge the State party to include a definition in line with the Convention in its legal arsenal, perhaps in the instrument dealing with multiple discrimination that was apparently in the drafting stages.

15. She would appreciate clarification regarding the State party's interpretation of article 7 of the Constitution, which expressly guaranteed 9 specific rights to domestic workers, as well as social security coverage, but appeared to exclude them from 25 other rights constitutionally guaranteed to other workers. Since domestic work was the main source of employment for young women from poor backgrounds, that article could be considered discriminatory. For that reason, and in view of Brazil's leading role in securing support for the adoption of International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), that article should be rescinded.

16. **Ms. Neubauer** said that, although the written responses indicated that the enhanced institutional standing of the Secretariat for Women's Policies should pave the way for the allocation of increased human and budgetary resources, she had received information that less than half of the earmarked funds had actually been available to the Secretariat in 2011. She would also appreciate clarification on the reported 6 per cent decrease in the Secretariat budget for 2012. If the budget for the Secretariat had indeed been halved, information was needed on how the cuts affected its activities and objectives. The written responses also indicated that there were only four states that had not yet set up an official women's policy organization and that there were nearly 400 municipal and 23 state and Federal District women's policy offices. However, Brazil comprised more than 5,500 municipalities, which meant that most municipalities lacked a women's policy office. She asked what plans were being made to set up such offices in the remaining four states and other municipalities. Further information was needed on the challenges to implementation of the second National Policy Plan for Women, approved in 2008. Data broken down by gender and other criteria, such as age and disability, were needed for monitoring activities such as those provided for in the second National Plan. She asked what the Government planned to do to improve data collection and analysis.

17. **Ms. Menicucci de Oliveira** (Brazil) said that, although no definition of discrimination was set out in the Federal Constitution, one had been provided for in the second National Policy Plan for Women. Any amendments to the Constitution would need to be passed by Congress. In point of fact, Congress was currently considering a constitutional amendment that would protect and promote the rights of domestic workers and would rescind article 7. Budget cuts had not had an impact on policy implementation. There was a need for more resources, of course, but she would make every effort to ensure that appropriate funding for the activities of the Secretariat was provided. A vast country, Brazil relied heavily on local authorities and civil society to implement and monitor policies established at the federal level.

18. **Ms. Bandeira** (Brazil) said that, according to an official study conducted in 2009, there were some 1,100 women's organizations in Brazil that formed part of the network of municipal, state and Federal District women's policy offices. The Secretariat had established a committee to monitor and follow up on implementation of the second National Plan by the relevant ministries. The results of its work were made available to civil society every six months.

19. **Ms. Farani Azevêdo** (Brazil) said that an inter-ministerial working group that included the Brazilian Institute of Geography and Statistics (IBGE) coordinated the use of statistical data on the population, all of which were broken down by gender.

20. **Ms. Bandeira** (Brazil) said that the Secretariat worked closely with IBGE to incorporate a gender perspective into its time-use and other surveys.

21. **Ms. Bareiro-Bobadilla** said that the head of delegation's conversation with the Governor of Rio de Janeiro concerning the case of Alyne da Silva Pimentel was very important. The Committee was still awaiting the Brazilian court decision on a claim filed by Ms. da Silva Pimentel's husband. The length of that wait showed how serious the problem of access to justice remained. It was crucial to provide training to the judiciary and health-care providers on women's rights and the Convention.

22. **Ms. Neubauer** said that she was pleased that data were disaggregated by sex. Were they also broken down by such factors as ethnicity, age and disability?

23. **Ms. Šimonović** asked what kinds of national mechanisms were in place to implement decisions of treaty bodies, such as the Committee's Views in respect of communication No. 17/2008 concerning Alyne da Silva Pimentel, or decisions emanating from the inter-American human rights system. She would like to know what follow-up measures would be taken to ensure that appropriate reparation, including financial compensation, would be made in the case. She welcomed the symbolic reparation that had been made in planning to name a hospital wing after the victim.

24. **Ms. Arocha Domínguez** said that it was important to strengthen municipal institutions. The ambitious investment plan that had been announced for 2012–2015 could not be implemented at the municipal level without the necessary human and financial resources. She also wished to highlight the link between users and producers of data and the importance of proper analysis, and she hoped to see more statistically based evaluations in the next periodic report.

25. **Ms. Gabr** said that she was surprised that there was no national human rights institution based on the Paris Principles. The establishment of such an institution would help to eliminate many forms of discrimination and contribute to follow-up on treaty bodies' recommendations.

26. **Ms. Menicucci de Oliveira** (Brazil), referring to the Alyne da Silva Pimentel case, said that Brazilian courts had been handing down decisions on important issues in various areas, including health, gender and human rights, which opened the way for the

Government to act upon the recommendations of various international bodies. Committees composed of public authorities, health professionals and other members of civil society at the municipal, state and federal levels visited facilities where maternal deaths had occurred and investigated their causes. In addition, the Ministry of Health had signed a protocol on the reduction of maternal mortality with the Secretariat for the Promotion of Racial Equality.

27. She wished to highlight the importance of municipal authorities' role in monitoring implementation of federal policies, given the country's size and decentralized structure. The Government had also been endeavouring to make people aware of women's rights and to combat gender and multiple forms of discrimination, such as discrimination against women with disabilities, and had been making notable progress in that regard. Gender-based violence was an extremely widespread problem. One example of civil society efforts to combat that scourge was the translation of the Maria de Penha Law into Braille, which had prompted an increase in the number of women with disabilities who were reporting incidents of violence against them.

28. **Ms. Farani Azevêdo** (Brazil) said that a programme had been launched in November 2011 to ensure full access to health services and education for persons with disabilities. The programme involved 15 bodies at all levels of government and benefited 150,000 individuals.

29. **Ms. Bandeira** (Brazil) said that the second National Plan included a section on the compilation of gender-disaggregated data on sexism, racism and homophobia. Data on health, work, violence and other areas were also being broken down by both sex and race. The Secretariat had also launched an initiative to facilitate the exchange of disaggregated information between the municipalities and authorities at the federal level.

30. **Ms. Farani Azevêdo** (Brazil) said that working groups formed by various federal agencies and coordinated by the Ministry of Foreign Affairs were monitoring the implementation of treaty body recommendations. Discussions were under way with a view to transforming the country's human rights machinery into a national human rights institution in accordance with the Paris Principles.

31. **Ms. Arocha Domínguez** said that, in order to eliminate direct and indirect discrimination against women, the State party would need to implement special temporary measures in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25. In reading the report and the responses to the list of issues, the Committee had not always seen a clear connection between the measures cited and the Convention. For example, paragraph 15 of the report mentioned the development of an integrated national policy for social inclusion and reduction of social inequalities, but did not provide evidence of the incorporation of a gender perspective into that process. Similarly, the Brazil Without Poverty Plan cited in the responses was not aimed specifically at women, though the latter would benefit from it.

32. **Ms. Hayashi** said that she would like to commend the State party for enacting progressive and innovative legislation such as the Maria da Penha Law of 2006. She was aware that that law's constitutionality had been challenged by some judges and wished to know why judges were reluctant to apply that particular law. She would also like to know what sort of training members of the legal profession received with regard to the Convention's provisions and the Committee's general recommendation No. 19.

33. While the initiative to outfit special courts with multidisciplinary teams to handle domestic violence cases was commendable, some women's NGOs had complained that there were not enough such courts to handle the volume of cases. She asked whether the State party had a plan for increasing the number of special courts and for financing the increase.

34. Reports from alternative sources indicated that the number of female prisoners had increased much faster than the number of male prisoners in recent years, and she would like to know the reason for the increase. Citing information provided to the Committee about serious violations of the human rights of female prisoners, including rapes by male prisoners, she asked what training was provided to members of the judiciary concerning such issues and whether prison rapes in Brazil were adequately investigated and their perpetrators punished.

35. **Ms. Šimonović** said that the Maria da Penha Law was impressively comprehensive. Given the gravity of the human rights violations that it addressed, it needed to be fully implemented without delay. The types of protective measures and the number of courts and shelters that were needed for full implementation had to be determined. She requested more information on challenges to the law's constitutionality. According to information made available to the Committee, Brazil did not have legal aid services designed specifically for women with disabilities. She would like to learn more about the State party's plans to provide such services, if any.

36. **Ms. Pires** said that the State party had made substantial progress in combating human trafficking. She asked whether the second phase of the National Plan to Combat Human Trafficking had been adopted, how soon it would be implemented, whether a coordinating body and budget allocations had been established and what entity would be responsible for monitoring and evaluating its implementation. She understood that Congress had established a commission to examine the issue of international trafficking. How would the information gathered by that commission be used in the implementation of the National Plan? Paragraphs 124 to 128 of the State party's report described services available to trafficking victims. She requested additional information on such assistance; on the trafficking of women with disabilities, a topic not mentioned in the report; and on in-country trafficking. What measures was the State party taking to address the latter two issues?

37. **Ms. Menicucci de Oliveira** (Brazil) said that the current Administration had been in office for just a year, and it was therefore too soon to evaluate its achievements with regard to gender policy. The fact of the matter was that, in a country with such long-standing social inequities to grapple with, gender and race were often viewed as secondary issues. While it was important to fight discrimination, it was hard to eliminate patriarchal attitudes.

38. **Ms. Butto Zarzar** (Brazil) said that a range of efforts were being made to assist women in the agricultural sector, and it was now mandatory to explicitly include women in sectoral policies. Initiatives and funding were in place to provide technical assistance to firms led by women.

39. **Ms. Menicucci de Oliveira** (Brazil) said that the ministries of justice and health were working with the Secretariat for Human Rights and the Secretariat for Women's Policies to eliminate all forms of violence against women inmates. The disproportionate increase in the female prison population to which the Committee had referred might be the result of gender-based discrimination in various areas; in any event, the issue needed to be examined further.

40. **Ms. Gonçalves** (Brazil) said that the Supreme Court had recently ruled that the Maria da Penha Law was indeed constitutional. There were 94 courts in charge of its implementation, and the National Pact for Combating Violence against Women included a budget allocation for the protection of women prisoners. There was also a hotline that female prisoners could call for assistance.

41. **Ms. Menicucci de Oliveira** (Brazil) said that the Ministry of Justice was strongly committed to the National Plan to Combat Human Trafficking and to coordinating its implementation with the Ministry of Health, the Secretariat for Women's Policies, the

Secretariat for Human Rights and the Secretariat for the Promotion of Racial Equality. Funds had been allocated for the implementation of the Plan.

42. **Ms. Tiemi Saita** (Brazil) said that the initial phase of the National Plan to Combat Human Trafficking had been completed and was being evaluated following a series of highly successful campaigns to improve support for women victims. A second phase was being developed and would be implemented through a coordinated, intersectoral effort by the Ministry of Justice, the Secretariat for Women's Policies and the Secretariat for Human Rights. The second phase provided for education campaigns, training and measures to address the issue of women with disabilities. The need to combat trafficking in persons was a priority issue for both the legislative and executive branches. Senate committees had been tasked with aligning domestic legislation with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The country's training centre for the judiciary would also be organizing a national seminar on human trafficking.

43. **Ms. Brum Ribeiro** (Brazil) said that responsibility for addressing the issue of trafficking in women had only recently been assigned to the Ministry of Health. Recognizing that women, in particular adolescent girls, were more vulnerable to trafficking, the Ministry had developed partnerships with universities to study the problem in greater depth and design a national training programme. In December 2011, two courses on health, migration and issues related to trafficking in women had been offered for national health-service personnel to help them be more effective in identifying victims and their needs.

44. **Ms. Gabr** said that she would like to stress the need for statistical data in order to properly assess the effectiveness of the implementation of the Plan. She would urge the State party to address all forms of human trafficking, rather than focusing only on sexual exploitation, and to adopt a unified law to combat and prevent human trafficking. Given the sheer size of the country, she would recommend the establishment of a single body for dealing with trafficking. Were there any shelters for victims of trafficking?

45. **Ms. Arocha Domínguez** said that the issue of gender stereotypes was barely touched upon in the report and was only obliquely discussed in the written replies. The introduction of a more integrated and consistent approach should be considered.

46. **Ms. Hayashi** asked for comments on reports by alternate sources that the centre that had been established to monitor the implementation and enforcement of the Maria da Penha Law lacked the necessary funding to operate effectively and on how adequate resources could be secured.

47. **Ms. Šimonović** said that she would like additional information and statistics on the number of women murdered by their spouses. She wondered if such murders were referred to as "femicide" or otherwise and how the State party was dealing with that type of violence.

48. **Ms. Pires** asked for information on the prosecution of cases involving the internal trafficking of persons and on reports that women were being trafficked from other countries into Brazil to be used as forced labour.

49. **Ms. Bareiro-Bobadilla** said that she was concerned by reports that female defendants were not provided with interpretation or translations into Guaraní and therefore did not know why they were being prosecuted or imprisoned.

50. **Ms. Menicucci de Oliveira** (Brazil) said that protective measures for women and children needed to be strengthened, and any recommendations from the Committee in that connection would be welcome and considered in the preparation of the second phase of the Plan to Combat Human Trafficking. As part of its efforts to eradicate gender stereotypes, the Government was partnering with universities and primary and secondary schools to

provide training and raise awareness in that regard and was working with the Ministry of Science and Technology to carry out research on the extent of the problem.

51. **Ms. Alves de Oliveira Gomes** (Brazil) said that the Secretariat for Women's Policies and the Ministry of Justice were carrying out campaigns to sensitize public and private security forces to the need to do away with gender stereotypes and with racist or sexist content in written materials.

52. **Ms. Farani Azevêdo** (Brazil) said that a key programme to combat forced labour was under way in partnership with the International Labour Organization and that understanding the conditions that prompted people to migrate was an important factor in that effort. In 2009, the Government had approved an amnesty for a number of foreign workers in the textile industry who had been working in extremely poor conditions in São Paulo, thereby putting an end to their exploitation and providing them with proper identification so that they could receive regular wages and could pay into the social welfare scheme. The Government was addressing the matter of the provision of legal services in Guaraní by, among other measures, offering language training for lawyers, judges and law enforcement personnel and was looking into the situation of other minorities, such as Haitian migrants.

53. **Ms. Bandeira** (Brazil) said that 42,000 women had been murdered over the past two decades, most by their male partners. Campaigns had been developed to encourage people to report domestic violence. Other initiatives included the Mulheres da Paz Project, which worked with youths to foster cultural change, and measures taken in conjunction with universities to train teachers to detect cases of domestic violence and instil more progressive values.

54. **Ms. Gonçalves** (Brazil) said that the Supreme Court's decision on the Maria da Penha Law was final and binding on all courts of law. There was some difficulty in consolidating data on domestic violence because it was gathered by a range of bodies. The Secretariat for Women's Policies and the Ministry of Justice were working on a campaign to combat violence against women which should provide hard data by the end of 2012.

#### *Articles 7 and 8*

55. **Ms. Murillo de la Vega** said that only through the participation of women in politics was it possible to reform and improve legislation and policies on women, and she was therefore sorry to see that Brazil ranked 110th out of 188 in the Inter-Parliamentary Union's world classification of women in politics. Regarding the report of the Tripartite Committee of the Secretariat for Women's Policies, she asked what the actual obstacle was to reaching the 30 per cent minimum quota for women in the legislative and judicial branches. She wondered if there were plans to modify the law on political parties and the provision in the Electoral Code that circumscribed the voting rights of persons with disabilities. She would also like to know what steps were being considered or taken to increase the number of women's councils in the municipalities.

56. **Ms. Menicucci de Oliveira** (Brazil) said that the country was very proud of its first female president, 2 women vice-presidents and 10 women ministers. As for the Committee's question regarding a gender-based pay gap, such inequalities did indeed exist, and the Government had a number of programmes in place aimed at closing that gap.

57. **Ms. Rocha Pietá** (Brazil) said that the Women's Caucus of the Chamber of Deputies was working to increase women's participation in politics. As a result of recent election law reforms, at least 5 per cent of each political party's funds must be devoted to promoting women's participation in politics.

58. **Ms. Esgario** (Brazil) said that the 30 per cent quota was not being reached, in part, owing to a lack of female candidates. A special committee had been established to consider measures for the reform of both chambers and was advocating a full gender balance on electoral lists. The Government was debating a proposal for exclusive public funding of electoral campaigns as a means of attracting more female candidates. At the latest congress of the Worker's Party, a 50 per cent quota for women candidates had been agreed upon, and that decision might be emulated by other political parties.

59. **Ms. Bandeira** (Brazil) said that 70 per cent of the country's municipalities had women's rights councils and that 17 out of 27 states had integrated women's policies. Steps were also being taken to put such councils and policies into place in the rest of the country.

*The meeting rose at 1 p.m.*