



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-ninth session

Summary record of the 796th meeting (Chamber B)

Held at Headquarters, New York, on Wednesday, 25 July 2007, at 3 p.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 3 p.m.

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

Sixth periodic report of Brazil (continued)
(CEDAW/C/BRA/6 and CEDAW/C/BRA/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Brazil took places at the Committee table.*

Articles 10-14 (continued)

2. **Mr. Flinterman**, recalling the Government's response to the question on the diversification of academic and professional options available to women, asked whether the programmes had specific targets and whether all States would participate in them.

3. Turning to draft Bill 3,627/04 on the establishment of a Special System of Vacancies in federal public institutions in higher level education for students graduating from public schools, particularly Afro-Brazilians and indigenous people, he wondered whether the Government had considered what impact the proposed legislation would have on Afro-Brazilian and indigenous women. Finally, he asked whether the Government had any plans to improve the education of older and poor women.

4. **Ms. Saiga**, asked what plans the Government had to encourage women to study non-traditional subject matters. She also requested more recent statistics on elementary education, including statistics on enrolment and drop-out rates for boys and girls and the reasons why students dropped out. She wondered what measures the Government was taking to ensure that all children completed at least the compulsory level of education and up to what age education was compulsory.

5. **Ms. Freire** (Brazil) said that she could not comment on the implementation of the bill on racial quotas for poor students as it was still before the Senate. In view of the racial situation in Brazil, the Government was encouraging efforts that focused on race instead of gender. Thus admissions quotas were geared towards admitting more Afro-Brazilian students in general, not Afro-Brazilian women in particular.

6. With respect to illiteracy, she said that one of the goals of the Government's national women's policy

was to reduce the illiteracy rate among women 45 or older by 15 per cent — not an easy task since it was necessary to develop a strategy for each State. Nonetheless, progress was being made.

7. Other goals were to increase indigenous women's access to education and to increase the number of schools that attended to the indigenous population. According to recent data the number of such schools had increased by 48.7 per cent.

8. Regarding women's career choices, she said that the Government was working assiduously to dispel gender myths and encouraged pupils to make career choices free from all outside influences.

9. **Ms. Zou Xiaoqiao** asked what the Government was doing to close the wage gap and, in particular, what the Tripartite Commission for Equality of Opportunity for Gender and Race at Work had done to eliminate discrimination in the job market and the workplace.

10. According to the report many sexual harassment complaints had been filed by domestic servants. She wondered what measures had been taken to stop such harassment and whether any laws had been enacted to provide for penalties for harassers and compensation for their victims. She also asked whether any efforts had been made to raise awareness of sexual harassment among employers and whether the Special Secretariat of Policies for Women (SPM) had implemented any awareness-raising programmes in coordination with the trade unions.

11. **Ms. Halperin-Kaddari** expressed alarm at the large wage gap between men and women, particularly Afro-Brazilian women, and asked what legal measures had been taken to eliminate discrimination in the workplace, specifically whether women could sue their employers on grounds of discrimination and whether legal aid was available to them.

12. Turning to the issue of domestic servants, she said that since the measures and programmes envisaged under Law 11324, designed to promote the formalization of the domestic labour sector, were not compulsory, she wondered how many women had actually benefited from that Law.

13. **Ms. Dairiam** asked how the Government ensured coordination among the numerous programmes and institutional arrangements designed to eradicate poverty and what relationship existed between SPM,

the Special Secretariat on Policies for the Promotion of Racial Equality (SEPPIR) and the Program to Encourage Economic Autonomy for Women in the Work World. She also asked how many Afro-Brazilian women were employed in SPM.

14. In respect of particularly vulnerable groups, she remained concerned that if groups such as the Quilombola were not targeted, it would be very difficult to address their specific needs, particularly since certain programmes required potential beneficiaries to produce certificates or other forms of identification. Finally, she asked how many women were benefiting from the programme to encourage women's economic autonomy, the poverty eradication programme and the Family Grant programme as well as how many Afro-Brazilian, indigenous and minority women were benefiting from the latter.

15. **Ms. Tavares da Silva** asked the delegation to assess the success of the Government's efforts to secure the labour rights of domestic servants and what had been done to protect those rights and the right to education and health care.

16. **Ms. Freire** (Brazil) said that whereas, a study in 2005 had shown that, women earned between 14 per cent and 38 per cent less than their male counterparts, there were preliminary indications that the wage gap was beginning to diminish. She referred Committee members to the annexes to her country's responses, which were available on the Internet.

17. Ninety per cent of the 8 million workers engaged as domestic servants were women, most of them Afro-Brazilian women. The Government was just now beginning to evaluate whether the incentives that had been offered to encourage employers to enter into formal employment agreements with their servants had yielded any results.

18. Turning to Ms. Dairiam's question regarding coordination of programmes and institutional arrangements, she said the various women's programmes and arrangements were all an integral part of the national policy for women. The latter was monitored by a commission that was also charged with ensuring the coordination of those programmes and initiatives. There were, in addition, regular meetings between SPM and representatives of the implementing Ministries. However, there were still many obstacles to mainstreaming the issues of gender and race into public policy.

19. The Government intended to press ahead with its gender equity programme. The "seal of approval" programme, which recognized the affirmative action efforts of the public sector corporations, was designed to serve as an example to private sector companies and stimulate them to implement their own affirmative action programmes.

20. **Ms. Zarzar Butto** (Brazil) said the Brasil Quilombo Programme, helped to further the federal Government's aims for marginalized Afro-Brazilians by tailoring efforts to the situation and needs of quilombo communities (communities of former fugitive slaves). First, the authorities examined family registers to locate recipients, in order to implement the programme at local level. Second, the requirements for recipients to provide official papers in order to enrol in Government social programmes were relaxed for quilombos as they had been for other vulnerable groups. However, the Ministry for Agrarian Development had launched a national documentation programme for rural working women, and had helped 84 quilombo communities in 2006 and 2007 to ensure that they could reap the benefits of having such papers.

21. **Ms. Freire** (Brazil) said that the evaluation and coordination of social programmes was complicated by the size of the country and the natural fragmentation of programmes to combat discrimination and marginalization. One group which suffered discrimination did not necessarily feel solidarity with another group which also suffered discrimination. The machismo often found in Afro-Brazilian and indigenous Brazilian communities must be overcome if the lives of women in those communities were to improve.

22. **Ms. Arocha Domínguez**, applauding the success of efforts to improve sexual and reproductive health, asked what obstacles the Government had faced when translating federal policies into action at State and municipal level, given that it had broken with the tradition of concentrating power in the hands of State governors and mayors of municipalities.

23. She requested up-to-date statistics on abortion-related deaths and asked what steps could be taken to ensure that health-care providers did not circumvent — because of their own convictions — the Government's policy of permitting abortion in certain limited cases. The Government must ensure, through appropriate sex education and family planning services, that women

were able to determine the number of children they had in order to minimize the number of abortions. She wondered whether a bill had been presented to decriminalize abortion.

24. **Ms. Tavares da Silva** asked why some States were resistant to the National Pact to Reduce Maternal and Neonatal Death and requested details of any action focused on Afro-Brazilian women, and plans to extend sex education for young men and women to minimize early pregnancy and abortion.

25. **Ms. Dairiam** asked whether progress had been made towards the stated goal of reducing maternal mortality by 15 per cent by 2007, and whether the goal was the same in all regions. Most importantly, she wished to know the base figure for calculating the 15 per cent improvement, and whether statistics had been broken down by race. She wondered whether the Government could justify using voluntary methods, such as pacts, to achieve change. She would be interested to know what steps had been taken to improve the availability and accessibility of contraceptives, what methods were made available, how they were made available and how well they were accepted.

26. **The Chairperson**, speaking as a member of the Committee, reminded the Brazilian delegation of the provisions of article 12 of the Convention and of general recommendation 24, which urged States parties to give priority to reducing maternal mortality and to amend abortion legislation so that women who underwent the procedure were not subject to punitive measures.

27. **Ms. Freire** (Brazil) said any impression that State governments failed to respect federal Government policies was incorrect. The Government was aware that some policies might be resisted or amended, and therefore combined a variety of approaches. The maternal mortality target had been adopted in order to bring Brazil closer to internationally agreed targets. The National Pact to Reduce Maternal and Neonatal Death had succeeded better in reducing infant mortality than maternal mortality, probably because the latter was affected by so many considerations.

28. **Ms. Viola** (Brazil) said that the number of municipalities analysing the death records of women of childbearing age had doubled. As data collection improved, maternal mortality figures increased. Figures in the north and north east of the country were

now closer to the levels recorded in the south, where data collection had traditionally been more efficient. However, in the previous five years the rate had stabilized.

29. Maternal deaths as a result of abortion had been decreasing, due in part to enormous investment in family planning measures. The use of contraception, measured against the standards of the Pan American Health Organization and World Health Organization, reached first-world rates. An array of reversible methods, including intra-uterine devices and injectable hormones, were offered through centres which also provided feedback on demand and acceptance.

30. **Ms. Taquette** (Brazil) said that, as family planning programmes were not having the expected impact on teenage pregnancy, the Government was introducing preventive health programmes in schools, dealing not just with family planning but with sexuality and sexually transmitted diseases. It was also working to raise the awareness of teachers and to provide childcare so that young parents could continue their education. Eradicating child labour would also increase children's educational prospects and decrease teenage pregnancy.

31. **Ms. Freire** (Brazil) said that the Ministry of Health and Ministry of Education were working together to make condoms available in schools, mainly through the installation of vending machines, not simply as a contraceptive measure, but also to promote the idea of safe sex to prevent HIV and other sexually transmitted diseases.

32. The Government had launched a debate on the decriminalization of abortion in 2004 and had convened a tripartite commission, composed of representatives of the federal Government, civil society and the National Congress, to discuss the matter. It had proposed a revision of the existing legislation, but the resulting bill had stalled at the parliamentary committee stage and had never been put to the vote.

33. The new Congress had sought to revive the process, had proposed that abortion should be available also in cases involving sexual violence. Once again, the proposal had stalled, having met the opposition of pro-life groups and their supporters in the Congress. However, that opposition had been countered and, when Pope Benedict XVI had made his official visit to Brazil, President Lula had reaffirmed the country's

secular nature and emphasized the separation of church and State.

Articles 14 to 16

34. **Ms. Tan** noted from the report (pp. 81-82) that very high numbers of rural women still did not have access to retirement benefits in 2003 owing to their lack of identity documents, despite the Government's efforts to improve the situation. She wondered how many women still lacked documentation and whether the documentation programme for rural working women had successfully reached all regions. Noting that fewer black women received pensions and benefits, she asked whether there were any programmes to educate black rural women about the importance of identity documents.

35. The report highlighted the issue of violence against women and the silence surrounding it (p. 42). It was truly alarming to read that 48.4 per cent of those interviewed in the research knew a woman who had been beaten. She wondered what efforts had been made to solve the problem, and whether there were any plans to inform rural women of their right to a violence-free life and to provide them with options if they were victims of violence.

36. She welcomed the report's reference to the administrative rule on the rights of couples to joint ownership of land and wondered how land was divided in the event a couple divorced. In connection with the Second National Plan for Agrarian Reform, which had led to decentralization of the land ownership structure (p. 83), she wondered how the new changes had specifically benefited women.

37. Finally, she asked whether any guidelines had been drawn up for regulation of the aquaculture and fishery industry, which mainly employed women, and if so, how they were being enforced.

Articles 15 and 16

38. **Ms. Halperin-Kaddari** said that she would welcome information on legal arrangements for marriage, divorce, child support and other such issues and a clarification of a reference to discriminatory provisions that remained in the new Civil Code of 2003 (p. 88), including provisions that allowed only married women to refuse protection and placed restrictions on marriage for women. She also requested an explanation of the reference to a new law containing provisions to

allow the taking of inventory, partition, consensual separation and divorce through administrative procedures (responses, p. 31).

39. Finally, she asked whether women in de facto unions had the same protection and rights as women in formal marriages and what regime of marital property was applied. She requested information about the entitlement of a spouse who had invested most of her time at home and had not accumulated property.

40. **Ms. Belmihoub-Zerdani** congratulated the delegation of Brazil on the new Civil Code as an important advance in implementation of the Convention, as it incorporated the principle of equality of men and women including their equality in the rights and duties of marriage. Many discriminatory provisions of the previous code had been removed. She asked whether the Women's Caucus of the National Congress had made any progress with its new proposals to revoke the remaining few discriminatory provisions.

41. **Ms. Tan** asked whether the partners in de facto unions were governed by the same laws of property ownership as legally married spouses and whether a party to a de facto relationship could have multiple de facto unions, in which case she wished to know what repercussions that would have for the union and any children of that union. She also understood from the report that same-sex couples could celebrate their marriages (p. 90) and would like to know whether such couples were protected under marriage laws, and if so, if they were the same laws as those applied to heterosexual marriages.

42. She wondered how divorce was regarded in Brazil, and whether women seeking a divorce had easy access to legal assistance and the justice system. Finally, she noted that, although the Civil Code guaranteed equality between the sexes, and although adultery was no longer a crime, a woman who committed adultery could have her maintenance payments reduced or lose custody of her children.

43. **Ms. Coker-Appiah** said that she would like more information on the main aspects of the new Civil Code, and in particular on the rights of women, at the time of divorce, to property acquired during the marriage. She asked whether men and women had the same rights in terms of receiving an inheritance from their parents and whether the inheritance laws were the same for the Afro-Brazilian and indigenous populations.

44. **Ms. Freire** (Brazil) said that the report had omitted details of many aspects of the Civil Code in order to concentrate on the information that had been specifically requested. The Civil and Penal Codes were continuing to be adapted to the new Constitution which established the equality of men and women before the law with regard to inheritance rights and responsibilities. The process of adaptation would take a long time. The Civil Code did not discriminate between black and white or male and female for property and inheritance rights. Inheritance rights were determined by succession rights, which meant that sons and daughters received equal treatment.

45. The divorce law was a reality and had been assimilated by the population. No specific data were available, but it was unlikely that trends in Brazil were different to those of the rest of the world. Civil unions for same-sex couples were not possible, although such couples did have some rights — such as inheritance rights and the right to include a partner in a health plan. The gay/lesbian/transsexual movement in Brazil had recently achieved an important victory with the launching of the “Brazil without homophobia” campaign.

46. There was no discrimination against women when a marriage was dissolved. Brazilian legislation had always protected the rights of women during divorce on the understanding that they usually had custody of the children and should therefore receive maintenance and child support payments in order to protect the children. The number of separations and divorces had increased by 17.8 per cent over the last 10 years.

47. **Ms. Zarzar Butto** (Brazil) said that Brazil had no official data on the lack of documentation whether for women or men rural workers or for the rest of the population. The rural population was mainly black, and often underreported owing to low access to registry offices. The national documentation programme for rural working women was the result of many struggles by those women for their rights to be respected. The programme included a campaign to raise awareness of documentation issues. The programme had been able to reach many different groups. The Ministry of Social Security had two important functions in the programme: to register individuals in the social security system and to carry out campaigns to raise awareness of social security rights and explain how to approach the relevant entities.

48. The recent efforts to protect women’s land rights were in keeping with the Constitution which provided for those rights but had not previously produced concrete results. The Civil Code established that in cases of separation or divorce, any property would be under the stewardship of the party with custody of the children. The same provisions had been included in the agrarian reform. Other measures had been adopted recently to provide administrative procedures and guidelines for the staff of the National Institute for Settlement and Agrarian Reform (INCRA). The agrarian reform had brought changes to land titles and usage rights, so that preference was given to women heads of households.

49. Lastly, in relation to the register of rural properties that was also managed by INCRA, there was special provision for collective rights to lands settled by Indian and Quilombola communities. Land was registered in the name of a collective group so that it could not be resold or otherwise reassigned. In the case of lands occupied by Quilombola descendants of slaves and former slaves, the land deed was in the name of an association established by the traditional community.

50. **Mr. Pontual** (Brazil) said that there had been a heated debate in the National Congress in an effort to criminalize homophobia. Within MERCOSUR, the Brazilian Government had created a forum for debate on the rights of people of different sexual orientation. He also noted that 3 million men and women had recently participated in the largest ever gay parade in the city of São Paulo. The Government had been commended for its efforts to combat homophobia.

51. **Ms. Tavares da Silva** noted that the combating of stereotypes in the educational system had been mentioned as a priority. She would welcome information on such efforts in relation to the media and society at large in a future report.

52. Noting that there had been a dramatic rise in the numbers of women infected with AIDS, she wondered whether the Plan for Combating the Feminization of AIDS and other STDs referred to in the responses (p. 2) dealt only with medical issues or whether it also covered the cultural and social dimensions involved. Information on the positive results of the programme would be welcomed on a future occasion.

53. **Ms. Freire** (Brazil) clarified that the plan for combating AIDS did not only deal with medical aspects of the pandemic. She understood the spread of

AIDS as a symptom of discrimination against women and of their vulnerability. The fourth annual seminar on women and the media would discuss the image of women in the media and what could be done to combat the stereotypes that they disseminated. There had been some successes in forcing the withdrawal of certain advertising campaigns from the airwaves because of their content.

54. Finally, she thanked the Committee for the opportunity for dialogue and discussion, and said that members would receive written answers to the questions that had not been fully answered.

55. **The Chairperson** thanked the delegation for their constructive dialogue and noted that the Committee would offer its concluding comments at the end of the session. She hoped that those concluding comments and recommendations would help the Government further encourage changes at the national level.

The meeting rose at 5.25 p.m.