



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

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## Committee on the Elimination of Discrimination against Women

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

#### General

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

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

2. In line with the Committee's guidance note on the Convention on the Elimination of All Forms of Discrimination against Women and coronavirus disease (COVID-19) issued on 22 April 2020, please indicate measures implemented by the State party in the context of the COVID-19 pandemic to redress long-standing inequalities between women and men by placing women at the centre of the recovery in order to uphold the rights of women and girls. Particular attention should be given to reporting on the differentiated impact on women belonging to ethnic or national minorities, including indigenous and Afro-descendent women. Please indicate the actions taken to ensure that sanitary measures and post-crisis recovery plans do not see women and girls relegated to stereotyped gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the State party's emergency provisional measures and Law 14.021 on a National Emergency Plan on COVID-19: (a) address and are aimed at effectively

\* Adopted by the pre-sessional working group on 13 November 2020.

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



preventing gender-based violence against women and girls; (b) guarantee that women and girls have equal participation in political and public life, in decision-making on the recovery, in their own economic empowerment and in service delivery; and (c) seek to ensure that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic do not limit access by women and girls, including those from disadvantaged and marginalized groups, to justice, protection from gender-based violence, education, employment and health care, including sexual and reproductive health services.

### **Visibility of the Convention**

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

### **Constitutional and legislative framework**

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

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

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

**National human rights institution**

6. Please provide information on the progress achieved towards, and the timeline for, the establishment of an independent national human rights institution with a broad mandate to promote and protect women's rights and gender equality, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), adopted by the General Assembly in its resolution [48/134](#).

**National machinery for the advancement of women**

7. Please elaborate on the creation of the Ministry of Women, Family and Human Rights and the dissolution of the Secretariat for Women's Policies and the Committee on the National Plan of Policies for Women and the impact of those institutions on achieving substantive gender equality, as well as on the system of monitoring and evaluating public policies for the advancement of women (para. 15) and its capacity to comply with Sustainable Development Goal 5 in the National Development Plan 2020–2023. Please also provide information on the Ministry's budget, mandate and programmes.

**Temporary special measures**

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

**Gender-based violence against women**

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

10. Please provide updated data on: (a) cases of gender-based violence against women, including femicide (see the Femicide Law No. 13.103/2015) and domestic violence (see the Maria da Penha Law No. 11.340/2006), for the past four years, disaggregated by age, disability, ethnicity, nationality, sexual orientation (see resolutions No. 11 of 18 December 2014 and No. 12 of 16 January 2015 of the National Council on Anti-Discrimination and Promotion of the Rights of Lesbians,

Gays, Bisexuals, Transvestites and Transsexuals), and the relationship between the perpetrator and the victim; (b) the number of investigations, prosecutions, convictions and sanctions imposed, as well as the number of restraining orders issued; and (c) compensation awarded and the number of women victims of gender-based violence who have been provided with legal assistance and relevant support services. Please state the specific measures that have been adopted to address the low reporting and conviction rates for rape, including rape and sexual abuse of girls. Please inform the Committee of progress made in amending the Penal Code with a view to adopting a definition of rape based on lack of free consent.

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

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

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

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

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

**Education**

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

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

**Employment and social security**

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

17. Please provide detailed information on the efforts undertaken to promote the equal sharing of household and parental responsibilities between women and men, including by reviewing labour and social security legislation. Please report on the status of the implementation of legislative and other measures to prevent, monitor and remedy sexual harassment and discrimination in the workplace, including steps taken

to ratify and raise awareness of the ILO Violence and Harassment Convention, 2019 (No. 190).

### **Health**

18. In the context of the COVID-19 pandemic, please provide information on the effects of the reported budget losses of the unified health system on access to health care for women and girls and on the measures taken to protect the lives and health of women health workers, who make up the majority of health workers. In the light of the Committee's previous recommendation (para. 29), please provide information on the root causes of the reported high maternal mortality rate, in particular for Afro-descendant women and women in rural areas, as well as in the context of the pandemic; the high rates of infant mortality and early pregnancy; and the increase in sexually transmitted infections and cases of HIV/AIDS. Please also report on the contents and impact of the so-called abstinence policy for adolescents, including girls, adopted in 2019. Please provide information on the progress made towards the introduction of comprehensive, age-appropriate, evidence-based and scientifically accurate education on sexual and reproductive health and rights, responsible sexual behaviour, the prevention of early pregnancy and sexually transmitted infections, and HIV/AIDS, and report on the allocation of human, technical and financial resources for its implementation, including its incorporation in all school curricula. Please indicate the measures taken to prevent and combat the spread of the Zika virus, which is reported to disproportionately affect women and girls, in particular in rural areas, and to combat related stigmatization and discrimination. Please describe the health services available to women and girls with Hansen's disease (leprosy) and measures taken to combat stigmatization and discrimination.

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

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

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

conform to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

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

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

### **Marriage and family relations**

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

### **Climate change**

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

### **Sustainable Development Goals**

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

**Additional information**

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

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