



**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 1027th meeting

Held at the Palais des Nations, Geneva, on Friday, 17 February 2012, at 3 p.m.

Chairperson: Ms. Ameline (Vice-Chairperson)

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The meeting was called to order at 3.05 p.m.

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

Seventh periodic report of Brazil (continued) (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. She invited the Committee members to ask questions concerning articles 10 to 14 of the Convention.

Articles 10 to 14

3. **Ms. Bailey** said that while overall literacy rates were higher for women than for men in Brazil, literacy rates for rural, black and indigenous women were significantly lower than for other Brazilian women. She noted that the Government planned to expand its literacy programme to cover socially disadvantaged women and asked how it would specifically meet the literacy needs of those three groups and of other economically disadvantaged women. She wished to know what measures the Government would adopt to ensure that girls in those groups would become functionally literate through the education they received in school.
4. She asked whether the impact of initiatives to increase school enrolment in rural and indigenous areas had been evaluated, and whether the delegation could provide disaggregated data showing to what extent illiteracy had been reduced among girls. It would be interesting to learn whether teacher training on the influence of race, gender and sexual orientation on education had improved the access to and participation in education among the relevant groups.
5. She wished to know what measures were in place to protect school-age girls from sexual violence. She also asked what was being done to encourage female students to take up studies in technical and other fields traditionally dominated by men.
6. **Mr. Bruun** asked whether Bill No. 6653/2009 on equality in the workplace had been adopted yet, and whether it included adequate provisions on sexual harassment. He also wished to know how the Government was working to reduce the large pay gap between men and women. He welcomed the Government's intention to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). He wondered whether Bill No. 6653/2009 would cover domestic workers, pointing out that what they most urgently needed was social security protection and a decent minimum wage.
7. Domestic child labour was still a serious problem in the State party, especially among Afro-Brazilian girls, and he asked what measures were planned to curb the problem. He wondered whether the Government planned to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He wished to know whether the Government had taken further measures allowing for the reconciliation of family and professional responsibilities, including the provision of affordable childcare, as the Committee had recommended in its concluding comments on the sixth periodic report (CEDAW/C/BRA/CO/6).
8. **Ms. Arocha Domínguez** said with regard to health care that the State party's report included information on child and maternal health only; she therefore requested further

information on health care for women as a whole, including the leading causes of morbidity and mortality among women compared with those for men.

9. While the creation of the Stork Network (*Rede Cegonha*) maternal health project seemed to be a very positive development, she wondered how the Government planned to organize the necessary follow-up and evaluation of the project, which would require coordination among various institutions.

10. She welcomed the implementation of the integrated State plans to confront the feminization of the HIV/AIDS epidemic and other STDs and requested further information on the results of those plans. While commending Brazil on its dramatic economic growth, she expressed concern about the negative health effects such rapid change might have on small communities, including nutritional problems, drug abuse, sexual abuse, and the spread of HIV/AIDS. She wondered what coordinated efforts the Government would make to prevent such negative effects.

11. **Ms. Schulz** said that, while the Committee had recommended in 2007 that Brazil should remove punitive provisions imposed on women who underwent abortions, all efforts to do so had failed. Abortion was therefore legal only in cases of rape or incest or to save the life of the woman concerned. Even then, many doctors refused to conduct abortions without a police report, and since most rape victims did not report the offence, that led to even more unsafe abortions. Furthermore, marital rape was not recognized in the Criminal Code and was therefore not covered by the exception. Hospital staff were allegedly often unsympathetic to women suffering from complications after unsafe, illegal abortions. She therefore asked how the national guidelines for humane abortion care were being implemented and how the Government ensured that the criminalization of abortion did not result in discrimination on the grounds of class and race, as it was often poor women and women of African descent who had to resort to unsafe abortions.

12. The Committee was extremely concerned about the Statute on the Unborn, which would make abortion illegal in all cases. She wished to know how the Government planned to respond to such a serious political problem.

13. She asked whether all pregnancies were automatically registered; if that was the case, it was difficult to understand how the rights to confidentiality, privacy, informed consent and dignity could be respected.

14. **The Chairperson**, speaking in her capacity as an expert, asked what strategy the Government had put in place with regard to microfinance and microcredit.

15. **Ms. Popescu** said that women in rural areas were extremely vulnerable and were often deprived of their rights, including access to education, health care, and civil and employment documents. Given that many women in rural areas were indigenous or of African descent, they were likely to suffer from multiple discrimination. While welcoming the many programmes intended to help rural women achieve economic autonomy and equality, she noted that rural women still suffered greatly from poverty, including extreme poverty, and requested the State party to make greater efforts in that regard.

16. She would welcome further information on the travelling mutual aid campaigns and how they would reach women in remote areas, allowing them to have access to civil and employment documents. Given that rural women were often exposed to violence, including invasion of their lands by illegal companies, she asked for additional information on measures being taken to prevent such violence.

17. **Ms. Menicucci de Oliveira** (Brazil) said that the Government recognized the need to bridge the gap in education for women, especially those who were socially, economically and culturally vulnerable. It had therefore implemented several important education programmes in partnership with universities, such as University for All Programme

(*Programa Universidade para Todos*), which provided an opportunity for qualified graduates of the public school system to attend private universities.

18. Over the past five years, efforts had also been made to expand the public university network to municipalities in remote areas. Another measure that had broadened the possibilities for entry into university was the Unified Selection System (*Sistema de Seleção Unificada*), through which students could apply to any number of universities throughout the country.

19. The Government recognized that more strategies were needed to bridge the gap in literacy rates among different gender, racial and ethnic groups. Through the Young Scientist Prize (*Prêmio Jovem Cientista*), students from the public school system were given the opportunity to conduct research at public universities under the leadership of professors, thereby stimulating their interest in science. The Government also placed great importance on technical training, although more initiatives were needed to train teachers in how to address the needs of students from different classes and cultures.

20. **Ms. Bandeira** (Brazil) said that the key to raising literacy levels was to ensure that children, and especially girls, attended school regularly. The Government had therefore introduced a scheme offering disadvantaged families a special cash incentive on the condition that their children attended school; the scheme was strictly monitored. In addition to the education programmes already mentioned by the head of delegation, the Gender and Diversity in School Course (*Curso Gênero e Diversidade na Escola*) had been launched to combat inequality in primary and secondary education, the Women and Science Programme (*Programa Mulher e Ciência*) was aimed to encourage more girls to study science at university. Brazil had also signed a memorandum of understanding with the United States to create a programme to support young female scientists wishing to study and conduct research in areas that were traditionally male-dominated.

21. **Ms. Butto Zarzar** (Brazil) said that, admittedly, the unequal access to education was resulting in lower literacy rates among rural women, in particular at preschool and primary education levels, because families simply could not afford to send girls to school. However, the Government was working on plans to introduce a new, comprehensive education programme to guarantee access to education for all from preschool to higher education.

22. **Ms. Menicucci de Oliveira** (Brazil) said that sexual harassment in the workplace was an ongoing concern for the Government, Congress and NGOs, and that steps had been taken to severely punish any form of violence towards women.

23. There was, indeed, a gender pay gap, but a range of programmes had been put in place to begin to redress the imbalance and ensure equal pay for women and men.

24. **Ms. Farani Azevêdo** (Brazil) said that over 90 per cent of domestic workers in Brazil were women, which was why the State party had played an active role in negotiations on the ILO Convention No. 189 and was preparing domestic legislation in readiness to ratify the Convention, including tabling a draft amendment to article 7 of the Constitution to include the rights of domestic workers and bring them into line with other workers in Brazil. Similarly, preparations were under way to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Their Families. Violence against adolescents and young adults, including sexual harassment in the workplace, was already recognized in the Criminal Code and a multiannual programme to enter into agreements with the public and private sectors to prevent such violence was being implemented.

25. **Ms. Rocha Pietá** (Brazil) said that Bill No. 6653/2009 on equality in the workplace was progressing well and was due for consideration by Congress shortly.

26. **Ms. Menicucci de Oliveira** (Brazil) said that the Government and society as a whole should consider the burden placed on women both inside and outside the home in a patriarchal society, which was not unique to Brazil. There was a clear need to formulate policies that helped women who worked to balance their family and professional responsibilities.

27. With regard to health issues, the primary causes of female morbidity and mortality were cancer, cardiovascular diseases, diabetes and hypertension, most of which were linked to excessive working hours, stress in the workplace and at home, and smoking. A bill was currently before Congress on the prevention of deaths from unsafe abortions. The Open University was working in partnership with the health-care services to provide training via distance learning for health professionals and social workers, especially in family health programmes. In the State of São Paulo alone, 4,000 health workers had already received training. She underlined the importance of the national HIV/AIDS prevention programme, which was one of the best in the world, since it highlighted the extent to which the virus afflicted the poor and women. She warned against using the term “the feminization” of HIV/AIDS; it was more a case of women finally being seen and heard by health workers and placed on the HIV/AIDS register. The key issue in the future would be to shift the focus to providing HIV/AIDS programmes and policies aimed at the elderly in order to cater for Brazil’s new phenomenon of an aging population.

28. **Ms. Brum Ribeiro** (Brazil) said that, since the new President had come to office, medications needed to treat the aforementioned diseases had been reduced by 90 per cent in all the well-known pharmacy chains. The Ministry of Health had its own training division, which worked in coordination with the Ministry of Education to mainstream health, gender and race issues in respective curricula, including specific training for health professionals on how to best serve the black population. Special emphasis had been placed on training midwives and building local maternity units in rural areas with no access to health services to try to counter the problem of increased maternal mortality in those areas.

29. **Ms. Menicucci de Oliveira** (Brazil) said that special centres had been set up for women victims of violence, including 562 centres for victims of domestic violence, where legal abortion could be carried out under the Stork network (*Rede Cegonha*) maternal health project.

30. **Ms. Butto Zarzar** (Brazil) in response to the question on microfinance and microcredit, said that women living in urban areas had good access to credit, with figures reaching 61 per cent in 2010, but rural areas were historically at a disadvantage. However, steps were being taken to improve the situation and there had been a gradual increase, from 11 per cent in 2010 to 17 per cent in 2011, with the aim being to reach 35 per cent by 2015. The best coverage was found in the north-east of Brazil, where the North-East Bank of Brazil offered credit to farming families and also had a special programme to help women secure credit.

31. **Ms. Arocha Domínguez** sought further clarification on the Statute on the Unborn. She was concerned that it would represent a step backwards in the reproductive and sexual rights of women. The State party had an obligation to uphold the rights of women and to guarantee their entitlement to choose when and how many children to have.

32. **Ms. Popescu** said that she would welcome more information on violence against rural women and programmes targeted at rural women, including how such programmes reached women in remote areas. She asked for further details of how rural women obtained civil documents.

33. **Ms. Schulz** asked about the State party’s view on the confidentiality of medical records and for further information on the transmission of data from the national system for

the registration, supervision and follow-up of pregnancies and births for the prevention of maternal mortality.

34. **Ms. Brum Ribeiro** (Brazil) said that the Government was reviewing the current legislation on abortion, which was monitored by the Secretariat for Women's Policies and the Ministry of Health. The Government was not in favour of the Statute on the Unborn and had issued seven opinions to that effect. Nonetheless, the Statute was under consideration in Congress.

35. **Ms. Menicucci de Oliveira** (Brazil) said that the information contained in the national system for the registration, supervision and follow-up of pregnancies and births was, and would remain, confidential, since the right to privacy was guaranteed in Brazil. It was important to know how many women were covered by the system; it was also worth noting that women who were registered received a set sum to cover transportation costs. The only agency with access to the records was the Ministry of Health and the Secretariat for Women's Policies which would protect the confidential nature of the information in the system.

36. **Ms. Brum Ribeiro** (Brazil) said that the information in the system was kept in the same way as other records within the Brazilian health service and was accessible only to health-care professionals. The system monitored the quality of care offered to pregnant women with a view to improving the supervision and training of health professionals, because many maternal deaths occurred due to poor training or poor quality pre and post-natal care.

37. **Ms. Butto Zarzar** (Brazil) said that 56 mobile care units were being set up to help women in rural areas who were at risk of or subjected to violence. The units were linked to the permanent care network with the aim of providing assistance to women who were unable to access assistance available in urban areas. Progress had been made in identifying undocumented persons in Brazil, including by means of the National Rural Worker Documentation Programme, as noted in the written replies (CEDAW/C/BRA/Q/7/Add.1). Under that Programme, strategies had also been devised to help rural women, inter alia, with civil registration, labour and welfare matters, by hiring women as outreach workers and through action projects. National statistics indicated that the incomes of men and women living in extreme poverty were equal, but that equality and poverty for women were determined by whether they benefited from the *Bolsa Familia* family allowance scheme. Resources were also sometimes transferred from one programme to another, which could have a negative impact on women's incomes.

38. **Ms. Menicucci de Oliveira** (Brazil) said that, while her country did not possess systematized data on trafficking in persons, the National Policy to Combat Human Trafficking and the first National Plan to Combat Human Trafficking had introduced programmes to prevent trafficking and punish the perpetrators and help the female victims of domestic and international trafficking. The second National Plan to Combat Human Trafficking was due for implementation in 2012 and was viewed as a priority.

Articles 15 and 16

39. **Ms. Halperin-Kaddari**, after welcoming the presence of women in high-level posts in Brazil and in the Brazilian delegation, said that the seventh periodic report contained no information on the implementation of article 16, as requested in the list of issues (CEDAW/C/BRA/Q/7). In particular, she would appreciate clarification of the discriminatory provisions in the Civil Code identified in connection with the consideration of the sixth periodic report (CEDAW/C/BRA/6). The provisions established different legal ages for marriage for men and women, allowed only married women the possibility of protection and placed restrictions on marriage for women.

40. She requested more detailed information on new legislation relating to marriage and divorce mentioned in the seventh periodic report and in particular Act No. 11,441 of 2007 amending the Code of Civil Procedure and allowing for consensual separation and divorce through administrative procedures. She asked whether another amendment to the Code, Act No. 11,112 of 2005, made it possible to obtain a divorce through administrative procedures even when there were children involved, pointing out that the general consensus was that in order to protect the rights of the mother and child such matters should be dealt with by the courts.

41. With regard to same-sex unions, she requested an update on the progress of Bill No. 1,151, referred to in the sixth periodic report, which had been pending since 1995. In the light of the recent Supreme Court ruling recognizing same-sex unions as equal to marriage, she sought clarification as to whether same-sex couples now enjoyed the same rights as heterosexual couples.

42. **Ms. Menicucci de Oliveira** (Brazil) said that, as indicated in the written replies, and in accordance with the Supreme Court ruling, same-sex couples could register their union and enjoy many of the same rights as married couples. The Supreme Court had ruled that civil unions between two women should be recognized; that precedent would be followed in other cases until appropriate legislation was introduced. The Maria da Penha Law protected women in both heterosexual and homosexual relationships.

43. **Ms. Gonçalves** (Brazil) said that amendments to the Civil Code dating from 2003 had established equal rights for men and women in many areas of family law, including custody, alimony and separation. Separation through administrative procedures had however, been available since 2007; in the event of disputes over custody of children, the involvement of the courts was required.

44. **Ms. Halperin-Kaddari** said that she would appreciate more detailed information regarding the discriminatory provisions of the Civil Code referred to in the sixth periodic report. She asked whether the involvement of the courts in divorce through administrative procedures was being monitored, and whether research was being undertaken to ensure that women were not adversely affected by such procedures.

45. **Ms. Menicucci de Oliveira** (Brazil) said that the Secretariat for Women's Policies was obliged to monitor the implementation of amendments to the Civil Code. The general response of women to the amendments to the Civil Code was positive, since as a result of the amendments, they were now less restricted in their decisions and choices. More detailed information on the matters raised by Ms. Halperin-Kaddari would be submitted to the Committee in due course.

46. **Ms. Bandeira** (Brazil) said that divorce through administrative procedures generally occurred when there were no children involved. When there were children involved, the courts always intervened to ensure that the rights of the children were protected. Although custody was traditionally awarded to the mother in Brazil, the Secretariat for Women's Policies had requested that custody should be shared between the parents so that they would both be involved in the care of the child.

47. **Ms. Farani Azevêdo** (Brazil) said that persons with disabilities were considered as ordinary voters, who were obliged to vote if they were between the ages of 18 and 70. No sanctions were taken against persons with disabilities who did not vote, since it was understood that they faced difficulties in accessing polling stations. Measures were being introduced to provide suitable voting facilities for persons with disabilities.

48. **Ms. Menicucci de Oliveira** (Brazil) said that the Committee's careful analysis of the seventh periodic report was an important contribution to ensuring the continued implementation of policies that sought to improve women's rights in Brazil. Her

Government was pleased to work in partnership with the Committee to eliminate discrimination against women.

49. **The Chairperson** thanked the delegation of Brazil for a constructive dialogue that had contributed to improving the situation of women in the country.

The meeting rose at 4.50 p.m.