



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

Distr.: General
11 July 2003

Original: English

**Committee on the Elimination of Discrimination
against Women**

Twenty-eighth session

Summary record of the 611th meeting

Held at Headquarters, New York, on Tuesday, 1 July 2003, at 3 p.m.

Chairperson: Ms. Açar

later: Ms. Ferrer Gomez (Vice-Chairperson)

later: Ms. Açar

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Convention

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(continued)*

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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)*

Combined initial, second, third, fourth and fifth periodic reports of Brazil (continued)
(CEDAW/C/BRA/1-5)

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

2. **The Chairperson** invited the members of the Committee to continue raising questions regarding the report of Brazil (CEDAW/C/BRA/1-5).

Article 4 (continued)

3. **Ms. Gaspard** enquired whether the law establishing quotas for electoral representation had been inspired by article 4, paragraph 1 of the Convention, and whether it was considered a temporary special measure in the sense of that article. In particular, she would like to know whether it had been enacted to combat discrimination over a limited period of time, and whether it would be abolished when such discrimination ceased.

4. She would also like to know the reason for the negligible results of that measure. It would be useful to know whether the law established sanctions for the failure to comply with the quota: what happened if a political party did not reserve 30 per cent of its seats for women?

5. *Ms. Ferrer Gomez took the Chair.*

6. **Ms. Schöpp-Schilling** said she wondered what was meant by the assertion that maternal protection might be endangered by globalization. In fact, that raised the question whether the Government of Brazil was able to uphold the Convention. It would be useful to know, in that regard, who was responsible for the drafting of the report. She applauded Brazil for taking affirmative action measures under article 4; the Committee preferred, however, the term “temporary special measures”. She would like to know whether any mechanisms had been established to ensure that such measures were implemented, whether timetables and goals were being used and whether any sanctions applied.

7. **Mr. Flinterman** said that States had failed to implement electoral quota systems as required under federal law. That meant either that States had fallen behind in their responsibilities, or that they simply did not comply with federal obligations. In that regard, he would like to know what mechanisms existed to ensure that States abided by such obligations, and in particular, whether the federal Government could oblige States to adopt temporary special measures to ensure the participation of women in political life.

Article 5

8. **Ms. Tavares da Silva** said that, according to the report, women were still treated as commodities in images used for the sale of products to men. Such an approach helped to maintain dangerous myths related to sexual violence, domestic violence and prostitution. The communications media was licensed by the State, but not subject to any regulations with respect to the content of programmes. She wondered whether the Government planned to redress that situation.

9. **Ms. Manalo** said the report did not mention whether the national development policy addressed the establishment of new cultural standards. In that regard, she wondered what percentage of the budget was devoted to changing such standards. It would also be helpful to know whether the Government was familiar with the concept of gender mainstreaming, whether it advocated such policies in public institutions and whether reforms had been introduced into educational curricula with a view to abolishing patriarchal values.

10. **Ms. Gabr** said it was clear that Brazil had made considerable progress in furthering women’s role in society. The report, however, indicated that an outmoded negative image of women still prevailed. Brazil was a country with tremendous potential, and a model of development, a situation that should advance the status of women. And yet, such areas as access to political participation and education, the situation of rural women and women’s health care and reproductive services raised serious concerns. The unemployment situation of women was disturbing; and women’s incomes were not on a par with that of men. Legislation must be enacted in the area of violence against women, providing due punishment for the perpetrators of such crimes. Female genital mutilation was still practised in some areas. In order to bring about change, it was essential to change attitudes. She would like to know, in that regard, what ideas the

Government had for altering negative images of women in Brazilian society.

11. **The Chairperson**, speaking in her personal capacity, said that it was essential to formulate a plan for transforming discriminatory cultural patterns in Brazilian society. All women in that country were subject to discrimination, regardless of race or class, although of course certain strata suffered more than others. No profound change was possible without attitudinal change. She would like to know what measures were envisaged to bring about change in education, where more than 80 per cent of all teachers were women, as well as in the areas of health, the courts, law enforcement and journalism.

Article 6

12. **Ms. Chin** said that in Brazil, the incidence of all forms of violence against women was alarming. She was troubled, in particular, by cases in which men were exonerated for crimes against women based on defence of their honour. Toll-free telephone hotlines, which any woman or girl could call in the event that her personal security was endangered, were urgently needed throughout the country. The report indicated that there were just over 300 Special Police Departments for Assistance to Women. In a country with a population of 170 million persons, that was one station per half a million. She inquired whether the impact of those stations had been assessed, and whether they were properly staffed.

13. **Ms. Manalo** said that she saw no mention in the report of any specific national legislation regarding domestic violence, any plan of action regarding violence against women, any programme providing financial compensation to victims of violence, any network of inter-institutional mechanisms for the coordination of anti-violence activities with non-governmental organizations or any national anti-trafficking legislation.

14. She was disturbed that, although the Inter-American Commission on Human Rights had handed down a finding in the case of Maria da Penha Maia Fernandes, whose husband had attempted to murder her, the Brazilian Government had complied with only one of its recommendations. She would like to know why other recommendations had not been implemented.

15. **Ms. Gonzalez** said she would like further information regarding the criteria adopted by the courts for the treatment of domestic and sexual violence. She would also like to know what measures had been envisaged or enacted to change the attitudes of the courts, which were hostile and discriminatory towards women. Such attitudes had no place in a modern democratic society, and ran counter to the principles of international law, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. She would like to know, in that regard, whether the national policies to combat domestic violence and sexual violence had been evaluated, and, if so, what conclusions had been drawn. In addition, she inquired whether policies existed to combat trafficking in women and children for sexual purposes, and to prevent violence against street children. Lastly, she enquired to what extent street children were affected by drug addiction and prostitution.

Ms. Açar resumed the Chair.

Article 7

16. **Ms. Belmihoub-Zerdani** asked whether the Brazilian Constitution had been amended to reflect the policies of President da Silva in favour of women's rights. Did article 14 of the Federal Constitution (CEDAW/C/BRA/1-5, p. 105) imply that Brazilian citizens who did not belong to political parties were not eligible to run for office? Such preconditions would be extremely prejudicial to Brazilian women, many of whom had supported Mr. da Silva in the elections and had worked hard to achieve women's rights. Perhaps the delegation could clarify the 30 per cent and 70 per cent minimum and maximum percentages of vacancies for candidates of each sex under Law 9,504 (CEDAW/C/BRA/1-5, p. 105). She wondered why only a handful of States — Ceará, Maranhão, Pará, Paraná and the Federal District — provided for women's participation in the development and implementation of government policies (CEDAW/C/BRA/1-5, p. 106), and why women were underrepresented (only 4 to 5 per cent) in local government. Applauding the presence of five women in very high positions in the executive branch, she noted that neither the report nor the delegation's oral introduction provided statistics on the number of indigenous and black women in public office. There was also a dearth of women in high-level posts in the

court system, including in the electoral and military courts, which could be very prejudicial to them. It would be interesting to know whether the Brazilian Government was contemplating further amendments to its electoral law, such as additional quotas or subsidies for Brazilian political parties that promoted women's participation in political life. Would civil society women's associations also benefit from such subsidies, and if so, to what extent?

17. **Ms. Kwaku** noted the State party's acknowledgement, both in the report and in its oral introduction, that Law 9,504 establishing minimum and maximum percentages for candidates of each sex was ineffectual. She wondered whether it was because there were no penalties to enforce that Law and would appreciate hearing about other possible reasons. She also wondered whether Brazil saw the need to introduce more effective affirmative action measures; for the time being, it seemed resigned to the situation. Could further amendments be introduced to ensure that black and mulatto women accounted for 50 per cent of those in political life?

18. **Ms. Saiga** requested information on women's representation on municipal councils. Were Law 9,100 of 1995 and Law 9,504 of 1997 defining the rules for municipal elections effective in that regard? She would appreciate clarification as to why the rules for municipal elections were defined by federal legislation while states were entitled to formulate their own election rules.

19. **Ms. Tavares da Silva** said that, despite problems with implementing and enforcing the legislation on women's political participation, its adoption in a conservative patriarchal society was in itself admirable. Internal quota systems adopted by certain political parties had proved to be very effective, and the legislation had also sparked very important debates on the issue: The National Congress currently had before it no less than 18 legislative bills on quotas and other affirmative action measures to promote women's participation in political life. She wondered whether the Brazilian Government was contemplating measures to improve the functioning of its legislation on women's political participation at all levels, including the state level.

20. **Ms. Simonovic** wished to know whether the Government had conducted awareness-raising campaigns on women's participation in political

decision-making or had worked in conjunction with the media to promote the image of women as leaders.

21. **Ms. Popescu Sandru** enquired about specific measures to encourage the participation of indigenous women in political life. Like other experts, she believed that disaggregated data would be very helpful in that regard. She asked why the quota system was too difficult to implement and what role the Public Prosecutor's Office was supposed to play in strengthening the quota policy. Noting that the President of the Republic was responsible for high-level appointments in the executive and judicial branches (CEDAW/C/BRA/1-5, p. 110), she asked why women were underrepresented in the Supreme Court of Justice.

22. **Ms. Gaspard**, noting the low percentage of female mayors given in the delegation's oral introduction, stressed the importance of women's representation on municipal councils, about which there seem to be a scarcity of information (CEDAW/C/BRA/1-5, p. 107). Female representation at that level was strategic in promoting certain aspects of community life, as pointed out in a study by the International Union of Local Authorities (IULA) in which she had participated.

Article 8

23. **Mr. Flinterman** drew attention to the great disparity between the number of male and female Brazilian diplomats, and in particular, the sharp contrast between women's low success rate on the examination for the foreign service and their high success rate on the entrance examination for the higher and lower civil courts. Perhaps that was because one entrance examination was more gender-neutral than the other. He enquired whether the Government planned to carry out a comprehensive study to determine the reasons for women's underrepresentation in the diplomatic career (CEDAW/C/BRA/1-5, p. 121), or to take any remedial measures in that regard.

24. **Ms. Belmihoub-Zerdani** commended Brazil on being one of the few countries in the world where women were permitted to serve as ambassadors at the same time as their husbands did. She also hailed the affirmative action project granting scholarships to candidates for the entrance examination to the diplomatic career (CEDAW/C/BRA/1-5, p. 121).

Article 10

25. **Ms. Achmad** asked whether there had been any overall review of the Government's programme to promote women's education in the short, medium or long terms, and which institutions were responsible for monitoring its progress. It would be interesting to know whether the State Secretariat for Women's Rights was also involved in the monitoring process. She asked whether the gender perspective being incorporated in school textbooks was also being incorporated in the curricula of teaching institutions and training programmes and academies for police, prosecutors and judges, particularly since there seemed to be so many problems in implementing legislation. She would appreciate details about the involvement of the State Secretariat for Women's Rights in educational policy at the municipal levels. Even if the actual implementation of policies must be left to states and municipalities, it was nonetheless the role of the State Secretariat for Women's Rights to coordinate such implementation.

26. **Ms. Schöpp-Schilling** praised the State party's constitutional provisions on maternity rights, although they were not always implemented in practice; the virtual lack of childcare facilities and inadequate protection for women without job security, including rural women workers, were particularly worrying.

27. She expressed deep concern over the situation of female domestic workers, who represented 19 per cent of the employed female population. Most of them were working without a contract and it seemed that only a small number had access to the maternity salary made available under Law 8,061 of 1994. She wondered whether those working without a contract enjoyed health benefits, such as health insurance and paid sick leave, and whether the employment of very young female domestic workers constituted child labour. The delegation should discuss government policies to improve the situation of domestic servants.

28. She would also be grateful for more information on the regime of part-time workers, many of whom were women (for example, salary, benefits, vacation and dismissal policies), and on how gender and race figured in the Programme to Eliminate Discrimination in Relation to Employment and Occupation. Had the Programme been successful thus far?

29. The wage discrepancy between men and women did not seem to reflect discrimination with regard to equal work, given the sharp distinction drawn between

male and female jobs. Equal pay for work of comparable value was perhaps a more relevant principle in the case of Brazil. Had the Government, trade unions or women's associations considered that issue? It would be interesting to know whether the trade unions had sought pay raises for women working in female-dominated jobs.

30. **Ms. Khan**, while noting the existence of Law 9029 of April 1995 forbidding discrimination with regard to employment, expressed concern at the figures contained in table 37 (p. 153) and wondered whether there was specific legislation to combat discriminatory practices based on gender, colour, race or age. She was also concerned at the large numbers of women employed as domestics working long hours and wondered whether they had access to social security and other benefits such as maternity leave. She requested in particular statistics on the number of non-white women domestic workers and asked whether programmes existed to provide domestic workers with skills, training and employment opportunities, including microcredit schemes, and to what extent non-white women had taken advantage of such programmes. In that context, she inquired whether Brazil had ratified or intended to ratify International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. Women were not well represented in the public sector and she asked whether any monitoring mechanism existed to ensure that whites and non-whites received equal treatment and whether societal attitudes prevented Brazilian women from freely choosing their occupation.

31. **Ms. Ferrer Gomez** requested information on specific measures to increase women's participation in the labour market. She wondered how amendments to the law allowing negotiated labour agreements to supersede the law would affect women and, noting that in some cases sex-specific job advertisements were tolerated, asked for an explanation of how women could be excluded from any occupation.

Article 12

32. **Ms. Khan** inquired why if Brazil truly had a health model compatible with the principles of the Convention, women still had to have recourse to unsafe abortions. She expressed alarm at the high maternal mortality rate in general and requested information on measures being taken to reduce that rate. She was also

alarmed by reference to the “lack of reversible contraceptive methods” (p. 166) and wondered whether women had access to adequate family planning alternatives or whether the only option was sterilization. Finally, she requested more information on the HIV/AIDS situation, in particular with regard to vulnerable groups such as women.

33. **Ms. Schöpp-Schilling** requested information on the extent to which all women had access to health care, whether there were specific programmes aimed at women’s health care and what proportion of the health budget was allocated to women’s health concerns. Given the high rate of maternal mortality and morbidity, she suggested women’s health might be given budgetary priority as a temporary or special measure, including for the training of health-care workers to protect women’s health in general and their reproductive health in particular, with special emphasis on increasing access to health care for women in rural areas.

Article 14

34. **Ms. Schöpp-Schilling** noted that the chapter of the report on the situation of rural women was rather short and requested statistics on what proportion of women still lived in rural areas, the racial composition of rural populations and the proportion of the population living in rural areas in the various states. With regard to the latter, she stressed the federal Government’s responsibility to ensure uniform implementation of the Convention throughout the country. She noted that the efforts of the Ministry of Agrarian Reform to allocate 30 per cent of funds to women settled in family agricultural units had not been particularly successful and wondered whether traditional attitudes towards women in rural areas was a factor in preventing their advancement. The State party’s next report should give more in-depth treatment to the situation of rural women.

Article 15

35. **Ms. Gnacadja** regretted that women were still not equal to men before the law; court proceedings involving women’s rights, for example in cases involving violence against women, were often agonizingly slow. She was dismayed that recent federal laws to eliminate discrimination in areas such as the family, marriage and violence against women had been vetoed and that the Penal Code still had not been

amended, which meant that women were still considered to be second class citizens, dependent on men.

36. The slow pace of legal reform led to impunity for men who committed acts of violence against women; she cited the case of Maria da Penha, shot and left a paraplegic by her husband in 1983. Although convicted by the courts he had never been arrested and the case was still in progress as a result of successive appeals. In such a context it was not surprising that reforms such as law 9520 of 27 November 1997 giving women the right to file complaints or claims had had little effect and that the Police Departments for Women’s Defence and Special Criminal Courts (p. 41) had been ineffective. The judiciary, in decisions regarding crimes against custom, domestic violence and family issues, often reflected discriminatory attitudes towards women. A concerted effort was needed to increase awareness of and education about women’s rights and amend the Penal and Civil Codes to eliminate provisions that were discriminatory towards women.

37. **Ms. Gaspard**, referring to the new Civil Code provisions relating to marriage, asked whether the legal age of marriage for boys and girls was still different; that would be in violation of the Convention.

38. **Mr. Flinterman** welcomed reform of the Civil Code but said discriminatory provisions against women remained, for example in the legal age of marriage for boys and girls and marriage rights; the Government had a responsibility to bring the Civil Code into conformity with the Convention.

39. **Ms. Kwaku** noted that according to the report (p. 197), a judge could authorize marriage for a child younger than 16. In cases involving girls, she wondered under what circumstances such an authorization might be granted, how many such cases there had been, how old the youngest such girl had been, what were the health implications of marriage at such a young age, what social support a girl could receive and what would be her educational situation.

40. **Ms. González Martínez**, while also welcoming reform of the Civil Code, regretted that it did not do enough to eliminate stereotypes and discrimination against women. She wondered whether it would be possible to make further amendments, for example with regard to article 1520 which allowed a man who had sex with a minor to escape punishment by marrying the girl, or article 1523 which required a

divorcee or widow to wait 10 months before re-marrying. The Penal Code should also be amended to eliminate the concept of “honest woman” and the double moral standard applied to men and women.

41. **Ms. Belmihoub-Zerdani**, referring to reform of the Civil Code, requested detailed information on the rights and responsibilities of men and women in the areas of inheritance, property rights following divorce, child custody and payment of child support. She would also appreciate information on whether women had the same rights as men to acquire and manage property and, finally, on any sanctions that might be imposed on States that did not fully implement the law in protecting women’s rights, in violation of the Constitution.

42. **Ms. Patten** welcomed the State party’s withdrawal of its reservation to article 16 of the Convention. She requested more information on the process for reform of the Civil Code, which still contained discriminatory provisions. Noting that the marriage of minors under 18 years of age was a violation of the Convention on the Rights of the Child, she asked whether the State party had ratified that Convention and requested gender-disaggregated data on marriages of minors.

43. Women were often the victims of double discrimination by virtue of their gender and racial or ethnic origin and she asked whether the new Civil Code would eliminate discrimination. She was concerned by the Indian tradition of provision of a dowry and wondered whether there had been cases of dowry-related violence and whether the Penal Code punished such violence. She also asked for statistics on the number of forced marriages, in particular involving Indian and African women. More information would also be welcome on violence against domestic workers, the child custody provisions of the Civil Code and the judiciary’s attitude towards child custody issues.

44. **Ms. Gnacadja** wondered about the compatibility of current legislation protecting women’s rights as listed, for example, in pages 18 to 25 of the report with article 16 of the Convention and their applicability, in particular of laws that had been vetoed dealing with illegitimate or common-law relationships and with child support.

The meeting rose at 5.05 p.m.