



**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 795th meeting (Chamber B)

Held at Headquarters, New York, on Wednesday, 25 July 2007, at 10 a.m.

Chairperson: Ms. Šimonović

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

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

Sixth periodic report of Brazil
(CEDAW/C/BRA/6; 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.*

2. **Ms. Freire** (Brazil) said that her delegation wished to dedicate its sixth periodic report to all of the women in the world who were continuing to fight for equality, liberty and human rights, thus contributing to greater peace and harmony among the nations and peoples of the planet. In her opening statement, she would highlight some of the major achievements in recent years with respect to policies for women and would provide some updated information not included in the report.

3. Brazil was a federal republic divided into 27 states, each with its own parliament and legislation. Hence, when the federal Government adopted a law, it was not automatically binding for the states, which in some cases had to enact their own legislation and which frequently adapted national plans and programmes to reflect their local circumstances. That was important to understand because of the challenges that it created for the adoption and implementation of public policies relating to women and gender equality.

4. Since the submission of its previous report in 2003, Brazil had made significant strides in terms of its legal framework and its public social policies for women. Most notably, the First National Conference on Policies for Women, held in July 2004, had developed a set of guidelines and principles relating, inter alia, to equality and respect for diversity, gender equity and women's autonomy, which had formed the basis for the National Plan on Policies for Women, launched in December 2004.

5. Every four years the federal Government as a whole and each individual ministry formulated a four-year plan that would guide its action for the period. The federal plan for 2008-2011, which was currently being finalized, underlined the need to promote gender, racial, and ethnic equality. The 2008-2011 multi-year plan of the ministry which she headed, the Special

Secretariat on Policies for Women, would seek, among other objectives, to promote the incorporation of a gender perspective in the formulation of policies; contribute to the full exercise of social, political and economic rights by women and increase their participation in decision-making spheres; and prevent all forms of violence against women.

6. In the legislative arena, a landmark achievement since publication of Brazil's sixth report had been the passage of the "Maria da Penha Law" on domestic and family violence, which had created special courts to hear domestic violence cases, stiffened the penalties for perpetrators and established protective measures for victims. The law marked a major victory in the battle against domestic violence, which had formerly been regarded as a minor offence in Brazil. Another important legislative initiative was the creation of a tripartite commission, involving representatives of the federal Government, civil society organizations and the legislature, to discuss possible changes in Brazilian legislation concerning the voluntary interruption of pregnancy, the aim being to ensure that fewer Brazilian women suffered and died as a result of clandestine abortions.

7. In the field of education, the Gender and Diversity at School Programme was providing training to teachers on gender, sexuality and ethnic and racial equality in order to prepare them to deal with those issues in the classroom. The programme had been implemented on a pilot basis in 2006 and was now being scaled up. In the labour sphere, the Pro-Gender Equity Programme, introduced in 2006, sought to promote equal opportunities for women and men in the workplace, awarding a special distinction to businesses that adopted concrete measures to enhance gender equity and equality. To promote equal opportunities for women in rural areas, the Government had instituted the National Documentation Programme for Rural Women Workers, which aimed to ensure that all rural women in Brazil had basic identity documents. Thus far, some 189,000 rural women had received such documents. Rural women's access to credit had increased substantially during the reporting period, as well.

8. In the area of health, in 2007 the Government had launched a new family planning initiative founded on the principle that all men and women were entitled to decide whether to have children, when to have them and how many they wished to have. The initiative

provided for increased availability of contraceptives at heavily discounted Government-subsidized prices. In addition, the number of institutions accredited to perform tubal ligation had increased, making voluntary surgical contraception more widely available to women. The Government was also working to stop the feminization of AIDS. The Brazilian response to AIDS recognized violence against women and gender inequalities as factors associated with the rising prevalence of the disease among women; hence, the Government's action against AIDS was also helping to stem violence against women.

9. Although it had been in effect less than a year, the Maria da Penha Law was already helping to change societal attitudes towards the problem of gender-based violence. A growing number of specialized services were available to women in situations of domestic and sexual violence through the Women's Assistance Network, including help centres and shelters in all states of the country. A priority for the Government, as part of the effort to combat violence against women, was preserving the dignity and safeguarding the human rights of women who were incarcerated. To that end, it was reviewing the entire women's prison system, examining both the physical facilities and the treatment of female prisoners.

10. Brazil was also striving to address the complex problem of exploitation and trafficking of girls and women. The Government was focusing on two main areas: suppression and prevention of trafficking. A working group was currently drawing up a plan of action for implementing the National Policy on Combating Trafficking in Persons, adopted in 2006.

11. In conclusion, the Brazilian Government was aware that it had much left to do in order to achieve full gender equality, but was committed to continue working towards that goal. In that spirit, it had convened the Second National Conference on Policies for Women, scheduled for in August 2007. The Conference, the theme of which would be "Women and power", would assess the impact thus far of the National Plan on Policies for Women and discuss ways of increasing women's participation in spheres of power.

Articles 1 to 6

12. **Mr. Flinterman** recalled that, in its concluding comments on the combined initial, second, third, fourth

and fifth periodic report of Brazil (CEDAW/C/BRA/1-5), the Committee had recommended the establishment of a mechanism to monitor compliance with the provisions of the Convention at all levels and in all areas. As yet, however, no such mechanism had been established at the federal level, and the responses to the list of issues and questions indicated that the state councils on women's rights did not have the necessary human and financial resources to undertake monitoring activities. He therefore asked whether any further steps had been taken to implement the Committee's recommendation and was particularly interested to know whether the federal Government could take action against state councils that failed to comply with national policies for the advancement of women.

13. The report was silent on the role of the judiciary. Since the Convention was directly applicable in Brazil, he wondered whether its provisions had ever been referred to in rulings handed down by federal or state courts. The Committee was also curious about the reference, on page 15 of the State party's report, to both "equity" and "equality": further clarification of the State party's interpretation of those terms would be welcome. Lastly, he stressed that many women were the victims of double discrimination. Referring in particular to the growing number of women in prison, he enquired whether any targeted policies or programmes had been adopted to address the specific needs of female prisoners.

14. **Ms. Tavares da Silva** commended the State party for the progress that it had made since the submission of its previous report. The federal Government's political will to implement the Convention was evident from the legal reforms that it had undertaken and the policies and programmes that it had introduced. However, she would like to know more about the state councils on women's rights: how were they resourced, did their staff receive specialist training on gender issues and what measures were in place to ensure that they cooperated with other relevant stakeholders?

15. She had learned that a number of state governments had refused to implement measures to reduce maternal and neonatal mortality because they took the view that such measures were not a priority. The State party should indicate whether the state councils on women's rights, as decentralized bodies, were permitted to choose whether or not to implement federal policies and programmes for the advancement

of women at the local level. In that connection, she also enquired whether any mechanisms had been established to ensure that the vast array of such policies and programmes were implemented in a coherent manner and whether the implementing bodies (at both the national and local levels) were working together to evaluate their effectiveness.

16. She felt that the Brazilian Government had not yet fully explored the concept of temporary special measures, and would therefore be grateful for additional information on relevant initiatives. In particular, the Committee would like to know why the Government had not introduced quotas in areas where women continued to be significantly underrepresented, such as the diplomatic corps and the judiciary.

17. **Ms. Saiga** requested further clarification of the role and membership of the state councils on women's rights. Were the councils directly responsible for the implementation of the Convention at the local level, and what was the nature of the relationship between the councils and the Special Secretariat on Policies for Women?

18. **The Chairperson**, speaking as a member of the Committee, recalled that, in its concluding comments on the State party's previous report, the Committee had recommended the introduction of measures to raise awareness of the Convention among the judiciary and other law enforcement authorities. It, therefore, would like to know whether any specific steps had been taken to follow up that recommendation. She echoed Mr. Flinterman's concerns about the continuing absence of a mechanism to monitor the implementation of the Convention at all levels and in all areas, and asked whether the Special Secretariat on Policies for Women had a particular role to play in that regard.

19. **Ms. Freire** (Brazil) said that the Special Secretariat on Policies for Women was a federal Government department responsible for defining strategic policies for the advancement of women. However, those policies were implemented at the state and municipal levels. Under the federal system, administrative powers were decentralized, and each tier of government had exclusive jurisdiction in areas falling within its purview. Thus, the federal Government could not compel state governments to implement specific policies and programmes for the advancement of women. Instead, it concluded implementation agreements or pacts with individual

state and municipal authorities and provided some funding. To date, such pacts had been concluded with 24 state governments. If those governments failed to honour their commitments, civil society organizations could intervene.

20. The federal Government had developed a national plan on policies for women, which set out 199 actions to be carried out by 11 ministries and three special secretariats. A national committee, composed of officials from the relevant ministries and secretariats, had been established to monitor implementation of the plan. In addition, an online coordination mechanism, accessible to the general public on the website of the Special Secretariat, allowed interested parties to obtain information about relevant activities. By organizing national conferences on policies for women, the federal Government hoped to raise awareness of the plan at the state and municipal levels.

21. **Ms. Viola** (Brazil), in response to the concern expressed by Ms. Tavares da Silva, recalled that, in 2004, President Lula had signed a national pact on the reduction of neonatal and maternal mortality. Relevant policies were implemented on the basis of a tripartite agreement involving the Ministry of Health, local authorities and civil society.

22. **Ms. Freire** (Brazil) said that the Special Secretariat on Policies for Women was responsible for coordinating activities to monitor implementation of the Convention in Brazil. To that end, it had developed a number of relevant monitoring mechanisms, including a system to assess the impact of actions undertaken to combat violence against women. That system would become operational in August 2007 and would be funded for two years. The National Council for Women's Rights was linked to the Special Secretariat but had its own dedicated budget.

23. In response to the questions put by Mr. Flinterman, she said that it was difficult to conduct awareness-raising campaigns for the judiciary because it was still a very closed institution. However, there had been some positive developments: a woman currently presided over the Federal Supreme Court and, through the intermediary of the Commission on Justice, a discussion on the role and status of the Convention in the domestic legal order had been initiated. With regard to the differences between the terms "equity" and "equality", the former had been used at the first national conference on policies for women to denote

situations in which women and men had equivalent rights. In her view, however, the ultimate goal of all policies and programmes for the advancement of women should be the achievement of de facto equality between the sexes. Lastly, turning to the issue of double discrimination, she acknowledged that not all Brazilian women were equal. Accordingly, the national plan on policies for women included a series of measures specifically designed to improve the situation of certain subsections of the female population, such as women of African descent and those in prison.

24. **Ms. Coker-Appiah** commended the Government for its adoption of legislation against domestic violence, known as the Maria da Penha law, particularly in so far as it ensured the protection of victims and the punishment of perpetrators. It was important, however, to bring the new law to the attention of its intended beneficiaries: awareness raising was required, together with the necessary resources for implementation. She asked whether there was a specific budgetary allocation assigned to the Public Defenders' offices for that purpose and whether victims, particularly those belonging to vulnerable groups, benefited from legal aid. Moreover, since the law in question was a federal law, it would be interesting to know how many of the Brazilian States had adopted it and whether it was monitored at national level. Lastly, she requested information about measures taken to address the issues of exclusion and social inequality, referred to in the State party's report (CEDAW/C/BRA/6, p. 28) as being among the factors that made children and young people particularly vulnerable to trafficking and sexual exploitation.

25. **The Chairperson**, speaking as a member of the Committee, said that, while it was commendable to call on academia and NGOs to monitor application of the Maria da Penha law, the prime responsibility in that regard lay with the federal Government. The Committee would like to know, in that connection, whether there was a public awareness campaign throughout the country, whether training was provided for professionals and whether data was being collected on, for example, the number of women murdered or physically assaulted by husbands and ex-husbands. She welcomed the establishment of shelters for women victims of violence and asked whether those facilities benefited from the support of NGOs and were available throughout the vast territory of Brazil.

26. **Ms. Freire** (Brazil) said that a distinction needed to be drawn between what was known as "social control" of the application of the law, which meant the monitoring function assumed by civil society, and the monitoring role effectively performed by the federal Government, in particular through a committee of experts on domestic violence set up for that purpose. Some aspects of the law, including its general provisions, were mandatory throughout the Republic, while others, relating in particular to the establishment of supporting bodies, needed to be voted on by each State. Public Defenders' offices throughout the country ensured all necessary legal assistance for women victims of violence, who also benefited from the help of pro bono private lawyers.

27. An extensive awareness campaign had been undertaken, which had included the distribution of leaflets setting out the new law. In addition, a toll-free 24/7 hotline had been established, serviced by trained personnel, who gave advice about women's rights and, in cases of emergency, alerted the police authorities. It received an average of 30,000 calls a month and had proved extremely useful. As for the fight against poverty, that was one of the priorities set by the President of Brazil, who had called for a special effort to reduce the number of women living below the poverty line and to narrow the gap between rich and poor. Specific strategies were accordingly being developed to promote the empowerment of women, both for their own sake and as a means of contributing to social change.

28. **Mr. Pontual** (Brazil) said that President Lula da Silva had set up a task force to address the problems of child prostitution and sexual exploitation. One of its main consequences had been the introduction of a food coupon programme, designed to reduce the vulnerability of women and families living in poverty. A related problem, compounded by the country's extensive borders, was the high rate of kidnappings and abductions of women for the purposes of sexual exploitation. Efforts had therefore been made to develop public safety networks and to minimize the porosity of borders, on both sides, in cooperation with neighbouring countries.

29. **Ms. Barroso** (Brazil) referred to the national statistical system established by the Government in 2003. It served in particular to identify victims and perpetrators of domestic violence by age and ethnic group and provided a means of monitoring the

incidence of rape and homicide. In cooperation with the Ministry of Health, the Ministry of Justice was seeking to improve the system for monitoring and follow-up for such crimes; it was also currently conducting research on the victims of domestic violence in Brazil in order to form a clear picture and diagnosis of the phenomenon. In 2006, more than 6,000 public safety officials in the country had been trained to combat trafficking in persons, and funds had been earmarked for special police centres set up for the purpose.

30. **Ms. Taquette** (Brazil) informed the Committee of the existence of a sub-secretariat mandated to deal with cases of domestic violence. She enumerated the health centres, shelters, special police stations and courts and Public Defenders' offices set up to provide help for victims, aimed in particular at the most vulnerable groups, such as young people and Afro-descendants. As for the publicity given to the Maria da Penha law, a recent partnership with a major petroleum company had contributed significantly to that effort.

31. **Ms. Freire** (Brazil) said that the Government was paying special attention to the situation of women in prison. The President had set up a task force in that connection, which was required to recommend within three months concrete measures to improve the conditions of such women, notably in regard to health and education, in consultation with all relevant ministries.

Articles 7 to 9

32. **Ms. Zou** Xiaoqiao said that although a quota system had been established by law in 1997, there seemed to have been very small improvement in women's participation in political and public life. She asked what specific measures had been taken or were planned to that end. What was the Government doing to ensure that people of different ethnic origins enjoyed equal opportunities to hold public office? The National Congress had been reported to be considering amendments to the quota law: fuller information would be appreciated. When would the amendments be adopted? Would they provide for financial support and introduce penalties for non-compliance? What were the major obstacles that were encountered? The Committee would also welcome information on the results of the survey of women's participation in political and public life, particularly statistics on the number and age of the women concerned.

33. **Ms. Arocha Domínguez** said that the problems arising from the huge size and federal structure of Brazil did not excuse the low rate of women's participation, which was all the more surprising in view of the very active women's movements in the country. Additional measures should be adopted to help translate the law into reality; there had to be accountability. She asked if there were any plans to establish networks to provide families with support. Brazil's indigenous people had been fortunate enough not to be wiped out by colonization, but they suffered from their isolation. What was being done to involve them in political and public life? The Committee would also welcome information on the gender composition of academic institutions and the diplomatic service, where women appeared to be particularly underrepresented.

34. **Ms. Belmihoub-Zerdani** said that considerable political will was required to increase women's participation in political and public life in view of the size of the country and the complexity of the political system. The Committee called on the Government to rally all states to take urgent action to increase women's participation so that Brazil could serve as a model for the continent. In addition to implementing articles 7, 8 and 9 of the Convention, it was especially important that the Government should empower Afro-Brazilian women.

35. **Ms. Freire** (Brazil) said that her Government was trying to compensate for the years of neglect and abandonment that the Afro-Brazilian population had suffered under previous Governments. Her delegation hoped that the next report submitted to the Committee would show that Afro-descendants had been accorded greater participation in public and political life. Although there were no plans to amend the quota system for women's participation in politics through affirmative action, the general reform of the Brazilian electoral system was under discussion and the proposed reforms would have a bearing on women's participation in politics.

36. The Special Secretariat on Policies for Women had taken steps to raise awareness among members of National Congress of the need to reform the voting system in order to attain gender parity. It had set up a multiparty forum to call for the greater participation of women within political parties and equal opportunities with regard to campaigning and financing. The Special Secretariat was disappointed that the National

Congress had not adopted those reforms but remained confident that the quota system would be reformed in order to remove the obstacles that prevented women's participation in politics and to impose sanctions in cases of non-compliance by political parties.

37. Two thousand, eight hundred female delegates, including women from the most remote municipalities, would be attending the 2nd National Conference of Policies for Women that would be held in Brasilia in August 2007. Women's participation in political life would be one of the main topics under discussion, and the large number of participants at the conference would give greater credibility to the argument that it was necessary to reform legislation on the quota system.

38. It was also necessary to change labour laws and encourage employers to allow women to take leave in order to participate in politics. The Government had allocated national funds to provide women with improved childcare services and other forms of assistance that would enable them to have the opportunity to participate in politics. The Secretariat hoped that those mechanisms would be supported by local governments. In addition, the Government had taken steps to increase women's participation in the diplomatic corps and in international politics. It had tried to include members of Brazilian civil society in Committee meetings and to increase the participation of Afro-Brazilians and indigenous women at international meetings. The Government had launched an initiative to ensure permanent civil society participation at MERCOSUR meetings.

39. **Mr. Flinterman** said that it would be interesting to know what steps the Government was taking to ensure that the Convention was given priority over conflicting national laws and to provide the judiciary with training in the area of human rights and women's rights in particular. Additional information should be provided on the measures being taken to improve women's access to the legal system in cases where their rights had been violated.

40. **Ms. Saiga** said that further clarification should be provided on the mechanisms in place to monitor gender policies at the various administrative levels.

41. **Ms. Tavares da Silva** said that additional data should be provided on the system of quotas in universities and the diplomatic corps. It would also be interesting to know the percentage of the national

budget that was allocated to the Special Secretariat on Policies for Women and whether that allocation was sufficient to enable the Secretariat to fulfil its mandate.

42. **Ms. Freire** (Brazil) said that the judiciary was independent from the executive branch and that the judiciary was responsible for clarifying the interpretation of laws in cases of dispute. However, her delegation was not aware of any conflict between the Convention and national legislation. The Special Secretariat on Policies for Women was responsible for monitoring and following up gender policies at the federal, state and municipal levels. At the same time, civil society played an important role by calling on both federal and local governments to adopt more and better gender policies.

43. The important role played by civil society was reflected by the fact that the greatest concentration of specialized services for women victims of violence was in the south east of Brazil, where the women's movement was strongest and carried out the most comprehensive monitoring of gender policies. It was clear that the Government could not change patriarchal structures through legislation alone; it needed to establish the necessary instruments to enable both men and women to address the problems caused by patriarchal attitudes.

44. The Government had chosen to adopt affirmative action measures to promote the opportunities available to certain ethnic groups. There was a system of quotas in place to enable Afro-Brazilians to have greater access to universities. The number of Afro-Brazilian women entering higher education had increased significantly because those women had not benefited from the greater education opportunities that had been given to other women under previous Governments. In addition, it was important to work on eliminating gender stereotypes in primary and secondary education. With regard to budget allocation, the Special Secretariat on Policies for Women had been granted increased funding each year since its establishment. However, it should be noted that the Secretariat did not have a mandate to directly implement policies; its role was to coordinate the gender policies of the various ministries.

45. **Ms. Belmihoub-Zerdani** said that it remained unclear why the provisions of the Convention had not been effectively incorporated into the legislation of all

states if international agreements were given priority over national legislation.

46. **Ms. Freire** (Brazil) said that international conventions and treaties were incorporated into ordinary law but did not supersede or modify the Constitution.

The meeting rose at 1 p.m.